AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, SEPTEMBER 8, 2022, 7:00 PM

1. Call to order.

2. Silent prayer and pledge of allegiance.

3. Old Business: NAACP Resolution Request

4. Mayor Smith will recognize members of the Asheboro Kiwanis Club who will present a gift to the City of Asheboro for playground equipment at McCrary Park.

5. Public comment period.

6. Consent Agenda:

   (a) Approval of the meeting minutes for the city council's special meeting on July 26, 2022.

   (b) Approval of the meeting minutes for the city council's regular meeting on August 4, 2022.

   (c) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for board meetings held on June 27, 2022, and August 8, 2022.

   (d) Approval of a resolution appointing Curtis J. Shipley to a three-year term of office on the Asheboro ABC Board and designating Stephen R. Knight as chairman of the Asheboro ABC Board.

   (e) Approval of a temporary street closure order for a special event (48th Annual Fall Festival).

   (f) Approval of the community development division's request to schedule for October 6, 2022, and to advertise, a legislative hearing on an application to amend the existing R10 (CZ) zoning to allow a new residential planned unit development, including a subdivision sketch design, on property at 1223 Crestview Church Road, which is located on the west side of Zoo Parkway (Randolph County Parcel Identification Number 7669289834).

   (g) Approval of an ordinance prohibiting parking on both sides of Rich Avenue between South Cox Street and Center Street.

(h) Approval of municipal declarations to repeal and enact certain speed limitations in connection with changing United States Highway 64 through Asheboro to United States Highway 64 Business. These municipal declarations are tied to the following concurring state ordinance numbers: 1065415, 1081387, 1081390, 1081400, 1081401, 1081405, 1037018, 1037019, and 1037243.

7. Quasi-Judicial Hearing (Case No. SUB-22-01): Community Development Director Trevor Nuttall will present the staff analysis during an evidentiary hearing on an application for a subdivision ordinance variance for Windcrest Acres, Section 4.
(Please note, as this is a quasi-judicial hearing, all those who wish to speak will provide sworn testimony.)

8. Tyler Brown, recent Community Development Division Intern, will report on the tasks he completed during his time working with the division.

9. Community Development Director Trevor Nuttall will give an update on:

(a) The environmental site assessment of the Acme-McCrary Hosiery Mill property that is underway; and

(b) The qualifications-based selection process being utilized to procure professional services related to the Trade Street streetscape project.

10. City Engineer Michael Leonard, PE will introduce the following Capital Improvement Project Items:

(a) McCrary Ballpark Improvement Project:

(i) Consideration of a contract between Rodgers Builders and the City of Asheboro for the sole source purchase and installation of the grandstand structure and all appurtenant infrastructure for the McCrary Ballpark;

(ii) Consideration of corresponding budget amendments for the purchase and installation of grandstand infrastructure;

(iii) Consideration of the purchase and installation of an inclusive playground, play surface and all appurtenances for the McCrary Ballpark from Play and Park Structures through the Keystone Purchasing Network not to exceed $50,000.00; and

(iv) Consideration of corresponding budget amendments for the Play and Park Structures contract.

(b) Asheboro Regional Airport Improvement Project:

Update on the completion of the runway/taxiway lighting improvement project.

11. City Engineer Michael Leonard, PE will introduce proposed traffic improvements for council review and discussion:

(a) Consideration of a 4-way stop at the intersection of Sherwood Avenue and Lambert Drive; and

(b) Consideration of a 4-hour parking limit on Sunset Avenue between the railroad right-of-way and Church Street.

12. City Engineer Michael Leonard, PE will introduce a resolution to begin the implementation process for an airport authority recommendation to amend the FBO lease agreement with Cardinal Air, LLC.

13. Finance Director Deborah Reaves will introduce budget ordinance amendments pertaining to the General Fund.

14. Public Hearing: A potential building reuse grant application as part of an economic development project with PEMMCO Manufacturing, Inc.

15. Public Hearing: Proposed appropriations to non-profit entities (Asheboro/Randolph Chamber of Commerce, Downtown Asheboro Inc, and the Randolph County Economic Development Corporation) for economic development activities unrelated to real property or business location incentives.

16. Discussion of upcoming events and items not on the agenda.

17. Adjournment.

NOTICE OF A SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF ASHEBORO

MEETING DATE: **TUESDAY, JULY 26, 2022**

MEETING TIME: **7:00 PM**

LOCATION: **CITY OF ASHEBORO**
PUBLIC WORKS FACILITY,
1312 N. FAYETTEVILLE STREET,
ASHEBORO, NORTH CAROLINA 27203

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At 7:00 p.m. on Tuesday, July 26, 2022, the Asheboro City Council will convene for a special meeting in the main conference room at the City of Asheboro Public Works Facility, 1312 North Fayetteville Street, Asheboro, North Carolina 27203. The first business item will be governing board action on policies required for the expenditure of funds from the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Fund. The specific policies under consideration are as follows: (a) Records Retention Policy, (b) Eligible Project Policy, (c) Allowable Costs and Cost Principles Policy, (d) Nondiscrimination Policy, and (e) Conflict of Interest Policy.

The next item of business will be the governing board's review of options for improving public access to McCrary Park, 138 Southway Road, Asheboro, North Carolina 27205. This review process will include active participation by meeting attendees, specifically including individuals who are not officials or employees of the city government.

As part of the review process, input will be sought on the feasibility and advisability of acquiring real property for the construction of a public street designed to enhance access to McCrary Park. All interested persons are invited to attend this special meeting.

This special meeting notice was issued on the 21st day of July, 2022.

/s/ David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

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SPECIAL MEETING
ASHEBORO CITY COUNCIL
PUBLIC WORKS FACILITY
1312 N. FAYETTEVILLE STREET
TUESDAY, JULY 26, 2022
7:00 P.M.

This being the time and place for a special 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)
Kelly L. Heath) – Council Members Present
William N. McCaskill)
Walker B. Moffitt)
Charles A. Swiers)

Jane H. Redding) – Council Member Absent

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
David J. Hutchins, Public Works Director
Michael L. Leonard, PE, City Engineer
Spencer C. Patton, Assistant City Engineer
Tom Scaramastra, City Surveyor
A. Todd Stout, Information Systems Director
Jeffrey C. Sugg, City Attorney

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. Consent agenda

Council Member Burks moved, and Council Member Heath seconded the motion, to approve/adopt, as presented, the following consent agenda items pertaining to policies required for the expenditure of funds from the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds. Council Members Bell, Burks, Heath, McCaskill, Moffitt, and Swiers voted aye. There were no dissenting votes.

(a) Record Retention Policy

RESOLUTION NUMBER 24 RES 7-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RECORDS RETENTION POLICY FOR DOCUMENTS GENERATED AND MAINTAINED FOR THE AWARD OF FUNDING FROM THE AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

WHEREAS, the terms and conditions of the award of funding from the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds (the "ARPA/CSLFRF Award") as well as the compliance and reporting guidance from the United States Department of the Treasury (the "Treasury Department") set forth records retention requirements for documents generated and maintained in connection with the ARPA/CSLFRF Award; and

WHEREAS, the city's professional staff has prepared a "City of Asheboro Records Retention Policy for Documents Generated and Maintained for the ARPA/CSLFRF Award" that is attached to this Resolution as EXHIBIT 1; and

WHEREAS, the policy stated in EXHIBIT 1 is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council finds it advisable to adopt the records retention policy attached to this Resolution as EXHIBIT 1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City of Asheboro shall, in connection with the expenditure of funds received from the ARPA/CSLFRF Award, follow the Treasury Department's records retention requirements for the ARPA/CSLFRF Award; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the City of Asheboro Records Retention Policy for Documents Generated and Maintained for the ARPA/CSLFRF Award attached to this Resolution as EXHIBIT 1 is hereby approved as an official policy of the City of Asheboro.

This Resolution was adopted by the Asheboro City Council in open session during a special meeting held on July 26, 2022.

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

ATTEST:

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

EXHIBIT 1

CITY OF ASHEBORO RECORDS RETENTION POLICY FOR DOCUMENTS GENERATED AND MAINTAINED FOR THE ARPA/CSLFRF AWARD

ARTICLE I – RETENTION OF RECORDS

The terms and conditions of the award of funding from the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds (the "ARPA/CSLFRF Award") along with the compliance and reporting guidance from the United States Department of the Treasury (the "Treasury Department") set forth record retention requirements for documents generated and maintained in connection with the ARPA/CSLFRF Award. It is the policy of the City of Asheboro (the "City") to follow the Treasury Department's records retention requirements as the City expends funds pursuant to the ARPA/CSLFRF Award. Accordingly, the City agrees to the commitments stated below.

Section 1.01 The City agrees to retain all financial and programmatic records related to the use and expenditure of funds pursuant to the ARPA/CSLFRF award for a period of five (5) years after all ARPA/CSLFRF Award funds have been expended or returned to the Treasury Department, whichever is later.

Section 1.02 The City agrees to retain records for real property and equipment acquired with ARPA/CSLFRF Award fund for a period of five (5) years after final disposition.

Section 1.03 The City agrees to ensure that the financial and programmatic records retained will sufficiently evidence compliance with Section 603(c) of the Social Security Act as added by the American Rescue Plan Act, the Treasury Department's regulations implementing that section, and the guidance issued by the Treasury Department regarding the foregoing.

Section 1.04 The City agrees to allow the Treasury Department's Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of timely and unrestricted access to any records for the purpose of audits or other investigations.

Section 1.05 The City agrees that if any litigation, claim, or audit is started before the expiration of the above-referenced 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

ARTICLE II – COVERED RECORDS

For purposes of this policy, and regardless of the physical form or characteristics of the information, records are information created, received, or retained that evidence the City's expenditure of funds on eligible projects, programs, or activities pursuant to the

ARPA/CSLFRF Award. Records that shall be retained pursuant to this policy include, but are not limited to, the following list of types of information.

Section 2.01 Financial statements and accounting records evidencing expenditures of ARPA/CSLFRF Award funds for eligible projects, programs, or activities.

Section 2.02 Documentation of rational to support a particular expenditure of ARPA/CSLFRF Award funds (*e.g.,* expenditure constitutes a general government service).

Section 2.03 Documentation of administrative costs charged to the ARPA/CSLFRF Award funds.

Section 2.04 Procurement documents evidencing the significant history of a procurement process, including, at a minimum, the rationale for the method of procurement, the selection of contract type, contractor selection or rejection, and the basis for contract cost or price.

Section 2.05 Subaward agreements and documentation of subrecipient monitoring.

Section 2.06 Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329.

Section 2.07 Personnel and payroll records for full-time and part-time employees compensated with ARPA/CSLFRF Award funding, including time and effort reports.

Section 2.08 Indirect cost rate proposals.

ARTICLE III – STORAGE OF RECORDS

The City's records shall be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

ARTICLE IV – DEPARTMENTAL RESPONSIBILITIES

Section 4.01 Any department or unit of the City, and its employees, with responsibility for creating or maintaining the covered documents in this policy shall strictly comply with the terms of this policy. Failure to do so may subject the City to civil and/or criminal liability. Any employee who fails to comply with the records retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or dismissal from employment with the City.

Section 4.02 The City Clerk is responsible for identifying the documents that the City must or should retain and arrange for the proper storage and retrieval of the records. The City Clerk shall also ensure that all personnel subject to the terms of this policy are aware of the records retention requirements set forth herein.

ARTICLE V – REPORTING POLICY VIOLATIONS

The City is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee's supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the City Clerk. The City prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

ARTICLE VI – POLICY INTERPRETATION

Any questions about this policy should be referred to City Clerk Holly H. Doerr, who is in charge of administering, enforcing, and updating this policy. The City Clerk can be reached by telephone at (336) 6262-1201, Extension 252, or by email at the following address: hdoerr@ci.asheboro.nc.us

(b) Eligible Project Policy

RESOLUTION NUMBER 25 RES 7-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ELIGIBLE PROJECT POLICY FOR THE EXPENDITURE BY THE CITY OF ASHEBORO OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

WHEREAS, the City of Asheboro has received an allocation of funds from the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds (the "ARPA/CSLFRF Award"); and

WHEREAS, in connection with the ARPA/CSLFRF Award, the United States Department of the Treasury (the "Treasury Department") has implementation responsibilities that led to the Treasury Department's promulgation of a Final Rule outlining eligible projects; and

WHEREAS, to the extent such use is also authorized by state law, funds from the ARPA/CSLFRF Award may be used for projects within the following categories:

(a) Support COVID-19 public health expenditures by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;

(b) Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;

(c) Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;

(d) Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and

(e) Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

WHEREAS, funding from the ARPA/CSLFRF Award is subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200; and

WHEREAS, the Treasury Department has issued compliance and reporting guidance mandating certain aspects of the implementation of the award terms and compliance requirements found in the ARPA/CSLFRF Award; and

WHEREAS, within the compliance and reporting guidance issued by the Treasury Department, the following mandate is stated: "Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations;" and

WHEREAS, the city's professional staff has prepared a "City of Asheboro Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds" that is attached to this Resolution as EXHIBIT 1; and

WHEREAS, the policy stated in EXHIBIT 1 is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council finds it advisable to adopt the eligible project policy attached to this Resolution as EXHIBIT 1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City of Asheboro hereby adopts and enacts the City of Asheboro Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds that is attached to this Resolution as EXHIBIT 1.

This Resolution was adopted by the Asheboro City Council in open session during a special meeting held on July 26, 2022.

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

ATTEST:

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

EXHIBIT 1

CITY OF ASHEBORO ELIGIBILITY DETERMINATION POLICY FOR AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

This policy defines the permissible and prohibited uses of funding from the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds (ARPA/CSLFRF). This policy also outlines the procedures for determining how the City of Asheboro (the "City") will spend the funding received by the City from ARPA/CSLFRF.

ARTICLE I – PERMISSIBLE USES OF FUNDING FROM ARPA/CSLFRF

The United States Department of the Treasury (the "Treasury Department") issued its Final Rule regarding the use of American Rescue Plan Act funds on January 6, 2022. The Final Rule became effective as of April 1, 2022. Until that date, a local government could proceed under the regulations promulgated by the Treasury Department in its Interim Final Rule or the Final Rule.

The Final Rule (and the Interim Final Rule) identified permissible uses of funding from the ARPA/CSLFRF as well as certain limitations and process requirements. Local governments such as the City must allocate funding from the ARPA/CSLFRF no later than December 31, 2024, and disburse all funding no later than December 31, 2026. The failure of an entity to expend all funds by December 31, 2026, will result in the forfeiture of American Rescue Plan Act funds.

Funding from the ARPA/CSLFRF may be used for projects within the following categories of expenditures:

(1) Support COVID-19 public health expenditures by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;

(2) Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;

(3) Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;

(4) Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and

(5) Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

ARTICLE II – PROHIBITED USES OF FUNDING FROM ARPA/CSLFRF

The ARPA/CSLFRF and the Treasury Department's Final Rule prohibit certain uses of funding from the ARPA/CSLFRF. Specifically, funding from the ARPA/CSLFRF may not be used for projects within the following categories of expenditures:

(1) To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);

(2) To borrow money or make debt service payments;

(3) To replenish rainy day funds or fund other financial reserves;

(4) To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt resulting from a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires the City of Asheboro to provide services to respond to the COVID-19 public health emergency, including its negative economic impacts, or to provide government services, then the costs of those otherwise ARPA/CSLFRF-eligible projects are allowed.);

(5) For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;

(6) In violation of the conflict-of-interest requirements imposed by the ARPA/CSLFRF award terms and 2 CFR 200.318(c); and

(7) For any expenditure that would violate other applicable federal, state, and local laws and regulations.

With regard to the above-listed categories of expenditures in Article II of this policy, the City of Asheboro, and any of its contractors or subrecipients, **may not expend** any funding from the ARPA/CSLFRF for these purposes.

ARTICLE III – PROCEDURES FOR PROJECT APPROVAL

The following requirements are the City's procedures for ARPA/CSLFRF project approvals. All City of Asheboro employees and officials must comply with these requirements.

(1) Requests for funding from the ARPA/CSLFRF award must be made in writing and shall include the following information in a format deemed by the requesting official to be the most effective methodology for communicating the request in compliance with this policy:

(a) A brief description of the project;

(b) Identification of the ARPA/CSLFRF expenditure category (A list of the expenditure categories is located in the appendix to the United States Treasury Compliance and Reporting Guidance. The City finance department can assist the requestor with locating the list of expenditure categories.);

(c) Required justifications for applicable projects, according to the requirements in the Final Rule (City employees or any applicant seeking ARPA funding should review the Treasury Department's Final Rule and the Final Rule Overview prior to submitting a proposal.);

(d) A proposed budget, broken down by cost item, in accordance with the City of Asheboro's Allowable Cost Policy; and

(e) A project implementation plan and estimated implementation timeline (All funding from the ARPA/CSLFRF must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.).

(2) Requests for funding must be submitted to City Manager/Budget Officer for approval. All requests will be reviewed by the City Manager/Budget Officer for, at a minimum, ARPA/CSLFRF compliance and will also be reviewed by the City's Finance Director for allowable costs and other financial review.

(3) No funding from the ARPA/CSLFRF may be obligated or expended before final written approval is received from the City Manager/Budget Officer.

(4) If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal.

(5) Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the City's Finance Director and the City Manager/Budget Officer. A budget amendment may be required before proceeding. Any delay in the estimated project completion date shall be immediately communicated to the City's Finance Director and to the City Manager/Budget Officer.

(6) The City of Asheboro Finance Director, in coordination with the Asheboro City Clerk as the City's designated records custodian, must collect and document required information for each expenditure category for purposes of completing the required project and expenditure reports.

(7) The City of Asheboro Finance Director, in coordination with the Asheboro City Clerk as the City's designated records custodian, must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

(c) Allowable Costs and Cost Principles Policy

RESOLUTION NUMBER 26 RES 7-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ALLOWABLE COSTS AND COST PRINCIPLES FOR THE EXPENDITURE BY THE CITY OF ASHEBORO OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

WHEREAS, the City of Asheboro has received an allocation of funds from the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds (the "ARPA/CSLFRF Award"); and

WHEREAS, to the extent such use is also authorized by state law, funds from the ARPA/CSLFRF Award may be used for projects within the following categories:

(a) Support COVID-19 public health expenditures by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;

(b) Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;

(c) Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;

(d) Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and

(e) Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

WHEREAS, funding from the ARPA/CSLFRF Award is subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200, (the "Uniform Guidance"); and

WHEREAS, the United States Department of the Treasury (the "Treasury Department") has issued compliance and reporting guidance for the use of funds from the ARPA/CSLFRF Award; and

WHEREAS, in relevant part, the Treasury Department's compliance guidance addresses the issue of allowable costs/cost principles by providing as follows:

> As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability; and

WHEREAS, ARPA/CSLFRF Award funds may be, but are not required to be, used along with other funding sources for a given project (Note: ARPA/CSLFRF Award funds may

not be used for a non-federal cost share or match where prohibited by other federal programs, *e.g.,* funds may not be used for the state share for Medicaid.); and

WHEREAS, the Treasury Department's guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs; and

WHEREAS, in terms of administrative costs, recipients may use ARPA/CSLFRF Award funds for administrative costs such as the costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements; and

WHEREAS, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405; and

WHEREAS, pursuant to the ARPA/CSLFRF Award terms and conditions, recipients are permitted to charge both direct and indirect costs to their ARPA/CSLFRF Award funds as administrative costs, with the following additional instructions:

(a) Direct costs are those costs that are specifically identified as costs of implementing the program objectives of the ARPA/CSLFRF Award, such as contract support, materials, and supplies for a project;

(b) Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the ARPA/CSLFRF Award such as the cost of facilities or administrative functions such as a director's office;

(c) Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs;

(d) If a recipient has a current Negotiated Indirect Costs Rate Agreement ("NICRA") established with a federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA; and

(e) Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f); and

WHEREAS, with regard to salaries and expenses, in general, certain employees' wages, salaries, and covered benefits are an eligible use of ARPA/CSLFRF Award funds; and

WHEREAS, Subpart E of the Uniform Guidance dictates allowable costs and cost principles for the expenditure of ARPA/CSLFRF Award funds; and

WHEREAS, Subpart E of the Uniform Guidance, specifically 2 CFR 200.400, states that the application of these cost principles is based on the following fundamental premises:

(a) The non-federal entity is responsible for the efficient and effective administration of the federal award through the application of sound management practices;

(b) The non-federal entity assumes responsibility for administering federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the federal award;

(c) The non-federal entity, in recognition of its own unique combination of staff, facilities, and experiences, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the federal award;

(d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-federal entity. However, the accounting practices of the non-federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the federal award;

(e) In reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-federal entity, the reasonableness and equity of such treatments should be fully considered;

(f) For non-federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of federal awards for research must be recognized in the application of these principles; and

(g) The non-federal entity may not earn or keep any profit resulting from the federal financial assistance, unless explicitly authorized by the terms and conditions of the federal award; and

WHEREAS, the city's professional staff has prepared the "Uniform Guidance Allowable Costs and Cost Principles Policy for the Expenditure of American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds by the City of Asheboro" that is attached to this Resolution as EXHIBIT 1; and

WHEREAS, the policy stated in EXHIBIT 1 is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council finds it advisable to adopt the cost principles policy attached to this Resolution as EXHIBIT 1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City of Asheboro hereby adopts and enacts the Uniform Guidance Allowable Costs and Cost Principles Policy for the Expenditure of American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds by the City of Asheboro that is attached to this Resolution as EXHIBIT 1.

This Resolution was adopted by the Asheboro City Council in open session during a special meeting held on July 26, 2022.

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

ATTEST:

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

EXHIBIT 1

UNIFORM GUIDANCE ALLOWABLE COSTS AND COST PRINCIPLES POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY THE CITY OF ASHEBORO

ARTICLE I – ALLOWABLE COSTS AND COST PRINCIPLES POLICY OVERVIEW

Part 200 in Title 2 of the United States Code of Federal Regulations, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called the Uniform Guidance (the "UG"), specifically Subpart E, defines those items of cost that are allowable along with those items of cost that are unallowable.

(A) The tests of allowability under these principles are as follows:

(1) The costs must be reasonable;

(2) The costs must be allocable to eligible projects under the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds award ("ARPA/CSLFRF Award");

(3) The costs must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and

(4) The costs must conform to any limitations or exclusions set forth in these principles or in the ARPA/CSLFRF Award as to types or amounts of cost items.

(B) Unallowable items fall into two categories: expenses which are by their nature unallowable (*e.g.,* alcohol), and unallowable activities (*e.g.,* fund raising).

(C) The City of Asheboro (the "City") shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to projects funded by the ARPA/CSLFRF Award and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARPA/CSLFRF Award terms as well as all applicable federal regulations in the UG.

(D) Responsibility for following these guidelines lies with the City Manager/Budget Officer and the City's Finance Director, who are jointly charged with the administration and financial oversight of the ARPA/CSLFRF Award. Furthermore, all City employees and officials who are involved in obligating, administering, expending, or monitoring projects funded by the ARPA/CSLFRF Award should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed to the City's Finance Director. As questions on allowability of certain costs may require interpretation and judgment, City personnel are encouraged to ask for assistance in making those determinations.

ARTICLE II – GENERAL COST ALLOWABILITY CRITERIA

All costs expended in reliance upon funds from the ARPA/CSLFRF Award must meet the following general criteria:

(A) A cost must be *necessary* and *reasonable* for the proper and efficient performance and administration of the grant program. More specifically, a cost must be necessary to achieve a project object.

(1) When determining whether a cost is necessary, consideration may be given to the following factors:

(a) Whether the cost is needed for the proper and efficient performance of the grant project;

(b) Whether the cost is identified in the approved project budget or application;

(c) Whether the cost aligns with identified needs based on results and findings from a needs assessment; and

(d) Whether the cost addresses project goals and objectives and is based on program data.

(2) A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining the reasonableness of a cost, consideration must be given to the following factors:

(a) Whether the cost is a type of cost generally recognized as ordinary and necessary for the operation of the City of Asheboro or the proper and efficient performance of the federal award;

(b) The restraints or requirements imposed by factors such as sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARPA/CSLFRF Award;

(c) Market prices for comparable goods or services in the geographic area;

(d) Whether individuals involved in a transaction conducted themselves with prudence in the circumstances considering their responsibilities to the City of Asheboro, its employees, the public at large, and the federal government; and

(e) Whether the City of Asheboro has significantly deviated from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the costs charged to the ARPA/CSLFRF Award.

(B) A cost must be allocable to the ARPA/CSLFRF Award. A cost is allocable to the ARPA/CSLFRF Award if the goods or services involved are chargeable or assignable to the ARPA/CSLFRF Award in accordance with the relative benefit received (i.e., the grant program funded by the ARPA/CSLFRF Award derived a benefit in proportion to the funds charged to the program. For example, if 50 percent of a local government program officer's salary is paid with grant funds, then the local government must document that the program officer spent at least 50 percent of his/her time on the grant program. The following guidance applies when a cost benefits two or more projects:

(1) If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit; and

(2) If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis.

(C) In cases where the purchase of equipment or other capital asset is specifically authorized by the ARPA/CSLFRF Award, the costs are assignable to the federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

(D) The cost must be authorized and not prohibited under state or local laws or regulations.

(E) The expenditure must conform to any limitations or exclusions set forth in the principles, federal laws, terms of the ARPA/CSLFRF Award, and any other governing regulations as to types or amounts of cost items.

(F) The cost must be consistent with policies, regulations, and procedures that apply uniformly to both the ARPA/CSLFRF Award and other activities of the City of Asheboro.

(G) The cost must be accorded consistent treatment. A cost MAY NOT be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost. Furthermore, a cost must be treated consistently for both federal award and non-federal award expenditures.

(H) The cost must be determined in accordance with generally accepted accounting principles, unless provided otherwise in the UG.

(I) The cost must be net of all applicable credits. The term "applicable credits" refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the local government related to the federal award, they shall be credited to the ARPA/CSLFRF Award, either as a cost reduction or a cash refund, as appropriate and consistent with the award terms.

(J) The cost must be adequately documented.

ARTICLE III – SELECTED ITEMS OF COST

The Uniform Guidance examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420 through .475. The City of Asheboro Finance Department, which is responsible for determining cost allowability, must be familiar with the Selected Items of Cost. The City must follow the applicable regulations when charging these specific expenditures to the grant money received from the ARPA/CSLFRF Award. City finance department personnel will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, laws of the State of North Carolina, City of Asheboro regulations and policies, and program-specific rules may deem a cost as unallowable. Personnel in the City's finance department must follow those non-federal rules as well. Exhibit A, which is attached hereto and incorporated into this policy by reference as if copied fully herein, identifies and summarizes the Selected Items of Cost.

ARTICLE IV – DIRECT AND INDIRECT COSTS

Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

(A) *Direct costs* are expenses that are specifically associated with a particular project that is eligible for funding from the ARPA/CSLFRF Award and that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include salary and fringe benefits of personnel directly involved in undertaking an

eligible project, equipment and supplies for the project, subcontracted service provider, or other materials consumed or expended in the performance of a grant-eligible project.

(B) *Indirect costs* are (1) costs incurred for a common or joint purpose benefitting more than one project eligible for funding from the ARPA/CSLFRF Award, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit more than one project or even more than one federal grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, and administrative or secretarial salaries.

(C) For indirect costs, the City of Asheboro may charge a ten percent (10%) de minimis rate of modified total direct costs (MTDC). According to Uniform Guidance Section 200.68, MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first $25,000 of each subaward. MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs, and the portion of each subaward in excess of $25,000.

ARTICLE V – SPECIAL PROVISIONS FOR STATE AND LOCAL GOVERNMENTS

There are some special provisions in the Uniform Guidance that apply only to states, local governments, and Indian Tribes.

(A) § 200.444 General Costs of Government

(1) For states, local governments, and Indian Tribes, the general costs of government are unallowable, except as provided in § 200.475. Unallowable costs include the following:

(a) Salaries and expenses of the Office of the Governor of a state or the chief executive of a local government or the chief executive of an Indian Tribe;

(b) Salaries and other expenses of a state legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;

(c) Costs of the judicial branch of a government;

(d) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in § 200.435); and

(e) Costs of other general types of government services normally provided to the general public such as fire and police, unless provided for as a direct cost under a program statutes or regulation.

(2) For Indian Tribes and Councils of Governments, up to fifty percent (50%) of salaries and expenses directly attributable to managing and operating federal programs by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

(3) Notwithstanding the above-stated provisions, expenditures of ARPA/CSLFRF Award funds in the revenue replacement category are explicitly authorized in the Treasury Department's Final Rule to be spent on general government services.

(B) § 200.416 Cost Allocation Plans and Indirect Cost Proposals

(1) For states, local governments, and Indian Tribes, certain services (*e.g.,* motor pools, computer centers, purchasing, accounting, etc.) are provided to operating agencies on a centralized basis. Since federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.

(2) Individual operating agencies (governmental department or agency) normally charge federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under federal awards. Indirect costs include:

(a) The indirect costs originating in each department or agency of the governmental unit carrying out federal awards; and

(b) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

(3) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to § 200.416.

(C) § 200.417 Interagency Service

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent (10%) of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

ARTICLE VI – COST ALLOWABILITY REVIEW PROCESS

(A) Pre-Approval Cost Allowability Review – Before a project funded by the ARPA/CSLFRF Award is authorized, the City Manager/Budget Officer and the City's Finance Director must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review shall occur concurrently with the review prescribed by the City of Asheboro Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Fund and before obligating or expending any ARPA/CSLFRF Award funds. The specific procedural steps to be followed during this pre-approval review process are as follows:

(1) City personnel must submit projects proposed for funding with ARPA/CSLFRF Award funds projects to the City Manager/Budget Officer and the City Finance Director for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.

(2) Along with a general review of project eligibility and conformance with other governing board management directives, the City finance department must review estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the Treasury Department. During this stage of the review process, the City Manager/Budget Officer and the City Finance Director

will take active steps to ensure compliance with the City's adopted eligible project policy.

(3) If a proposed project includes a request for an unallowable cost, City Finance Director will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.

(4) Once a proposed project budget is pre-approved by the City Manager/Budget Officer and the City Finance Director, the City personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

(B) Post-Expenditure Cost Allowability Review – Once an expenditure related to an eligible project is incurred, and an invoice or other demand for payment is submitted to the City, the City finance department must perform a second review to ensure that actual expenditures comprise allowable costs. The specific procedural steps to be followed during this post-expenditure review process are as follows:

(1) All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the City finance department will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.

(2) The City finance department must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.

(3) If all cost items are deemed allowable and properly allocable, the City finance department must proceed through the City's normal disbursement process.

(4) If any cost item is deemed unallowable, the City Finance Director will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARPA/CSLFRF Award funds. The City Finance Director may, in her discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the City remains legally obligated by contract or otherwise to pay the disallowed cost item, it must identify other local government funds to cover the disbursement. The Asheboro City Council must approve any allocation of other funds for this purpose.

(5) The City finance department, in consultation with the City Clerk in her capacity as the City's designated records custodian, must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

ARTICLE VII – COST TRANSFERS

Any costs charged to the ARPA/CSLFRF Award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal Uniform Guidance or other applicable guidelines. Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs, and discontinuance of funding.

[Exhibit A, which is referenced as an attachment in the immediately preceding policy, is on file in the city clerk's office.]

(d) Conflict of Interest Policy

CITY OF ASHEBORO CONFLICT OF INTEREST POLICY APPLICABLE TO CONTRACTS AND SUBAWARDS SUPPORTED BY FEDERAL FINANCIAL ASSISTANCE

ARTICLE I – SCOPE OF POLICY

(A) Purpose of Policy. This Conflict of Interest Policy (the "Policy") establishes conflict of interest standards that apply when the City of Asheboro (the "City") enters into a Contract (as defined in Article II hereof) or makes a Subaward (as defined in Article II hereof), and these conflict of interest standards meet or exceed the requirements of North Carolina law and 2 C.F.R. § 200.318(c).

(B) Application of Policy.This Policy shall apply when the City (1) enters into a Contract to be funded, in part or in whole, by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies, or (2) makes any Subaward to be funded by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this Policy, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

ARTICLE II – DEFINITIONS

Capitalized terms in this Policy shall have the meanings ascribed thereto in this Article II. Any capitalized term used in this Policy but not defined in this Article II shall have the meaning set forth in 2 C.F.R. § 200.1.

(A) "*City*" means the City of Asheboro, a North Carolina municipal corporation.

(B) "*COI Point of Contact*" means the individual identified in Article III of this Policy.

(C) "*Contract*" means, for the purpose of Federal Financial Assistance, a legal instrument by which the City purchases property or services needed to carry out a program or project under a federal award.

(D) "*Contractor*" means an entity or individual that receives a Contract.

(E) "*Covered Individual*" means a Public Officer, employee, or agent of the City of Asheboro.

(F) "*Covered Nonprofit Organization*" means a nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes, excluding any board, entity, or other organization created by the State of North Carolina or any political subdivision of the State (including the City of Asheboro).

(G) "*Direct Benefit*" means, with respect to a Public Officer or employee of the City of Asheboro, or the spouse of any such Public Officer or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.

(H) "*Federal Financial Assistance*" means federal financial assistance that the City of Asheboro receives or administers in the form of grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, food commodities, and other federal financial assistance (except that the term does not include loans, loan guarantees, interest subsidies, or insurance).

(I) "*Governing Board*" means the City Council of the City of Asheboro, North Carolina.

(J) "*Immediate Family Member*" means, with respect to any Covered Individual, (i) a spouse, and parents thereof; (ii) a child, and parent thereof; (iii) a parent, and spouse thereof; (iv) a sibling, and spouse thereof; (v) a grandparent and grandchild, and spouses thereof; (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.

(K) "*Involved in Making or Administering*" means, with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward. With respect to a Public Official, *Involved in Making or Administering* also means being a member of a board, commission, or other body that takes action on the Contract or Subaward, whether or not the Public Official actually participates in that action.

(L) "*Pass-Through Entity*" means a non-federal entity that provides a Subaward to a Subrecipient to carry out part of a federal program.

(M) "*Public Officer*" means an individual who is elected or appointed to serve or represent the City of Asheboro (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the City of Asheboro.

(N) "*Recipient*" means an entity, usually but not limited to a non-federal entity, that receives a federal award directly from a federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.

(O) "*Related Party*" means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the City of Asheboro) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

(P) "*Subaward*" means an award provided by a Pass-Through Entity to carry out part of a federal award received by the Pass-Through Entity. It does not include payments to a contractor or payments to a subcontractor or payments to an individual that is a beneficiary of a federal program.

(Q) "*Subcontract*" means any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders and changes and modifications to purchase orders.

(R) "*Subcontractor*" means an entity that receives a Subcontract.

(S) "*Subrecipient*" means an entity, usually but not limited to a non-federal entity, that receives a subaward from a Pass-Through Entity to carry out part of a federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

ARTICLE III – COI POINT OF CONTACT

(A) The City Manager/Budget Officer for the City of Asheboro shall have primary responsibility for managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy. In the event the City Manager/Budget Officer is unable to serve in such capacity, the City of Asheboro Finance Director shall assume responsibility for managing the disclosure and resolution of conflicts of interest arising under this Policy. The individual with responsibility for managing

the disclosure and resolution of potential or actual conflicts of interest under this Article III, Section (A) shall be known as the "*COI Point of Contact.*"

(B) The COI Point of Contact shall ensure that each Covered Individual receives a copy of this Policy.

ARTICLE IV – CONFLICT OF INTEREST STANDARDS IN CONTRACTS AND SUBCONTRACTS

(A) *North Carolina Law.* North Carolina law restricts the behavior of Public Officials and employees of the City involved in contracting on behalf of the City. The City shall conduct the selection, award, and administration of Contracts and Subawards in accordance with the prohibitions imposed by the North Carolina General Statutes and restated in this Article IV.

(1) *G.S. § 14-234(a)(1).* A Public Officer or employee of the City Involved in Making or Administering a Contract or Subaward on behalf of the City shall not derive a Direct Benefit from such a Contract or Subaward.

(2) *G.S. § 14-234(a)(3).* No Public Officer or employee of the City may solicit or receive any gift, favor, reward, service, or promise of reward, including but not limited to a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a Contract or Subaward by the City.

(3) *G.S. § 14-234.3.* If a member of the Governing Board of the City serves as a director, officer, or governing board member of a Covered Nonprofit Organization, such member shall not (1) deliberate or vote on a Contract or Subaward between the City and the Covered Nonprofit Corporation, (2) attempt to influence any other person who deliberates or votes on a Contract or Subaward between the City and the Covered Nonprofit Corporation, or (3) solicit or receive any gift, favor, reward, service, or promise of future employment in exchange for recommending or attempting to influence the award of a Contract or Subaward to the Covered Nonprofit Organization.

(4) *G.S. § 14-234.1.* A Public Officer or employee of the City shall not, in contemplation of official action by the Public Officer or employee, or in reliance on information which was made known to the Public Officer or employee and which has not been made public, (1) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or other information, or (2) intentionally aid another in violating the provisions of this section.

(B) *Federal Standards.*

(1) *Prohibited Conflicts of Interest in Contracting.* Without limiting any specific prohibition set forth herein, a Covered Individual may not participate in the selection, award, or administration of a Contract or Subaward if such Covered Individual has a real or apparent conflict of interest.

(a) *Real Conflict of Interest.* A real conflict of interest shall exist when the Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward. Exhibit A attached hereto provides a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.

(b) *Apparent Conflict of Interest.* An apparent conflict of interest shall exist where a real conflict of interest may not exist under the terms of this Policy, but where a reasonable person with knowledge of

the relevant facts would find that an existing situation or relationship creates the appearance that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.

(2) *Identification and Management of Conflicts of Interest.*

(a) *Duty to Disclose and Disclosure Forms.*

(i) Each Covered Individual expected to be or actually involved in the selection, award, or administration of a Contract or Subaward has an ongoing duty to disclose to the COI Point of Contact potential real or apparent conflicts of interest arising under this Policy.

(ii) Prior to the City's award of a Contract or Subaward, the COI Point of Contact shall advise Covered Individuals expected to be involved in the selection, award, or administration of the Contract or Subaward of such duty.

(iii) If the value of a proposed Contract or Subaward exceeds $100,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form contained in Exhibit C (for Contracts) and Exhibit E (for Subawards) from each Covered Individual and file such Conflict of Interest Disclosure Form in records of the City.

(b) Prior to the City's award of a Contract or Subaward, the COI Point of Contact shall complete the appropriate Compliance Checklist contained in Exhibit B (for Contracts) and Exhibit D (for Subawards) attached hereto and file such Compliance Checklist in the records of the City.

(c) After completing the Compliance Checklist, if the COI Point of Contact identifies a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the COI Point of Contact shall disclose such finding in writing to the Mayor of the City of Asheboro and to each member of the Governing Board. If the Governing Board desires to enter into the proposed Contract or Subaward despite the identification by the COI Point of Contact of a potential real or apparent conflict of interest, it may either:

(i) Accept the finding of the COI Point of Contact and direct the COI Point of Contact to obtain authorization to enter into the Contract or Subaward from (a) if the City is a Recipient of Federal Financial Assistance, the federal awarding agency with appropriate mitigation measures, or (b) if the City is a Subrecipient of Federal Financial Assistance, from the Pass-Through Entity that provided a Subaward to the City; or

(ii) Reject the finding of the COI Point of Contact and enter into the Contract or Subaward. In rejecting any finding of the COI Point of Contact, the Governing Board shall in writing document a justification supporting such rejection.

(d) If the COI Point of Contact does not identify a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the City may enter into the Contract or Subaward in accordance with the City's purchasing or subaward policy.

(e) If the COI Point of Contact discovers that a real or apparent conflict of interest has arisen after the City has entered into a Contract or Subaward, the COI Point of Contact shall, as soon as possible, disclose

such finding to the Mayor of the City of Asheboro and to each member of the Governing Board. Upon discovery of such a real or apparent conflict of interest, the City shall cease all payments under the relevant Contract or Subaward until the conflict of interest has been resolved.

(f) Following the receipt of such disclosure of a potential real or apparent conflict of interest, the Governing Board may reject the finding of the COI Point of Contact by documenting in writing a justification supporting such rejection. If the Governing Board fails to reject the finding of the COI Point of Contact within 15 days of receipt, the COI Point of Contact shall:

(i) If the City is a Recipient of Federal Financial Assistance funding the Contract or Subaward, disclose the conflict to the federal awarding agency providing such Federal Financial Assistance in accordance with 2 C.F.R. § 200.112 and/or applicable regulations of the agency; or

(ii) If the City is a Subrecipient of Federal Financial Assistance, disclose the conflict to the Pass-Through Entity providing a Subaward to the City in accordance with 2 C.F.R. § 200.112 and applicable regulations of the federal awarding agency and the Pass-Through Entity.

ARTICLE V – OVERSIGHT OF SUBRECIPIENT'S CONFLICT OF INTEREST STANDARDS

(A) *Subrecipients of City Must Adopt Conflict of Interest Policy.* Prior to the City's execution of any Subaward for which the City serves as a Pass-Through Entity, the COI Point of Contact shall ensure that the proposed Subrecipient of Federal Financial Assistance has adopted a conflict of interest policy that satisfies the requirements of 2 C.F.R. § 200.318(c)(1), 2 C.F.R. § 200.318(c)(2), and all other applicable federal regulations.

(B) *Obligation to Disclose Subrecipient Conflicts of Interest.* The COI Point of Contact shall ensure that the legal agreement under which the City makes a Subaward to a Subrecipient shall require such Subrecipient to disclose to the COI Point of Contact any potential real or apparent conflicts of interest that the Subrecipient identifies. Upon receipt of such disclosure, the COI Point of Contact shall disclose such information to the federal awarding agency that funded the Subaward in accordance with that agency's disclosure policy.

ARTICLE VI – GIFT STANDARDS

(A) *Federal Standard.* Subject to the exceptions set forth below, a Covered Individual may not solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.

(B) *Exception.* Notwithstanding the above-stated prohibition, a Covered Individual may accept an unsolicited gift from a Contractor or Subcontractor of one or more types specified below if the gift has an aggregate market value of $20 or less per source per occasion, provided that the aggregate market value of all gifts received by the Covered Individual pursuant to this provision do not exceed $50 in a calendar year:

(1) Honorariums for participating in meetings;

(2) Advertising items or souvenirs of nominal value; or

(3) Meals furnished at banquets.

(C) *Internal Reporting.* A Covered Individual shall report any gift accepted under the above-listed exceptions to the COI Point of Contact. If required by regulation of a federal awarding agency, the COI Point of Contact shall report such gifts to the federal awarding agency or a Pass-Through Entity for which the City is a Subrecipient.

ARTICLE VII – VIOLATIONS OF POLICY

(A) *Disciplinary Actions for Covered Individuals.* Any Covered Individual that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to disciplinary action, including, but not limited to, an employee's termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent's contract with the City.

(B) *Disciplinary Actions for Contractors and Subcontractors.* The City shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Policy.

(C) *Protections for Whistleblowers.* In accordance with 41 U.S.C. § 4712, the City shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant:

(1) A member of Congress or a representative of a committee of Congress;

(2) An Inspector General;

(3) The Government Accountability Office;

(4) A Treasury Department or other federal agency employee responsible for grant oversight or management;

(5) An authorized official of the Department of Justice or other law enforcement agency;

(6) A court or grand jury; or

(7) A management official or other employee of the City, a Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.

The foregoing policy was adopted by the City Council of the City of Asheboro in open session during a special meeting held on the 26th day of July, 2022.

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

ATTEST:

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

[Exhibits A, B, C, D, and E, which were referenced as attachments in the immediately preceding policy, are on file in the city clerk's office.]

3. Discussion of Options for Improving Public Access to McCrary Park

At the request of Mayor Smith, City Manager John Ogburn opened the discussion with a presentation, including the use of slides, pertaining to some of the improvements contemplated for McCrary Park. Enhanced accessibility and traffic flow for the park are some of the specific improvements under consideration.

After Mr. Ogburn's presentation, Mayor Smith opened the floor for comments from members of the public. In response, the following individuals shared their concerns with the elected officials.

1. Ward Russell
2. Vickie Lorimer
3. Martha M. Toledano
4. Dr. Daljit Caberwal
5. Ron Bennett
6. Carey Durham
7. Darrell Johnson
8. Sam Cranford
9. Mike Miller
10. Donna Miller
11. Mary Hunter
12. Linda Crandford
13. Gail Crawford

Once the comments from the public were heard, Mayor Smith shared a letter from Mr. William C. Perry, who is a citizen who could not attend the meeting. The letter was written to the city council members in order to share comments and concerns about the proposals under consideration.

The governing board considered the comments of every person who wished to be heard during the meeting. No legislative action was taken by the council during this portion of the meeting.

There being no further business, the meeting was adjourned at 9:46 p.m.

_____ _____

Holly H. Doerr, CMC, NCCMC, City Clerk **David H. Smith, Mayor**

REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, AUGUST 4, 2022
7:00 P.M.

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)
Kelly L. Heath)
Walker B. Moffitt) – Council Members Present
Jane H. Redding)
Charles A. Swiers)

Clark R. Bell) – Council Members Absent
William N. McCaskill)

John N. Ogburn, III, City Manager
Brad A. Dalke, Safety Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Jason A. Hanson, Police Major
P. Douglas Kemp, Human Resources Director
Trevor L. Nuttall, Community Development Director
Spencer C. Patton, EI, Assistant City Engineer
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jeffrey C. Sugg, City Attorney
Willie Summers, Fire Chief
Kristen P. Terry, Human Resources and Benefits Coordinator
Charles D. Wagner, Police Captain
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. Presentation by IMPACT Now, Jeremy Skidmore

Mr. Jeremy Skidmore of RhinoLeap Productions reported that RhinoLeap recently held IMPACT Now, which is a free two-week social entrepreneurship camp for high school students. During the camp, participants met with business professionals to learn about marketing, negotiation, communication, finance, and public speaking. Additionally, the participants were able to create team-based proposals that tackle social challenges they witness within the community. At the end of the two weeks, the teams presented their proposals to a panel of community leaders in which the panel selected a proposal for implementation.

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

4. Request by the Randolph County Chapter of the NAACP for the Adoption of a Resolution by the Asheboro City Council

Jon Megerian, Esq., Chuck Egerton, Susie Scott, Clyde Foust, and Michael Trogdon spoke in support of a request for the city council to adopt a resolution titled "Resolution to Remove and Relocate the Confederate Statue and Monument Located at the Historic Randolph Courthouse." A copy of the resolution was accepted by the council for further consideration. No legislative action was taken by the governing board during this portion of the meeting.

5. Public Comment Period

William Dula commented on his belief in the need for the City of Asheboro to invest in a facility that would provide an opportunity for individuals to learn about using their hands and tools to make things.

Ward Russell commented on his belief in the need for improved reporting in real time on project expenditures made by the city.

In the absence of any other speakers, Mayor Smith closed the public comment period. No legislative action was taken by the governing board during this portion of the meeting.

6. Asheboro Fire and Rescue Department Annual Report

Fire Chief Willie Summers used a slide show to present the annual report from the Asheboro Fire and Rescue Department. During his presentation, Chief Summers highlighted that the department responded to over 3,400 calls for service.

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

7. Human Resources Items

(a) Introduction of Safety Manager Brad Dalke

Human Resources Director Doug Kemp introduced Brad Dalke, who is the current safety manager for the city. The former safety manager, Steve Paye, has retired.

(b) North Carolina 4 Military Employment (NC4ME) Program

Human Resources and Benefits Coordinator Kristen Terry briefed the elected officials on the North Carolina for Military Employment (NC4ME) program. The program is a free organization that assists employers and military veterans with the employment process. Along with Ms. Terry, Police Major Hanson and Police Captain Wagner expressed their support for the city's future utilization of the organization in order to employ more military veterans.

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

8. Consent Agenda

Council Member Burks moved, and Council Member Heath seconded the motion, to approve/adopt the consent agenda as presented. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes. Consequently, the following actions were unanimously approved/adopted by the city council.

(a) City Council Meeting Minutes for July 14, 2022

The meeting minutes for the city council's regular meeting on July 14, 2022, were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been posted on the city's website.

(b) An Ordinance Establishing a Stop Intersection at Dixon Avenue and Dixon Street

ORDINANCE NUMBER 41 ORD 8-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ORDINANCE DESIGNATING A STOP INTERSECTION

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Section 70.29(B) of the Code of Asheboro provides, in pertinent part, as follows:

> Pursuant to instructions given to him by the City Council from time to time and entered in the council minute book, the City Manager shall:
>
> (B) Cause all intersections designated as stop intersections when entered from designated streets to be posted accordingly. He shall then notify the City Clerk, who shall enter the description of such intersections and the streets of . . . (entry) thereto upon which stops are required in schedule 7 of § 72.02 (of the Code of Asheboro); and

WHEREAS, after receiving requests from residents for safety improvements at the intersection of Dixon Street and Dixon Avenue, the city engineering department recommended establishing this intersection as a stop intersection; and

WHEREAS, the Asheboro City Council wishes to implement the above-stated recommendation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. The intersection of Dixon Street and Dixon Avenue is hereby declared to be an all-way stop intersection that shall be properly posted to cause all vehicles approaching the intersection from any direction to stop immediately before entering the intersection.

Section 2. The city manager is hereby instructed to cause the proper placement of stop signs at the intersection listed in Section 1 of this Ordinance in order to establish an all-way stop intersection at the intersection of Dixon Street and Dixon Avenue.

Section 3. The city clerk shall properly record the actions taken pursuant to this Ordinance in schedule 7 of Section 72.02 of the Code of Asheboro.

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed to the extent that such ordinances conflict with the intent of the Asheboro City Council to create an all-way stop at the intersection designated herein.

Section 5. This Ordinance shall take effect and be in force from and after the date of its adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on August 4, 2022.

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

ATTEST:

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

(c) An Ordinance Establishing a No Parking Zone on Both Sides of West Kivett Street between South Church Street and South Park Street

ORDINANCE NUMBER 42 ORD 8-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ORDINANCE TO AMEND THE PARKING REGULATIONS APPLICABLE TO A SECTION OF WEST KIVETT STREET

WHEREAS, Section 160A-301(a) of the North Carolina General Statutes provides that the "city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city;" and

WHEREAS, Section 71.01(A)(1) of the Code of Asheboro provides as follows:

(A) Pursuant to instructions given to him by the City Council from time to time and entered in the council minute book, the City Manager shall:

(1) Cause all streets and parts of streets where parking shall be prohibited during prescribed time periods or at all times to be posted accordingly, or cause the curbs thereof to be painted yellow. He shall then notify the City Clerk, who shall enter the description of such streets or parts of streets in Schedule 1 of § 72.02; and

WHEREAS, the section of West Kivett Street between South Park Street (North Carolina Secondary Road 1451) and South Church Street (North Carolina Secondary Road 1707) is located within the corporate limits of the City of Asheboro; and

WHEREAS, during the regular Asheboro City Council meeting on July 14, 2022, concerns were raised about the risks to safety posed by on-street parking on both sides of the above-described section of West Kivett Street; and

WHEREAS, in response to these concerns, the City of Asheboro Engineering Department has prepared a drawing showing a "No Parking" at all times designation for both sides of the described section of West Kivett Street; and

WHEREAS, the Asheboro City Council has concluded that the "No Parking" designation prepared by the engineering department should be implemented.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. On-street parking is hereby prohibited at all times on both sides (north and south) of the section of West Kivett Street located between South Park Street and South Church Street (a distance of approximately 847' from the centerline of South Park Street to the centerline of South Church Street).

Section 2. The City Manager is hereby authorized and directed to cause the "No Parking" zone described in Section 1 of this Ordinance to be marked or posted in accordance with Section 71.01(A)(1) of the Code of Asheboro.

Section 3. The City Clerk shall enter a description of the "No Parking" zone established by this Ordinance on West Kivett Street in Schedule 1 of Section 72.02 of the Code of Asheboro.

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall take effect and be in force from and after the date of its adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on August 4, 2022.

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

ATTEST:

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

(d) An Ordinance Establishing a No Parking Zone on Both Sides of East Kivett Street between South Cox Street and South Main Street

ORDINANCE NUMBER 43 ORD 8-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ORDINANCE TO AMEND THE PARKING REGULATIONS APPLICABLE TO A SECTION OF EAST KIVETT STREET

WHEREAS, Section 160A-301(a) of the North Carolina General Statutes provides that the "city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city;" and

WHEREAS, Section 71.01(A)(1) of the Code of Asheboro provides as follows:

(A) Pursuant to instructions given to him by the City Council from time to time and entered in the council minute book, the City Manager shall:

(1) Cause all streets and parts of streets where parking shall be prohibited during prescribed time periods or at all times to be posted accordingly, or cause the curbs thereof to be painted yellow. He shall then notify the City Clerk, who shall enter the description of such streets or parts of streets in Schedule 1 of § 72.02; and

WHEREAS, the section of East Kivett Street between South Cox Street (North Carolina Secondary Road 2322) and South Main Street is located within the corporate limits of the City of Asheboro; and

WHEREAS, during the regular Asheboro City Council meeting on July 14, 2022, concerns were raised about the risks to safety posed by on-street parking on both sides of the above-described section of East Kivett Street; and

WHEREAS, in response to these concerns, the City of Asheboro Engineering Department has prepared a drawing showing a "No Parking" at all times designation for both sides of the described section of East Kivett Street; and

WHEREAS, the Asheboro City Council has concluded that the "No Parking" designation prepared by the engineering department should be implemented.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. On-street parking is hereby prohibited at all times on both sides (north and south) of the section of East Kivett Street located between South Cox Street and South Main Street (a distance of approximately 615' from the centerline of South Cox Street to the centerline of South Main Street).

Section 2. The City Manager is hereby authorized and directed to cause the "No Parking" zone described in Section 1 of this Ordinance to be marked or posted in accordance with Section 71.01(A)(1) of the Code of Asheboro.

Section 3. The City Clerk shall enter a description of the "No Parking" zone established by this Ordinance on East Kivett Street in Schedule 1 of Section 72.02 of the Code of Asheboro.

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall take effect and be in force from and after the date of its adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on August 4, 2022.

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

ATTEST:

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

(e) A Resolution Authorizing the Sale of Certain Surplus City-Owned Vehicles by Electronic Public Auction

RESOLUTION NUMBER 27 RES 8-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING THE SALE OF SURPLUS CITY-OWNED PERSONAL PROPERTY BY MEANS OF ELECTRONIC PUBLIC AUCTION

WHEREAS, Section 160A-270(b) and Section 160A-270(c) of the North Carolina General Statutes authorizes the Asheboro City Council to sell city-owned surplus personal property by means of an electronic public auction upon adoption of a resolution or order authorizing an appropriate official to dispose of the surplus personal property at public auction; and

WHEREAS, due to wear and tear rendering the used vehicles/equipment listed in the attached EXHIBIT 1 as no longer cost effective to operate for municipal purposes, the Asheboro City Manager has recommended the sale of the four listed vehicles/pieces of equipment at electronic public auction; and

WHEREAS, the Asheboro City Council concurs with this recommendation; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 18 RES 7-22, which was adopted on July 14, 2022, the Asheboro City Council has authorized all sales of

surplus city-owned personal property by electronic public auction to be advertised by electronic means only.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the four vehicles/pieces of equipment listed in the attached EXHIBIT 1, which is incorporated into this Resolution by reference as if copied fully herein, are hereby declared to be surplus city-owned personal property that the Asheboro City Manager or his designee is authorized to sell and dispose of, without any further governing board action, by means of electronic public auction on GovDeals.com; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the electronic public auction, which shall begin at 9:00 a.m. on Tuesday, August 23, 2022, shall be conducted in compliance with (1) Section 160A-270 of the North Carolina General Statutes, and (2) the contract between the City of Asheboro and GovDeals.com; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the terms and conditions of the online sales conducted by means of GovDeals.com shall be as stated in the attached EXHIBIT 2, which is incorporated into this Resolution by reference as if copied fully herein, with the winning bidder paying a 12.50% Buyers Premium, and no fee chargeable to the City of Asheboro; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that notice of the electronic public auction authorized herein shall be advertised by electronic means only in compliance with the provisions stated in Asheboro City Council Resolution Number 18 RES 7-22.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on August 4, 2022.

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

ATTEST:

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

EXHIBIT 1

LIST OF SURPLUS CITY-OWNED VEHICLES/PIECES OF EQUIPMENT TO BE SOLD AT ELECTRONIC PUBLIC AUCTION

1. 1989 International Model 9700 Road Tractor
   (VIN 1HSRKAGR8KH679801)

2. 1991 Ford Model LT8000 Dump Truck
   (VIN 1FDYU82A3MVA05967)

3. 1998 Ford Model L8000 Vactor Truck
   (VIN 1FDZW86F0WVA28680)

4. 2007 Sterling Model LT7501 Vactor Truck
   (VIN 2FZHATDC87AX52780)

[EXHIBIT 2, which is referenced in the immediately preceding resolution as an attachment, is on file in the city clerk's office.]

(f) Nondiscrimination Policy Pertaining to the Award of Funding from the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds

RESOLUTION NUMBER 28 RES 8-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

NONDISCRIMINATION POLICY ADOPTED IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE FUNDING AWARD FROM THE AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

WHEREAS, the City of Asheboro (the "City") has received an allocation of funds from the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds (the "ARPA/CSLFRF Award"); and

WHEREAS, the funds received from the ARPA/CSLFRF Award are subject to the United States Department of the Treasury (the "Treasury Department") regulations, including the Final Rule, the terms and conditions of the ARPA/CSLFRF Award, and the Title VI implementing regulations at 31 C.F.R. Part 22; and

WHEREAS, pursuant to and as a condition of receiving funding from the ARPA/CSLFRF Award, the City agrees to follow all federal statutes and regulations prohibiting discrimination in the City's administration of funding received from the ARPA/CSLFRF Award, specifically including, without limitation, the terms and conditions of the award and the following:

(a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and the Treasury Department's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;

(b) The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;

(c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;

(d) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and the Treasury Department's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and

(e) Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto; and

WHEREAS, the City's professional staff has prepared a "City of Asheboro Civil Rights Compliance Policy – ARPA/CSLFRF Award" that is attached to this Resolution as EXHIBIT 1; and

WHEREAS, the policy stated in EXHIBIT 1 is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council finds it advisable to adopt and enact the civil rights compliance policy attached to this Resolution as EXHIBIT 1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that it hereby adopts and enacts for the municipal corporation the "City of Asheboro Civil Rights Compliance Policy – ARPA/CSLFRF Award" attached to this Resolution as EXHIBIT 1; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the "City of Asheboro Civil Rights Compliance Policy – ARPA/CSLFRF Award" shall apply to the operations of any program, activity, or facility that is supported in whole, or in part, by expenditures of funds from the ARPA/CSLFRF Award.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on August 4, 2022.

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

ATTEST:

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

EXHIBIT 1

CITY OF ASHEBORO CIVIL RIGHTS COMPLIANCE POLICY – ARPA/CSLFRF AWARD

ARTICLE I – NONDISCRIMINATION POLICY STATEMENT

The policy of the City of Asheboro (the "City") is to ensure that no person shall, on the basis of race, color, national origin (including limited English proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by the City, specifically including programs or activities that are funded in whole, or in part, with Coronavirus State and Local Fiscal Recovery Funds ("CSLFRF"), which the City of Asheboro received from the United States Department of the Treasury (the "Treasury Department") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (this allocation of funds will be hereinafter referred to as the "ARPA/CSLFRF Award").

ARTICLE II – GOVERNING STATUTORY & REGULATORY AUTHORITIES

As required by the award terms and conditions, the City will ensure that each "activity," "facility," or "program" that is funded in whole, or in part, with CSLFRF and administered under the ARPA/CSLFRF Award will be facilitated, operated, or conducted in compliance with the applicable federal statutes and federal regulations prohibiting discrimination. The applicable federal statutes and regulations include, but are not limited to, the following provisions:

(A) 22 C.F.R. § 22.3 defines "program" and "activity" as all operations of an entity, including local governments, that receive federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which federal financial assistance is distributed. "Federal financial assistance" includes, among other things, grants and loans of federal funds. "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities;

(B) Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and the Treasury Department's implementing regulations at 31 C.F.R. Part 22, which prohibit

discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

(C) The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;

(D) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;

(E) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and the Treasury Department's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and

(F) Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

ARTICLE III – DISCRIMINATORY PRACTICES PROHIBITED IN THE ADMINISTRATION OF THE ARPA/CSLFRF AWARD

To ensure compliance with Title VI of the Civil Rights Act of 1964 and Title 31 of the Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the City of Asheboro prohibits, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARPA/CSLFRF Award:

(A) Denying to a person any service, financial aid, or other program benefit without good cause;

(B) Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program;

(C) Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;

(D) Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;

(E) Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet to be provided any service, financial aid, or other benefit provided under the program;

(F) Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;

(G) Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;

(H) Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;

(I) Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment; and

(J) Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual, for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

ARTICLE IV – REPORTING AND ENFORCEMENT

(A) The City of Asheboro will cooperate in any enforcement or compliance review activities undertaken by the Treasury Department. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The City will comply with information requests, on-site compliance reviews, and reporting requirements.

(B) The City of Asheboro will maintain a complaint log and inform the Treasury Department of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency) covered by Title VI of the Civil Rights Act of 1964 and implementing regulations. Furthermore, the City will provide, upon request, a list of all such complaint-driven reviews or proceedings, whether pending or completed. The list of reviews or proceedings will include the status/outcomes of each review or proceeding. Similarly, upon request or as directed by Treasury Department guidance in any form, the City of Asheboro will inform the Treasury Department if the City has received no complaints under Title VI.

(C) Any person who believes that he/she/they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury Department. Any such complaint must be in writing and filed with the Treasury Department's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.

(D) If any person who believes that, because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability, he/she/they have been discriminated against or unfairly treated by the City of Asheboro in violation of this policy, he/she/they should contact the following City official within 180 days from the date of the alleged discriminatory occurrence:

Trevor Nuttall
City of Asheboro Community Development Director
Mailing Address: PO Box 1106, Asheboro, NC 27204-1106
Street Address: 146 N. Church Street, Asheboro, NC 27203
Telephone: (336) 626-1201, Extension 223
Email: tnuttall@ci.asheboro.nc.us

9. Community Development Items

(a) Land Development Plan Update

Community Development Division Director Trevor Nuttall reported that updates to the city's Land Development Plan began in late 2019. A steering committee was formed with several meetings conducted until the public health emergency occurred. In late 2021, the group was reconvened, and data was collected from a public survey.

Infrastructure and existing conditions maps and demographics have been updated, and a draft vision statement has been prepared. Draft recommendations are emerging in terms of growth, land use, and land development plan goals. The draft vision statement is as follows:

> *"Asheboro is a welcoming city that embraces a growing, engaged population and diversified economy.*
>
> *Land development and investment expands housing, employment, and recreational opportunities for all residents and protects and enhances the city's valuable and unique community assets, such as the North Carolina Zoo, healthy natural environment, and historic charm."*

In terms of the city's Growth Strategy Map, the map classifies different areas based on the ability to efficiently provide city services and suitability for development. It serves as a guide to help implement city land development policies. The map is used in conjunction with other elements of the plan, and it is referenced during the review of proposed zoning amendments.

The committee has implemented new categories for the Growth Strategy Map as the draft of the Land Development Plan emerges. The following categories are included:

a. Targeted Primary Growth Area (TGPA)
b. Primary Growth Area (PGA)
c. Secondary Growth Area (SGA)
d. Long-Range Growth Area (SGA)
e. Economic Development Area (EDA)
f. Conservation Area (CA)
g. U.S. Bypass Economic Activity Center
h. N.C. Highway 48 Study Area
i. N.C. Zoo Study Area

Mr. Nuttall also briefed the council members on some new goals for the Land Development Plan. These goals include, but are not limited to, the following:

1. Projected growth areas beyond jurisdictional area;
2. Two different levels of Primary Growth (Primary and Targeted);
3. Recommendations related to areas projected to see development interest connected to the Highway 64 Bypass;
4. Identified two areas for future study – the Highway 49 corridor and the N.C. Zoo study area;
5. Added a "Conservation Area" to reflect certain areas with land development limitations due to environmental constraints;
6. Guidelines and recommendations related to land use have been specified;
7. Identification of a variety of uses designed to accommodate a range of densities and intensities; and
8. Descriptions are provided for each designation.

The next steps for draft plan will include:

a. Finalizing the committee's input;
b. Refining the plan objectives and policy statements relative to each goal;
c. Formalizing presentations of the draft to city boards and commissions; and
d. Holding community meetings for public review and input.

The goal is to adopt the new plan in 2022. However, during this portion of the meeting on August 4, 2022, no formal action was requested of the council, and none was taken.

(b) Piedmont Triad Regional Council – Grant Services for the Construction of the David and Pauline Jarrell Center City Garden

Community Development Director Nuttall proposed that the city partner with the Piedmont Triad Regional Council (the "PTRC") to fulfill the vision of creating the David and Pauline Jarrell Center City Garden. Approximately 5 grant applications will be completed between September 2022 and July 2023 in order to identify and

obtain resources to implement the Center City Garden Master Plan. The period of performance for the contract with PTRC will be from August 2022 to August 2023.

The following scope of services are proposed:

1. Master Plan/Construction Document Process
2. Aligning Project Goals to Grant Sources
3. Stakeholder Involvement and Consensus Building
4. Environmental Review and Permitting
5. Sub-Contracting for Project Design Needs

The proposed budget for the contract is not to exceed $25,000.

Council Member Moffitt moved, and Council Member Swiers seconded the motion, to approve the proposal and to contract with the PTRC to fulfill the vision of creating the David and Pauline Jarrell Center City Garden. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(c) Strategic Management Assistance – Water Line Extension Project

Water Resources Director Michael Rhoney recommended that the City of Asheboro engage the Piedmont Triad Regional Council (the "PTRC") to provide strategic management assistance related to a potential water line extension project. The assistance includes potentially obtaining commitments from municipal utility providers adjacent to the water line extension project to purchase water supply from the City of Asheboro.

The PTRC proposed a fee of $11,000 for the following scope of work:

1. Meeting with city officials to discuss and assess technical challenges and substantial barriers to the water line extension and connection of service project.
2. Determining how to facilitate gaining interest and potentially commitments from municipal utility providers adjacent to the water line extension project to purchase water supply from the City of Asheboro.
3. The assessment and planning will include consideration of circumstances impacting facilities, infrastructure, and staffing. The information and impressions gathered will be used to develop and target specific areas of attention.
4. Establishment of a strategic plan for the long-term viability of water supply services.
5. The provision of technical assistance in order to establish development agreements.
6. The PTRC will coordinate as needed with the lead consulting engineer on the project as assigned by the City of Asheboro.

Council Member Burks moved, and Council Member Swiers seconded the motion, to engage the PTRC to provide the above-described services. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(d) Environmental Site Assessment Services – Project to Acquire the Former Acme-McCrary Hosiery Mill Property

Community Development Director Nuttall informed the council members that proposals to provide the above-described professional services are due by 2:00 p.m. on August 17, 2022. The goal is to complete the property acquisition process by the end of the 2022 calendar year.

In order to expedite the process, city staff requested authorization for the city manager to award a professional services contract to a qualified firm as soon as the qualifications-based selection process is completed in accordance with state law. In

response to the staff request and recommendation, Council Member Heath moved, and Council Member Burks seconded the motion, to authorize the city manager to award a professional services contract for the above-described environmental site assessment services. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(e) Salisbury Street and Sunset Avenue Traffic Study

In accordance with state law and Asheboro City Council Resolution Number 18 RES 6-15, City Manager John Ogburn authorized the city engineering department to begin the procurement process to obtain the professional services needed to conduct a traffic study that would yield recommendations for potential improvements for the intersection of Salisbury Street and Sunset Avenue. This action was initiated in response to citizen comments about traffic safety concerns during a special city council meeting on July 26, 2022.

Community Development Director Nuttall briefed the elected officials on these actions in order to verify the governing board's concurrence with the staff initiative. After hearing this report, the general consensus emerged from the council members for the city staff to proceed with the traffic study.

10. Zoo City Sportsplex Contract

Assistant City Engineer Spencer Patton, EI discussed a proposed contract with FieldTurf USA, Inc. for the installation of turf fields and all appurtenances on Fields 5, 6, 7, and 8 at the Zoo City Sportsplex for a contract price of $3,897,216.41. This contract was obtained through a group purchasing network known as the Keystone Purchasing Network.

Council Member Heath moved, and Council Member Burks seconded the motion, to approve the above-described contract with FieldTurf USA, Inc. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

11. A Budget Amendment Pertaining to the Zoo City Sportsplex

(a) Finance Director Deborah Reaves presented and recommended adoption, by reference, of an ordinance to amend the general fund for fiscal year 2022-2023.

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

44 ORD 8-22

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2022-2023

WHEREAS, the City of Asheboro is wishing to proceed with executing an contract with Filed Turf USA for the installation of the turf fields and all appurtenances on Fields 5, 6, 7, and 8 at the Zoo City Sportsplex in the amount of $3,897,217.

WHEREAS, funding for this work will come as an appropriation of General Fund balance.

WHEREAS, there is currently an appropriation in the General Fund that was approved as part of the 2022-2023 budget in the amount of $1,715,427.

WHEREAS, an additional appropriation of fund balance in the amount of $2,181,790 is needed for this expense.

WHEREAS, the General Fund needs to be amended to recognize and appropriate revenue and expenses relating to this work.

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles to incorporate new expenditures outline above, and

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

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

Account #	Expense Description	Increase
10-000-399.0000	Fund Balance Appropriation	$2,181,790

Section 2: That the following expense line item be increased:

Account #	Expense Description	Increase
10-620-574.7400	Contribution to Zoo City Sportsplex Fund	$2,181,790

Adopted this 4th day of August, 2022.

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

ATTEST:

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

(b) Ms. Reaves then presented and recommended adoption, by reference, of an ordinance to amend the Zoo City Sportsplex Fund for fiscal year 2022-2023.

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

45 ORD 8-22

ORDINANCE TO AMEND
THE ZOO CITY SPORTSPLEX FUND
FY 2022-2023

WHEREAS, the City of Asheboro is wishing to proceed with executing an contract with Field Turf USA for the installation of the turf fields and all appurtenances on Fields 5, 6, 7, and 8 at the Zoo City Sportsplex.

WHEREAS, funding for this work will come as an appropriation of General Fund balance.

WHEREAS, the Zoo City Sportsplex fund needs to be amended to recognize and appropriate revenue and expenses relating to this work.

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles to incorporate new expenditures outline above, and

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

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

Account #	Expense Description	Increase
74-000-370.0000-74	Contribution from General Fund	$3,897,217

Section 2: That the following expense line item be increased:

Account #	Expense Description	Increase
74-000-400.9001-74	Construction	$3,897,217

Adopted this 4th day of August, 2022.

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

ATTEST:

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

12. Annexation Petition – Approximately 7 Acres at 923 Meadowbrook Road

Mayor Smith opened the public hearing on the question of the annexation petition submitted by Fatima Lazaro Espinoza in connection with his property at 923 Meadowbrook Road. As part of the public hearing, Assistant City Engineer Spencer Patton, EI presented the staff's analysis of the annexation petition. Mayor Smith then invited comments from the public, but none were offered.

In the absence of any public comments, Mayor Smith transitioned to the deliberative phase of the hearing. Council Member Burks moved, and Council Member Moffitt seconded the motion, to adopt the following annexation ordinance by reference. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

ORDINANCE NO. 46 ORD 8-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING APPROXIMATELY SEVEN ACRES OF LAND CONTIGUOUS TO THE EXISTING PRIMARY CITY LIMITS AT 923 MEADOWBROOK ROAD

WHEREAS, in accordance with Section 160A-31 of the North Carolina General Statutes, Fatima Lazaro Espinoza (the "Petitioner") petitioned the Asheboro City Council (the "Council") to annex into the Asheboro primary city limits approximately seven acres of his land at 923 Meadowbrook Road; and

WHEREAS, the territory proposed for annexation is more specifically described by metes and bounds in Section 1 of this Ordinance; and

WHEREAS, on July 14, 2022, by means of a duly adopted resolution (Resolution Number 19 RES 7-22), the Council directed the city clerk to investigate the sufficiency of the petition submitted by the Petitioner, and the city clerk has in fact certified the sufficiency of their annexation petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 20 RES 7-22, a legal notice was published on July 23, 2022, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the Council's next regular meeting, which was scheduled to begin at 7:00 p.m. on

August 4, 2022, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on August 4, 2022; and

WHEREAS, the Council has determined that the annexation petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. By virtue of the authority granted in Section 160A-31 of the North Carolina General Statutes, the following described contiguous territory is annexed, attached to, and hereby becomes part of the City of Asheboro:

Asheboro Township, Randolph County, North Carolina:

BEGINNING in the western margin of the 60-foot public right-of-way for Meadowbrook Road at a 5/8-inch existing iron rod that is up four inches at the southernmost corner of the Fatima Lazaro Espinosa property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2487 at Page 1442 (this approximately 7.071-acre tract of land is the land identified in the annexation petition submitted by Fatima Lazaro Espinoza and shall be hereinafter referred to as the "Espinoza Tract"), the described beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 718,259.07 Ground US Survey Feet and East 1,761,777.44 Ground US Survey Feet (NAD 83 (2011)); thence, from the beginning point, following the proposed Asheboro primary city limits line the next five bearings and distances along the boundary line shared by the Espinoza Tract with the First Assembly of God Church of Asheboro, Inc. property described in Deed Book 1406, Page 892, Randolph County Registry: North 41 degrees 51 minutes 33 seconds West 160.95 feet to a 1-inch existing iron pipe that is up eight inches; thence North 67 degrees 47 minutes 08 seconds West 282.03 feet to a 5/8-inch existing iron rod up two inches; thence North 67 degrees 48 minutes 04 seconds West 115.93 feet to a 3/8-inch existing iron rod that is up four inches; thence North 00 degrees 34 minutes 48 seconds West 400.18 feet to a 5/8-inch new iron rod that is up four inches; thence North 00 degrees 34 minutes 48 seconds West 58.39 feet to a 1 and 1/2-inch existing iron pipe that is up six inches at the northwest corner of the Espinoza Tract; thence departing from the western boundary line of the Espinoza Tract and continuing to proceed along the proposed Asheboro primary city limits line by following the northern boundary line of the Espinoza Tract that adjoins the John David Edwards and Rilla Marie Edwards property described in Deed Book 2500, Page 1575, Randolph County Registry and further identified in Plat Book 129, Page 81, Randolph County Registry the next three bearings and distances: South 88 degrees 25 minutes 12 seconds East 326.34 feet to a 5/8-inch new iron rod that is up four inches; thence South 88 degrees 25 minutes 12 seconds East 122.66 feet to a 3/8-inch existing iron rod that is up two inches; thence South 65 degrees 29 minutes 35 seconds East 82.79 feet to 1/2-inch existing iron pipe that is down two inches; thence departing from the northern boundary line of the Espinoza Tract and continuing along the proposed Asheboro primary city limits line by following the western margin of a 60-foot private right-of-way identified as Hillsdale Drive the next two bearings and distances: South 05 degrees 42 minutes 56 seconds East 298.75 feet to a 3/8-inch existing iron rod that is down two inches; thence South 05 degrees 16 minutes 49 seconds East 180.18 feet to a computed point in the western margin of the 60-foot public right-of-way for Meadowbrook Road; thence continuing along the proposed Asheboro primary city limits line by crossing the 60-foot public right-of-way for Meadowbrook Road South 62 degrees 51 minutes 37 seconds East 60.14 feet to a computed point in the eastern margin of the public right-of-way for Meadowbrook Road and on the current Asheboro primary city limits line; thence following the current Asheboro primary city limits line by proceeding along the eastern margin of the 60-foot public right-of-way for Meadowbrook Road the next three bearings and distances: South 23 degrees 12 minutes 20 seconds West 64.57 feet to a computed point; thence South 23 degrees 20 minutes 12 seconds West 77.83 feet to a computed point; thence South 24 degrees 22 minutes 27 seconds West 77.34 feet to a computed point; thence departing from the current Asheboro primary city limits line and following the proposed Asheboro primary city limits line across the 60-foot public right-of-way for Meadowbrook Road North 67 degrees 12 minutes 58 seconds West 60.02 feet to the point and place of BEGINNING, and containing a total of 7.377 acres, more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: ***Fatima Lazaro Espinoza****."*

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book _____, Page _____, Randolph County Registry.

Section 2. Upon and after August 4, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Randolph County Register of Deeds and in the Office of the North Carolina Secretary of State an accurate map of the annexed territory that is described in Section 1 of this Ordinance together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections as required by Section 163-288.1 of the North Carolina General Statutes.

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall be in full force and effect upon and after August 4, 2022.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on August 4, 2022.

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

ATTEST:

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

Approved as to form:

/s/ Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

13. Annexation Petition – Approximately 20 Acres of Land in the Timber Ridge Subdivision along East Allred Street

Mayor Smith opened the public hearing on the question of the annexation petition submitted by McDowell Timber Company in connection with approximately 20 acres of land owned by the general partnership along East Allred Street. As part of the public hearing, Assistant City Engineer Patton presented the staff's analysis of the annexation petition. Mayor Smith then invited comments from the public, but none were offered.

In the absence of any public comments, Mayor Smith transitioned to the deliberative phase of the hearing. Council Member Burks moved, and Council Member Heath seconded the motion, to adopt the following annexation ordinance by reference. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

ORDINANCE NO. 47 ORD 8-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING APPROXIMATELY TWENTY ACRES OF LAND CONTIGUOUS TO THE EXISTING PRIMARY CITY LIMITS ALONG EAST ALLRED STREET

WHEREAS, in accordance with Section 160A-31 of the North Carolina General Statutes, McDowell Timber Company, a North Carolina general partnership, (the "Petitioner") petitioned the Asheboro City Council (the "Council") to annex into the Asheboro

primary city limits approximately twenty acres of the general partnership's land along East Allred Street; and

WHEREAS, the territory proposed for annexation is more specifically described by metes and bounds in Section 1 of this Ordinance; and

WHEREAS, on July 14, 2022, by means of a duly adopted resolution (Resolution Number 21 RES 7-22), the Council directed the city clerk to investigate the sufficiency of the petition submitted by the Petitioner, and the city clerk has in fact certified the sufficiency of their annexation petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 22 RES 7-22, a legal notice was published on July 23, 2022, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the Council's next regular meeting, which was scheduled to begin at 7:00 p.m. on August 4, 2022, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on August 4, 2022; and

WHEREAS, the Council has determined that the annexation petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. By virtue of the authority granted in Section 160A-31 of the North Carolina General Statutes, the following described contiguous territory is annexed, attached to, and hereby becomes part of the City of Asheboro:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the current Asheboro primary city limits line at a 1-inch existing iron pipe flush with the ground at the southeastern corner of the McDowell Timber Company property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 1454 at Page 1500 (this approximately 20.418-acre tract of land is the land for which annexation has been requested and shall be hereinafter referred to as the "Annexation Area"(the Annexation Area does not include the portion of the McDowell Timber Company property identified as Tract 2 in Plat Book 167, Page 40, Randolph County Registry)), the described beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 719,595.79 Ground US Survey Feet and East 1,764,483.03 Ground US Survey Feet (NAD 83 (2011)); thence, from the beginning point, following the current Asheboro primary city limits line and the southern boundary line of the Annexation Area along the Vickie Boggs Potts, Trustee et al. property described in Deed Book 2566, Page 1052, Randolph County Registry and further identified as Tract 1 in Plat Book 132, Page 62, Randolph County Registry the following bearing and distance: North 88 degrees 28 minutes 04 seconds West 774.59 feet to an existing iron pipe at the southwest corner of the Annexation Area; thence departing from the southern boundary line of the Annexation Area and continuing to follow the current Asheboro primary city limits line North 03 degrees 17 minutes 14 seconds East 156.62 feet along the boundary line shared by the Annexation Area with the Elizabeth W. Blanco et al. property described in Deed Book 2703, Page 473, Randolph County Registry and further identified as Lot 29 in Plat Book 9, Page 79, Randolph County Registry to a 1-inch existing iron pipe up four inches with a witness mark; thence departing from the current Asheboro primary city limits line and proceeding along the proposed Asheboro primary city limits line by continuing to follow the western boundary line of the Annexation Area the next three bearings and distances: North 01 degree 34 minutes 55 seconds East 564.07 feet along the Fernando Salinas and Maria Luz Salinas property described in Deed Book 2787, Page 1496, Randolph County Registry and further identified as Tract 2 in Plat Book 173, Page 35, Randolph County Registry to a 5/8-inch existing iron rod that is up four inches; thence North 01 degree 39 minutes 34 seconds East 115.19 feet along the Larry W. McKenzie property described in Deed Book 2770, Page 263, Randolph County Registry and further identified as Tract 1 in Plat Book 173, Page 35, Randolph County Registry to a 5/8-inch existing iron rod that is up two inches with a cap; thence North 01 degree 39 minutes 47 seconds East 249.95 feet along the Cynthia Lynn Goodwin property described in Deed Book 1699, Page 2004, Randolph County Registry and further identified as Lot 4 in Plat Book 48, Page 46, Randolph County Registry to a 3/4-inch existing iron pipe that is up eight inches and pinched in the southern margin of the 60-foot public right-of-way for East Allred

Street (North Carolina Secondary Road 2182), this point is located by means of the North Carolina Coordinate System at the coordinates of North 720,701.70 Ground US Survey Feet and East 1,763,743.86 Ground US Survey Feet (NAD 83 (2011)); thence continuing to proceed along the proposed Asheboro primary city limits line by following the southern margin of the public right-of-way for East Allred Street in a northeasterly direction along the arc of a curve with a radius of 608.27 feet and an arc length of 295.64 feet (delta angle 27 degrees 50 minutes 52 seconds) a chord bearing and distance of North 53 degrees 43 minutes 58 seconds East 292.74 feet to a computed point; thence departing from the southern margin of the public right-of-way for East Allred Street and continuing to follow the proposed Asheboro primary city limits line the next two bearings and distances: South 65 degrees 40 minutes 17 seconds East 433.82 feet along the Raymond W. Read and Jeanine R. Read property described in Deed Book 2251, Page 677, Randolph County Registry to a 60d nail set at the base of a 1-inch existing iron pipe; thence South 64 degrees 15 minutes 22 seconds East 161.32 feet along the McDowell Timber Company property described as Tract 2 in Plat Book 167, Page 40, Randolph County Registry to 5/8-inch new iron rod that is up four inches; thence departing from the proposed Asheboro primary city limits line in order to follow the current Asheboro primary city limits line the next three bearings and distances along the eastern boundary of the Annexation Area: South 08 degrees 41 minutes 43 seconds West 69.98 feet along a portion of the Tam Truong and Nammy C. Truong property described in Deed Book 1556, Page 1743, Randolph County Registry and further identified as Lots 35 and 36 in Plat Book 17, Page 87, Randolph County Registry to a 5/8-inch new iron rod that is up four inches; thence South 01 degree 38 minutes 07 seconds West 570.03 feet to a 1-inch existing iron pipe that is up twenty inches; thence South 01 degree 33 minutes 16 seconds West 391.46 feet to the point and place of BEGINNING, and containing a total of 20.418 acres, more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: ***Timber Ridge****."*

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book _____, Page _____, Randolph County Registry.

Section 2. Upon and after August 4, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Randolph County Register of Deeds and in the Office of the North Carolina Secretary of State an accurate map of the annexed territory that is described in Section 1 of this Ordinance together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections as required by Section 163-288.1 of the North Carolina General Statutes.

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall be in full force and effect upon and after August 4, 2022.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on August 4, 2022.

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

ATTEST:

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

Approved as to form:

/s/ Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

14. Authorization to Connect to the Municipal Water System

City Attorney Jeff Sugg reported that William C. Burrow, who owns real property at 307 Patton Avenue (the "Patton Avenue Property"), has requested authorization to connect to the city water system. No request has been made for sanitary sewer service, and this property is located beyond the city limits line.

No city water main adjoins the Patton Avenue Property. The closest city water main is located to the south, within the public right-of-way for North Carolina Highway 42.

In the absence of a special authorization by the city council, the applicable city code provisions will not allow such a connection to the municipal water system for this property located outside the city limits. The property owner has submitted an annexation petition, but annexation is not an option because of factors unique to the Patton Avenue Property.

The lot is not contiguous to the primary city limits line. Consequently, the requested annexation has to be processed as a satellite annexation. Under the statutory framework for satellite annexations, if the territory for which annexation has been requested is part of a subdivision, the entire subdivision must be part of the annexation proceedings.

The Patton Avenue Property is part of a subdivision. When he inquired with other owners of real property within the subdivision, Mr. Burrow could not obtain unanimous consent for annexation into the City of Asheboro.

Consequently, despite his best efforts, Mr. Burrow cannot successfully complete the annexation process. However, he is willing to obtain private easements and assume all the costs for installation and maintenance of a private water line from the city water main in the public right-of-way for North Carolina Highway 42 to the Patton Avenue Property.

Mr. Burrow is willing to incur this perpetual maintenance obligation because the Randolph County Health Department has informed him that the well water available to the Patton Avenue Property is not considered safe for human consumption. In light of this unique combination of factors, Mr. Burrow has requested council authorization to connect, by means of a privately installed and maintained service line, to the municipal water system.

Consistent with Code of Asheboro, Council Member Moffitt moved, and Council Member Burks seconded the motion, to authorize the requested single connection to the city water main located in the public right-of-way for North Carolina Highway 42. Mr. Burrow must pay for a city water system connection in compliance with all applicable ordinances and regulations. City maintenance responsibilities will not extend beyond a water meter located within the public right-of-way for North Carolina Highway 42. Any water service line connecting the city water meter to the Patton Avenue Property shall be privately maintained, including by way of illustration and without limitation all easements, construction, and maintenance costs and responsibilities. This authorization is limited to water used exclusively for the Patton Avenue Property, and the authorization stated herein will lapse if not acted upon before the end of the last business day in calendar year 2022. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

15. Membership Changes for the Asheboro ABC Board

Mayor Smith announced that the Honorable J. Brooke Schmidly, who currently serves as the chair of the local ABC board, has resigned from the board due to other professional obligations that are demanding more of her time. Board Chair Schmidly has provided distinguished service to the city and the Asheboro ABC Board.

No council action was taken during this portion of the meeting. Action to fill the vacancy on the Asheboro ABC Board is anticipated for the next regular council meeting.

16. Upcoming Events and Items not on the Agenda

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

There being no further business, the meeting was adjourned at 9:23 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk	**David H. Smith, Mayor**

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on June 27, 2022 (July Regular Meeting)

The Asheboro ABC Board met on Monday, June 27, 2022, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. Present at the board meeting were the Chair, Board Members Steve Knight and Bob Morrison and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

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

Board Minutes from the June 6, 2022, meeting were reviewed and approved by the Board.

Ralph & Allen Allred were present at the meeting and presented a lease and improvements proposal for property located on North Fayetteville Street at Hub Morris Road (owned by Ralph Allred). The board will consider the proposal and discuss its decisions at the next board meeting.

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

Monthly drafts and EFT payments will be reviewed at the next regular board meeting.

The GM discussed upcoming personnel changes as some employees move from part-time to full-time and full-time to part-time and the store manager, Robert Johnston, has given notice he is taking another job. Johnston will stay on as a part-time employee and assist with operations until a new store manager is in place. A new store manager should be announced by the next board meeting.

Upon motion by Stephen Knight, the board approved an across the board 10% pay increase, retroactive to the beginning of the current pay period, for all hourly employees.

Sales statistics will be reviewed at the next board meeting.

The next regular Asheboro ABC Board meeting will be held Monday, August 1, 2022, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 8-8-22 GM

J. Morrell Chair

Stephen R Knight

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on August 8, 2022

177

The Asheboro ABC Board met on Monday, August 8, 2022, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. The regularly scheduled August 1, 2022, Board Meeting was continued to August 8, 2022, due to scheduling conflicts. Present at the board meeting were the Chair, Board Member Steve Knight and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

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

Board Minutes from the June 27, 2022 (regular July meeting) meeting were reviewed and approved by the Board.

Curtis Shipley was present as a guest.

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

Monthly drafts and EFT payments from June and July 2022 were reviewed and approved by the Board.

The GM advised that the Ralph Allred property (considered as a possible second store location) is not under consideration at this time as there is currently a tenant occupying the property. If the property becomes available, the property owner will notify the board for further consideration.

2022 3rd and 4th Quarter Grant applications from Community Hope Alliance (CHA) and Keaton's Place were reviewed by the Board. Upon motion by the Chair, the Board approved funding Keaton's Place ($2000.00 from 2022 3rd Quarter Funds) with all residual 2022 3rd and 4th Quarter funding being awarded to CHA.

Sales statistics for the months of June and July 2022 were reviewed by the Board.

The next regular Asheboro ABC Board meeting will be held Monday, August 29, 2022, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 8-25-22

GM

Stephen R Knight

Brooke Dennicky by

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

APPOINTMENT OF CURTIS J. SHIPLEY TO A THREE-YEAR TERM OF OFFICE ON THE ASHEBORO ABC BOARD AND THE DESIGNATION OF STEPHEN R. KNIGHT AS CHAIRMAN OF THE ASHEBORO ABC BOARD

WHEREAS, the Asheboro ABC Board (the "Board") consists of three members who are appointed by the Asheboro City Council (the "Council") to terms of office that are three years in duration; and

WHEREAS, Section 18B-700(a) of the North Carolina General Statutes provides, in pertinent part, as follows:

> If the board is a three-member board, one member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. As the terms of the initial board members expire, their successors shall each be appointed for three-year terms. The appointing authority shall designate one member of the local board as chairman; and

WHEREAS, the Honorable J. Brooke Schmidly, who has completed her most recent three-year term of office as a member of the Board and has been serving as the designated Chairman of the Asheboro ABC Board, has indicated that she does not wish to be reappointed to the Asheboro ABC Board for another three-year term.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that Curtis J. Shipley is hereby appointed, effective September 8, 2022, to the Asheboro ABC Board as a member of the board with a three-year term of office; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, effective September 8, 2022, Stephen R. Knight is hereby designated as Chairman of the Asheboro ABC Board.

[The remainder of this page was intentionally left blank.
The signature blocks are on the next page.]

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of September, 2022.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

CITY OF
ASHEBORO
NORTH CAROLINA

APPLICATION FOR PARADE PERMIT

In accordance with the Asheboro City Code, Section 97.04, application is hereby made for a parade permit. This permit must be received fourteen (14) days prior to the day of the parade.

Contact Name: Rose Longuillo

Address: 5036 Meyers St Archdale NC 27263

Phone: 336.906.5128 E-mail: Roselonguillo@randolphartsguild.com

Organization: Randolph Arts Guild

Address: 123 Sunset Ave Asheboro NC 27203

Phone: 336.629.0399

Date of Parade: Oct. 1 & 2nd Start Time: 9pm friday sept 30 End Time: 4pm oct 2nd

Number of Persons: Number of Vehicles:

Streets Involved: Downtown old footprint all the way to Kivett st

Special officials and/or guests:

Insurance Company & Policy Number: The Hartford Cincinnati Insurance Company

Any additional Information: #ENP 0383435

UB - 2 5132 819-21-42

The undersigned agrees to hold the City of Asheboro and its officers, employees and agents free and harmless from and against any and all claims, losses, damages and settlements arising out of or relating to this parade. The undersigned agrees to investigate and provide defense for and defend any such claims at his/her sole expense and agrees to bear all other costs and expenses related thereto, even if the claims are groundless or false.

Signature of Authorized Representative:

Internal Use Only

Police Department Recommendation:

City of Asheboro Approval By: Date: 8/31/2022

RANDO-D

OP ID: DC

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 03/09/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Insurance Assoc. of the Triad PO Box 10 Asheboro, NC 27204 Matthew R. Smith 336-626-3030	CONTACT NAME: Matthew R. Smith PHONE (A/C, No, Ext): 336-626-3030 FAX (A/C, No): 336-629-1406 E-MAIL ADDRESS:
INSURED Randolph Arts Guild P.O. Box 1033 Asheboro, NC 27204	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Travelers Cas & Surety Co IL — 19046 INSURER B : Cincinnati Insurance Company — 10677 INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY [ ] PRO-JECT [ ] LOC OTHER:			ENP 0383435	05/22/2021	05/22/2022	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Emp Ben.	$ 1,000,000 $ 500,000 $ 10,000 $ 1,000,000 $ 1,000,000 $ 1,000,000 $ 1,000,000
B	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY [ ] SCHEDULED AUTOS X HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY			ENP 0383435	05/22/2021	05/22/2022	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
	UMBRELLA LIAB [ ] OCCUR EXCESS LIAB [ ] CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N [ ] N / A If yes, describe under DESCRIPTION OF OPERATIONS below			UB-2S132819-21-42	05/22/2021	05/22/2022	X PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 500,000 $ 500,000 $ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Customer's Record

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Matthew R. Smith

ACORD 25 (2016/03)

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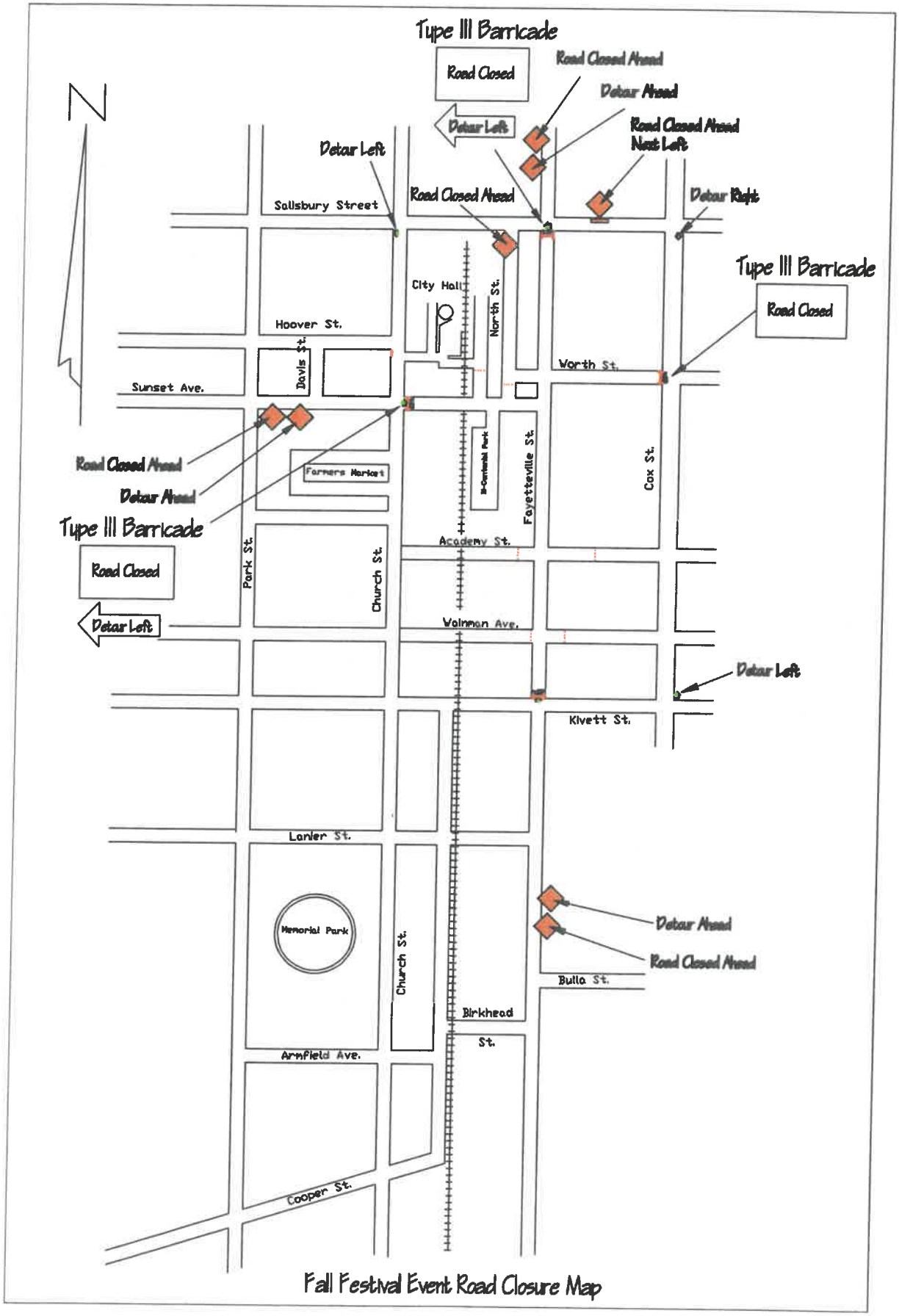
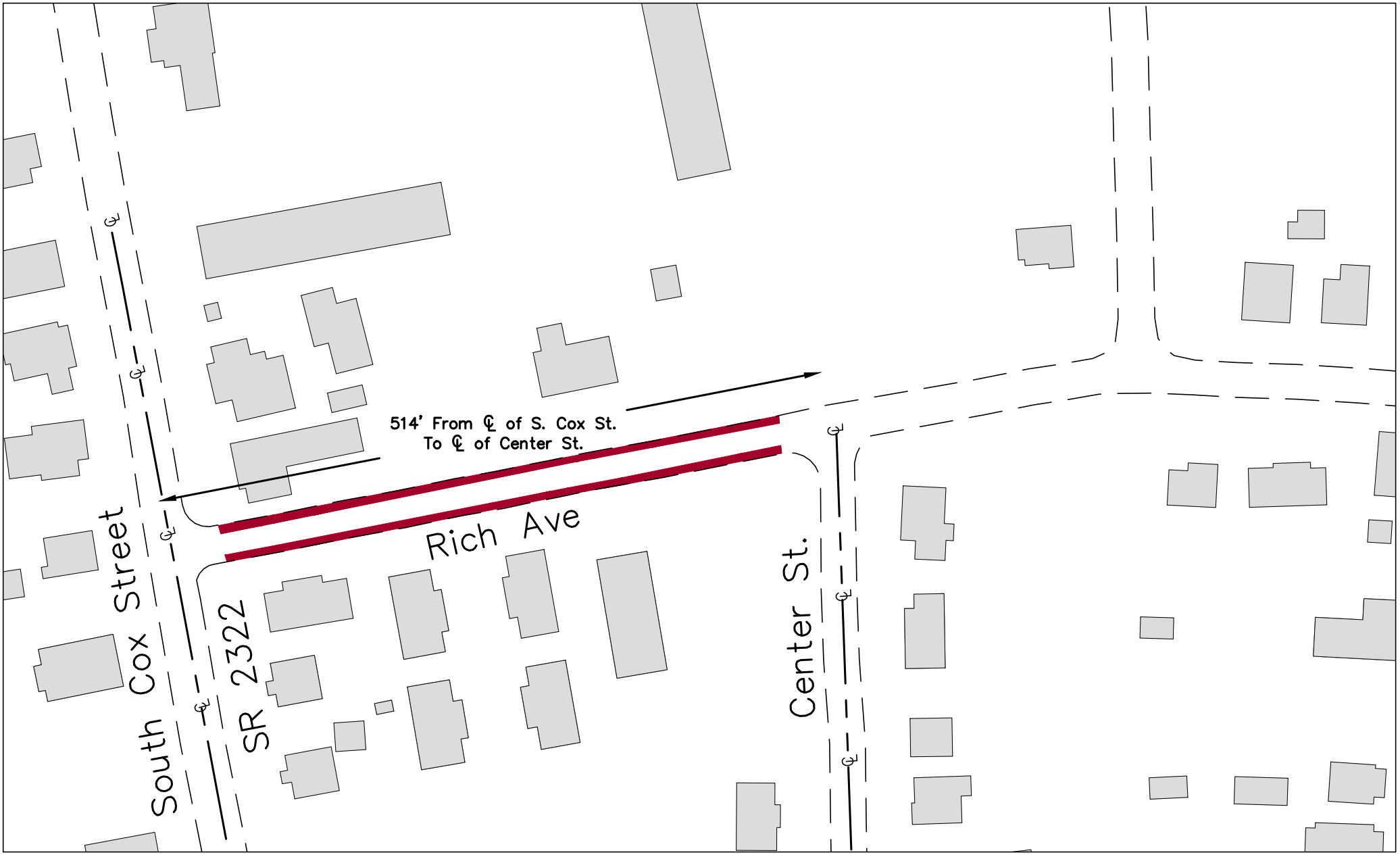


Fall Festival Event Road Closure Map



No Parking Designation For Rich Ave

City of Asheboro, North Carolina

Drawing By City of Asheboro Engineering Dept.

September, 2022 Scale 1" = 100'

No Parking

RGM
07033

Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1081405

Division: 8 **County:** RANDOLPH **Municipality:** ASHEBORO

Type: Municipal Speed Zones

Road: SR 2345 **Car:** 45 MPH **Truck:** 45 MPH

Description: Between SR 2191 (Rock Crusher Road) and a point approximately 0.47 mile east of SR 2191 (Rock Crusher Road).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1081401

Division: 8 **County:** RANDOLPH **Municipality:** ASHEBORO

Type: Municipal Speed Zones

Road: NC 42 **Car:** 45 MPH **Truck:** 45 MPH

Description: Between a point approximately 0.15 mile east of SR 2196 (Lakecrest Road), the western corporate limit of Asheboro, and a point approximately 0.14 mile east of US 64 Business, NC 49 (Dixie Drive), the eastern corporate limit of Asheboro.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1081400

Division: 8 **County:** RANDOLPH **Municipality:** ASHEBORO

Type: Municipal Speed Zones

Road: SR 2203 **Car:** 25 MPH **Truck:** 25 MPH

Description: Between a point approximately 0.78 mile north of US 64 Business and a point approximately 1.044 miles north of US 64 Business.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1081390

Division: 8 **County:** RANDOLPH **Municipality:** ASHEBORO

Type: Municipal Speed Zones

Road: US 64BUS **Car:** 55 MPH **Truck:** 55 MPH

Description: Between a point approximately 0.21 mile west of SR 2237 (E. Salisbury Street) and the eastern corporate limit, 0.03 mile west of SR 2237 (E. Salisbury Street).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1081387

Division: 8 **County:** RANDOLPH **Municipality:** ASHEBORO

Type: Municipal Speed Zones

Road: US 64BUS **Car:** 45 MPH **Truck:** 45 MPH

Description: US 64 Business, NC 49 (W. Dixie Drive) between the western corporate limit, SR 1144 (Mack Road), and a point approximately 0.21 mile west of SR 2237 (E. Salisbury Street).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1065415

Division: 8 **County:** RANDOLPH **Municipality:** ASHEBORO

Type: Municipal Speed Zones

Road: SR 2203 **Car:** 25 MPH **Truck:** 25 MPH

Description: From a point 0.78 mile north of US 64 northward to a point 1.044 miles north of US 64 in Asheboro.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1037243

Division: 8 **County:** RANDOLPH **Municipality:** ASHEBORO

Type: Municipal Speed Zones

Road: NC 42 **Car:** 45 MPH **Truck:** 45 MPH

Description: NC 42 from a point approximately 0.15 mile east of SR 2196 (Lakecrest Road), the west corporate limit of Asheboro, eastward to a point approximately 0.14 mile east of US 64/NC 49 (Dixie Drive), the east corporate limit of Asheboro, in Asheboro.(Corportate limits extended)

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1037019

Division: 8 **County:** RANDOLPH **Municipality:** ASHEBORO

Type: Municipal Speed Zones

Road: US 64 **Car:** 45 MPH **Truck:** 45 MPH

Description: E. Dixie Dr. (US 64-NC 49) from S. Fayetteville St. (US 220 Bus.) to the easterncorporate limit, approximately 0.10 milmile west of Dublin Rd. (SR 2197).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1037018

Division: 8 **County:** RANDOLPH **Municipality:** ASHEBORO

Type: Municipal Speed Zones

Road: US 64 **Car:** 45 MPH **Truck:** 45 MPH

Description: W. Dixie Dr. (US 64-NC 49) from the western corporate limit,approximately 0.12 mile east of US 220 Bypass, to S. Fayetteville St. (US 220 Bus.).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Case No. SUB-22-01: An evidentiary hearing on a subdivision ordinance variance for Windcrest Acres, Section 4

Staff Report

SUBDIVISION ORDINANCE VARIANCE REQUEST

Case: SUB-22-01 (Windcrest Acres, Section 4) **Date:** September 8, 2022

GENERAL INFORMATION:

Appellant: Davidson Land Development, LLC

Appellant Address: PO Box 1706, Lexington, NC 27293

Location of Affected Property: Bennett Street (portion of Randolph County PIN 7762369298)

Property Size: 19.91 Acres

Underlying Zone: R10/RA6*

Overlay Zone: None

Existing Land Use: Undeveloped

Surrounding Land Use:

North: Windcrest Acres, Sec. 3 **East:** Future Development Area

South: Manufactured Home Park **West:** Residential (single-two-multifamily) /Commercial

Land Development Plan: Neighborhood Residential

*There is a small portion of RA6 zoning that appears on the city's zoning map. Staff believes this to be incorrect and is taking steps to further investigate and, if necessary, correct this error.

ANALYSIS:

(1) The applicant has requested a subdivision variance from the Asheboro Subdivision Ordinance, Article IX (Required Improvements and Design Standards); Section B.1 (Streets, Publicly Maintained, Design Standards), which require that public streets have curb and gutter.

(2) This request is limited to the variance request only. A separate subdivision sketch request filed in compliance with the Subdivision Ordinance will need to be considered following this hearing and the Board's adoption of the minutes and/or Final Decision Document related to this matter.

(3) The Subdivision Ordinance generally requires that new publicly maintained streets have curb and gutter.

(4) The design of previous sections of Windcrest Acres (Sections 1 through 3) occurred prior to this requirement being in place.

(5) The specific section of the Subdivision Ordinance (Article IX, Required Improvements and Design Standards, Section B (STREETS, PUBLICLY MAINTAINED)). The applicant is seeking a variance from the section of the Subdivision Ordinance below, which prescribes the following design standards for publicly maintained streets:

Article IX, Required Improvements and Design Standards.

B. STREETS, PUBLICLY MAINTAINED

1. Design Standards: All streets shall be designed and built in accordance with the current edition of the North Carolina Department of Transportation Division of Highways Minimum Construction Standards for Subdivision Roads, with the following modifications:

a. Streets with Curb and Gutter Section

1. Curb and Gutter shall be 30" concrete per N. C. Department of Transportation Standard #846.01.

2. Right-of-way, pavement width, and typical street sections for local and collector roads shall conform to the attached illustration for curb and gutter sections.(See attachment IX-A)

b. Streets with Valley Curb Section

1. Right-of-way, pavement width, and typical street sections for local valley curb roads shall conform to the attached illustration for local valley curb. (See attachment IX-B)

2. The erosion control plan for valley curb section streets must include the following item certified by a registered professional engineer:

a) Stormwater quantity and velocity calculations showing that adequate curb inlets are provided so that storm water will not overtop the valley curb during a twenty-five year storm in a manner that will cause erosion of the street shoulders. (Amended 2/03)

(6) Process

The Planning Board is reviewing evidence presented by the applicant in support of the variance, and making a recommendation to the City Council. This is a quasi-judicial proceeding, subject to GS 160D-406. The Planning Board considers evidence presented by the applicant, their representative, or any other party with standing in concerning the variance and makes a recommendation to the City Council. City Council will hold a separate quasi-judicial hearing.

Staff does not make a recommendation on whether the variance should be granted.

(7) Following the maps that are provided in the staff report, these exhibits are attached to this request:

Exhibit 1 contains the email requesting the variance.

Exhibit 2 is the standard detail in the Subdivision Ordinance for curb and gutter, with two options: standard curb and gutter and valley curb.

Exhibit 3 is a copy of the notification letter mailed to property owners prior to the Planning Board meeting. In addition, those property owners were mailed an 11’ x 17’ copy of the subdivision plat.

Exhibit 4 is a copy of the notification letter mailed to property owners prior to the City Council meeting. In addition, those property owners were mailed an updated 11’ x 17’ copy of the subdivision plat.

(8) The Planning Board heard this request, and made a recommendation to deny it, on a three (3) to four (4) vote.

Case: SUB-22-01 (Variance request) **Date: September 8, 2022**

The following provision in the Subdivision Ordinance applies to variances:

Article 4 (VII) VARIANCES

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the City Council upon recommendation of the Planning Board, may authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of the Ordinance. All requests for variances shall be submitted in writing, by the subdivider or his agent, to the Planning Department. Such request shall be accompanied by materials providing sufficient evidence to support the claim of hardship.

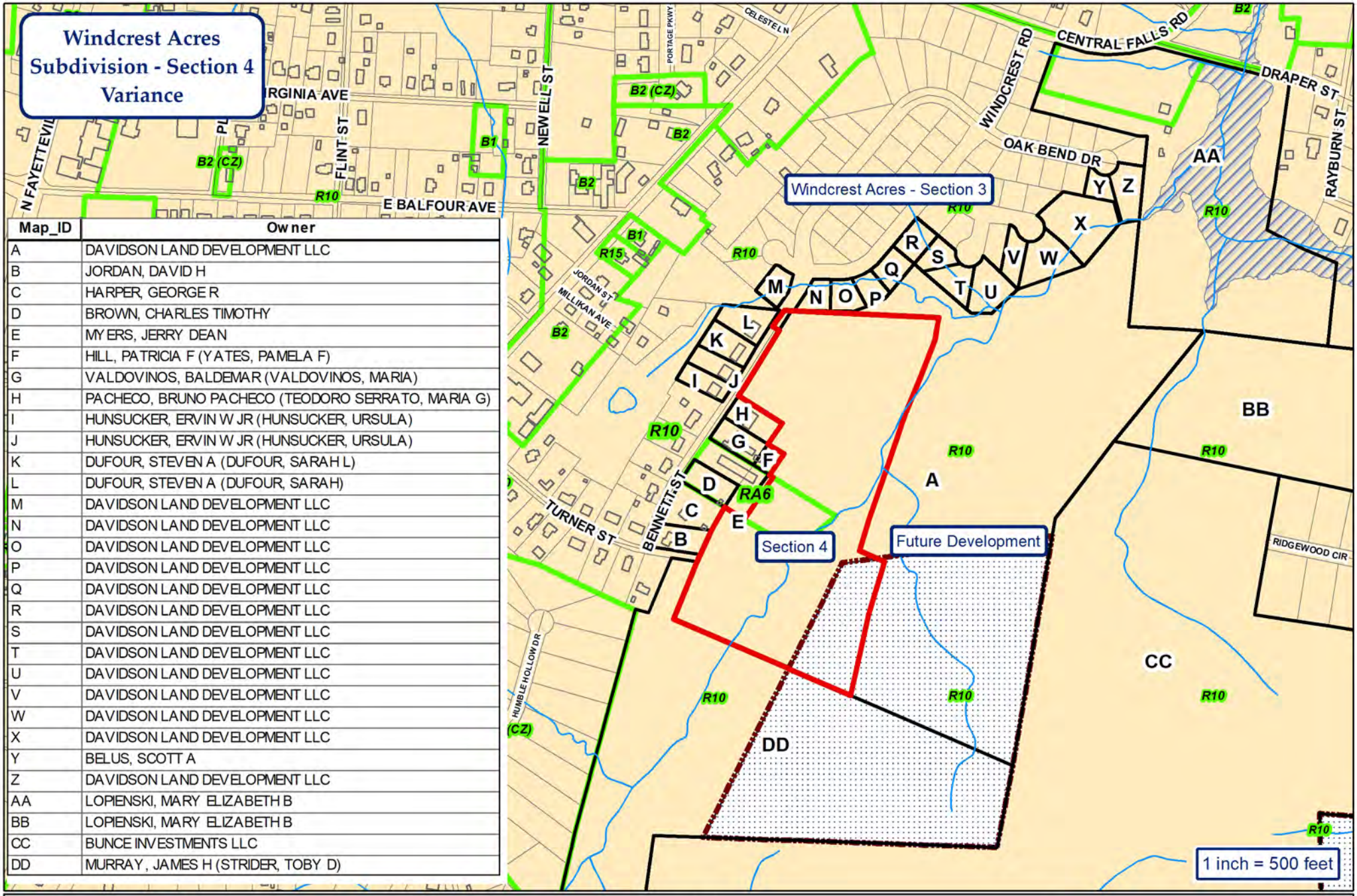
I have found all the findings of fact as listed above in favor of the applicant.

Board Action: Approve a variance from Article IX, Required Improvements and Design Standards, Section B (STREETS, PUBLICLY MAINTAINED), allowing public streets within Windcrest Acres, Section 4, to be built without curb and gutter.

Council Member's Vote: Yes_____ No_____

Signature_____

Windcrest Acres Subdivision - Section 4 Variance



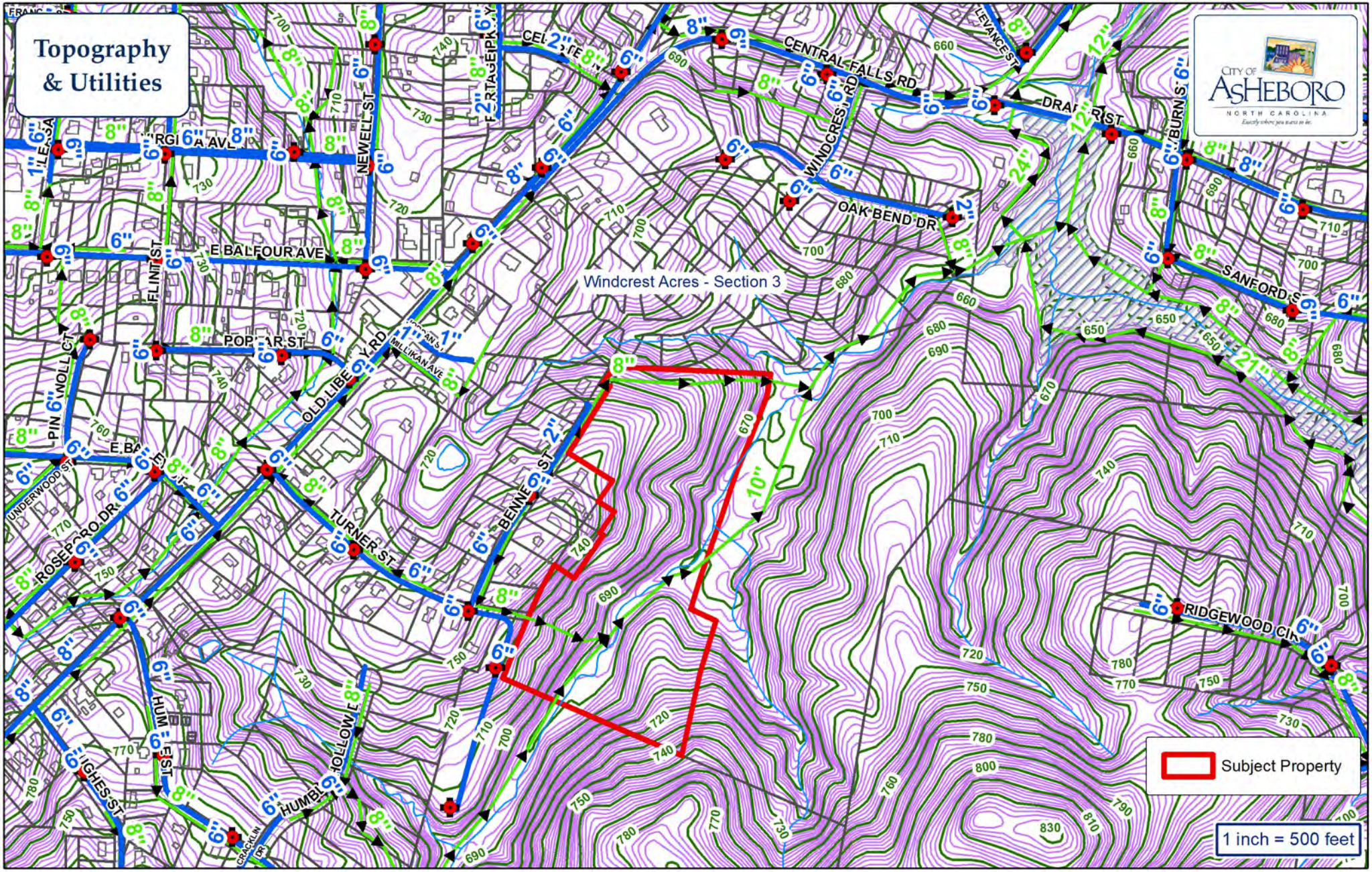
Map_ID	Owner
A	DAVIDSON LAND DEVELOPMENT LLC
B	JORDAN, DAVID H
C	HARPER, GEORGE R
D	BROWN, CHARLES TIMOTHY
E	MYERS, JERRY DEAN
F	HILL, PATRICIA F (YATES, PAMELA F)
G	VALDOVINOS, BALDEMAR (VALDOVINOS, MARIA)
H	PACHECO, BRUNO PACHECO (TEODORO SERRATO, MARIA G)
I	HUNSUCKER, ERVIN W JR (HUNSUCKER, URSULA)
J	HUNSUCKER, ERVIN W JR (HUNSUCKER, URSULA)
K	DUFOUR, STEVEN A (DUFOUR, SARAH L)
L	DUFOUR, STEVEN A (DUFOUR, SARAH)
M	DAVIDSON LAND DEVELOPMENT LLC
N	DAVIDSON LAND DEVELOPMENT LLC
O	DAVIDSON LAND DEVELOPMENT LLC
P	DAVIDSON LAND DEVELOPMENT LLC
Q	DAVIDSON LAND DEVELOPMENT LLC
R	DAVIDSON LAND DEVELOPMENT LLC
S	DAVIDSON LAND DEVELOPMENT LLC
T	DAVIDSON LAND DEVELOPMENT LLC
U	DAVIDSON LAND DEVELOPMENT LLC
V	DAVIDSON LAND DEVELOPMENT LLC
W	DAVIDSON LAND DEVELOPMENT LLC
X	DAVIDSON LAND DEVELOPMENT LLC
Y	BELUS, SCOTT A
Z	DAVIDSON LAND DEVELOPMENT LLC
AA	LOPIENSKI, MARY ELIZABETH B
BB	LOPIENSKI, MARY ELIZABETH B
CC	BUNCE INVESTMENTS LLC
DD	MURRAY, JAMES H (STRIDER, TOBY D)

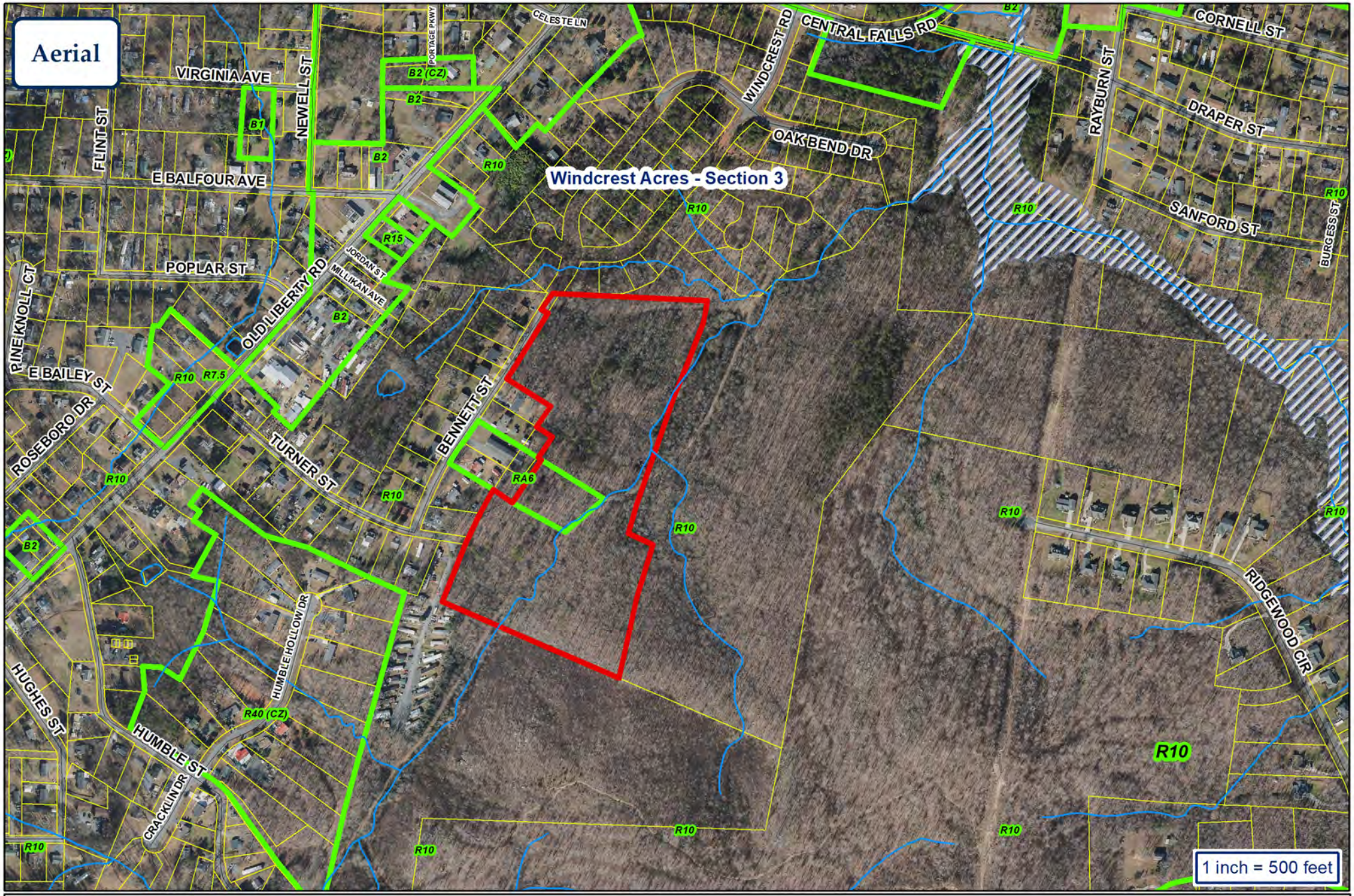
CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-22-01
Variance
Parcel: 7762369298

Subject Property
Zoning
City Limits
ETJ

N
W
E
S


Topography & Utilities
Windcrest Acres - Section 3
CENTRAL FALLS RD
OAK BEND DR
WINDCREST RD
E BALFOUR AVE
NEWELL ST
FLINT ST
POPLAR ST
OLD LIBERTY RD
MILLIKAN AVE
BENNETT ST
TURNER ST
ROSEBORO DR
UNDERWOOD ST
HUMBLE ST
HUMBLE HOLLOW DR
HUGHES ST
CRACKLIN DR
SANFORD ST
BURNS ST
RIDGEWOOD CIR
Subject Property
1 inch = 500 feet
Force Main
Water Main
Sewer Main
Fire Hydrant
PS
Pump Station
City of Asheboro Planning & Zoning Department
Subdivision Case: SUB-22-01
Variance
Parcel: 7762369298
N
S
E
W



City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-22-01
Variance
Parcel: 7762369298

Subject Property
Zoning

EXHIBIT 1

John Evans

From: Trevor Nuttall
Sent: Thursday, July 7, 2022 6:13 PM
To: Chris Reid
Cc: Christian Vestal; John Evans; Mack Summey; lanny@lthedrick.com
Subject: Re: [External Sender] Windcrest Ph. 4

Correct, the variance request will lead to a need to defer the subdivision reviews until the boards have had an opportunity to consider the variance.

On Jul 7, 2022 6:08 PM, Chris Reid <chris@reidfarm.com> wrote:
Let's proceed with the variance as curb and gutter is not mathematically possible on that topography.

Can we proceed with annexing the parcel that's in the county?

To clarify, by asking for a variance, phase 4 will be pulled from next weeks P&Z and CC meetings?

Thanks

Chris Reid
Davidson Land Development
Lexington, NC 27292

On Jul 7, 2022, at 4:30 PM, Trevor Nuttall <tnuttall@ci.asheboro.nc.us> wrote:

There is no application; however, we will need a written request (we likely can use your email if you confirm you wish for us to use this or you can provide a separate written request) and any materials that you'd like to present to support the request.

The process to consider a variance is outlined by GS_160D-406.pdf (ncleg.gov). Both the Planning Board and City Council would hold separate quasi-judicial public hearings in successive months. Due to the notice requirement, we would not be able to hear any variance at the July 11 / July 14 meetings. Note that the hearings would be quasi-judicial in nature and that a 4/5 majority of each board must vote in favor of the request for it to be recommended for approval/granted. At the meetings, the applicant will be able to offer additional evidence and testimony pertaining to the request. A variance request received today will lead to a Planning Board variance hearing in August (for a recommendation) and a City Council variance hearing in September. Once received, we will handle the notification requirements. Generally, we recommend applicants consider being represented by legal counsel at quasi-judicial hearings.

Under city code, variances are authorized by Article 4 (VII) of the subdivision ordinance; the code standards for authorizing a variance are included below:

Article 4 (VII) VARIANCES

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the City Council upon recommendation of the Planning Board, may authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of the Ordinance. All requests for variances shall be submitted in writing, by the subdivider or his agent, to the Planning Department. Such request shall be accompanied by materials providing sufficient evidence to support the claim of hardship.

Please confirm how you wish to proceed.

From: Christian Vestal [mailto:christian@summeyengineering.com]
Sent: Thursday, July 7, 2022 1:44 PM
To: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>; John Evans <jevans@ci.asheboro.nc.us>
Cc: Chris Reid <chris@reidfarm.com>; Mack Summey <mack@summeyengineering.com>; lanny@lthedrick.com
Subject: [External Sender] Windcrest Ph. 4

Hey Guys,

After looking at the numbers for phase 3, it has been determined that we will be pursuing a variance for phase 4 to remove the curb and gutter.

With the existing topography being more difficult than phase 3, and considering the slim margins on phase 3, the developer has decided to either do the project with no curb, or not do it at this time.

Can you send us the requirements for the variance request, and any associated applications to get started?

Let us know what you need from us.

Thanks

Christian Vestal

Design Technician

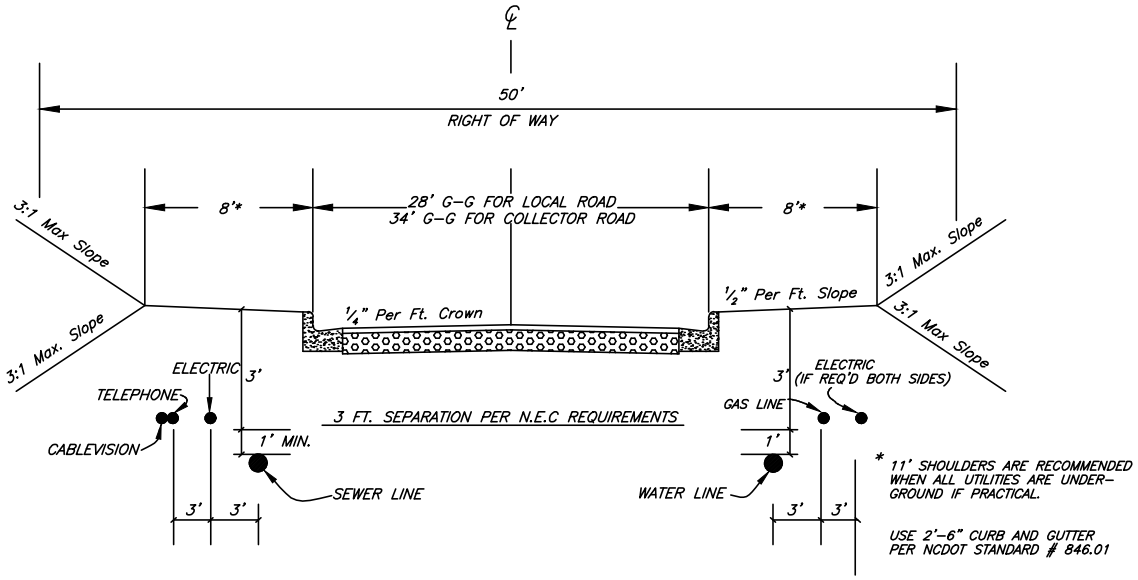
Summey Engineering Associates, PLLC

P.O. Box 968 | Asheboro, NC 27204

Office: 336.328.0902 | Fax: 336.328.0922

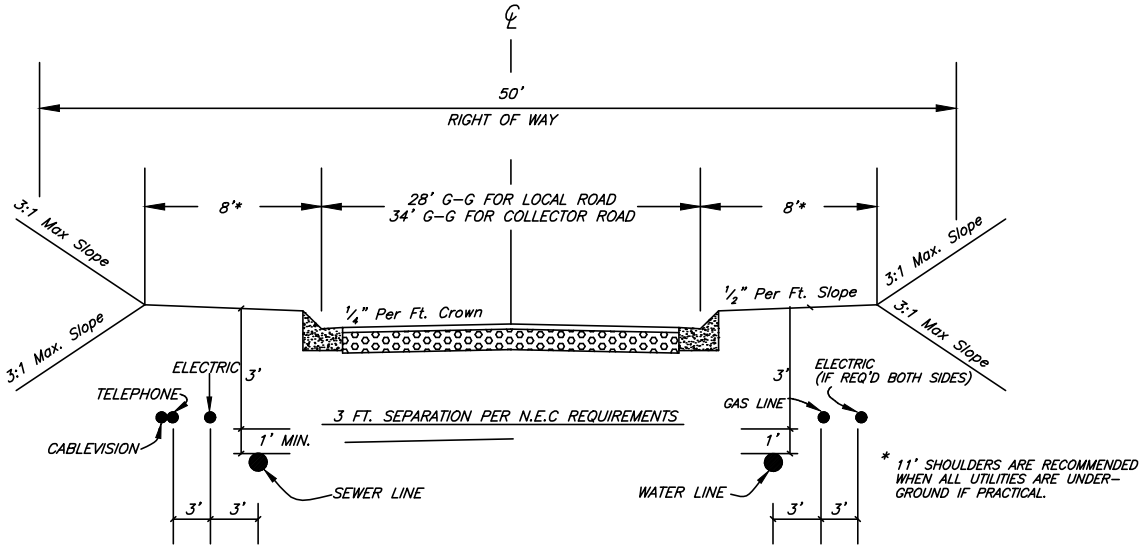
Email: christian@summeyengineering.com

EXHIBIT 2



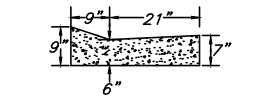
LOCAL AND COLLECTOR STANDARD CURB AND GUTTER ROAD

ATTACHMENT IX – A



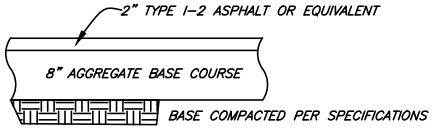
LOCAL AND COLLECTOR VALLEY CURB ROAD

ATTACHMENT IX – B



VALLEY CURB SECTION

Provide Transistion Into Curb Inlet
NCDOT Standard # 840.01



STREET PAVEMENT SECTION

FOR STANDARD CURB & GUTTER ROADS OR VALLEY CURB ROADS

Provide 4' Min. Depth For Water Mains, Water Services, Sewer Mains & Sewer Services When Adjacent To Other Underground Utilities.

TYPICAL STREET SECTIONS

NO SCALE

Revised 12-03

EXHIBIT 3

CITY OF ASHEBORO
PLANNING & ZONING

Notice of Hearing for Subdivision Ordinance Variance

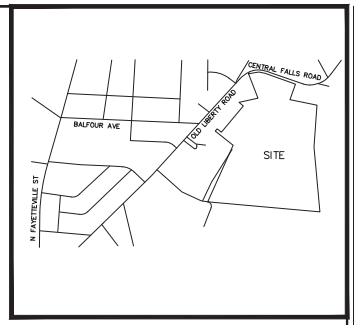
As an adjoining or neighboring property owner, this is to notify you that Davidson Land Development, LLC has filed a request for a variance from the Asheboro Subdivision Ordinance for proposed Windcrest Acres, Section 4. A copy of the proposed subdivision plan is attached.

Specifically, the request seeks a variance from Article IX, Section B.1, of the Asheboro Subdivision Ordinance (STREETS, PUBLICLY MAINTAINED Design Standards), which generally requires that new publicly maintained streets be built with curb and gutter. If the variance is approved, new streets within the subdivision would not be required to possess curb and gutter and would be constructed in a similar manner to those within the built sections of Windcrest Acres.

The City of Asheboro Planning Board will hold a quasi-judicial hearing on this request on **Monday, August 1, 2022 at 7:00PM**. This meeting will be held in the City Council Chambers at City Hall, 146 North Church Street, Asheboro, NC 27203. Following the hearing, the Planning Board will forward its recommendation on the request to the Asheboro City Council. A separate notice regarding details of the Asheboro City Council meeting where this matter will be heard will be mailed following the Planning Board meeting.

Please note that the proposed subdivision is permitted under existing zoning and no public hearing will be held related to a zoning change. The only item to be considered during this hearing is the variance request (i.e. whether roads within this section of the subdivision will be required to possess curb and gutter).

The meeting is open to the public. If you have any questions, please contact the Planning Department at 626-1201 ext. 225.



VICINITY MAP
N.T.S.

SITE NOTES:

1. PROPERTY INFORMATION

OWNER/DEVELOPER:	DAVIDSON LAND DEVELOPMENT, LLC
PIN NUMBERS:	7762369298
EXISTING ZONING:	R10 / RA6
EXISTING LAND USE:	VACANT
OWNER ADDRESS:	896 SHIPTONTOWN RD LEXINGTON, NC 27292
NUMBER:	336-746-5115

2. THE PROJECT IS LOCATED WITHIN THE CITY OF ASHEBORO
3. PARCEL BOUNDARIES, TOPOGRAPHIC DATA, EASEMENTS, EXISTING WATER METER AND SANITARY SEWER ARE SHOWN PER FIELD SURVEY RECIEVED FROM SURVEY CAROLINA, PLLC
4. PROPOSED USE: RESIDENTIAL
5. LOT INFORMATION
   - NUMBER OF LOTS:
   - EXISTING 1-27 (SECTION 1 AND 2) 28-74 (46) (SECTION 3)
   - PROPOSED 1-35 (SECTION 4)
   - TOTAL TRACT AREA: 69.13 AC
   - SITE AREA IN CURRENT DEVELOPMENT: 19.91 AC
   - AVERAGE LOT SIZE IN CURRENT DEVELOPMENT: 0.48 AC
   - PROPOSED R/W AREA: 3.09 AC
   - SETBACKS:
     FRONT= 30 FT (UNLESS MODIFIED BY FRONT YARD AVERAGING REQUIREMENT)
     SIDE= 10 FT
     REAR= 25 FT
   - MIN. LOT SIZE 10,000 SF
   - MIN. LOT WIDTH 75'
6. PROPOSED STREET INFORMATION
   - COPPERFIELD COURT 830 LF
   - SMOKEY RIDGE ROAD 1150 LF
   - IRONWOOD COURT 220 LF LF
   - 60' R/W
7. MAINTENANCE NOTES
   - MUNICIPALITY TO MAINTAIN ALL STORM SEWER, SANITARY SEWER, AND WATER LINES WITHIN PUBLIC R/W
8. OBTAIN ALL APPLICABLE PERMIT APPROVALS PRIOR TO ANY CONSTRUCTION.
9. CONFIRM UTILITY TIE INS WITH CITY PRIOR TO CONSTRUCTION.
10. NO STREET LIGHTING IS PROPOSED PER THIS DESIGN

PRELIMINARY CIVIL SITE DEVELOPMENT PLANS

DRAWING LEGEND

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- SETBACK LINES
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER LINE
- PROPOSED SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE
- EXISTING WATER LINE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- PROPOSED WATER LINE
- PERENNIAL STREAM
- EXISTING STORM PIPE

0' 100' 200' 300'
DRAWING SCALE
1" = 100'

HUNDRED FOOT CURVE

NORTH CAROLINA REGISTERED PROFESSIONAL ENGINEER SEAL 26447 MACK SUMMEY

SEA

Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
PO Box 968
Asheboro, NC 27204
Phone: 336-328-0902 Fax: 336-328-0922
E-mail - info@summeyengineering.com
NC Professional Engineering Firm License No. P-3598

No.	Date:	Description:	By

SKETCH PLAN
WINDCREST ACRES SUBDIVISION SECTION 4

WINDCREST RD
ASHEBORO - RANDOLPH COUNTY - NC

Scale:	AS NOTED
Date:	NOV. 2020
Drawn By:	CV
Checked By:	PWSL
Job No.	E-7610

Sheet No.
C-1

CITY OF ASHEBORO
PLANNING & ZONING

Exhibit 4

Notice of Hearing for Subdivision Ordinance Variance

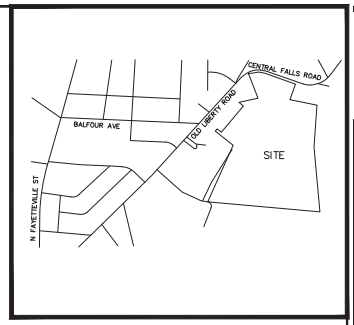
As an adjoining or neighboring property owner, this is to notify you that Davidson Land Development, LLC has filed a request for a variance from the Asheboro Subdivision Ordinance for proposed Windcrest Acres, Section 4 (identified by Randolph County Parcel Identification Number 7762460011; located off Bennett Street and east of Turner Street). A copy of the proposed subdivision plan is attached.

Specifically, the request seeks a variance from Article IX, Section B.1, of the Asheboro Subdivision Ordinance (STREETS, PUBLICLY MAINTAINED Design Standards), which generally requires that new publicly maintained streets be built with curb and gutter. If the variance is approved, new streets within the subdivision would not be required to possess curb and gutter and would be constructed in a similar manner to those within the built sections of Windcrest Acres.

The Asheboro City Council will hold a quasi-judicial hearing on this request on **Thursday, September 8, 2022 at 7:00PM**. This meeting will be held in the City Council Chambers at City Hall, 146 North Church Street, Asheboro, NC 27203. City Council will hear evidence related to this request during this hearing.

Please note that the proposed subdivision is permitted under existing zoning and no public hearing will be held related to a zoning change. The only item to be considered during this hearing is the variance request (i.e. whether roads within this section of the subdivision will be required to possess curb and gutter).

The meeting is open to the public. If you have any questions, please contact the Planning Department at 626-1201 ext. 225.



VICINITY MAP
N.T.S.

SITE NOTES:

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OWNER/DEVELOPER: DAVIDSON LAND DEVELOPMENT, LLC
PIN NUMBERS: 7762369298
EXISTING ZONING: R10
EXISTING LAND USE: VACANT

OWNER ADDRESS: 896 SHIPTONTOWN RD LEXINGTON, NC 27292
NUMBER: 336-746-5115

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3. PARCEL BOUNDARIES, TOPOGRAPHIC DATA, EASEMENTS, EXISTING WATER METER AND SANITARY SEWER ARE SHOWN PER FIELD SURVEY RECIEVED FROM SURVEY CAROLINA, PLLC

4. PROPOSED USE: RESIDENTIAL

5. LOT INFORMATION
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- PROPOSED 1-34 (SECTION 4)
- TOTAL TRACT AREA: 69.13 AC
- SITE AREA IN CURRENT DEVELOPMENT: 19.91 AC
- AVERAGE LOT SIZE IN CURRENT DEVELOPMENT: 0.48 AC
- PROPOSED R/W AREA: 3.09 AC
- SETBACKS:
  FRONT= 30 FT (FRONT SETBACKS ARE SUBJECT TO FRONT YARD AVERAGING PROVISIONS)

SETBACKS ARE SUBJECT TO FRONT YARD AVERAGING ON BOTH STREETS, CORNER LOTS HAVE FRONT YARD SETBACKS, SIDE SETBACKS, AND NO REAR YARD SETBACK.

SIDE= 10 FT
REAR= 25 FT
- MIN. LOT SIZE 10,000 SF
- MIN. LOT WIDTH 60'

6. PROPOSED STREET INFORMATION
- TURNER ST EXT. 630 LF
- SMOKEY RIDGE ROAD 1150 LF
- IRONWOOD COURT 220 LF LF
- 60' R/W

7. MAINTENANCE NOTES
- MUNICIPALITY TO MAINTAIN ALL STORM SEWER, SANITARY SEWER, AND WATER LINES WITHIN PUBLIC R/W

8. OBTAIN ALL APPLICABLE PERMIT APPROVALS PRIOR TO ANY CONSTRUCTION.

9. CONFIRM UTILITY TIE INS WITH CITY PRIOR TO CONSTRUCTION.

DRAWING LEGEND

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- SETBACK LINES
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER LINE
- PROPOSED SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE
- EXISTING WATER LINE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- PROPOSED WATER LINE
- PERENNIAL STREAM
- EXISTING STORM PIPE

0' 100' 200' 300'
DRAWING SCALE
1" = 100'

HUNDRED FEET TO TOWN

PRELIMINARY CIVIL SITE DEVELOPMENT PLANS

SEAL REDACTED

SEA

Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
PO Box 968
Asheboro, NC 27204
Phone: 336-328-0902 Fax: 336-328-0922
E-mail - info@summeyengineering.com
NC Professional Engineering Firm License No. P-3516

No.	Date:	Description:	By

SKETCH PLAN
WINDCREST ACRES SUBDIVISION SECTION 4

WINDCREST RD
ASHEBORO - RANDOLPH COUNTY - NC

Scale:	AS NOTED
Date:	NOV. 2020
Drawn By:	CV
Checked By:	PWSL
Job No.:	E-7610

Sheet No.
C-1

CERTIFICATE OF SERVICE

This Certificate of Service is provided to certify that the undersigned has this day served via first-class mail, in compliance with 160D-406, the attached Final Decision Document on the parties listed below by depositing a copy hereof in a postage-paid wrapper, addressed as follows, in a post office depository under the exclusive care and custody of the United States Postal Service:

Davidson Land Development LLC
896 Shiptontown Rd.
Lexington, NC 27292

This the 7 day of September, 2022.

Trevor L. Nuttall, Community Development Director
City of Asheboro
Post Office Box 1106
Asheboro, North Carolina 27204-1106
Telephone: (336) 626-1201, Extension 223
Email: tnuttall@ci.asheboro.nc.us

RECEIVED
SEP 0 7 2022

Case No. SUB-22-01
City of Asheboro Planning Board
Application for a Subdivision Ordinance Variance

IN THE MATTER OF THE REQUESTED VARIANCE FOR WINDCREST ACRES, SECTION 4 FROM THE SUBDIVISION ORDINANCE'S CURB AND GUTTER REQUIREMENT FOR NEW PUBLICLY MAINTAINED STREETS

FINAL DECISION DOCUMENT RECOMMENDING THE DENIAL OF THE REQUESTED SUBDIVISION ORDINANCE VARIANCE

THIS SUBDIVISION ORDINANCE VARIANCE CASE came before the City of Asheboro Planning Board (the "Board") for an evidentiary hearing (*i.e.*, a quasi-judicial proceeding) conducted during the Board's regular meeting on August 1, 2022. Having considered all competent evidence and argument, the Board, on the basis of competent, material, and substantial evidence, hereby enters the following:

FINDINGS OF FACT

1. Davidson Land Development, LLC (the "Applicant") is seeking a variance from the mandated curb and gutter design standards mandated by the City of Asheboro Subdivision Ordinance (the "Subdivision Ordinance") for new publicly maintained streets.

2. The Applicant owns a tract or parcel of land identified by Randolph County Parcel Identification Number 7762460011. A portion of this tract of land (approximately 19.91 acres of undeveloped land within the overall parcel), which adjoins Bennett Street at one point, is the subject of a contemplated subdivision identified as Windcrest Acres, Section 4. The Applicant has contended that a variance from the Subdivision Ordinance's mandated curb and gutter design standards is needed in order to allow the proposed development to proceed.

3. Uncontroverted evidence established that notice of the variance application has been mailed and posted in accordance with the applicable statutory and ordinance provisions.

4. Windcrest Acres, Section 4 (the "Variance Lot") is located in an R10/RA6 zoning district. A small portion of RA6 zoning appears on the city's zoning map. The planning staff is continuing to investigate whether the indication of the presence of RA6 zoning is incorrect and will take corrective action as warranted by the conclusions of the review.

5. The Land Development Plan designates the area in which the Variance Lot is located as "Neighborhood Residential."

6. The land uses surrounding the Zoning Lot are described as follows:

North:	Windcrest Acres, Section 3	East:	Future Development Area
South:	Manufactured Home Park	West:	Residential (Single-Family, Two-Family, and Multifamily)/Commercial

7. Within the Subdivision Ordinance, the required improvements and design standards for publicly maintained streets are found in Article IX, Section I, Subsection B.1., which states as quoted immediately below.

B. STREETS, PUBLICLY MAINTAINED

1. Design Standards:

All streets shall be designed and built in accordance with the current edition of the North Carolina Department of Transportation Division of Highways Minimum Construction Standards for Subdivision Roads, with the following modifications:

a. Streets with Curb and Gutter Section

1. Curb and Gutter shall be 30" concrete per N.C. Department of Transportation Standard # 846.01.

2. Right-of-way, pavement width, and typical street sections for local and collector roads shall conform to the attached illustration for curb and gutter sections. (See attachment IX-A) [Note: The attachment quoted in the immediately preceding text has not been attached to this final decision document.]

b. Streets with Valley Curb Section

1. Right-of-way, pavement width, and typical street sections for local valley curb roads shall conform to the attached illustration for local

valley curb. (See attachment IX-B) [Note: The attachment quoted in the immediately preceding text has not been attached to this final decision document.]

2. *The erosion control plan for valley curb section streets must include the following item certified by a registered professional engineer:*

   a) *Stormwater quantity and velocity calculations showing that adequate curb inlets are provided so that storm water will not overtop the valley curb during a twenty-five year storm in a manner that will cause erosion of the street shoulders.* ***(Amended 2/03)***

c. *Pavement*

All publicly maintained streets must have an asphalt surface (Type I-1 or I-2) or a concrete surface. A BST surface (Bituminous surface treatment) will not be acceptable. (amended 6/99)
All streets and drainage systems shall be built in accordance with City of Asheboro specifications and standard details.

8. The basis for the requested variance was succinctly stated in email correspondence submitted to the Board. In an email dated July 7, 2022, to the community development director and the assistance community development director, an employee of the engineering firm retained by the Applicant stated in the substance of the email message as follows:

After looking at the numbers for phase 3, it has been determined that we will be pursuing a variance for phase 4 to remove the curb and gutter.

With the existing topography being more difficult than phase 3, and considering the slim margins on phase 3, the developer has decided to either do the project with no curb, or not to do it at this time.

Can you send us the requirements for the variance request, and any associated applications to get started?

Let us know what you need from us.

9. With regard to the subject of granting variances, Section 160D-705(d) of the North Carolina General Statutes provides as follows:

> *(d) Variances. -- When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:*
>
> *(1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*
>
> *(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.*
>
> *(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.*
>
> *(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.*
>
> *No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.* ***Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection (Emphasis Added).***

10. Article IV, Section VII of the Subdivision Ordinance addresses the subject of variances in the following manner:

VII. VARIANCES

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the City Council, upon recommendation of the Planning Board, may authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of the Ordinance. All requests for variances shall be submitted in writing, by the subdivider or his agent, to the Planning Department. Such request shall be accompanied by materials providing sufficient evidence to support the claim of hardship.

11. The public street proposed for the Variance Lot would be considered a local street.

12. The developer is not proposing a privately maintained street. A planned unit development or PUD is the type of development where a privately maintained street could be reviewed as an option.

13. Unlike the design currently submitted for Windcrest Acres, Section 4, the designs for the previous sections of Windcrest Acres were approved before the curb and gutter design standards were adopted as part of the Subdivision Ordinance. Consequently, the previously developed sections of the Windcrest Acres subdivision lawfully contain streets that would not conform to the curb and gutter design standards applicable to the proposed Section 4.

14. According to uncontroverted testimony offered by Assistant Community Development Director John Evans, policy reasons underlying the incorporation of curb and gutter design standards into the Subdivision Ordinance included aesthetics and providing support for the installation of sidewalks, even if the sidewalks are not installed until a later date.

15. Christian Vestal, a design technician with the applicant's retained engineering firm (Summey Engineering Associates, PLLC) testified that the cost tied to the grading and materials needed to meet the prescribed curb standards in the hilly area found within the Variance Lot would be too expensive to move forward. In order to proceed, the developer is requesting authorization to use the non-curb design utilized in the other sections of Windcrest Acres.

Based on the foregoing findings of fact, the Board hereby enters the following:

CONCLUSIONS OF LAW

1. The evidence presented during the hearing of this case established that the Variance Lot does have rugged topography that will create a significant cost to overcome in order to comply with the Subdivision Ordinance's prescribed curb and gutter design standards for new publicly maintained streets.

2. However, the Board must adhere to the standards set out in the applicable laws and ordinances if a recommendation supporting the variance request is to be properly granted.

3. As noted above, Section VII in Article IV of the Subdivision Ordinance provides, in pertinent part:

> *Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the City Council, upon recommendation of the Planning Board, may authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of the Ordinance.*

4. With any regulatory framework, there is always some level of inconvenience or hardship shared by the community that is subject to the regulations. An applicant for a variance must show an unnecessary hardship has been created by the regulation(s) in question. The cost of compliance can be a factor, but the cost of compliance is not determinative. The applicant must show the substantial and undue nature of the cost associated with a subdivision regulation in comparison to others who have to comply with the same regulation.

5. Furthermore, if a variance is to be recommended, such a variance to the generally applicable regulations must be granted only to the extent that is absolutely necessary and not to an extent that would violate the intent of the Subdivision Ordinance. A variance cannot subvert the intent of an ordinance. However, in some cases, flexibility may be needed in order to achieve the policy goals that supported the adoption by the city council of an ordinance provision.

6. In this case, the Applicant requested a complete variance from the mandated curb and gutter design standards without providing sufficient evidence that the specific variance requested in the application was absolutely necessary and that no alternatives were available to achieve the intent of the ordinance.

7. Due to the Applicant's failure to meet the burden of persuasion, the Board has insufficient evidence to conclude that the requested variance addresses an

unnecessary hardship only to the extent that is absolutely necessary and not to an extent that would violate the intent of the Subdivision Ordinance.

Based on the above-recited findings of fact and conclusions of law, the Board hereby enters the following:

RECOMMENDATION

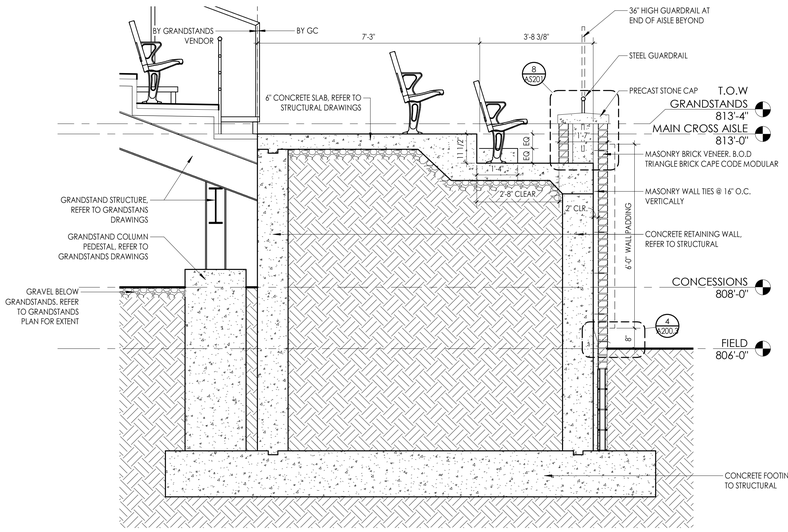
The City of Asheboro Planning Board hereby recommends the denial of the Applicant's above-described request for a variance from the curb and gutter design standards prescribed in the Subdivision Ordinance for new publicly maintained streets.

The foregoing Final Decision Document was adopted by the Board in open session during a regular meeting held on September 6, 2022.

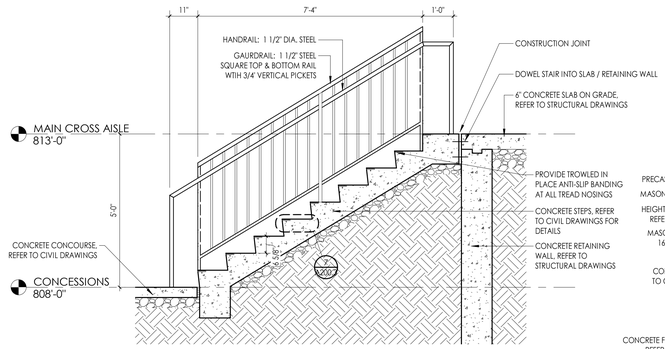
Michael O'Kelley, Chair

ATTEST:

Bradley Morton, Secretary to the Board

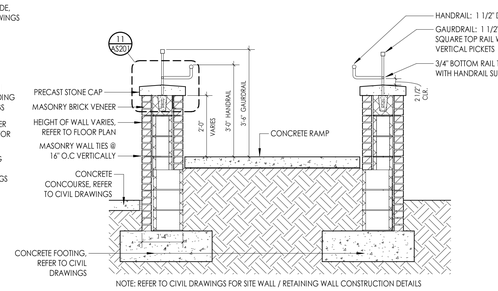


5 A200.3 **SECTION @ GRANDSTANDS BACKSTOP WALL**
1/2" = 1'-0"



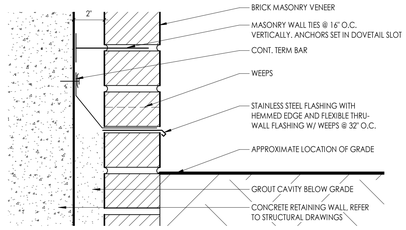
2 A200.3 **TYP. CONCRETE STAIR SECTION**
1/2" = 1'-0"

NOTE: PICKETS AT ALL STAIRS / RAMPS / GAURDRAILING TO BE ORIENTED VERTICAL

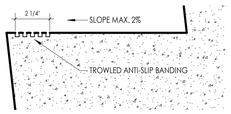


NOTE: REFER TO CIVIL DRAWINGS FOR SITE WALL / RETAINING WALL CONSTRUCTION DETAILS

3 A200.3 **PRECAST TYPE 01**
1/2" = 1'-0"



4 A200.3 **DETAIL @ BASE OF WALL**
3" = 1'-0"



7 A200.3 **TYP. CONCRETE STAIR TREAD NOSING**
3" = 1'-0"

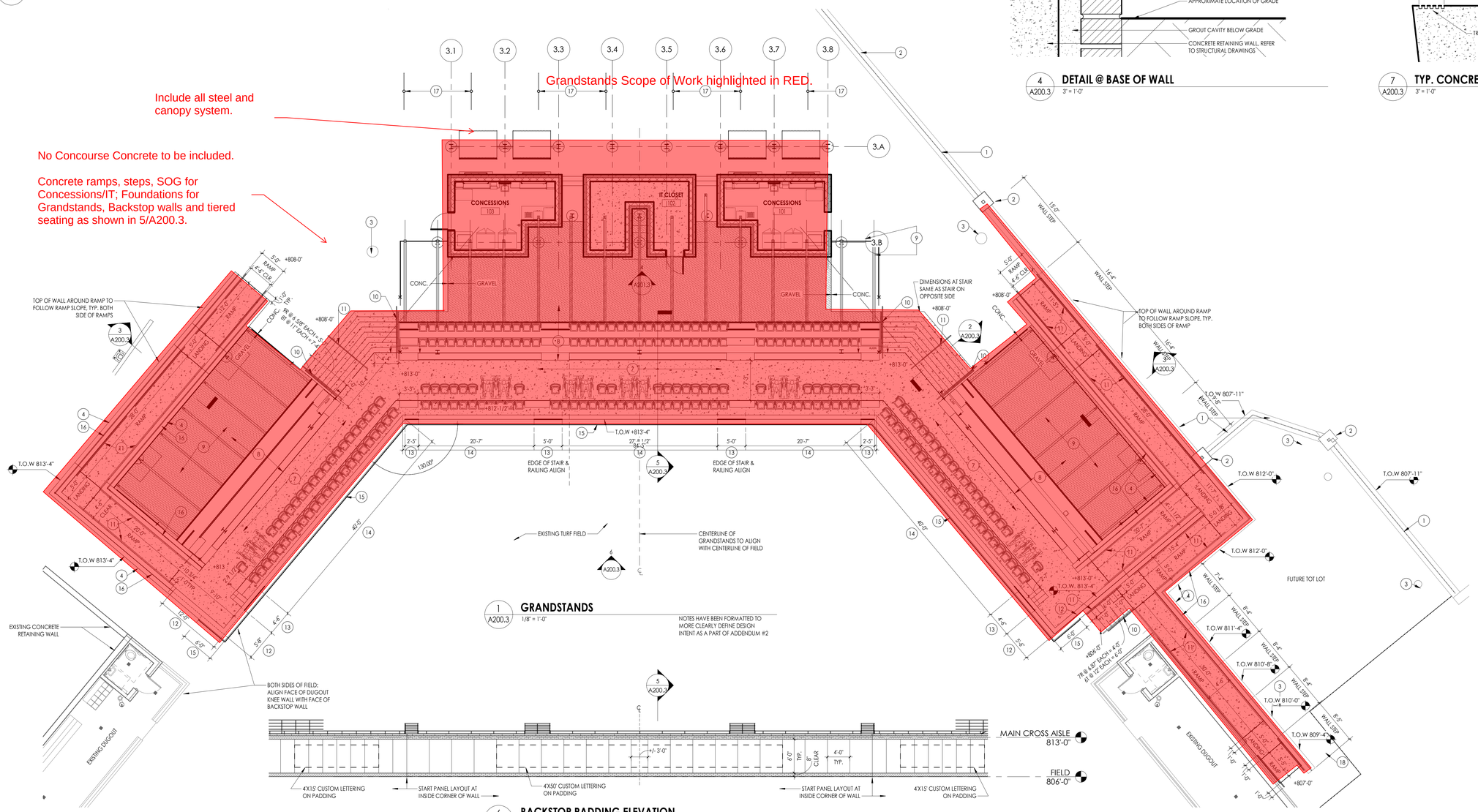
FLOOR PLAN KEY NOTES

1. CMU RETAINING WALL W/ BRICK VENEER + CAST STONE CAP + 72" METAL FENCING
2. BRICK MASONRY PIER WITH CAST STONE CAP
3. POLE FOR BACKSTOP NETTING OR TOT NETTING
4. CMU SITE WALL W/ BRICK VENEER + CAST STONE CAP
5. CONCRETE RAMP
6. CONCRETE STEPS
7. 6" SLAB ON GRADE, REFER TO STRUCTURAL DRAWINGS
8. ALUMINUM GRANDSTANDS AND PRESSBOX BY GRANDSTANDS VENDOR, INCLUDING ALL FOUNDATIONS, FRAMING, ALUMINUM BLEACHERS, AND FLIP UP CHAIRS. CONCRETE SLABS ON GRADE, STAIRS AND RAMPS NOT INCLUDED WITH VENDOR DRAWINGS
9. MESH BLEACHER WRAP AT UNDERSIDE OF BLEACHERS, FULL PERIMETER (B.O.D. - BALL FABRICS)
10. 1 1/2" DIA. STEEL HANDRAIL AND GUARDRAIL SYSTEM, TYP.
11. 1 1/2" DIA. STEEL HANDRAIL
12. 1 1/2" DIA. STEEL GUARDRAIL WITH MESH PANELS, 42" HIGH, TYP.
13. 1 1/2" DIA. STEEL GUARDRAIL AT END OF AISLES, 36" HIGH, TYP.
14. 1 1/2" DIA. STEEL GUARDRAIL 1'-4" HIGH
15. 2" THICK x 48" WIDE WALL PADDING PANELS, CONTINUE AROUND ENTIRE PERIMETER OF BACKSTOP WALL AND TURN CORNER FOR 6FT
16. 1 1/2" DIA. STEEL GUARDRAIL MOUNTED TO TOP OF WALL. TOP RAIL OF GUARDRAIL TO BE 42" FROM RAMP SURFACE
17. 25'-0" HIGH FLAG POLE WITH 6'-0" CROSS ARMS
18. METAL FENCING

Include all steel and canopy system.

No Concourse Concrete to be included.

Concrete ramps, steps, SOG for Concessions/IT; Foundations for Grandstands, Backstop walls and tiered seating as shown in 5/A200.3.



1 A200.3 **GRANDSTANDS**
1/8" = 1'-0"

NOTES HAVE BEEN FORMATTED TO MORE CLEARLY DEFINE DESIGN INTENT AS A PART OF ADDENDUM #2

6 A200.3 **BACKSTOP PADDING ELEVATION**
1/8" = 1'-0"

CPL | Architecture Engineering Planning
400 Bellemeade Street Suite 401,
Greensboro, NC 27401
CPLteam.com

PROJECT INFORMATION

Project Number
16258.00

Client Name
CITY OF ASHEBORO

Project Name
MCCRARY PARK ADDITIONS AND RENOVATIONS
PHASE II

Project Address
138 SOUTHWAY ROAD
ASHEBORO, NC 27205

PROJECT ISSUE & REVISION SCHEDULE

nr	Date	Description

PROFESSIONAL STAMPS

CPL Architects and Engineers, P.C. — 5130 — Charlotte, North Carolina

SHEET INFORMATION

Issued: 07/22/22
Scale: As indicated
Project Status: CONSTRUCTION DOCUMENTS
Drawn By: Author
Checked By: Checker
Drawing Title: ARCHITECTURAL GRANDSTAND PLAN & SECTIONS

Drawing Number
3
A200.3

7/26/2022 10:31:39 AM <project location> D:\Design\08 CAD\Revit\CENTRAL FILES

Agenda #10 a (ii)
1 of 2

ORDINANCE TO AMEND THE GENERAL FUND FY 2022-2023

WHEREAS, on August 26, 2022, the City of Asheboro received official notification that the City of Asheboro received a $1 million dollar state grant for capital improvements or equipment at McCrary Ballpark detailed in the 2022 Appropriations Act.

WHEREAS, the City of Asheboro has received a donation of $500,000 from Randolph County Government for McCrary Ballpark.

WHEREAS, the City of Asheboro would like to appropriate these funds toward the construction of a grandstand at McCrary Ballpark.

WHEREAS, the estimated cost of construction of the grandstand is estimated at $3.6 million dollars.

WHEREAS, the City of Asheboro would like to appropriate fund balance in the amount of $2.1 million dollars in order to proceed with executing a contract for the grandstand construction.

WHEREAS, the City of Asheboro desires amend the 2022-2023 budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current 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: The following revenue line item be increased:

Line Item	Description	Increase
10-000-399.0000	Contribution from General Fund	2,100,000

Section 2: The following expense line item be increased:

Line Item	Description	Increase
10-620-574.6500	Contribution to McCrary Ballpark Improvements Fund	2,100,000

Adopted this the 8th day of September 2022.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

Agenda # 10a(ii)
2 of 2

ORDINANCE TO AMEND THE MCCRARY BALLPARK IMPOVEMENTS FUND FY 2022-2023

WHEREAS, on August 26, 2022, the City of Asheboro received official notification that the City of Asheboro received a $1 million dollar state grant for capital improvements or equipment at McCrary Ballpark detailed in the 2022 Appropriations Act.

WHEREAS, the City of Asheboro has received a donation of $500,000 from Randolph County Government for McCrary Ballpark.

WHEREAS, the estimated cost of construction of the grandstand is estimated at $3.6 million dollars

WHEREAS, the City of Asheboro would like to use the funds from the state grant and Randolph County Government along with an appropriation of $2.1 million from City of Asheboro General Fund balance toward the construction of a grandstand at McCrary Ballpark.

WHEREAS, the City of Asheboro desires amend the 2022-2023 budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current 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: The following revenue line Items be increased:

Line Item	Description	Increase
65-000-300.0001	Contribution from General Fund	2,100,000
65-000-300.0000	Donations – Randolph County	500,000
65-000-301.0000	State Grant Proceeds	1,000,000
		$3,600,000

Section 2: The following expense line item be increased:

Line Item	Description	Increase
65-000-403.9000-	Construction- Grandstands	3,600,000

Adopted this the 8th day of September 2022.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

Agenda # 10a (iv)

ORDINANCE TO AMEND
THE MCCRARY BALLPARK IMPOVEMENTS FUND
FY 2022-2023

WHEREAS, the City of Asheboro has received a commitment from the Kiwanis Club of Asheboro for $50,000 for the purchase of an inclusive playground for the McCrary Ballpark.

WHEREAS, upon receipt of the funds, the City of Asheboro would like to execute a contract to the purchase of a playground apparatus for the McCrary Ballpark.

WHEREAS, the City of Asheboro desires amend the 2022-2023 budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current 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: The following revenue line items be increased:

Line Item	Description	Increase
65-000-300.0000	Donations – Kiwanis	50,000

Section 2: The following expense line item be increased:

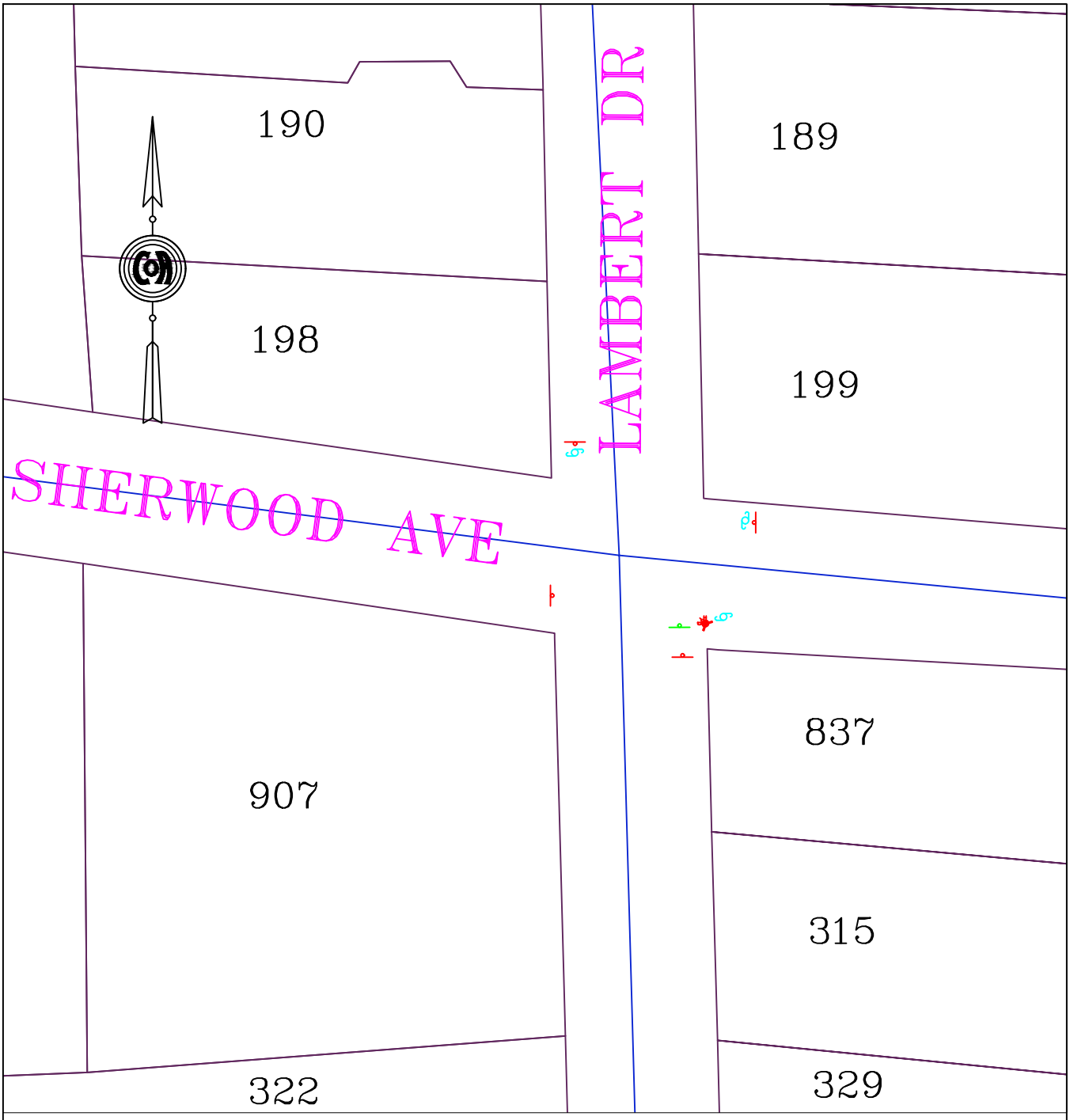
Line Item	Description	Increase
65-000-404.9000	Construction- Playground	50,000

Adopted this the 8th day of September 2022.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk



LEGEND

- PROPOSED STOP SIGN
- EXISTING STREET SIGN
- EXISTING UTILITY POLES
- EXISTING FIRE HYDRANT

NOTES

Stop Signs on Sherwood Ave are existing

CITY OF ASHEBORO
ENGINEERING DEPARTMENT
146 NORTH CHURCH STREET
ASHEBORO, NORTH CAROLINA

Scale 1" = 60'
Date: 9-8-2022
Job #: 22019

PROPOSED INTERSECTION IMPROVEMENTS

Intersection of Lambert Dr & Sherwood Ave Asheboro, NC

LEGEND

- PROPOSED STOP SIGN
- EXISTING STREET SIGN
- EXISTING UTILITY POLES
- EXISTING FIRE HYDRANT

NOTES

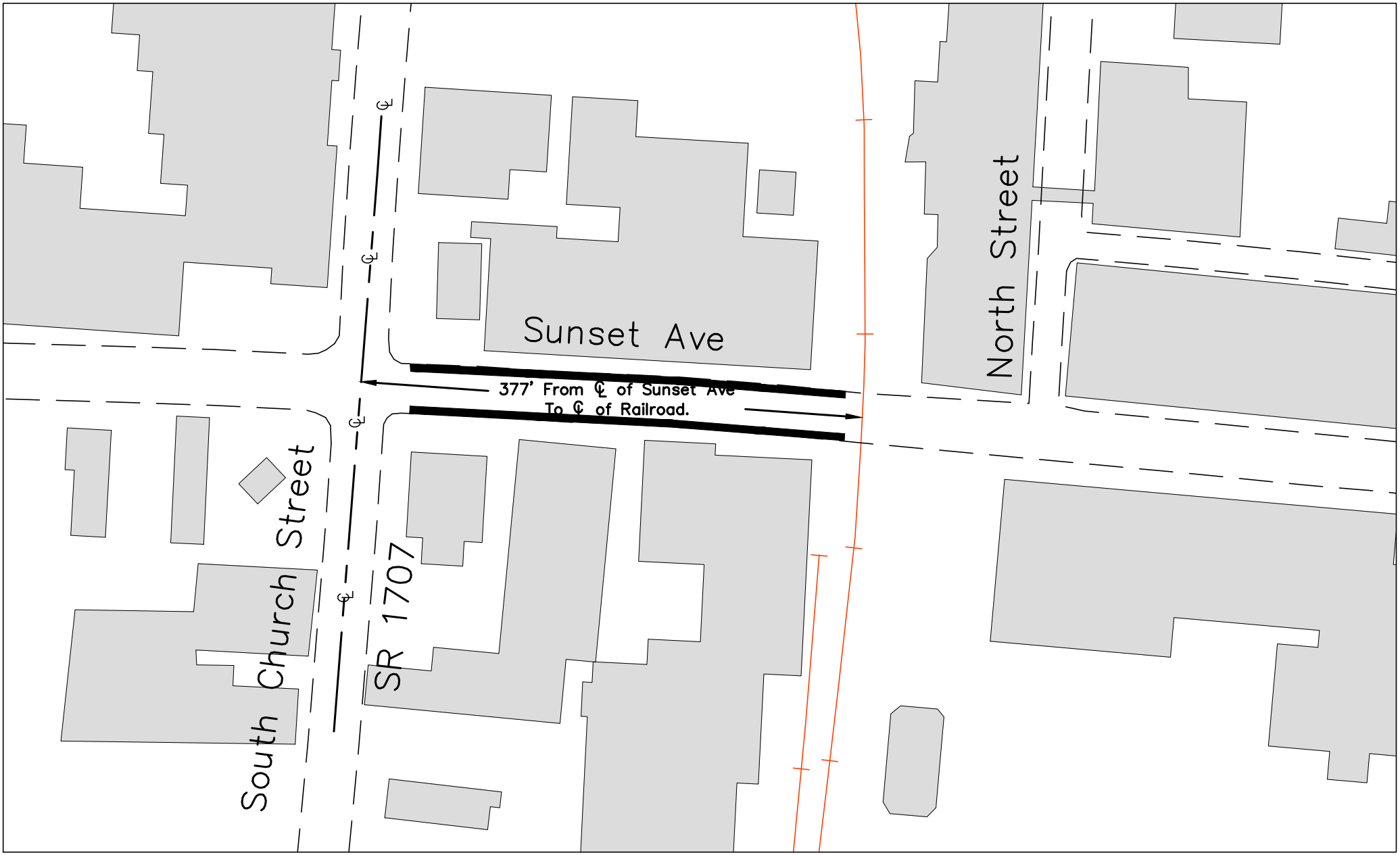
Stop Signs on Sherwood Ave are existing

CITY OF ASHEBORO
ENGINEERING DEPARTMENT
146 NORTH CHURCH STREET
ASHEBORO, NORTH CAROLINA

Scale 1" = 60'
Date: 9-8-2022
Job #: 22019

PROPOSED INTERSECTION IMPROVEMENTS

Intersection of Lambert Dr & Sherwood Ave Asheboro, NC



4 Hour Designation For Sunset Ave

City of Asheboro, North Carolina

Drawing By City of Asheboro Engineering Dept.

September, 2022 Scale 1" = 100'

4 hr Parking

RGM
07033

Agenda #13
1 of 2

ORDINANCE TO AMEND THE GENERAL FUND FY 2022-2023

WHEREAS, Vehicles and Equipment were ordered in fiscal year 2021-2022 with the anticipation that they be received on or before June 30, 2022.

WHEREAS, these vehicles and equipment were earmarked to be paid for out of funds from the June 2022 financing agreement.

WHEREAS, due to a variety of factors impacting the economic environment, vehicles and equipment were not received before June 30, 2022.

WHEREAS, the delay of receipt of vehicles and equipment in 2021-2022 will result in the revenue of debt service proceeds not matched against purchases in 2021-2022 to flow toward fund balance in the June 30, 2022 fiscal year end financial statements.

WHEREAS, an appropriation of fund balance for these vehicles and equipment in 2022-2023 is necessary since these expenses were not included in the 2022-2023 adopted expenditure budget.

WHEREAS, the City of Asheboro desires amend the 2022-2023 budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current 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:

That the following revenue line items be increased:

Line Item	Description	Increase
10-000-399.0000	Fund Balance Allocation	$520,000

That the following expense line items be increased:

Line Item	Description	Increase
10-510-574.0000	Capital Outlay	225,000
10-565-574.0000	Capital Outlay	261,000
10-640-574.0000	Capital Outlay	34,000
		$520,000

Adopted this the 8th day of September 2022.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

Agenda # 13

2 of 2

ORDINANCE TO AMEND THE GENERAL FUND FY 2022-2023

WHEREAS, the City of Asheboro Police Department was awarded a $2000 grant from Walmart for community outreach and the City of Asheboro desires to the funds from this local grant in the Asheboro Police Department budget in the Community Resource expenditure line item.

WHEREAS, the City of Asheboro desires to amend the 2022-2023 budget as required by law to adjust for changes in revenues and expenditures.

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:

That the following revenue line items be increased:

Line Item	Description	Change
10-000-350.0001	Local Grants	2,000

That the following expense line items be increased:

Line Item	Description	Change
10-510-533.0002	Community Resource Supplies	2,000

Adopted this the 8th day of September, 2022.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMISSION OF A BUILDING REUSE GRANT APPLICATION AS PART OF AN ECONOMIC DEVELOPMENT PROJECT WITH PEMMCO MANUFACTURING, INC.

WHEREAS, the North Carolina Department of Commerce administers grants and loans to units of local government such as the City of Asheboro (the "City") to support economic development activity that will lead to the creation of new, full-time jobs; and

WHEREAS, PEMMCO Manufacturing, Inc. ("PEMMCO") is a precision machining company located at 631 Veterans Loop Road in Asheboro; and

WHEREAS, due to consistent growth and the potential for additional large projects, PEMMCO has developed plans to improve its precision machine shop; and

WHEREAS, PEMMCO is proposing, over the course of the next two years, to invest no less than $223,990 for improvements in real property; and

WHEREAS, in addition to retaining 110 full-time jobs, PEMMCO is committed to creating in Asheboro 18 new full-time jobs with an average annual wage of $42,000; and

WHEREAS, in light of PEMMCO's stated commitment to job creation, the City's professional staff has joined with the Randolph County Economic Development Corporation to recommend that the municipal corporation submit an application for Building Reuse Grant funding in the amount of $100,000; and

WHEREAS, on September 8, 2022, the Asheboro City Council conducted a properly advertised public hearing on the question of whether to submit the above-described grant application; and

WHEREAS, after considering the information presented during the public hearing, the governing board concurred with the recommendation to submit an application for Building Reuse Grant funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the governing board supports the job creation associated with PEMMCO's proposed improvement project; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the governing board believes that, in addition to job retention and creation, the City's participation in the proposed economic development project will increase the population, the taxable property base, and business prospects in the City; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, for the above-stated reasons, the City is fully supportive of submitting a Building Reuse Grant application seeking $100,000 in funding; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the mayor and the City's appointed officials are hereby authorized to execute the legal instruments necessary to successfully complete the above-described grant application process.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on September 8, 2022.

_____

David H. Smith, Mayor

ATTEST:

_____

Holly H. Doerr, CMC, NCCMC, City Clerk

Agenda Item 15

ORDINANCE TO AMEND THE ECONOMIC DEVELOPMENT & TOURISM DEVELOPMENT FUND FY 2022-2023

WHEREAS, the annual expenditure appropriation for ongoing annual community support payments to various agencies that support and promote Economic Development and Quality of Life in Asheboro need to be amended to account for anticipated expenses in 2022-2023.

WHEREAS, the City of Asheboro desires to amend the 2022-2023 budget as required by law to adjust for changes in revenues and expenditures.

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 items be increased:

Line Item	Description	Increase
72-000-371.0005	GF contribution for Chamber of Commerce	50,000
72-000-371.0006	GF contribution for Chamber of Commerce- DAI office support	25,000
72-000-371.0008	GF contribution for Chamber of Commerce / Venture Asheboro	50,000
72-000-371.0009	GF Contribution for Economic Development Corp.	55,000
72-000-371.0011	GF Contribution Downtown Asheboro Inc.	120,000
		300,000

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

Line Item	Description	Increase
72-000-840.9200	Chamber of Commerce	50,000
72-000-840.9201	Chamber of Commerce- Main Street / DAI Office Support	25,000
72-000-840.9203	Chamber of Commerce / Venture Asheboro	50,000
72-000-840.9400	Economic Development Corp.	55,000
72-000-840-9500	Downtown Asheboro Inc.	120,000
		300,000

Adopted this the 8th day of September, 2022.

David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

Holly H Doerr, CMC, NCCMC, City Clerk