

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

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

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Walker B. Moffitt) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)
Charles A. Swiers)

Linda H. Carter) – Council Member Absent

John N. Ogburn, III, City Manager
Jimmy L. Cagle, Facilities Maintenance Director
Holly H. Doerr, CMC, NCCMC, City Clerk
John L. Evans, Asst. Community Development Director
Mark T. Lineberry, Chief of Police
Justin T. Luck, Planning and Zoning Administrator
Michael D. Rhoney, Water Resources Director
Jonathan M. Sermon, Recreation Services Director
Jeffrey C. Sugg, City Attorney
Tammy M. Williams, Deputy City Clerk

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows. The number of elected officials, city employees, and private citizens physically present in the council chamber at any point in time was limited in order to maintain the physical distancing recommended by public health authorities during the current coronavirus pandemic.

2. Moment of silent prayer and pledge of allegiance.

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

3. Recognition of Facilities Maintenance Director Jimmy L. Cagle for receiving the 2019 North Carolina Continuing Education Electrical Instructor of the Year Award.

Mayor Smith recognized Facilities Maintenance Director Jimmy Cagle for receiving the 2019 North Carolina Continuing Education Electrical Instructor

of the Year Award. The award, which was delayed because of measures designed to mitigate the spread of COVID-19, was presented by the North Carolina State Board of Examiners of Electrical Contractors. On behalf of the city council and the municipal corporation, Mayor Smith thanked Mr. Cagle for his dedicated service to the citizens of Asheboro.

4. Presentation by Mr. Rashidi Everette.

Mr. Rashidi Everette asked for the formation of a committee to plan and promote a “Juneteenth” celebration. A celebration is currently scheduled for Saturday, June 19, 2021 at Bicentennial Park.

Mayor Smith and the council members expressed their general support for Mr. Everette’s work. In consultation and coordination with the city manager, methodologies for supporting the goals discussed by Mr. Everette will be examined.

No formal action was taken by the council during this portion of the meeting.

5. Discussion of the recent StrEATery event sponsored by Downtown Asheboro Inc.

Ms. Emma Cheek, who is the owner of The Exchange, and Ms. Sara Holden and Mr. Greg Holden, who are the owners of Asheboro Bagel Co. and Asheboro Popcorn Co., discussed the adverse economic impact their businesses experienced as a consequence of the closure of Fayetteville Street on March 20, 2021. The section of Fayetteville Street in front of the above-listed businesses was closed as part of the “StrEATery” event sponsored by Downtown Asheboro Inc. on March the 20th.

Ms. Cheek and the Holdens expressed support for the downtown business community and for the outdoor dining events sponsored by Downtown Asheboro Inc. However, these business owners do have concerns about negative impacts associated with closing Fayetteville Street.

Representatives from Downtown Asheboro Inc. were present during this discussion. All of the parties agreed to take account of the concerns raised during this portion of the meeting and to work together to support outdoor dining events designed to mitigate negative impacts on pedestrian and vehicular traffic along Fayetteville Street.

No formal action was taken by the council during this portion of the meeting.

6. Public comment period.

Mayor Smith opened the floor for public comments.

Mr. James Armstrong was present and presented concerns about crime and the response by the city government to incidents involving criminal activity.

Mr. Al LaPrade, a representative with Downtown Asheboro Inc., reiterated the commitment of the downtown organization to be responsive to the issues raised during the preceding segment of the meeting.

There being no further comments from the public, Mayor Smith closed public comment period. No action was taken by the council during this portion of the meeting.

7. Consent agenda:

Council Member Burks moved, and Council Member Redding seconded the motion, to approve/adopt, as presented, the following consent agenda items. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

(a) The meeting minutes for the city council's regular meeting on March 4, 2021.

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

(b) The acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for February 1, 2021.

The minutes of the meeting held by the Asheboro ABC Board on February 1, 2021, have been received by the city clerk, distributed to Mayor Smith and the council members for review, and have been filed in the city clerk's office.

(c) The 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; and**
- (ii) Request to rezone a parcel of land (Randolph County Parcel Identification Number 7751640197 at 532 West Salisbury Street from I2 to B2 zoning.**

The hearings concerning the above-described land use cases will be scheduled and advertised in accordance with the applicable statutes/ordinances and then called for hearing by the Asheboro City Council during its regular meeting on May 6, 2021.

(d) The acknowledgement of an extension time between the preliminary and final plat approvals for the Hillcrest Subdivision.

Due to the novel coronavirus relief legislation found in Session Law 2021-3, the allowed time between the preliminary plat and final plat approvals for the Hillcrest Subdivision has been extended from April 30, 2021. The duration of this time extension is now directly tied to the duration of the pandemic related gubernatorial executive orders.

(e) The 2021 Downtown Farmers' Market operational days, hours, and special events.

The documentation transmitted by the recreation services director with the operational hours for the 2021 Downtown Farmers' Market 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. With the adoption of the consent agenda, the council acknowledged receiving the schedule for the 2021 Downtown Farmers' Market and left the schedule initially submitted by the recreation services director unaltered.

- (f) **Acknowledgement of the receipt and acceptance of the operational hours proposed by the recreation services director for city-owned pools during the 2021 season.**

The documentation transmitted by the recreation services director with the operational hours for the pools 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. With the adoption of the consent agenda, the council acknowledged receiving the 2021 schedule for the city-owned pools and left the schedule initially submitted by the recreation services director unaltered.

- (g) **An ordinance to amend the Water & Sewer Fund for Fiscal Year 2020-2021 to account for the reallocation of funds to cover the cost of a new sewer vacuum truck.**

13 ORD 4-21

**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	0

Adopted this 8th day of April, 2021.

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

ATTEST:

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

(h) Change Order Number 2 for the Zoo City Sportsplex Project.

With the adoption of the consent agenda, the council approved a change order that added to the Zoo City Sportsplex a maintenance building at a cost of \$168,250.00 and maintenance area parking improvements at a cost of \$38,250.00. The sum of the costs for these additions is \$206,500.00. With the approval of Change Order Number 2, the adjusted contract price is \$4,536,017.50.

A copy of the approved Change Order Number 2 for the Zoo City Sportsplex is on file in the city clerk's office and in the city engineering department.

(i) A resolution awarding to D. Richard Thompson his service side arm upon retirement from the Asheboro Police Department.

RESOLUTION NUMBER 06 RES 4-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AWARDING TO DONALD RICHARD THOMPSON, JR.
HIS SERVICE SIDE ARM UPON RETIREMENT FROM THE
ASHEBORO POLICE DEPARTMENT

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens throughout the course of his Asheboro Police Department career, which began on October 6, 1993, Police Captain D. Richard Thompson, Jr. will begin his retirement from employment with the city on May 1, 2021; and

WHEREAS, pursuant to and in accordance with Section 20-187.2 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor Captain Thompson for his dedicated service to the city by awarding to him, at a minimal monetary cost, the service side arm that he carried at the time of his retirement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective May 1, 2021, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the city of \$1.00, D. Richard Thompson, Jr. is to be awarded ownership of his city-issued service side arm (a Glock model 45 9mm with serial no. BLKC082 and three magazines) upon a determination by the police department command staff that Mr. Thompson is eligible under the applicable federal and state laws to receive, own, or possess a firearm.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of April, 2021.

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

ATTEST:

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

8. Recommendations from David Putnam with the Piedmont Triad Regional Council.

(a) Adoption of the City of Asheboro's 2021 Comprehensive Parks and Recreation Plan.

David Putnam, who is a Community and Strategic Initiatives Planner for the Piedmont Triad Regional Council (PTRC), utilized a slide show to present the City of Asheboro Comprehensive Parks and Recreation Plan. The primary purpose of this plan is to provide the City of Asheboro with an accurate, usable plan to guide its actions and decisions concerning the following items:

- (1) The role of recreation for the City;
- (2) Park renovations and developments;
- (3) Facility renovations and developments;
- (4) Recreation programming strategies; and
- (5) Cultural and recreation service delivery.

During his presentation, Mr. Putnam expressed that the updated plan would enable the city to make decisions regarding the upkeep of existing facilities and the development of new recreation facilities while ensuring access for the entire community. The plan is organized into five major components:

- (1) Plan purpose and community overview;
- (2) Existing facilities, trends, and standards;
- (3) Community engagement;
- (4) Recommendations and implementation; and
- (5) The Zoo City Sportsplex Master Plan.

The city is prepared to submit a Parks and Recreation Trust Fund application by May 3, 2021, at 5:00 p.m. for the Zoo City Sportsplex Project in conformance with the Recreation Capital Improvement Project's schedule. In order to maximize the value of the city's grant application, the adoption of the updated comprehensive parks and recreation plan is critical, and city staff has recommended adoption, by reference, of the City of Asheboro Comprehensive Parks and Recreation Plan.

Council Member Bell moved, and Council Member Swiers seconded the motion, to adopt/approve the City of Asheboro 2021 Comprehensive Parks and Recreation Plan. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

A copy of the plan is on file in the city clerk's office and in the cultural and recreation services department.

- (b) **A resolution to apply for North Carolina Parks and Recreation Trust Fund (PARTF) grant for \$500,000.00 for the next phase of construction for the Zoo City Sportsplex.**

Mr. Putnam presented and recommended adoption, by reference, of a resolution authorizing a grant application with the North Carolina Parks and Recreation Trust Fund (PARTF).

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

RESOLUTION NUMBER 07 RES 4-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION AUTHORIZING GRANT APPLICATION WITH THE
NORTH CAROLINA PARKS AND RECREATION TRUST FUND (PARTF)**

WHEREAS, the City of Asheboro received public input via a Needs Assessment that confirmed a desire of citizens for more recreational opportunities and amenities; and

WHEREAS, the City of Asheboro adopted a Comprehensive Parks and Recreation Plan in 2021 to guide future development of the City's park system; and

WHEREAS, grant awards are the desired source of funding for the improvements proposed and recommended in the said plan; and

WHEREAS, increased public health, access, and well-being can be achieved if such improvements are made; and

WHEREAS, plans have been developed, and public support is given for a grant application to PARTF in 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asheboro, North Carolina, that the City Manager is authorized to submit a grant application up to \$500,000 to the Parks and Recreation Trust Fund (PARTF) for the next available round of funding; and

BE IT FURTHER RESOLVED that the City Council is committed to budgeting the required local matching funds upon award of a grant.

Adopted this 8th day of April 2021.

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

ATTEST:

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

9. Public Hearing (Case No. RZ-21-02): Proposed zoning ordinance text amendments designed to align the city zoning ordinance with the changing legal framework for the regulation of development.

Mayor Smith opened the public hearing on the following request.

Zoning Administrator Justin Luck utilized a slide show to provide an overview of the proposed text amendments. During his presentation, Mr. Luck noted the following:

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 the replacement of combined legislative rezoning and quasi-judicial conditional use permit applications with conditional zoning, which places conditions on a property as part of a legislative 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 conditions and the 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 that 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.

During his presentation, Mr. Luck noted that in reviewing the request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan.

LDP Goals/Policies Supporting the 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.

The planning staff also provided the following analysis:

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 the 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.

Mayor Smith gave the public an opportunity to present comments and concerns in regards to the proposed changes. None were offered.

In order to give the city council and the public adequate time to review the proposed draft text amendment, staff recommended continuing consideration of the proposed text amendments to the council's next regular meeting on May 6, 2021.

Council Member Burks moved, and Council Member Redding seconded the motion, to continue the above-referenced land use case, specifically including the public hearing, to the council's regular May meeting. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

10. The Asheboro Police Department 2020 Annual Report.

Police Chief Mark Lineberry presented an overview of the Asheboro Police Department's activities during 2020. During his presentation, Chief Lineberry highlighted that there were a total of 24,656 calls for service, with approximately 23.9% of those calls requiring a report.

Additionally, Chief Lineberry briefly reported on the police department's response to the current public health emergency.

No action was requested of the council under this agenda item, and none was taken. A copy of the department's written annual report is on file in the city clerk's office.

11. Assistant City Engineer Wayne Smith presented the following items for council action:

(a) Budget amendments authorizing the rehabilitation and updating of the runway lighting at the Asheboro Regional Airport.

In furtherance of the above-listed project, Assistant City Engineer Wayne Smith presented and recommended the adoption, by reference, of two ordinances drafted to amend the General Fund and the Airport Improvements Fund.

With a single motion that addressed the two ordinances amending, respectively, the General Fund and the Airport Improvements Fund, Council Member Bell moved, and Council Member Burks seconded the motion, to approve/adopt the following ordinances. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

14 ORD 4-21

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2020-2021**

WHEREAS, the City of Asheboro would like to appropriate funding for the City Match of a grant awarded by North Carolina for Lighting Rehabilitation at Asheboro Regional Airport, and;

WHEREAS, the City of Asheboro desires amend the 2020-2021 budget to incorporate this expense and 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:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	\$120,000

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-650-6600	Contribution to Airport Runway Fund	\$120,000

Adopted this the 8th day of April 2021.

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

ATTEST:

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

15 ORD 4-21

**ORDINANCE TO AMEND
THE AIRPORT IMPROVEMENTS FUND (#66)
FY 2020-2021**

WHEREAS, the City of Asheboro has received additional federal funding for the Asheboro Regional Airport, (Award ID 36244.32.7.1 letter dtd 03/08/21) and;

WHEREAS, the City of Asheboro would like to appropriate these funds toward the design of new airfield lighting, and;

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

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: That the following revenue line items are increased / decreased:

<u>Account</u>	<u>Description</u>	<u>Increase</u>
66-350-0000	Grant proceeds- Airport Lighting	1,080,000
66-350-0001	GF Contrib. – Match Airport Lighting	120,000
	Total Increase	1,200,000

Section 2: That the following expense line items are increased / decreased:

<u>Account</u>	<u>Description</u>	<u>Increase</u>
66-984-0500	Airfield Lighting Rehab	1,200,000

Adopted this the 8th day of April 2021.

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

ATTEST:

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

- (b) Notification of the receipt of a \$10,000.00 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.**

Mr. Smith reported on the approval for the city of the above-described grant. There will be a single charger with two ports. Accordingly two parking spaces will be utilized.

There was no requested council action during this portion of the meeting, and none was taken.

12. The summary and request by Water Resources Director Michael Rhoney, PE for the award of contracts for the following purchasing and contracting business items.

(a) Seven chemicals needed by the water resources division for the time period of April 16, 2021 to April 15, 2022.

Fifteen (15) bid packages were received in response to the chemical procurement process undertaken for operations at the water and wastewater treatment plants for the time period from April 16, 2021 to April 15, 2022. The bids were opened on March 9, 2021.

Mr. Rhoney recommended that the contracts to supply the chemicals required by the plants from April 16, 2021, to April 15, 2022 be awarded to the lowest responsive, responsible 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	\$8.06/Gal
Calcium Hydroxide/ Magnesium Hydroxide Slurry Blend	Polytec, Inc.	\$1.32/Gal

Council Member Bell moved, and Council Member Moffitt seconded the motion, to award to the above-listed chemical suppliers at the listed prices the contracts to supply the chemicals, as identified above, required by the city’s water and wastewater treatment plants from April 16, 2021 to April 15, 2022. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

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

(b) Wastewater Treatment Plant Clarifier Basin(s) Painting and Rehab Project.

Mr. Rhoney reported that the scope of the work for the Clarifier Basin(s) Painting and Rehab Project at the Wastewater Treatment Plant included a base proposal for surface preparation and epoxy coating of the interior walls and trough of final clarifiers 1 and 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 Nos. 1 and 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 opening. Addendums 2 and 3 approved substitute coating systems from Sherwin-Williams and Tnemec respectively.

The project was budgeted to be completed in the fiscal year ending June 30, 2021, at the amount of \$500,000.00. However, representatives from the coating manufactures advised that the bids would come 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 of 10:00 a.m. on March 23, 2021. One of the bids was submitted after the required time and not on the required Form of Proposal. The bids received are 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	\$215,635.00	\$88,370.00	No Bid	Carboline
Carolina Management Team	\$306,196.00	\$96,693.00	\$19,238.00	Carboline
Creative Resurfacing, LLC	\$194,750.00	\$47,800.00	\$11,560.00	Tnemec
Saffo Contractors, Inc.	\$283,850.00	\$141,925.00	\$41,750.00	Carboline
Southern Paint & Waterproofing Co., Inc.	\$412,919.00	\$74,635.00	\$11,997.00	Carboline
Superior Industrial Maintenance Co. LLC	\$515,870.00	\$165,208.00	\$29,627.00	Carboline

The apparent lowest responsive, 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 staff does not recommend the award of Additive Alternate No. 2 at this time.

Based on the results of these proposals, city staff 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.

Council Member Moffitt moved, and Council Member Snuggs seconded the motion, to adopt the staff recommendation and to award the contract to Creative Resurfacing, LLC as stated in the immediately preceding paragraph. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

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

13. Legal Services Department Items:

(a) An update on the potential purchase of a leasehold interest in Hangar N at the Asheboro Regional Airport.

City Attorney Jeff Sugg reported that an acquisition specialist has been retained for the potential purchase from Randolph Hangar Rentals, LLC of a leasehold interest in Hangar N at the Asheboro Regional Airport. In order to receive federal funding for this project, an appraisal of the fair market value of the limited liability company's leasehold interest is required. The city is currently awaiting the appraisal.

No formal action was asked of the council, and none was taken during this portion of the meeting.

(b) A resolution of intent to permanently close portions of the public right-of-way for Sunset Avenue between Church Street and Davis Street.

Mr. Sugg presented and recommended adoption, by reference, of a resolution of intent to permanently close portions of the public right-of-way for Sunset Avenue between Church Street and Davis Street.

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

RESOLUTION NUMBER 08 RES 4-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION OF INTENT TO PERMANENTLY CLOSE PORTIONS OF
THE PUBLIC RIGHT-OF-WAY FOR SUNSET AVENUE
BETWEEN CHURCH STREET AND DAVIS STREET**

WHEREAS, Section 160A-299 of the North Carolina General Statutes prescribes the procedure to be followed by a city in order to permanently close a street or alley; and

WHEREAS, the section of Sunset Avenue located between Church Street and Davis Street is a public street within the corporate limits of the City of Asheboro that is under the general authority and control of the city; and

WHEREAS, the city manager, in consultation with the city's engineering department, has advised the Asheboro City Council that the existing 70-foot wide public right-of-way for this section of Sunset Avenue contains more area than is needed for the public right-of-way in this location; and

WHEREAS, in furtherance of the long-standing goal to encourage the development of land along this part of Sunset Avenue as part of a vibrant downtown Asheboro, the Asheboro City Council has concluded that the public right-of-way for the section of Sunset Avenue between Church Street and Davis Street should be reduced or narrowed; and

WHEREAS, in order for the proposed reduction in the area claimed for public right-of-way to be implemented in a manner that promotes public accessibility and safety, portions of the northern and southern margins of the public right-of-way for Sunset Avenue between Church Street and Davis Street will need to be permanently closed; and

WHEREAS, in order for the city to lawfully permanently close a street or any portion thereof, Section 160A-299 of the North Carolina General Statutes requires the city council to first adopt a resolution declaring the governing board's intent to permanently close the street, or portion(s) of the street, in question and then call a public hearing on the question.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, on this the 8th day of April, 2021, as follows:

Section 1. It is the intent of the City Council of the City of Asheboro to permanently close a combined total of approximately 4,737 square feet of public right-of-way located on the northern and southern margins of the public right-of-way for Sunset Avenue between Church Street and Davis Street in order to reduce the identified section of the street from a 70-foot public right-of-way to a 56.67-foot public right-of-way. The portions of public right-of-way proposed for permanent closure are located within the corporate limits of the City of Asheboro, are not part of a public right-of-way controlled by the North Carolina Department of Transportation, and are more particularly defined and described as follows:

Permanent Public Right-of-Way Closure Area Located along the North Side of Sunset Avenue between Church Street and Davis Street

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the north side of Sunset Avenue at a computed point where the proposed 56.67-foot right-of-way line for Sunset Avenue intersects with the western margin of the public right-of-way for North Church Street (North Carolina Secondary Road 1707), this Beginning point is located North 43 degrees 29 minutes 58 seconds West 41.04 feet from a mag nail set in the centerline of the intersection of Sunset Avenue and Church Street and located by means of the North Carolina Coordinate System at the coordinates of North 712,821.21 Ground US Survey Feet and East 1,757,466.10 Ground US Survey Feet (NAD 83 (2011)); thence from the Beginning point running with the southern boundary line for the permanent street closure area proposed for the north side of Sunset Avenue ("Street Closure Area 1") North 87 degrees 18 minutes 04 seconds West 378.26 feet along a total of six parcels or tracts of land (these six parcels or tracts of land are, running east to west, the Frankie Lee Morton property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2506, Page 886; the First Baptist Church Asheboro property described in Deed Book 1534, Page 230, Randolph County Registry; the Tony Lee Hoover property described in Deed Book 1620, Page

1077, Randolph County Registry; the Mackey Properties Holdings LLC property described in Deed Book 2734, Page 2142, Randolph County Registry and in Plat Book 167, Page 4, Randolph County Registry; the Central Telephone Company property described in Deed Book 968, Page 261, Randolph County Registry; and the Central Telephone Company property described in Deed Book 968, Page 259, Randolph County Registry) by following the proposed 56.67-foot right-of-way line (subsequent to the Asheboro City Council's adoption of the permanent street closure order, this 56.67-foot right-of-way line will be the new northern margin of the public right-of-way for Sunset Avenue) to a computed point at the southwest corner of Street Closure Area 1 (this computed point is located North 82 degrees 42 minutes 36 seconds East 165.07 feet from a mag nail set in the centerline of the intersection of Sunset Avenue and Davis Street and located by means of the North Carolina Coordinate System at the coordinates of North 712,847.85 Ground US Survey Feet and East 1,756,896.28 Ground US Survey Feet (NAD 83 (2011)); thence departing from the southern boundary line for Street Closure Area 1, which is also the proposed 56.67-foot right-of-way line for the north side of Sunset Avenue, in order to follow the western boundary line for Street Closure Area 1 by running North 02 degrees 57 minutes 17 seconds East 6.67 feet across the portion of the existing public right-of-way for Sunset Avenue proposed for permanent closure to a computed point in the eastern margin of a 10-foot alley described in Deed Book 1070, Page 742, Randolph County Registry; thence departing from the western boundary line for Street Closure Area 1 and running along the northern boundary line for Street Closure Area 1 by following the existing 70-foot right-of-way line for the north side of Sunset Avenue the next bearing and distance: South 87 degrees 18 minutes 04 seconds East 378.37 feet to a computed point in the western margin of the public right-of-way for North Church Street; thence departing from the northern boundary line for Street Closure Area 1, which is the existing 70-foot right-of-way line, and following the eastern boundary line for Street Closure Area 1 the next bearing and distance along the western margin of the public right-of-way for North Church Street: South 03 degrees 52 minutes 37 seconds West 6.67 feet to the point and place of the BEGINNING, and being all of that certain 2,522 square feet of land, more or less, encompassed by the preceding metes and bounds description.

*The preceding description is in accordance with sheet 1 of a 2-sheet plat of survey titled "Survey For: **Sunset Avenue Street Closure From Church Street to Davis Street**" that was drawn under the supervision of Dan W. Tanner, II, a Professional Land Surveyor with license number L-4787. The referenced plat of survey, which is identified by Job # 12564 and lists in the title block the date of January 26, 2021, is hereby incorporated into this Resolution by reference as if copied fully herein.*

Permanent Public Right-of-Way Closure Area Located along the South Side of Sunset Avenue between Church Street and Davis Street

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the south side of Sunset Avenue at a computed point where the proposed 56.67-foot right-of-way line for Sunset Avenue intersects with the western margin of the public right-of-way for South Church Street, this Beginning point is located South 47 degrees 39 minutes 52 seconds West 43.64 feet from a mag nail set in the centerline of the intersection of Sunset Avenue and Church Street and located by means of the North Carolina Coordinate System at the coordinates of North 712,821.21 Ground US Survey Feet and East 1,757,466.10 Ground US Survey Feet (NAD 83 (2011)); thence from the Beginning point running with the northern boundary line for the permanent street closure area proposed for the south side of Sunset Avenue ("Street Closure Area 2") along a total of six parcels or tracts of land (these six parcels or tracts of land are, running east to west, the J and A Castlerock LLC property described in Deed Book 2671, Page 23, Randolph County Registry; the Sunset Flowers & Gifts LLC property described in Deed Book 1960, Page 1775, Randolph County

Registry; the Trustees of Asheboro Masonic Lodge No. 699 property described in Deed Book 1152, Page 330, Randolph County Registry; the Sunset Medical Building LLC property described in Deed Book 2125, Page 760, Randolph County Registry and in Plat Book 61, Page 91, Randolph County Registry; the Randolph County Partnership for Children property described in Deed Book 1636, Page 1316, Randolph County Registry and in Plat Book 61, Page 91, Randolph County Registry; and the K.A.C.S. Holdings LLC property described in Deed Book 2367, Page 596, Randolph County Registry) by following the proposed 56.67-foot right-of-way line (subsequent to the Asheboro City Council's adoption of the permanent street closure order, this 56.67-foot right-of-way line will be the new southern margin of the public right-of-way for Sunset Avenue) the next four bearings and distances: North 87 degrees 20 minutes 26 seconds West 266.55 feet to a 5/8-inch existing iron rod flush with the ground with a cap; thence North 87 degrees 19 minutes 29 seconds West 35.03 feet to a 3/4-inch existing iron pipe flush with the ground; thence North 87 degrees 21 minutes 59 seconds West 132.93 to a 1-inch existing iron pipe flush with the ground; thence North 87 degrees 19 minutes 45 seconds West 127.54 feet to a 5/8-inch existing iron rod flush with the ground at the northwest corner of Street Closure Area 2 (this 5/8-inch existing iron rod is located South 38 degrees 32 minutes 21 seconds West 38.32 feet from a mag nail set in the centerline of the intersection of Sunset Avenue and Davis Street and located by means of the North Carolina Coordinate System at the coordinates of North 712,847.85 Ground US Survey Feet and East 1,756,896.28 Ground US Survey Feet (NAD 83 (2011)); thence departing from the northern boundary line for Street Closure Area 2, which is also the proposed 56.67-foot right-of-way line for the south side of Sunset Avenue, in order to follow the western boundary line for Street Closure Area 2 South 00 degrees 45 minutes 48 seconds West 3.93 feet across the portion of the existing public right-of-way for Sunset Avenue proposed for permanent closure to a computed point; thence departing from the western boundary line for Street Closure Area 2 and running along the southern boundary line for Street Closure Area 2 by following the existing 70-foot right-of-way line for the south side of Sunset Avenue the next two bearings and distances: South 87 degrees 20 minutes 26 seconds East 295.34 feet to a 3/4-inch existing iron pipe flush with the ground; thence South 87 degrees 20 minutes 26 seconds East 266.49 feet to a computed point in the western margin of the public right-of-way for South Church Street; thence departing from the southern boundary line for Street Closure Area 2, which is the existing 70-foot right-of-way line, and following the eastern boundary line for Street Closure Area 2 the next bearing and distance along the western margin for the public right-of-way for South Church Street: North 03 degrees 52 minutes 37 seconds East 3.95 feet to the point and place of the BEGINNING, and being all of that certain 2,215 square feet of land, more or less, encompassed by the preceding metes and bounds description.

*The preceding description is in accordance with sheet 2 of a 2-sheet plat of survey titled "Survey For: **Sunset Avenue Street Closure From Church Street to Davis Street**" that was drawn under the supervision of Dan W. Tanner, II, a Professional Land Surveyor with license number L-4787. This plat of survey, which is identified by Job # 12564 and lists in the title block the date of January 26, 2021, is hereby incorporated into this Resolution by reference as if copied fully herein.*

Section 2. A public hearing on the above-described proposal to permanently close portions of the public right-of-way for Sunset Avenue between Church Street and Davis Street is hereby called and is to be held during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on June 10, 2021, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203. At this public hearing, any person may be heard on the question of whether or not the intended closing of the above-described portions of Sunset Avenue would be detrimental to the public interest or the property rights of any individual.

Section 3. The city clerk is hereby directed to cause the publication of this Resolution of Intent once a week for four (4) successive weeks prior to the above-referenced public hearing in *The Courier-Tribune*, a newspaper of general circulation in the City of Asheboro.

Section 4. The city clerk is further directed to transmit a copy of this Resolution of Intent by registered or certified mail to each owner of property adjoining the portions of Sunset Avenue described in Section 1 of this Resolution. The identities of these property owners is to be determined on the basis of records maintained by the Randolph County Tax Department.

Section 5. The city clerk is further directed to cause the prominent posting of this Resolution of Intent in a minimum of two (2) locations along the portions of Sunset Avenue described in Section 1 of this Resolution.

This Resolution of Intent was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of April, 2021.

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

ATTEST:

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

14. Items presented by City Manager John Ogburn.

(a) Update on the COVID-19 pandemic's impact on municipal operations.

City Manager John Ogburn utilized a slide show to provide an update on the continuing impact of the pandemic on the city. As of April 7, 2021, there were 14,370 confirmed cases and 217 confirmed deaths in Randolph County. Mr. Ogburn emphasized the continued use of "The 3 W's:"

1. Wash-hands;
2. Wear a face covering; and
3. Wait-at least six (6) feet apart.

Mr. Ogburn announced that city hall will re-open to the public on May 3, 2020. The city's water billing department will remain closed. Payments may be made at the kiosk located behind city hall.

The above-referenced agenda item was for informational purposes only, and no formal action was taken by the council during this portion of the meeting. A copy of the slide show utilized by the city manager is on file in the city clerk's office.

(b) Update on the distribution of funds from the American Rescue Plan Act of 2021.

Mr. Ogburn provided an update on potential funding from the American Rescue Plan Act of 2021 that was enacted on March 11, 2021. The relief package provides \$1.9 trillion dollars in funding aimed at mitigating the negative effects of the pandemic on state and local government, the economy, and public health to name a few.

Fund disbursement is scheduled to begin in May 2021. Randolph County will receive 21 million dollars and will be responsible for disbursing the funds to the cities within the county. The amount of funding that will be received by cities within Randolph County is based on population size. The City of Asheboro should acquire approximately \$7.59 million in funding with half to be received in May 2021 and the other half in May 2022. The funding is subject to state and federal regulations.

No formal action was taken by the city council during this portion of the meeting.

(c) City of Asheboro's requests for capital projects to be funded in the upcoming proposed federal infrastructure legislation.

Mr. Ogburn discussed several infrastructure projects that could be funded as part of potential federal legislation. If authorized, federal funding could be used to improve streets, extend the water and sewer down US Highway 64 East, and complete the extension of Commerce Place to name a few.

No formal action was taken by the city council during this portion of the meeting.

d) Briefing on the upcoming public information notifications pertaining to the Dixieland Acres subdivision streets safety enhancements.

The study was initiated in order to address citizens' safety concerns with traffic issues, including but not limited to, increased traffic within the subdivision and speeding.

Beginning in May 2021, residents in Dixieland Acres will be notified by direct mailings about specific actions that are to be taken.

No formal council action was taken during this portion of the meeting, and the information provided was for informational purposes only.

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

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

There being no further business, the meeting was adjourned at 9:49 p.m.

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

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