

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, OCTOBER 7, 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
Michael L. Leonard, PE City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance 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.

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

Legislative Hearing (Case Nos. RZ-21-07 and SUB-21-01): Application to amend the RA6 (CZ) zoning on property located west of 1591 East Allred Street, approximately 100 feet east of Ridgewood Circle, to allow a residential planned unit development and to approve a subdivision sketch design.

Mayor Smith opened the legislative hearing on the above-described application by Davidson Land Development, LLC (the “Applicant”). This application has been continued from a total of three previous city council meetings held on the following dates: July 15, 2021; August 5, 2021; and September 16, 2021. The legislative hearing process was completed during the October 2021 regular council meeting, and the city council took substantive action on the application at this time.

The application pertains to approximately 4.04 acres of land identified by Randolph County Parcel Identification No. 7762740259. This single parcel of land will be hereinafter referred to as the “Zoning Lot.”

The Applicant owns the Zoning Lot. The lot is zoned RA6 (CZ), and the Applicant is seeking approval of a site plan showing a residential planned unit development with a total of 16 two-story townhome style units.

The planning department staff report presented by Community Development Director Trevor Nuttall noted that the required legal notices for this legislative hearing were mailed by city staff to adjoining property owners on June 29, 2021, and September 20, 2021. Additionally, the statutorily mandated legal notice was published in a timely manner on two occasions in *The Courier-Tribune*, and the required signage giving notice of the pending land use case has been posted on the Zoning Lot since early July 2021.

Mr. Nuttall utilized a slide show to discuss the planning staff analysis of the zoning component of the application, which included the following points:

1. The Zoning Lot is located within the city limits and is eligible for the full array of municipal services.
2. East Allred Street is a state-maintained minor thoroughfare.
3. Most recently, a residential planned unit development consisting of ten (10) dwelling units was proposed and approved in 2018.
4. The RA6 (CZ) district, which is a conditional zoning district, would allow multi-family development in the form of townhomes. The proposed site plan is requesting a total of 16 two-story townhome style units with single-car garages.
5. The western portion of the Zoning Lot (approximately 1.6 acres) is located within a flood hazard area. The site plan indicates that the units are located outside of the flood hazard area, however grading and utilities are proposed within the flood hazard area. The project must comply with the Flood Damage Prevention Ordinance.
6. The zoning ordinance describes the RA6 Residential District as “intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to minor thoroughfare or higher classification streets with access to local residential streets discouraged.”
7. This request was filed during the transitional period when the existing and requested zoning district was classified as a conditional use district. Changes to state law have changed the request to a high density residential conditional zoning district. These requests are now reviewed under a legislative process that receives input from the Planning Board.
8. Since the previous request referenced in (3) above was granted in 2018, additional growth has occurred, including the continued construction of the Robins Nest Subdivision to the east and rezoning of the property on

the corner of East Allred Street and Gold Hill Road from a commercial to a residential district.

Mr. Nuttall 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: East

Growth Strategy Map Designation: Primary Growth

There are four LDP goals and policies that are supportive of the request and three LDP goals and policies that are not supportive of the request.

LDP Goals/Policies Supporting the Request:

Checklist Item 5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Item 11: The proposed rezoning will promote the type of development described in Design Principles.

Checklist Item 12: The property is located outside of the watershed.

Goal 4.1.6: The city will participate in the Nation Flood Insurance Program and utilize its Flood Damage Prevention regulations to strongly discourage development in high-risk areas.

LDP Goals/Policies Which Do Not Support the Request:

Checklist Item 1: Rezoning is not consistent with the Proposed Land Use Map.

Checklist Items 13-14: 13.) The property is located within the Special Hazard Flood Area. 14.) Rezoning is located on steep slopes of greater than 20%.

Suggested Conditions from Planning Staff as of September 30, 2021:

- (A) The site plan shows preservation of existing vegetation, outside of areas of necessary site disturbance, along the western and northern portions of the property. If the vegetation is not preserved in this area, a Type A Buffer or Screen shall be installed by the developer.
- (B) The site plan shows a combination of preservation of existing vegetation and planted vegetation, outside of areas of necessary site disturbance, within the front yard along East Allred Street. At a minimum, vegetation required by Chapter 6 of the zoning ordinance shall be installed and maintained within the front yard along East Allred Street.

- (C) Enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings outside the common area shall not be considered a modification of the permit requiring city council review.
- (D) Prior to a preliminary plat, the applicant shall submit details on the sewer connection involving the adjoining property to the north.
- (E) Additional details on the recreation area, including identification of proposed play equipment/structure(s) and the labeling of sidewalk area between Cane Creek Court and the recreation area, shall be included on the preliminary plat.
- (F) In compliance with Chapter 71 of the Code of Asheboro, area within the public right-of-way for turnaround at the end of Cane Creek Drive shall be controlled in such a manner as to prohibit parking in a way that interferes with emergency or sanitation vehicles.
- (G) The site plan indicates mail delivery through two cluster mailboxes. If the postal service requires different facilities for mail delivery, such a change will not be considered a modification of the conditional zoning district requiring council action. If required within the public right-of-way, an area shall be provided that, at a minimum, is adequate for one drop-off space for a motor vehicle, including any maneuvering area. Any drop-off area shall be designed in accordance with commonly accepted traffic engineering practices. Construction of this area shall be the responsibility of the developer and is subject to approval of the City of Asheboro Public Works Division and/or Engineering Department. Alternatively, should the developer choose to construct the community mailbox and any associated vehicular areas in a location completely on private property, this activity shall not be considered a modification, subject to Section 4.05 of the Asheboro Zoning Ordinance.
- (H) The developer shall ensure that no portion of structure located on Lot 16 encroaches into a City of Asheboro sanitary sewer easement.
- (I) Any water meter located outside the public right-of-way shall be located within a City of Asheboro waterline easement.
- (J) Prior to the issuance of a zoning compliance permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:
 - (ii) Driveway permit from the North Carolina Department of Transportation;
 - (ii) Erosion control approval from North Carolina Department of Environmental Quality; and
 - (iii) Information required to determine compliance with Flood Damage Prevention Ordinance requirements, including

any required certifications for utility construction or other development within Special Hazard Flood Areas (floodplains, floodways). A no-rise certification for utilities, such as sewer mains, constructed within the floodway shall be required prior to the issuance of a zoning compliance permit or construction activity within the floodway. If a no-rise certificate cannot be obtained due to forecasted rises as a result of the project, a CLOMR will have to be required from FEMA by the developer.

- (K) Prior to the issuance of a zoning compliance permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this conditional zoning district in the chain of title for the Zoning Lot.

The city's planning staff prepared the following analysis concerning the consistency of the proposed development with the adopted comprehensive plans as well as the reasonableness of the proposal:

The conditional zoning process allows for site plan review that can best ensure the property is developed in harmony with surrounding uses and also incorporate design elements promoted by the Land Development Plan's Neighborhood Residential designation. Such elements include sidewalks, open space, and recreation area that typically are not required in conventional subdivisions.

Additionally, the conditional zoning process can lead to less disturbance of flood area, steep slopes, and other environmentally sensitive features that are unique to this property. Considering these factors, staff believes that the requested RA6 (CZ) district is consistent with the Land Development Plan and therefore reasonable and in the public interest.

In light of the above analysis, staff's recommendation was to approve the application, subject to the conditions identified and recommended by staff during the conditional zoning application process.

During a meeting on October 4, 2021, the City of Asheboro Planning Board voted, without unanimity, to concur with the planning staff's analysis and recommended approval of the requested conditional zoning district.

Mr. R. Thompson ("Tom") Wright, Esq., who is representing the Applicant in this matter, presented information and contentions in support of the application.

The following individuals presented information and contentions in opposition to the application: Mr. Thomas Tennison (1310 Ridgewood Drive); Ms. Hilda DeCortez (1591 East Allred Street); Mr. Carlos Maldonado (1591 East Allred Street); and Mr. John Christopher Vaughn (1335 Robins Nest Drive). Additionally, Mayor Smith shared a letter that had been received from Mr. William Ballentine (1372 Ridgewood Circle), who was unable to attend the council meeting, expressing concerns and opposition to the application.

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

As noted in the planning staff's zoning district and subdivision analysis, there is a 463-foot dead-end street proposed for the development. Measures will have to be taken to ensure that on-street parking does not impede the ability of emergency vehicles and city public works division trucks, such as sanitation trucks, to use the public right-of-way for turnaround purposes at the end of Cane Creek Drive.

During the council's discussion of this conditional zoning application, concerns were expressed about the impact of on-street parking on the congestion of a dead-end street in the high-density residential district that utilizes the one-car garage design proposed by the Applicant. The governing board members were concerned about the need of residents and visitors for on-street parking in the absence of other parking options. As presented, two overflow parking spaces are designed for the development.

The residential planned unit development is proposed for a high-density residential zoning district. Medium-density residential land uses are located to the north, east, and west of the Zoning Lot. Undeveloped residential land use is located to the south of the Zoning Lot.

At the conclusion of the deliberations, the governing board members analyzed the application differently from the planning staff and the planning board. With a combined motion that acted on the zoning map amendment application and adopted a consistency statement as well as a statement of reasonableness, Council Member Bell moved, and Council Member Redding seconded the motion, to deny the application for the requested RA6 (CZ) high-density residential zoning district and adopted the following combined consistency and reasonableness statements:

1. The requested zoning map amendment is not consistent with the Land Development Plan because the rezoning is not compliant with the Proposed Land Use Map. Additionally, the goals and policies outlined in the Land Development Plan are not supportive the Applicant's request because of the presence of the Special Hazard Flood Area and the presence of steep slopes greater than 20%; and
2. The proposed zoning amendment is not reasonable and contrary to the public interest. The placement of the proposed high-density residential planned unit development within a topographically challenging parcel of land is problematic for the surrounding neighborhood. Furthermore, the future neighborhood within the proposed planned unit development is challenged with reasonably foreseeable congestion that will be detrimental to the neighborhood. These concerns about neighborhood street congestion and its impact on the provision of municipal services are front and center in the analysis because of the impact of the one-car garage design on a development where overcoming limited space, topographic challenges, and flooding concerns produced limited opportunities for on-street parking that does not adversely impact other vehicles and equipment trying to use the public street. Only two overflow parking spaces are available for residents and guests when the one-car garage cannot accommodate a townhome's parking needs. The potential congestion would restrict the maneuvering area available for the city's public works division trucks and emergency response vehicles. Such an operational impediment to the provision of municipal services

is a significant concern that is unreasonable and not in the public interest.

When Mayor Smith asked for a vote on the above-stated combined motion, Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the requested zoning map amendment was denied for the above-stated reasons.

With the denial of the zoning amendment application, the sketch design review (Case No. SUB-21-01) was not in a procedural posture to advance. The subdivision case is deemed withdrawn, pending further action by the Applicant.

4. Public Comment Period

Mayor Smith opened the floor for public comments, and none were offered. In the absence of any individual wishing to speak, Mayor Smith closed the public comment period and moved to the next agenda item.

5. Consent Agenda

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

(a) The meeting minutes for the city council's regular meeting on September 16, 2021.

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

(b) The dates and associated rules for the 2021-2022 duck and geese hunting season at Lake Reese.

Canada Geese (including White-Fronted Geese) and duck hunting has been successfully offered at Lake Reese for the past 13 years and will be offered again this season.

The proposed dates for the 2021-2022 hunting season at Lake Reese for Canada Geese (including White-Fronted Geese) and ducks are as follows:

November 13th, 15th, and 18th
December 18th, 20th, and 23rd
January 22nd, 24th, and 27th

Hunting hours are ½ hour before sunrise to sunset. The lake will be closed to other activities while hunting takes place. Hunters are required to call Lake Reese at least 24 hours in advance to reserve a space. If hunting reservations are not made, the lake will operate on its regular winter schedule.

(c) Scheduling of a legislative hearing on a zoning map amendment.

With the approval of the consent agenda, the Asheboro Community Development Division received authorization to schedule for November 4, 2021, and to advertise, a legislative hearing on an application to apply B2 zoning to a portion of the property at 1801 United States Highway 64 East and to the property at 1819 United States Highway 64 East (Randolph County Parcel Identification Numbers 7761827912, 7761837067, and 7761837268). 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 November 4, 2021.

6. Legislative Hearing (Case No. RZ-21-12): A zoning map amendment application seeking to amend a B2 (CZ) zoning district to allow an accessory structure at an existing funeral parlor/crematorium.

Mayor Smith opened the legislative hearing on the above-described conditional zoning application that was filed by Charles C. Hodges, Jr. (the "Applicant"). The zoning map amendment application pertains to approximately 1.11 acres of land owned by the Applicant at 222 Brewer Street and 224 Brewer Street in Asheboro (the "Zoning Lot"). The Zoning Lot is more specifically identified by the following Randolph County Parcel Identification Numbers: 7751949927, 7751956082, 7751957092 and 7751958081.

The planning department staff report presented by Community Development Director Trevor Nuttall noted that the required legal notices for this legislative hearing were mailed by city staff to adjoining property owners on September 20, 2021. Additionally, the statutorily mandated legal notice was published in a timely manner on two occasions in *The Courier-Tribune*, and the required signage giving notice of the pending land use case has been posted on the Zoning Lot.

Mr. Nuttall utilized a slide show to discuss the planning staff analysis of the application, which included the following points:

1. The Zoning Lot is inside the city limits.
2. Brewer Street is a city-maintained collector street.
3. The current use of the Zoning Lot is a funeral parlor, including a crematorium as an accessory use.
4. The existing conditional use permit allowed expansion of structures proposed at that time (623 square feet). The Applicant proposed an additional 616-square foot accessory building in 2019, leaving an addition of only 7 square feet that could be permitted by staff. Due to the size of the currently proposed structure (30' x 18', 540 square feet), a new conditional zoning district request has been filed.
5. The proposed structure is to be used for storage only, with no cremation processes proposed.
6. The area is characterized by a mix of uses, including office, institutional, and residential uses. Medical and office uses have set a transitional pattern between the commercial uses located farther west and the residential uses located to the east.

7. In 2015, the Land Development Plan Proposed Land Use Map was updated to change the designation of this property from “Urban Residential” to “Office and Institutional.”
8. The East Small Area Plan encourages neighborhood scale commercial uses in appropriate locations.

In reviewing this request, careful consideration has been given to each goal and policy as outlined in the Land Development Plan. Some goals and policies will either support or not support the request, while others will be neutral or not applicable. The following list contains the goals and policies that either support or do not support the application:

Proposed Land Use Map Designation: Office & Institutional

Small Area Plan: East

Growth Strategy Map Designation: Primary Growth

LDP Goals/Policies Supporting the Request:

Checklist Item 1: Rezoning request is consistent with the Proposed Land Use Map.

Checklist Item 5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Item 7: The proposed rezoning is compatible with the applicable Small Area Plan.

Checklist Items 12-13: Location is outside of the watershed areas and the flood zone.

LDP Goals/Policies Which Do Not Support the Request:

There were no goals or policies which were not supportive of the rezoning request.

The city’s planning staff prepared the following analysis concerning the consistency of the proposed development with the adopted comprehensive plans as well as the reasonableness of the proposal:

Since the Land Development Plan Proposed Land Use Map was revised to propose office and institutional activity in 2015, the request is more compatible with the Proposed Land Use Map than when the property was rezoned to B2 (CZ) in 2013. The Zoning Lot is used primarily for purposes (funeral parlor) that are consistent with the LDP’s office and institutional designation.

Although the current zoning designation and the approved crematorium component of the existing use is more intensive than many office and institutional uses, the sole purpose of the current request is to allow an accessory structure that would likely have no greater impact on adjoining properties than the existing use or a similar accessory structure permitted in any other zoning district.

The request also complies with the intent of the East Small Area Plan to provide for appropriate neighborhood-scale commercial uses while the conditional zoning process can help ensure such development is compatible with the current surrounding land uses.

In light of the above analysis, staff's recommendation was to approve the application, subject to the following conditions that have been identified and recommended by staff as part of the conditional zoning application process:

- (A) The proposed accessory structure shall be limited to storage.
- (B) Consistent with Section 2.03(D)(2) of the Asheboro Zoning Ordinance, prior to the issuance of a zoning compliance permit, the applicant shall submit information specifying the height of the proposed accessory structure, which shall in no case exceed the maximum height of 25 feet prescribed for accessory structures in Section 5.04(31)(4) of the Asheboro Zoning Ordinance.
- (C) A minimum of 5 feet shall be maintained between the proposed accessory structure and the eastern property boundary.
- (D) A Type "A" buffer or screen shall be maintained between the Zoning Lot and the adjoining property to the east as required by Section 6.06(D) of the Asheboro Zoning Ordinance.
- (E) Prior to the issuance of a zoning compliance permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this conditional zoning in the chain of title for the Zoning Lot.

During a meeting on September 13, 2021, the City of Asheboro Planning Board voted to concur with the planning staff's analysis and recommended approval of the requested conditional zoning district.

With the conclusion of Mr. Nuttall's presentation of the planning staff's analysis, Mayor Smith asked if there was anyone else who would like to address the council on the question of the requested zoning map amendment.

The Applicant spoke in favor of his request. Mr. Hodges explained that the accessory structure will only be used for the storage of supplies needed for the funeral home's operations.

Ms. Iniah Attaway then raised the contention that she has an ownership interest in the Zoning Lot even though she was omitted from the application process. However, the Applicant asserts that he is the owner of the Zoning Lot. The tax records reviewed by city staff are supportive of the Applicant's ownership claims.

Ms. Attaway stated that she has not procured a title search to examine the validity of her contentions. In the absence of any other information, the governing board did not find a sufficient basis for halting the conditional zoning application process.

Mayor Smith and the governing board members were unequivocal in stating that they were not rendering a final opinion on title to the Zoning Lot. They were only addressing the appropriateness of the Applicant proceeding with his conditional zoning application. Ms. Attaway was urged to seek legal counsel who could conduct a title search on her behalf.

When no one else asked to address the governing board about the Applicant's request, Mayor Smith then transitioned to the deliberative phase of the proceedings.

At the conclusion of the deliberations, the governing board members concurred with the analysis received from the planning staff and the planning board. With a combined motion that acted on the zoning map amendment application and adopted a consistency statement as well as a statement of reasonableness, Council Member Bell moved, and Council Member Snuggs seconded the motion, to approve the application for the requested B2 (CZ) general commercial conditional zoning district and adopted the following combined consistency and reasonableness statements:

1. The zoning map amendment application is consistent with the Land Development Plan because the requested conditional zoning is consistent with the Proposed Land Use Map, is compliant with the objectives of the Growth Strategy Map, is compatible with the applicable Small Area Plan, and the proposed development is located outside of watershed areas and the flood zone; and
2. The proposed zoning amendment is reasonable and in the public interest. As noted above, the funeral parlor use of the Zoning Lot is compatible with the Land Development Plan's office and institutional designation. The current request is focused on obtaining approval for an accessory structure to be used for the storage of materials and supplies needed for the existing land use. The proposed accessory structure cannot reasonably be expected to have any greater impact on adjoining properties than the existing use or a similar accessory structure permitted in any other zoning district. Furthermore, the conditions attached as part of the conditional zoning process help ensure that the proposed development is compatible with surrounding land uses.

When Mayor Smith asked for a vote on the above-stated combined motion, Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the zoning map amendment ordinance requested by the Applicant to apply B2 (CZ) conditional zoning to the Zoning Lot, with the above-stated conditions proposed by city staff and accepted by the Applicant, was approved by the city council for the above-stated reasons.

7. Engineering Items

(a) McCrary Park Improvements:

In order to be in compliance with the applicable procurement laws and regulations, Mr. Michael Leonard, PE has initiated the qualification-based selection process prescribed by the Mini-Brooks Act to procure the services of a design professional for the McCrary Park Improvements Project. This process, which is based primarily on the firm or individual's qualifications, not

the cost of the service or fees, is used for contracts involving architectural, engineering, or surveying services. Mr. Leonard plans to report on the results of this procurement process during the next regular meeting in November 2021.

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

(b) Zoo City Sportsplex.

Field Turf USA participates as a vendor in the Keystone Purchasing Network, which is a cooperative purchasing program that complies with federal and state purchasing and procurement guidelines, specifically including the federal Uniform Guidance.

The city has received from Field Turf USA, Inc. a proposal for the installation of artificial turf for fields 1-4 at the Zoo City Sportsplex in the amount of \$3,296,707.37.

City Engineer Michael Leonard, PE requested council permission to proceed with the next stage of procurements needed for the Zoo City Sportsplex Project, and Finance Director Deborah Reaves advised the council that, in order to proceed with the proposed procurement of field turf, two project fund amendments would have to be approved.

After some discussion, the council members expressed their approval for proceeding with the project, specifically including acting favorably on the recommendations received from the city engineer and the finance director. In order to formally grant the requested approvals, Council Member Bell moved by means of a three-part motion to (A) grant authorization to city staff to proceed, subject to strict adherence to all applicable federal and state procurement laws and regulations, with procuring the quoted artificial turf from Field Turf USA; (B) to approve, by reference, an Ordinance to Amend the American Rescue Plan Act 2021 Fund; and (C) to approve, by reference, an Ordinance to Amend the Zoo City Sportsplex Fund (74). Council Member Burks seconded this three-part motion.

Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. With the adoption of this three-part motion, the governing board authorized city staff to procure, in strict compliance with all applicable procurement laws and regulations, the above-described artificial turf, and approved the next two ordinances printed below.

31 ORD 10-21

**ORDINANCE TO AMEND
AMERICAN RESCUE PLAN ACT 2021 FUND
FY 2021-2022**

WHEREAS, The American Rescue Plan Act 2021 fund was established June 10th, 2021 outlining an anticipated \$7,590,000 in funds.

WHEREAS, the first distribution of funds received August 26, 2021 was in the amount of \$4,133,505 establishing a total anticipated allocation of \$8,267,010.

WHEREAS, the American Rescue Plan Act of 2021 (the “ARPA”) provided funds to the City for ARPA eligible uses.

WHEREAS, the ARPA interim final rule prepared by the Department of the Treasury (the interim final rule) suggests a recipient should first identify the negative impact of the Covid-19 public health emergency and second, assess the nature and extent of the harm and thirdly, identify how the intervention is in direct response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the Covid-19 public health emergency.

WHEREAS, the interim final rule allows community responses that address negative economic impacts of the COVID-19 public health emergency, including through initiatives that support tourism, travel and hospitality industries that were operating prior to the pandemic and were affected by closures and other efforts designed to contain the pandemic.

WHEREAS, the interim final rule places emphasis on, among other objectives, promoting healthy childhood environments citing that Children's economic and family environments have a long-term impact on their future economic outcomes.

WHEREAS, leisure and hospitality employment shed 44% of its North Carolina workforce, or 226,000 jobs, over prior year employment numbers as the pandemic raged in the spring of 2020 according to US Bureau of Labor statistics and while there has been some recovery to the labor market, it is still feeling significant COVID-19 impacts with 59,000 fewer jobs in June, 2021 than in January of 2020.

WHEREAS, the North Carolina Zoo (Zoo), located in Randolph County, is a significant economic driver for Asheboro and Randolph County, saw daily attendance fall by as much as 73% at the height of the pandemic, forcing it to cut its temporary workforce and defer projects that had been anticipated to drive more attendance to the Zoo.

WHEREAS, declining attendance at the Zoo and the cancelation of other events, such as the entire 2020 Asheboro Copperheads Coastal Plains League baseball season and 2020 American Legion baseball season, including the Mid-Atlantic Regional Tournament that had been slated to be held at the McCrary Baseball Park in Asheboro, resulted in measurable and considerable negative economic impacts.

WHEREAS, the Randolph County Tourism Development Authority reports that area hotels in the summer of 2020 experienced an average monthly occupancy decrease of 32% as compared to 2019 levels and various publications project full recovery not to occur until at least 2023.

WHEREAS, ARPA encourages investment in Qualified Census tracts (QCTs) outlining areas of low to moderate income families.

WHEREAS, the City of Asheboro has three QCTs encompassing 6.72 square miles of the Asheboro City Limits.

WHEREAS, the City of Asheboro is investing in the development of Zoo City Sportsplex (Sportsplex), an outdoor recreational facility in southeastern Asheboro first supported by the 1998 Parks and Recreation Master Plan that will include 8 multi-purpose playing fields and other leisure amenities that is located within 2 miles, 2.8 miles and 3.3 miles of the City's three different QCTs.

WHEREAS, the Sportsplex expected to be operated by the Randolph-Asheboro YMCA (YMCA) and will provide the outdoor recreation opportunities envisioned in the ARPA and will serve the community's youth, including children from families in QCTs who will benefit from the YMCA's "Investing in People" scholarship program

which covers the cost of participation for individuals lacking the financial resources to participate.

WHEREAS, the Sportsplex, located one mile from the Zoo, is expected to not only provide a healthy environment for 31,000 youth annually but also will bring an estimated 73,000 spectators to the facility annually, thereby providing support to industries hardest hit by the COVID-19 public health emergency.

WHEREAS, the City of Asheboro has determined an investment in the Zoo City Sportsplex is in alignment with the goals of ARPA and is an eligible use of ARPA funds.

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

WHEREAS, the City Council of the City of Asheboro wants 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:

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

<u>Account#</u>	<u>Revenue Description</u>	<u>Increase</u>
64-300-0000	ARPA Funds	\$677,010

Section 2: That the following expense line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/decrease</u>
64-400-0001	Contrib. to ZCSP fund- turf	\$3,296,708
64-800-0000	Unallocated	677,010
64-800-0000	Unallocated	<u>(3,269,708)</u>
		\$677,010

Adopted this 7th day of October, 2021.

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

ATTEST:

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

32 ORD 10-21

**ORDINANCE TO AMEND THE ZOO CITY SPORTSPLEX FUND (74)
FY 2021-2022**

WHEREAS, in June 2021, \$700,000 was allocated from ARPA Fund to pay for Water & Sewer improvements at Zoo City Sportsplex; and

WHEREAS, the City of Asheboro is ready to execute a contract for Field Turf at the Zoo City Sportsplex, and

WHEREAS, the preliminary cost estimate for the field turf is approximately \$3,296,708; and

WHEREAS, the City of Asheboro desires to use a contribution from the ARPA fund for this purpose; and

WHEREAS, the City of Asheboro desires amend the Zoo City Sportsplex fund budget to incorporate these changes 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 the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
74-300-6400	Contribution from ARPA Fund-W&S (6-2021 ord)	700,000
74-300-6400	Contribution from ARPA fund-Turf (10-2021 ord)	<u>3,296,708</u>
		3,996,708

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
74-400-0001	Construction- W&S	700,000
74-400-0004	Field Turf	<u>3,296,708</u>
		3,996,708

Adopted this the 7th day of October 2021.

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

ATTEST:

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

(c) Asheboro Regional Airport

- (i) City Engineer Michael Leonard, PE presented the analysis of bids received for roof coating needed for two roofs that are part of the North Carolina Aviation Museum at the Asheboro Regional Airport. There were four bids received on September 28, 2021, and, of the four, only three are considered responsive.

The following bid tabulation was presented to the council.

McRae Roofing	\$85,590.00	
BIRS, Inc.	\$95,791.00	
GMG Inc.	\$143,612.00	
Legacy Construction	\$77,369.00	(This bid was deemed non-responsive because it did not meet the solids, percent by volume, specification.)

Based on the above-listed bid tabulation, the engineering staff recommended the award of the contract to McCrae Roofing, as the lowest responsive, responsible bidder, at a bid of \$85,590.00.

In response to this recommendation, Council Member Moffitt moved, and Council Member Swiers seconded the motion, to award the above-described roof coating contract for Museum Roof 1 and 2 at the North Carolina Aviation Museum to McRae Roofing, as the lowest responsive, responsible bidder, at a contract price of \$85,590.00. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

- (ii) In order to make improvements recommended by engineering staff that require pouring a concrete pad between two museum building areas at the airport, and in order to appropriate the 10% match for federal funding for a new corporate hangar building, Finance Director Deborah Reaves recommended the adoption of an ordinance to amend the General Fund. The governing board concurred with these recommendations.

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

33 ORD 10-21

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022**

WHEREAS, the City of Asheboro would like pour a concrete pad to help with drainage and create a “patio type” area between the two Airport Museum Building areas for an estimated cost of \$18,000; and

WHEREAS, the City of Asheboro would like to appropriate the 10% match for federal funding for a new 80' by 80' corporate hangar building; 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.

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	\$26,373

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-650-1500	Building Maintenance and repair	\$18,000
10-650-6600	Contribution to Airport Improvement Fund	<u>8,373</u>
		\$26,373

Adopted this the 7th day of October 2021.

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

ATTEST:

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

- (iii) In order to properly account for changes in revenues and expenditures associated with the use of federal funding for a new corporate hangar building, Finance Director Deborah Reaves recommended the adoption of an ordinance to amend the Airport Improvements Fund (#66). The governing board concurred with these recommendations.

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

34 ORD 10-21

ORDINANCE TO AMEND
THE AIRPORT IMPROVEMENTS FUND (#66)
FY 2021-2022

WHEREAS, the City of Asheboro would like to use federal funding for the Asheboro Regional Airport to construct one new 80' x 80' aircraft storage hangar in the existing corporate area at the south end of Asheboro Regional Airport; 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.

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:

<u>Account</u>	<u>Description</u>	<u>Increase</u>
66-350-0003	Grant proceeds- Corporate Hangar Design Build	75,349
66-350-0001	GF Contrib. – Corporate Hangar Design Build	8,373
	Total Increase	83,722

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

<u>Account</u>	<u>Description</u>	<u>Increase</u>
66-986-0000	Corporate Hangar Design / Build	83,722

Adopted this the 7th day of October 2021.

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

ATTEST:

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

8. Upcoming Events and Items Not Listed on the Agenda

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

With no further business to conduct, the meeting was adjourned at 8:11 p.m.

Tammy M. Williams, Deputy City Clerk

David H. Smith, Mayor