

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, SEPTEMBER 16, 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	)
Linda H. Carter	) – Council Members Present
Walker B. Moffitt	)
Charles A. Swiers	)
Jane H. Redding	) – Council Members Absent
Katie L. Snuggs	)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Assistant Community Development Director
Michael L. Leonard, PE, City Engineer
Mark T. Lineberry, Police Chief
Steven O. Paye, Safety Coordinator
Deborah P. Reaves, Finance 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. Old Business

(a) Withdrawal of an Annexation Petition and Land Use Case

Mayor Smith reported that Asheboro Land Development, LLC, who is the petitioner that requested annexation and the application of city zoning (Case No. RZ-21-10) to property at 577 Gold Hill Road (Randolph County Parcel Identification Number 7761597738), had withdrawn the annexation petition and zoning application. A copy of the withdrawal correspondence from the petitioner/applicant's legal counsel is on file in the city planning department.

In this written correspondence, the intent was announced to reapply at a later date for annexation and the application of city zoning to the above-described real property.

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

(b) Continuance Request

Assistant Community Development Director John Evans reported that the applicant in land use cases (Case Nos. RZ-21-07 and SUB-21-01), which is Davidson Land Development, LLC, had followed a recommendation made by the City of Asheboro Planning Board on September 13, 2021, and requested the continuance of the legislative hearing on the application to the next regular city council meeting on October 7, 2021. Mr. Evans noted that the planning board is scheduled to consider these cases again on October 4, 2021.

Council Member Bell moved, and Council Member Burks seconded the motion, to continue Case Nos. RZ-21-07 and SUB-21-01 to the council's next regular meeting on October 7, 2021. Council Members Bell, Burks, Carter, Moffitt, and Swiers voted aye. There were no dissenting votes.

4. Public Comment Period

Mayor Smith opened the floor for public comments.

Mr. James Armstrong expressed his belief that certain streets within the city need to be improved and that he would prefer a different approach by the city government to public safety operations within the community.

A council meeting attendee, whose name was not recorded, asked a brief question about the procedure used for posting the council's meeting minutes on the city website. She was specifically interested in obtaining a copy of the minutes from last month's meeting in advance of the current meeting. No further comments were made after the procedure and timing for the approval of meeting minutes was described.

When no one else asked to speak, Mayor Smith closed the public comment period.

5. Announcement of the Receipt by the Asheboro Fire Department of an Award

Asheboro Fire Chief Willie Summers described the actions of the fire department personnel involved in the Asheboro Fire Department's receipt of the "Above and Beyond Award" from the Employer Support of the Guard and Reserve Program, which is a Department of Defense program. This award recognizes employers at the local level who have gone above and beyond legal requirements to support Guard or Reserve employees of the local employer.

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

6. I-73/I-74 Interstate Art and Placemaking Project Update

Mr. Jan Lorenc of J Davis Architects utilized a slide show presentation in order to give an overview of the I-74/I-74 interstate art and placemaking project. Mr. Lorenc highlighted that, as currently contemplated, the project will consist of zoo-themed gateway markers at four (4) intersections along I-73/I-74. Large animal replicas are proposed to be placed at the following:

1. Pineview Street Exit (large herd of zebras);
2. Spero Road Exit (an elephant herd);
3. Presnell Street Exit (a buffalo herd); and
4. Dixie Drive interchange (various zoo animals).

City staff and J. Davis Architects will update the council as the project progresses, specifically including the completion of studies and reviews prescribed by the North Carolina Department of Transportation.

No formal action was requested of the council, and none was taken. A copy of Mr. Lorenc's slide show presentation is on file in the city clerk's office.

7. Conceptual Improvements under Consideration for Trade Street

Ms. Rebekah McGee, Executive Director for Downtown Asheboro, Inc., utilized a slide show presentation to discuss conceptual improvements under consideration for the Trade Street area. Downtown Asheboro, Inc. is working with The Wooten Company in order to advance this project.

The improvements under consideration include upgrading public infrastructure to support enhanced parking, outside dining, and shopping experiences in the downtown area. The elected officials provided positive feedback in response Ms. McGee's presentation.

More information will be provided to the governing board as the project advances. No action was requested of the council at this time, and none was taken.

8. North Carolina Department of Labor Safety Awards

Safety Manager Steven Paye discussed the city departments that recently received safety awards from the North Carolina Department of Labor. The city departments that received awards were listed by Mr. Paye as follows: Administration, Environmental Services, Fleet Maintenance, Public Works, Water Treatment Plant, Wastewater Treatment Plant, Police, and Water/Sewer Maintenance.

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

9. Consent Agenda

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

(a) Approval of the Meeting Minutes for the Regular City Council Meeting Held on August 5, 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) Acknowledgment of the Receipt of the Asheboro ABC Board Meeting Minutes for Meetings Held on June 28, 2021 and August 2, 2021

The approved meeting minutes for meetings held by the Asheboro ABC Board on June 28, 2021, and August 2, 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) Approval of the Community Development Division's Request to Schedule for October 7, 2021, and to Advertise, a Legislative Hearing on an Application to Amend the B2 (CZ) Zoning on Property at 222 and 224 Brewer Street (Randolph County Parcel Identification Nos. 7751949927, 7751956082, 7751957092, and 7751958081) to Allow an Accessory Structure at the Existing Funeral Parlor/Crematorium.

The legislative hearing for the above-referenced land use case will be scheduled and advertised in accordance with the applicable statutes/ordinances and then heard during the city council's next regular meeting on October 7, 2021.

(d) **Approval of a Resolution Declaring the Official Intent of the City of Asheboro to Purchase Municipal Vehicles/Equipment and to Reimburse the General Fund**

With the approval of the consent agent, the governing board unanimously approved the following resolution.

RESOLUTION NUMBER 22 RES 9-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

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

WHEREAS, in order to maintain a satisfactory level of municipal services, the Asheboro City Council has adopted a budget ordinance for fiscal year 2021-2022 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted high-quality municipal services; and

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

1. \$580,000.00 has been budgeted for the environmental services department to acquire three vehicles and pieces of equipment;
2. \$114,000.00 has been budgeted for the facilities maintenance department to acquire three vehicles and pieces of equipment;
3. \$32,000.00 has been budgeted for the fire department to acquire a vehicle;
4. \$29,000.00 has been budgeted for the fleet maintenance department to acquire a vehicle;
5. \$32,000.00 has been budgeted for the operations department to acquire a vehicle;
6. \$394,000.00 has been budgeted for the police department to acquire twelve vehicles;
7. \$105,000.00 has been budgeted for the recreation services department to acquire three vehicles;
8. \$921,000.00 has been budgeted for the street maintenance department to acquire eleven vehicles and pieces of equipment; and

WHEREAS, the total budgeted amount for the purchase of the above-listed vehicles and equipment needed by the listed city departments to deliver essential municipal services is \$2,207,000.00; and

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

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

WHEREAS, the Asheboro City Council has decided that the above-stated expenditures are to be reimbursed to the General Fund during the current fiscal year with proceeds from an installment financing agreement that will create security interests in the above-listed municipal vehicles and equipment acquired by the city during its 2021-2022 fiscal year; and

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

WHEREAS, in accordance with the applicable treasury regulations, one of the steps necessary to avoid jeopardizing the ability of a lender to exclude from its gross income the interest paid or payable under an installment financing agreement is for the city to declare its official intent to reimburse the General Fund for the expenditures used to purchase the needed vehicles and equipment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, consistent with the city's budget ordinance for fiscal year 2021-2022 and with the explicit intent of seeking reimbursement for the expenditures from installment financing proceeds, a maximum of \$2,207,000.00 may be expended from the General Fund for the acquisition of the above-listed vehicles and equipment prior to the execution of any installment financing agreement; and

BE IT FURTHER RESOLVED that the City Council of the City of Asheboro does hereby formally and explicitly declare the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement that is to be executed prior to the end of the 2021-2022 fiscal year, any and all expenditures from the General Fund for the purchase during this fiscal year of the vehicles and equipment referenced hereinabove and that are necessary to the provision of essential municipal services.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 16th day of September, 2021.

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

ATTEST:

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

- (e) **Approval of a Resolution Awarding to Police Captain D. Jason Cheek His Service Side Arm upon Retirement from the Asheboro Police Department**

With the approval of the consent agent, the governing board unanimously approved the following resolution.

RESOLUTION NUMBER 23 RES 9-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AWARDDING TO DONALD JASON CHEEK
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 November 1, 2001, Police Captain Donald Jason Cheek began 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 Cheek 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 immediately, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the city of \$1.00, Donald Jason Cheek is awarded ownership of his city-issued service side arm (a Glock model 45 (9MM) with serial no. BLKC003 and three magazines) upon a determination by the police department command staff that Mr. Cheek 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 16th day of September, 2021.

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

ATTEST:

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

10. Community Development Items

- (a) **Legislative Hearing (Case No. RZ-21-11): Application to Rezone a Parcel of Land at 1008 Hub Morris Road (a Portion of Randolph County Parcel Identification No. 7763511812) from R10 to R40 (CZ) Zoning to Allow Vehicular Access to an Adjoining and Previously Permitted Solar Farm**

Mayor Smith opened the legislative hearing on the application by Thunderhead Solar, LLC (the “Applicant”) to rezone approximately 0.402 of an acre (the “Zoning Lot”) within an approximately 9.72-acre parcel of land (Randolph County Parcel Identification No. 7763511812) at 1008 Hub Morris Road from R10 to R40 (CZ) zoning.

The 9.72-acre parcel of land within which the Zoning Lot is located is owned by Clifton Mark Smith and Lisa D. Smith. The owner of the real property signed the conditional zoning application in order to demonstrate consent to the placement of the Zoning Lot in the requested conditional zoning district.

Assistant Community Development Director John Evans utilized a slide show to present the planning staff’s analysis of the application. During his presentation, Mr. Evans noted the following:

1. The property is partially in the city limits and partially within the city’s extraterritorial zoning jurisdiction.
2. Hub Morris Road is a state-maintained major thoroughfare.
3. The Applicant wishes to use the described portion of land within the 9.72-acre parcel of land for access to the adjoining permitted solar farm. Since solar farms are not permitted in the R10 district, the rezoning is requested.
4. The request only pertains to the Zoning Lot, which is described as “Exhibit B, Access and Utility Easement Area” in a legal instrument recorded in the Office of the Randolph County Register of Deeds in DB 2753, PG 1297. The request

- only includes the access driveway and utilities. No buildings are proposed with the request.
5. The previously permitted solar farm, which was approved for the adjoining property in 2018 under Case No. CUP-18-16, is not part of this review.
 6. The underlying R40 zoning district is described by the zoning ordinance as “intended to provide regulations which will produce a low intensity mixture of single family, duplex dwellings, and Class A Mobile Home dwellings usually served by individual wells and/or sewage disposal systems, plus the necessary governmental and other support facilities to provide service to such suburban intensity living.”

Mr. Evans noted that, when evaluating a rezoning application, careful consideration must be given to each goal and policy as outlined in the Land Development Plan.

Proposed Land Use Map Designation:	Neighborhood Residential
Small Area Plan:	Northeast
Growth Strategy Map Designation:	Primary Growth (inside city)/Long Range Growth (in ETJ)

LDP Goals/Policies Supporting the Request:

<u>Checklist Item 1:</u>	Rezoning is compliant with the Proposed Land Use Map.
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<u>Checklist Item 4:</u>	The proposed rezoning is compatible with surrounding land uses.
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<u>Checklist Items 12-14:</u>	The property is located outside of the watershed area, Special Hazard Flood Area, or an area with steep slopes (>20%).
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<u>Goal 5.1:</u>	Cost effective, efficient, and coordinated infrastructure in appropriate locations (based on the purpose of the use proposed by the conditional zoning request).
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LDP Goals/Policies Which Do Not Support the Request:

<u>Checklist Item 10:</u>	Rezoning is not consistent with Land Category Descriptions.
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The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot in the requested R40 (CZ) zoning district. In making this recommendation, the planning board concurred with the planning staff's consistency statement, which provided as follows:

This request involves the limited purpose of providing access to an adjacent property that is not part of this application, but was previously permitted in 2018 and has the same zoning district as the requested district.

Noting this, while the underlying R40 district permits a lower density than other properties along Hub Morris Road, given the fact that the adjoining property has R40 (CZ) zoning, and the balance of the subject property and properties to the west along Hub Morris Road have considerably lower density than what is allowable under R10 standards, the request is not out of character with these conditions.

Finally, the Conditional Zoning process allows reasonable conditions to be placed on the property when these are necessary to ensure compatibility with surrounding land uses.

Given these factors, staff believes that the requested R40 (CZ) district is generally consistent with the Land Development Plan, and consistent with the public interest.

In light of the above analysis, staff's recommendation is to approve the request.

In response to Mayor Smith inviting comments from the public, Mr. Jonathan Robertson of Thunderhead Solar, LLC presented comments in support of the rezoning application. No other comments were offered from the public, and Mayor Smith then transitioned to the deliberative phase of the process.

The city council concurred with the staff and planning board analysis. Council Member Bell moved, and Council Member Swiers seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following two-part motion:

1. The requested conditional zoning is sought for the limited purpose of providing access to a properly permitted solar farm located on an adjacent property that is not part of this request. This solar farm land use was approved in 2018 and has the same zoning district as the requested district.

While the underlying R40 district permits a lower density than other properties along Hub Morris Road, the balance of the parcel in which the Zoning Lot is located as well as the properties to the west along Hub Morris Road have considerably lower density than what is allowable under R10 standards. In view of this reality, the application does not seek a zoning designation that is out of character with surrounding conditions.

Finally, the conditional zoning process allows reasonable conditions to be placed on the property when these are necessary to ensure compatibility with surrounding land uses.

Considering the totality of these factors, the council has concluded that the requested R40 (CZ) district is generally consistent with the Land Development Plan, is reasonable, and is in the public interest.

2. In light of the above-stated analysis, the requested zoning map amendment to place the Zoning Lot in an R40 (CZ) district is approved as consisted with the adopted plan. The supplementary conditions attached to the approved conditional zoning district are as follows
 - (i) Prior to the issuance of a zoning compliance permit for the proposed land use, the Applicant shall submit documentation detailing driveway permit approval from the North Carolina Department of Transportation.
 - (ii) 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 restrictions attached to this conditional zoning in the chain of title for the Zoning Lot.

Council Members Bell, Burks, Carter, Moffitt, and Swiers voted aye. There were no dissenting votes.

A copy of the slide show utilized by Mr. Evans is on file in the city clerk's office.

(b) Two Vacancies on the City of Asheboro Redevelopment Commission

Mr. Evans informed the elected officials that two (2) vacancies currently exist on the City of Asheboro Redevelopment Commission. The adopted practice for seeking applicants to fill these vacancies will be followed by city staff members in the community development division.

When candidates for appointment are identified, that information will be reported to the governing board. No formal action was requested of the council at this time, and none was taken.

(c) City Partnership with the United Way of Randolph County for Rent, Mortgage, and Utility Assistance via CDBG-CV Funding

The City of Asheboro, in partnership with the United Way of Randolph County, has established a temporary Housing and Utility Assistance Program. In order to be eligible for assistance, individuals must live within the corporate limits of the City of Asheboro.

This program is funded by the Community Development Block Grant-Coronavirus Program administered by the North Carolina Department of Commerce. The assistance must serve exclusively low to moderate income individuals/families within the city. The applications are available on the United Way of Randolph County's website (<https://www.uwrandolph.org/>).

There is an application window of eighteen (18) months, and the amount of monetary assistance will be determined on a case by case basis. This is a one-time payment to prevent evictions, utilities disconnections, and homelessness. The program's first phase will target rent, mortgage, and utility assistance. Phase two will focus on the replenishment of food pantries and the distribution of food in the Asheboro area.

Information regarding the program will be available on the city's website as well as the United Way of Randolph County's website.

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

11. Engineering Items

(a) Update on North Carolina Department of Transportation Project U-5743

City Engineer Michael Leonard, PE discussed the latest information that he has received in connection with the North Carolina Department of Transportation project designed to improve North Carolina Highway 42 between East Salisbury Street and United States Highway 64/North Carolina Highway 49. Right-of-way acquisition is targeted to begin in October 2021, and construction is targeted to begin in March 2024.

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

(b) Traffic Study in the Central Falls Area

City Engineer Michael Leonard, PE provided a follow-up report in response to a citizen's request during a previous council meeting for an evaluation of the possibility of allowing two-way traffic rather than the currently mandated one-way traffic flow on certain city-maintained streets in the Central Falls area. During a preliminary review of the situation, the engineering department concluded that the situation on the ground warrants a more in-depth data driven study before a recommendation can be brought to the governing board.

Consequently, the engineering department, with the approval of the city manager, plans to move forward with retaining a traffic engineering firm to perform the needed

study. Individual comments from the elected officials reflected a general consensus that the engineering department should move forward with the stated plan of action.

No formal vote was taken by the council.

12. Zoo City Sportsplex

(a) Grant Application Resolution

City Manager John Ogburn presented and recommended adoption, by reference, of a resolution authorizing the submittal of an application for grant funding from the Land and Water Conservation Fund.

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

RESOLUTION NUMBER 24 RES 9-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION AUTHORIZING APPLICATION WITH THE NORTH CAROLINA
DIVISION OF PARKS AND RECREATION FOR A LAND AND WATER
CONSERVATION FUND GRANT (LWCF)**

WHEREAS, the City of Asheboro received public input via a Needs Assessment that confirmed a desire of citizens for more outdoor 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 LWCF 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 North Carolina Division of Parks and Recreation.

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

Adopted this 16th day of September 2021.

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

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

(b) Construction Update

Mr. Ogburn provided a progress report on the construction at the Zoo City Sportsplex. Phase one is almost complete, and phase two construction is expected to begin in approximately one week. It is anticipated that play on sportsplex fields will begin next fall. No formal action was requested of the council, and none was taken.

13. McCrary Park Capital Improvements Project

(a) Project Scheduling

Mr. Ogburn utilized a slide show presentation to give an overview of the proposed schedule for the McCrary Park improvements. The presentation was accompanied by a 4-page handout with phases of the project corresponding to five different time frames. The proposed completion date for the project is in March 2024.

The first phase of the project corresponds to the time frame of September 2021 to April 15, 2022. This initial phase of the project focuses on working on the playing field. Afterwards, project work begins focusing on parts of the complex, including parking areas, beyond the playing field.

At the conclusion of his presentation, City Manager Ogburn requested permission to begin phase 1 of the project as listed on the slide show and within the above-referenced handout. Copies of the referenced materials are on file in the city clerk's office.

In response to the city manager's request, Council Member Moffitt moved, and Council Member Burks seconded the motion, to authorize city staff to commence phase 1 operations for the McCrary Park Capital Improvements Project. Council Members Bell, Burks, Carter, Moffitt, and Swiers voted aye. There were no dissenting votes.

(b) Architecture and Engineering Services

Based on initial consultations when a project for McCrary Park was in the preliminary discussion phase, city staff members developed a very favorable impression of the firm CPL Architecture Engineering Planning ("CPL"). During subsequent discussions, city staff members described CPL as an example of a firm that is well qualified to provide the design services needed for a project such as the one contemplated for McCrary Park.

Due to written and verbal miscommunication during the meeting, the incorrect impression was given that, in addition to project fund and budget ordinance amendments needed to properly fund the approved project, city staff members were recommending the award of a professional services contract to CPL.

On the basis of this miscommunication, Council Member Bell moved, and Council Member Swiers seconded the motion, to approve a professional services contract with CPL. Council Members Bell, Burks, Carter, Moffitt, and Swiers voted aye. There were no dissenting votes.

Subsequent to this vote, the miscommunication was corrected. In fact, the city did not have in hand a proposed contract with the CPL firm. The awarding of a design services contract will be addressed at another council meeting.

Upon receiving corrected information about the situation, Council Member Bell moved, and Council Member Swiers seconded the motion, to rescind the immediately preceding motion. Council Members Bell, Burks, Carter, Moffitt and Swiers voted aye. There were no dissenting votes.

(c) Project Ordinance and Budget Amendment

In order to properly fund the McCrary Park project in accordance with generally accepted accounting principles, City Manager John Ogburn presented and recommended adoption, by reference, of the following project ordinance and budget amendment. These ordinances were approved with separate actions by the council.

Council Member Bell moved, and Council Member Moffitt seconded the motion, to approve the following project ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, and Swiers voted aye. There were no dissenting votes.

29 ORD 9-21

PROJECT ORDINANCE
MCCRARY BASEBALL PARK IMPROVEMENTS FUND
FY 2021-2022

WHEREAS, the City of Asheboro McCrary Ballpark was built in 1948 and undergone a number of renovations and upgrades over the years including the installation of synthetic field in the infield and construction of new dugouts, expansion of the press box and a multipurpose shelter beyond first base that has become known as the "snake" pit seating area, and;

WHEREAS, the City of Asheboro would now like to focus on upgrading the concession stands, bathrooms and stadium seating and replace synthetic turf on the infield and extend it to the outfield in order to be comparable to other baseball venues, and;

WHEREAS, the City of Asheboro would like to remodel the ballpark in phases to allow current teams (Asheboro High School, American Legion and Copperheads) to continue to use the ballpark and thus expect the work to take longer than one year, and;

WHEREAS, due to the uniqueness of managing and implementing the improvements between ball playing periods, the City of Asheboro wishes to hire a Construction Manager at Risk, and;

WHEREAS, the City of Asheboro expects to apply for grants and fundraise to support the cost associated with the anticipated improvements, and;

WHEREAS, the City of Asheboro desires to establish a project fund to cleanly account for the funding and the expenses related to this project in one location, and;

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

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is adopted:

Section 1: The McCrary Baseball Park Improvements Fund is hereby authorized as a project with current revenues and expenditures projected as listed below.

Section 2: The officers of the City of Asheboro are hereby authorized to proceed with the project within the terms of the agreement approved by the City Council and the budget contained herein.

Section 3: The following revenues are anticipated to be available at this time for this project:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
65-300-1000	Contribution from General Fund	\$800,000

Section 4: The following amounts are appropriated as expenditures for this project:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
65-400-0000	Construction Manager at Risk	\$250,000
63-401-0000	Architectural and Engineering Fees	550,000
	Total	<u>\$800,000</u>

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Regular Meeting on September 16, 2021

Adopted this the 16th day of September 2021.

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

ATTEST:

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

Then, in a separate action, Council Member Bell moved, and Council Member Swiers seconded the motion, to approve, by reference, the following ordinance to amend the General Fund. Council Members Bell, Burks, Carter, Moffitt, and Swiers voted aye. There were no dissenting votes.

30 ORD 9-21

ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022

WHEREAS, the City of Asheboro would like to appropriate funding for McCrary Ballpark improvements, and;

WHEREAS, the City of Asheboro desires amend the 2021-2022 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	\$800,000

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-620-6500	Contribution to McCrary Baseball Park Improvements Fund	\$800,000

Adopted this the 16th day of September 2021.

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

ATTEST:

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

14. COVID-19 Pandemic

Mr. Ogburn informed the elected officials that Randolph Health is currently at capacity. Health officials continue to see an upward trend in COVID-19 cases in Randolph County.

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

15. Items Not Listed on the Agenda and 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 9:04 p.m.

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

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