

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, JULY 15, 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

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

Clark R. Bell) – Council Member Absent

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Eddie Garner, Chief Building Inspector
N. Byron Hill, Police Captain
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jeffrey C. Sugg, City Attorney
Willie Summers, Fire Chief
Tammy M. Williams, Deputy City Clerk

1. Call to Order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

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. Introduction of Chief Building Inspector Eddie Garner.

Community Development Director Trevor Nuttall introduced Mr. Eddie Garner, who is the city's new chief building inspector. Mr. Garner's first day of employment with the city was May 3, 2021, and he fully transitioned into his new role upon the retirement of Randy Purvis, who was the former chief building inspector.

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

4. Announcement that Downtown Asheboro, Inc. will host the 2021 North Carolina Main Street Directors' Annual Meeting.

Ms. Rebekah McGee, Director of Downtown Asheboro, Inc., announced that Asheboro has been selected to host the 2021 North Carolina Main Street Directors' Annual Meeting. The meeting will begin on August 2, 2021, and continue through August 6, 2021.

Asheboro is honored to host this meeting after being accepted into the downtown revitalization program in 2020. The meeting consists of approximately one-hundred (100) downtown directors from around the state.

Additionally, Ms. McGee announced that the Zoo City Summerfest event will be held on Saturday, August 7, 2021, in downtown Asheboro and will consist of a car show, food trucks, family-friendly activities, and a live band.

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

5. Newbern Avenue and Karla Drive Drainage Improvements Study.

Mr. John Grey, PE used a slide show to discuss the study conducted by The Wooten Company as part of the city's response to concerns about flooding in the Newbern Avenue and Karla Drive area. Between the homes at 840 Newbern Avenue and 862 Newbern Avenue, the peak water level elevation associated with a 100-year storm is 691.25 feet. The finished floor elevation for the basement at 840 Newbern Avenue is 687.3 feet, and the elevation for the basement at 862 Newbern Avenue is 688.55 feet.

Based on modeling the study's current recommendations, the contemplated improvements would reduce, during a 100-year storm, the maximum peak water level elevation between 840 Newbern Avenue and 862 Newbern Avenue by approximately five feet to 686.7 feet. While the council members were pleased with the work performed by the engineering firm, the consensus opinion was to seek additional options for creating a modest increase in the margin of difference between the finished floor elevations of the above-referenced homes and the maximum peak water level elevation during a 100-year storm.

Mr. Michael Leach and Mr. Dale Loflin, who reside within the area in question, shared their observations about the drainage issues in the neighborhood.

Additionally, Mr. Robert Wilhoit, Esq. of the Wilhoit/Allen law firm spoke on behalf of Mac and Peggy Sherrill, who reside at 845 Newbern Avenue. Mr. Wilhoit presented a letter addressing his clients' concerns and requesting that the city be mindful of the potential negative impacts of the construction work that might ultimately be necessitated as part of the implementation of drainage improvements.

Copies of the above-referenced letter and the slide show presentation utilized by Mr. Grey are on file in the city clerk's office. City staff members will continue to work with engineers to prepare a report on other options that could be used to address the council members' concerns.

Until additional engineering examinations can be completed, the council members simply expressed their preferred goals for a drainage improvement project. At this particular meeting, no formal action was requested of the governing board, and none was taken.

6. Public Comment Period.

Mayor Smith opened the floor for public comments.

Mr. Ron Robbins asked the city council to consider converting Hopewell Street, where he lives, from the current one-way traffic flow to a two-way traffic pattern. In response to the general consensus expressed by the council members, the city manager will work with the city's professional staff, specifically including the police and engineering departments, to evaluate the feasibility of this request.

Ms. Hilda DeCortes inquired about land use case number RZ-21-07, and she was informed that a public hearing will be held for that case. Due to a continuance request, the hearing for case number RZ-21-07 is scheduled for the council's next regular meeting on August 5, 2021.

When no one else expressed an interest in offering comments, Mayor Smith closed the public comment period.

7. Consent Agenda.

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

(a) The meeting minutes for the city council's regular meeting on June 10, 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 meeting minutes for the city council's special meeting on June 22, 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.

(c) General account of the closed session held by the city council on June 22, 2021.

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

(d) Resolution sealing the general account of the closed session held on June 22, 2021.

The remainder of this page has been intentionally left blank. The approved resolution sealing the general account of the closed session held on June 22, 2021, is printed in its entirety on the next page.

RESOLUTION NUMBER 17 RES 7-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Resolution Sealing the General Account of a Closed Session
Conducted during a Special Meeting on June 22, 2021

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

WHEREAS, pursuant to Section 143-318.11(a)(3) of the North Carolina General Statutes, the city council, upon unanimous adoption of a properly made and seconded motion, went into closed session on June 22, 2021, to discuss with the city attorney a matter that falls within the scope of the attorney-client privilege; and

WHEREAS, the purpose for going into closed session on June 22, 2021, would be frustrated if the general account of the closed session were to be made available for public inspection at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the general account of the closed session conducted on June 22, 2021, is hereby sealed and will remain sealed so long as public inspection of the records would frustrate the purpose of the closed session; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city manager is hereby authorized to act as the council’s agent with the authority to unseal these records when the purpose of the closed session would no longer be frustrated by making the records available for public inspection or when the unsealing of this general account is otherwise required by law.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on July 15, 2021.

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

ATTEST:

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

(e) Receipt from the Asheboro ABC Board of its meeting minutes for May 3, 2021, and June 7, 2021.

The minutes of the meetings held by the Asheboro ABC Board on March 1, 2021, and on June 7, 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.

- (f) **A resolution appointing Robert E. Morrison to a new three-year term of office on the Asheboro ABC Board.**

RESOLUTION NUMBER 18 RES 7-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Resolution Appointing Robert E. Morrison to a New Three-Year Term of Office on the Asheboro ABC Board

WHEREAS, the Asheboro ABC Board (the “Board”) consists of three members that are appointed by the Asheboro City Council (the “Council”); and

WHEREAS, in accordance with Section 18B-700(a) of the North Carolina General Statutes, the Council currently appoints Board members to terms of office that are three years in duration; and

WHEREAS, in August 2021, Robert E. Morrison will complete his third three-year term of office on the Board; and

WHEREAS, from the date of its creation in 2008 and throughout Mr. Morrison’s three terms of service, the Board has consistently performed its duties in a very efficient and professional manner; and

WHEREAS, the Council believes that it is in the best interest of the Asheboro ABC system and the municipal corporation to reappoint Robert E. Morrison to the Asheboro ABC Board for another three-year term of office, and Mr. Morrison has agreed to accept this reappointment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective August 13, 2021, Robert E. Morrison is reappointed to the Asheboro ABC Board for another three-year term of office.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 15th day of July, 2021.

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

ATTEST:

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

- (g) **Community Development Division’s request to schedule for August 5, 2021, and to advertise, public hearings on the following land development applications:**

- (i) **An application to rezone a parcel of land (Randolph County Parcel Identification Number 7752676855) at 2078 North Asheboro School Road from R15 to O&I zoning; and**
- (ii) **An application to rezone real property (a portion of Randolph County Parcel Identification Numbers 7754913917 and 7754818703) at 5009 United States Highway 220 Business North from R15 to I2 Zoning.**

The hearings for the above-referenced land use cases will be scheduled and advertised in accordance with the applicable statutes/ordinances and then heard during the city council's regular meeting on August 5, 2021.

8. Community Development Items.

- (a) **Case No. RZ-21-06, which pertained to an application to rezone a parcel of land (Randolph County Parcel Identification Number 7760373801) on the north side of Mackie Road from R10 to OA6 zoning, has been withdrawn.**

Community Development Director Trevor Nuttall reported on the applicant's withdrawal of the above-referenced land use case. No action was taken by the council during this portion of the meeting.

- (b) **Legislative Hearing (Case No. RZ-21-07): An application for a residential planned unit development, including a subdivision sketch design, on a parcel of land (Randolph County Parcel Identification Number 7762740259) located west of 1591 East Allred Street, approximately 100 feet east of Ridgewood Circle.**

Subsequent to Mayor Smith opening the public hearing, Mr. Nuttall presented a written request from Summey Engineering Associates, PLLC, on behalf of the Applicant, Davidson Land Development, LLC, to continue the above-referenced land use case to the council's next regular meeting.

Council Member Burks moved, and Council Member Swiers seconded the motion, to continue the hearing of the above-referenced land use case to the council's next regular meeting on August 5, 2021. Council Members Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

9. Timber Harvest at the Wastewater Treatment Plant Property.

Water Resources Director Michael Rhoney, PE presented and recommended adoption, by reference, of a resolution accepting the highest bid received in response to a timber sale conducted by means of advertising for sealed bids.

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

RESOLUTION NUMBER 19 RES 7-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Resolution Accepting the Highest Bid Received in Response to a Timber Sale Conducted by Advertisement for Sealed Bids

WHEREAS, in the vicinity of Bonkemeyer Drive at the City of Asheboro Wastewater Treatment Plant, the City of Asheboro owns two parcels of land (the "WWTP Property") identified as follows: One parcel of land (Randolph County Parcel Identification Number 7763758973) is described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 652, Page 645, Randolph County Registry, while the second parcel of land (Randolph

County Parcel Identification Number 7763645814) is described in Deed Book 652, Page 648, Randolph County Registry; and

WHEREAS, with the assistance of a consulting forester, E. Gerald Tugwell, ACF of Tugwell Consulting Forestry, P.A., approximately 43 acres within the above-described WWTP Property has been designated, subject to certain restrictions and conditions, as a timber sale area; and

WHEREAS, pursuant to Section 160A-268 of the North Carolina General Statutes and a resolution (Resolution Number 09 RES 5-21) adopted by the Asheboro City Council on May 6, 2021, the Asheboro City Council authorized the sale of certain standing timber on the WWTP Property by means of advertisement and sealed bid; and

WHEREAS, legal notice of the sale of standing timber by means of sealed bids was published in *The Courier-Tribune* on May 11, 2021; and

WHEREAS, in accordance with the information printed in the advertisement for sealed bids, the bids from prospective purchasers were opened on June 11, 2021; and

WHEREAS, the following bids were received in response to the advertisement for sealed bids for the sale of standing timber:

Edwards Timber Company, Inc.	\$224,354.00;
Uwharrie Lumber Company	\$210,734.00;
Kepley-Frank Lumber Company	\$195,164.00; and

WHEREAS, the high bidder, Edwards Timber Company, Inc., submitted a bid that was responsive to the advertisement for sealed bids; and

WHEREAS, the city's consulting forester has reported that his past observations of the operations conducted by Edwards Timber Company, Inc. have led him to conclude that this bidder is a reputable and professional company.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that Edwards Timber Company, Inc. is the highest responsive, responsible bidder for the above-described standing timber, and, subject to the terms and conditions stated in the advertisement for sealed bids, the company's bid of \$224,354.00 is hereby accepted.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 15th day of July, 2021.

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

ATTEST:

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

10. Fire Department Annual Report.

Fire Chief Willie Summers used a slide show to present an overview of the Asheboro Fire Department's activities during 2020. During his presentation,

Chief Summers highlighted that the Asheboro Fire Department responded to 3,595 calls for service. Additionally, Chief Summers reported on the fire department's response to the current public health emergency.

No formal 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. Dixieland Acres Traffic Study.

City Engineer Michael Leonard, PE utilized a slide show presentation to discuss the Dixieland Acres traffic calming study. The purpose of the study was to obtain plans/recommendations for effectively addressing traffic problems within the Dixieland Acres neighborhood.

The recommendations generated by the study include the application of realigned intersections, multiple speed cushions, and 4-way stops. The placement and coverage of calming measures takes a system-wide approach to address issues and prevent alternative cut-through routes.

In addition to the above-referenced traffic calming measures, the study includes recommendations for reducing neighborhood speed limits to 30 mph and installing a median island. The council members' reactions to these recommendations were positive.

Individualized recommendations will be brought before the council at future meetings with specific ordinances to implement each recommendation in a legally enforceable manner. During the current meeting, no formal action was requested of the council, and none was taken.

A copy of the traffic calming study and the slide show utilized by the city engineer is on file in the city clerk's office.

12. Special Meeting on July 22, 2021.

Mayor Smith announced that a special city council meeting will be held at 6:00 p.m. on July 22, 2021, in the council chamber, to discuss potential renovations and enhancements for McCrary Park. This announcement was for informational purposes only, and no formal action was taken by the council under this agenda item.

13. Upcoming Events.

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

There being no further business, the meeting was adjourned at 8:44 p.m.