AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, SEPTEMBER 12, 2019, 7:00 PM

1. Call to order.

2. Silent prayer and pledge of allegiance.

3. Resumption of the quasi-judicial hearing for Case No. RZ/CUP-19-09, which was continued from the July and August meetings, in order to obtain more evidence concerning an application to place property on the north side of Vision Drive and along Nottingham Street in a CU-I2 zoning district and to obtain a conditional use permit authorizing an industrial development with multiple uses and/or structures, including a special intensity watershed allocation.

4. Consent Agenda:

   (a) Approval of the meeting minutes for the city council's regular meeting on August 8, 2019.

   (b) Approval of the meeting minutes for the city council's special meeting on August 20, 2019.

   (c) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for July 1, 2019, and August 5, 2019.

   (d) Approval of the final decision document for Land Use Case No. SUP-19-03.

   (e) Request for approval to schedule for October 10, 2019, and to advertise a public hearing pertaining to the following land use cases:

      (i) Legislative Hearing: Request to rezone property located at 853 East Salisbury Street (Randolph County Parcel Identification Number 7761227703) from R7.5 (Medium-Density Residential) to OA6 (Office Apartment).

      (ii) Legislative Hearing: An application filed by the City of Asheboro for text amendments throughout the zoning ordinance including, but not limited to, the creation of an airport zoning district; issues related to motor vehicles (domestic and commercial) and vehicle repair, places of assembly, and recreation and amusement services; provisions for uses not listed in the Table of Uses 200-2; and amendments to miscellaneous definitions as well as procedural and clerical items.

(f) Approval of a request to extend the time allowed between Preliminary and Final Plat review for the Robins Nest Phase 2 subdivision.

(g) Approval of a request to extend the time allowed between Preliminary and Final Plat review for the Zoocrest Townhomes subdivision.

(h) Approval of a resolution supporting and authorizing an application for a State Grant/Loan for the Sanitary Sewer Lift Station No. 3 Improvements Project.

(i) Approval of a resolution supporting and authorizing an application for an Asset Inventory and Assessment State grant.

(j) Approval of an ordinance to amend the Asheboro Housing Development Fund (#62) and three ordinances amending the budget ordinance for FY 2019-2020 to address the following General Fund items:

(i) Sunset Theatre programming and grant funding for the Urgent Repair Program;

(ii) The acquisition of street right-of-way for the proposed extension of Commerce Place; and

(iii) Funding for procuring redevelopment assistance from the UNC School of Government Development Finance Initiative.

(k) Adoption of a resolution awarding to Chief of Police Jody P. Williams, upon his retirement, his service side arm.

(l) Adoption of a resolution awarding to Master Police Officer Joe R. Hunt, upon his retirement, his service side arm.

(m) Adoption of a resolution approving an involuntary commitment transportation agreement for the custody and transportation of respondents subject to involuntary commitment proceedings.

(n) Approval of a resolution stating the intent of the Asheboro City Council to lease hangar space at the Asheboro Regional Airport to the Civil Air Patrol.

5. Public Comment Period.

6. Mayor Smith will introduce the following items for council approval for the David and Pauline Jarrell Center City Garden:

   (a) A resolution adopting the official name of the project.

   (b) A budget amendment to purchase additional properties necessary to fully develop the David and Pauline Jarrell Center City Garden.

7. Community Development Director Trevor Nuttall will introduce the following items:

   (a) Presentation of the recently adopted State Transportation Improvement Program (STIP) schedule concerning local highway projects.

   (b) Presentation of applications of those interested in serving on the LDP Steering Committee.

   (c) Status report of projects on the properties list of the 2018-2023 Central Business District Redevelopment Plan:

      (i) Randolph County Parcel Identification Number 7751738346: Acme McCrary Corporation: 170 North Church Street

      (ii) Randolph County Parcel Identification Number 7751738346: Acme McCrary Corporation: 159 North Street

      (iii) Randolph County Parcel Identification Number 7751831174: City of Asheboro: 148 North Street

8. City Engineer Michael Leonard, PE will introduce the following items:

   (a) Consideration of a petition received from Mr. Leonard Latham requesting the contiguous annexation of a parcel of land at 1126 Oakland Avenue:

      (i) Public hearing

      (ii) Ordinance to extend the corporate limits of the City of Asheboro

   (b) Approval of Work Authorization #3 between the City of Asheboro and WK Dickson for the Design/Bid Phase of the New Airfield Lighting System.

(c) Update the Council on the request to close a portion of West Pritchard Street.

(d) Update the Council on the request by Mr. Harrell Hamilton for assistance with traffic issues at Lindley Park School.

(e) City of Asheboro Recreation Facility Bleachers Bid Tabulation.

9. Mayor Smith will lead a discussion of upcoming events and items not on the agenda.

10. Adjournment.

RZ-CUP-19-09 (continued from July 11, 2019 and August 8, 2019)

Requests concerning property located on north side of Vision Drive, along Nottingham St., and south of 1595 Nottingham St. (Randolph County Parcel Identification Numbers 7752655565, 7752547146, 7752640158)

1. **RZ-19-09**: Request to rezone this property from CUI-3 (Conditional Use Limited Industrial), R15 (Low-Density Single-Family Residential), and RA6 (High-Density Residential) to CU-I2 (Conditional Use General Industrial)

Planning Board Recommendation and Staff Report

2. **CUP-19-09**: Request for Conditional Use Permit for Industrial Development with Multiple Uses and Structures and Special Intensity Watershed Allocation

Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-19-09**

Date 6/3/2019 PB

Applicant John Thompson, JB Davis, & Jerry Holder
OSOTT, LLC

Legal Description

The properties of Osott, LLC & JB Davis & Sons Ventures, LLC, located on the East of I-73/74, north of Vision Dr. & south of 1595 Nottingham St., and east of 1595 & 1599 Nottingham St., opposite the Norfolk Southern Railroad. These properties are identified by Randolph County Parcel ID #s7752655565, 7752547146, 7752640158 & total approximately 62.23 acres +/-.

Requested Action Rezone from R15 (Low-Density Single-Family Residential) and RA6 (High-Density Residential) to CU-I2 (Conditional Use General Industrial)

Existing Zone R15/RA6/CU-I3

Land Development Plan See Rezoning staff report

Planning Board Recommendation

Approve.

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-19-09** **Date** 7-11-19, 8-8-19, & 9-12-19 City Council

General Information

Applicant Osott, LLC (c/o John Thompson, JB Davis, & Jerry Holder)

Address 130 Wright Way

City Troy NC 27371

Phone 910-220-1052

Location north side of Vision Drive/Nottingham Drive

Requested Action Rezone from CU-I3 (Conditional Use Limited Industrial), RA6 (High-Density Residential) and R15 (Low-Density Single-Family Residential) to CU-I2 (Conditional Use General Industrial)

Existing Zone CU-I3, RA6, R15 **Existing Land Use** Undeveloped

Size 62.34 acres +/- **Pin #** 7752655565, 7752547146, 7752640158

Applicant's Reasons as stated on application

Area is well suited for Warehouse & Industrial Uses. The amendment would allow for a development of this type in a safe area where there is a need for warehousing in Asheboro. A dedicated industrial area is safer than being spread out in various locations around the City. A portion of the property is designated as an Employment Center & has rail service. Another portion of the property is located in an Economic Development area. This meets the intent of the LDP. The property is ideal for this type development due to it having access to rail service and located along the Interstate corridor.

Surrounding Land Use

North Single-family/Schools/Undeveloped **East** Railroad/Single-Family

South Undeveloped property **West** I-73/I-74/Single-Family

Zoning History May, 1986 (Case No. RZ-86-34): A portion of the property (west of Norfolk Southern Railroad) was rezoned from R15 to CU-I3, but no specific development has been approved for the property.

Legal Description

The properties of Osott, LLC & JB Davis & Sons Ventures, LLC, located on the East of I-73/74, north of Vision Dr. & south of 1595 Nottingham St., and east of 1595 & 1599 Nottingham St., opposite the Norfolk Southern Railroad. These properties are identified by Randolph County Parcel ID #s7752655565, 7752547146, 7752640158 & total approximately 62.23 acres +/-. **Legal notices were mailed to adjoining property owners on Thursday, June 27, 2019.**

Analysis

1. A portion of the property is inside the city limits (Parcel Identification #7752655565 east of Norfolk Southern Railroad). The remaining property is within the City extraterritorial zoning jurisdiction (ETJ), but is outside the city limits.
2. Vision Dr. is a state-maintained boulevard with fully controlled access in this location. Nottingham St. is a state-maintained road. The property also has frontage along I-73/I-74, an interstate highway.
3. The portion of the property (49.2 acres +/- of 62.34 acres +/- total) west of the Norfolk Southern Railroad is zoned CU-I3 Conditional Use General Industrial and is designated as an Employment Center by the Land Development Plan (LDP). The remainder of the property is zoned RA6 (High-Density Residential) and R15 (Low-Density Single-Family Residential) and is designated for Urban Residential use.
4. The LDP Growth Strategy Map designates the property west of the railroad as an Economic Development area and property east of the railroad as a Primary Growth Area.
5. The I2 description in the zoning ordinance states the intent of the district "is to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts." In the requested CU-I2 district, City Council must approve all proposed development.
6. A portion of the property is located within the Watershed Balance area, which restricts the coverage of impervious surfaces (i.e. buildings, parking) for non-residential uses to 12 percent of a property's land area, unless City Council approves a Special Intensity Allocation (SNIA). A SNIA may allow up to 70 percent impervious coverage on a zoning lot. Along with a Conditional Use Permit (CUP) for an Industrial Development with Multiple Uses and Structures, the applicant's CUP request includes a request for a SNIA.
7. A small portion of the property closest to Vision Drive is located in a Special Hazard Flood Area.

Rezoning Staff Report

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation	Employment Center/Urban Residential
Small Area Plan	Northeast
Growth Strategy Map Designation	Economic Development/Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 1: Complies with LDP proposed land use map (portion)

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. *(Article 200, Section 210, Schedule of Statements of Intent*)

Checklist Item 5: Complies with Growth Strategy Map

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

Checklist Item 10: Rezoning is consistent with Land Category Descriptions

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Does not comply with LDP proposed land use map (portion)

Checklist Items 12-14: 12.) Property is located within watershed 13.) Property is located within Special Hazard Flood Area. 14.) Property is located on steep slopes of greater than 20%.

Policy 2.1.5: The City will ensure development regulations provide appropriate transitional land uses, such as office & institutional, between high-intensity industrial/commercial and low-intensity residential uses.

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

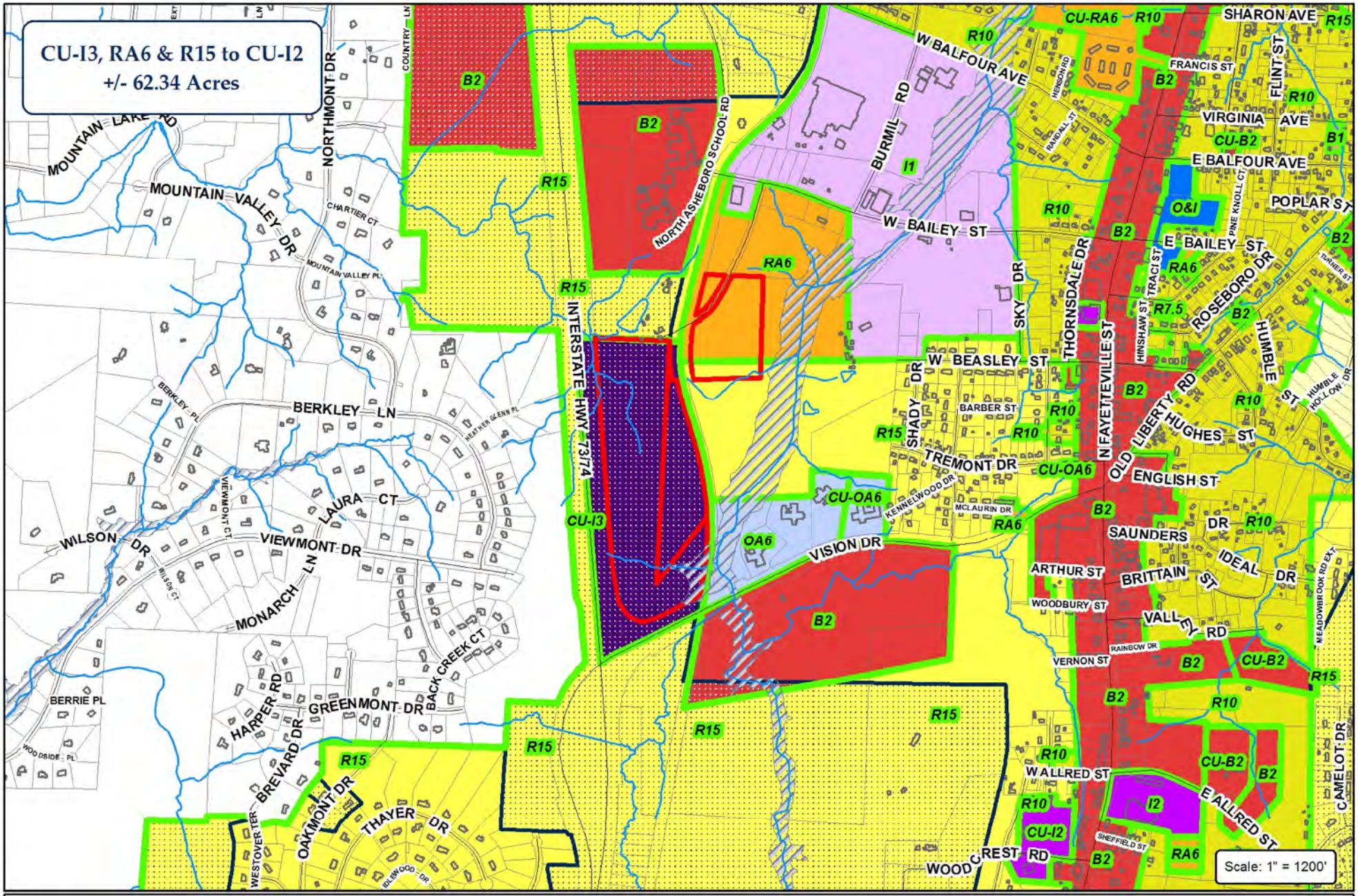
This Land Development plan designates the majority of this property as an Employment Center, due to its location on a major transportation corridor. In addition to the property's location adjacent to an Interstate interchange, the property also adjoins the Norfolk Southern Railroad. The Northeast Small Area plan also cites having an employment center at the interchange of I-73/I-74 and Vision Dr. as a key issue.

As described by the LDP, industrial uses are an integral component of an Employment Center, along with other non-residential uses. The subject property is situated among commercial & office/institutional land uses and zoning that exist in this area along Vision Drive. Additionally, the majority of the property currently has an industrial zoning designation.

Although the property is adjacent to residential uses, close to two public schools, and has some environmental challenges, including portions of the property being located within watershed and flood hazard area, the Conditional Use permitting process supplements general zoning ordinance requirements and offers an opportunity for closer review and public input concerning specific uses, site design, and access.

Considering these factors, staff believes that the proposed zoning map amendment is reasonable and in the public interest

Recommendation In light of the above analysis, staff's recommendation is to approve the CU-I2 district request.

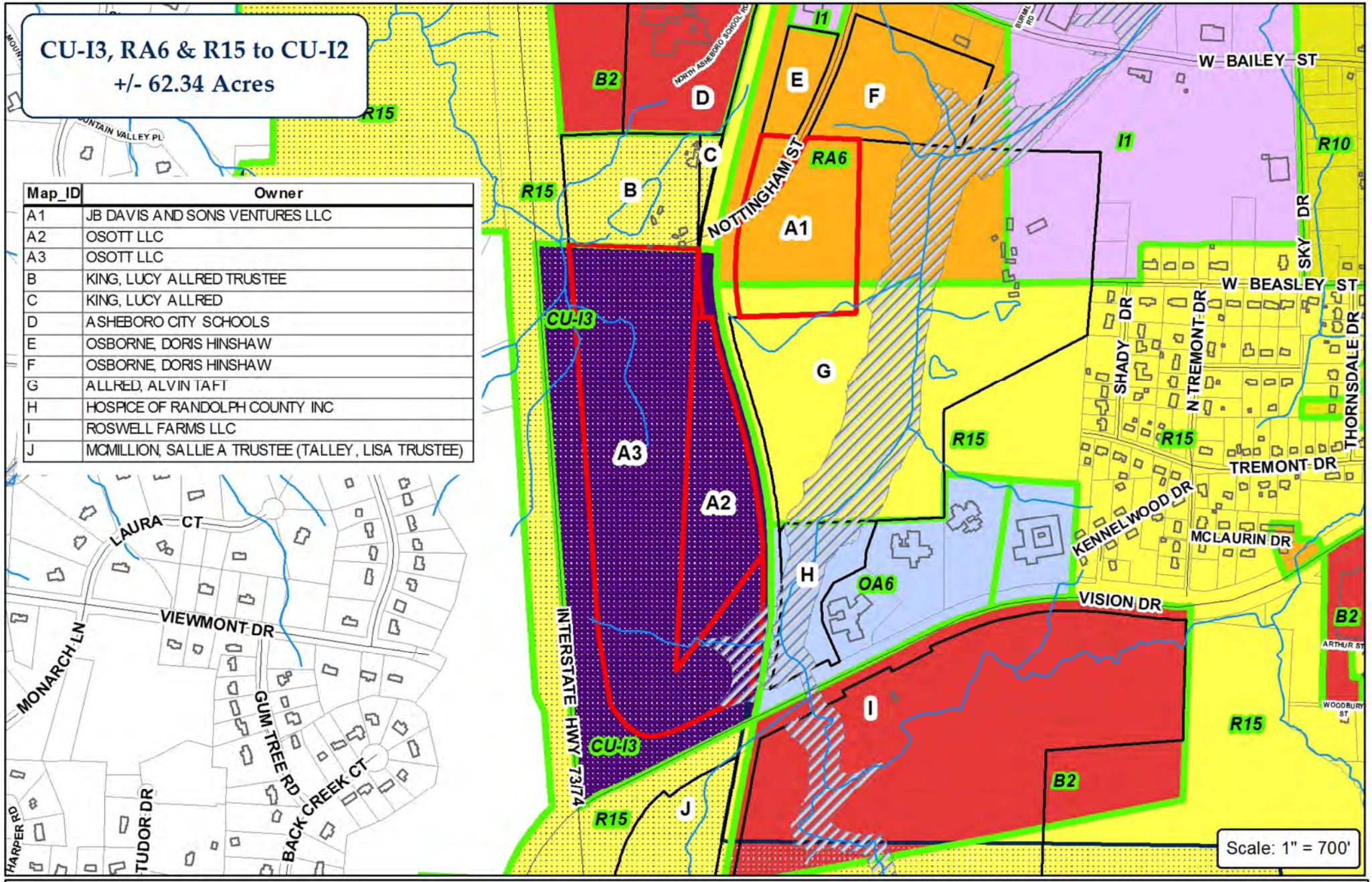


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-19-09
Conditional Use Permit: CUP-19-09
Parcel: 7752655565, 7752547146 & 7752640158

ETJ

Subject Property
Zoning



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

ETJ

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-19-09

Conditional Use Permit: CUP-19-09

Parcel: 7752655565, 7752547146 & 7752640158

Subject Property
Adjoining Properties
Zoning

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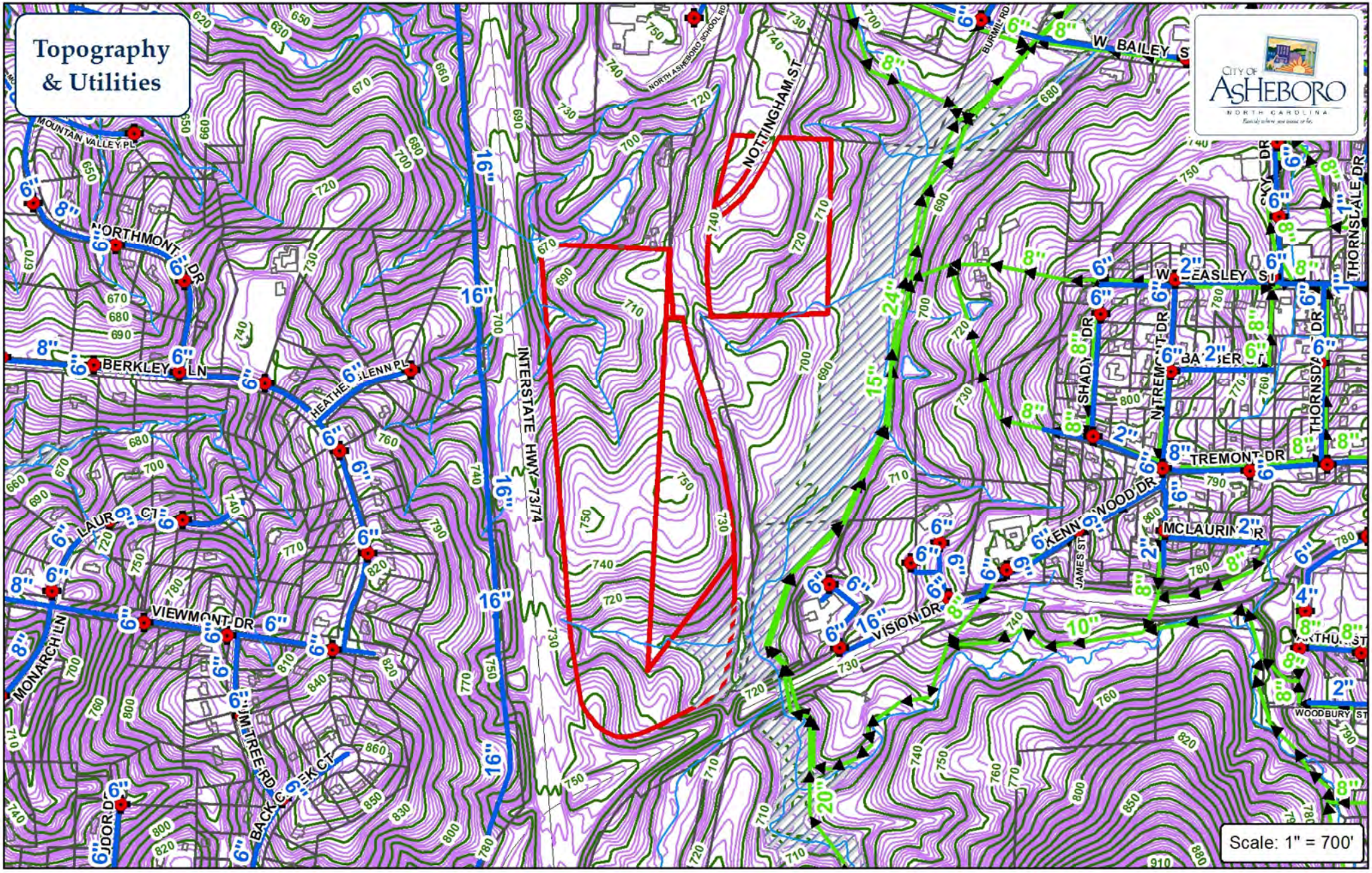


Water Main

Sewer Main

Force Main

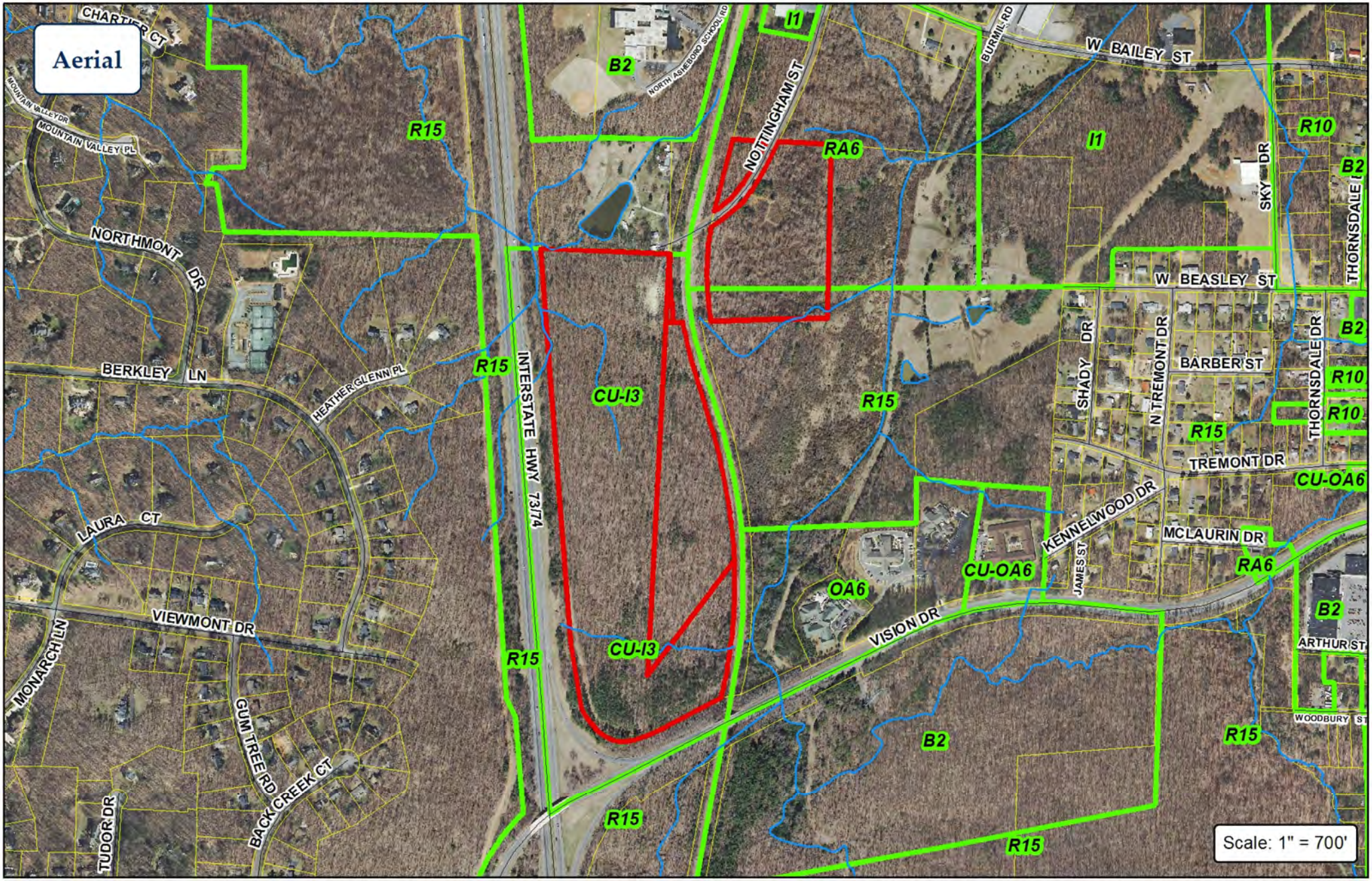
Fire Hydrant

PS Pump Station

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-19-09
Conditional Use Permit: CUP-19-09
Parcel: 7752655565, 7752547146 & 7752640158

Subject Property

N W E S



CITY OF ASHEBORO
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City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-19-09
Conditional Use Permit: CUP-19-09

Parcel: 7752655565, 7752547146 & 7752640158

Subject Property
Zoning

N
W
E
S

Conditional Use Permit Staff Report

CUP Case No. CUP-19-09 9/12/2019

General Information

Name Osott, LLC (c/o John Thompson, JB Davis, & Jerry Holder)

Address 130 Wright Way
Troy NC 27203

Phone 910-220-1052

Pin # 7752655565, 7752547146, 7752640158

Location north side of Vision Drive/Nottingham Drive

RequestedAction: Conditional Use Permits for Industrial Development with Multiple Use/Structures & SNIA Watershed Allocation

Existing Zone CU-I3 **Existing Land Use** Undeveloped

Size 62.34 acres +/-

Applicant's Reason as stated on application

Multi-use industrial development

Surrounding Land Use

North Single-family/Schools/Undeveloped **East** Railroad/Single-Family

South Undeveloped property **West** I-73/I-74/Single-Family

Zoning History May, 1986 (Case No. RZ-86-34): A portion of the property (west of Norfolk Southern Railroad) was rezoned from R15 to CU-I3, but no specific development has been approved for the property.

Growth Strategy Map Economic Development/ Primary Growth **Proposed L D P Map** Employment Center/Urban Residential

Legal Description

The properties of Osott, LLC & JB Davis & Sons Ventures, LLC, located on the East of I-73/74, north of Vision Dr. & south of 1595 Nottingham St., and east of 1595 & 1599 Nottingham St., opposite Norfolk Southern Railroad. These properties are identified by Randolph County Parcel ID #s7752655565, 7752547146, 7752640158 & total 62.23 acres +/-. **Legal notices mailed to adjoining property owners: June 27, 2019**

Analysis

1. The request includes two components: Industrial Development with Multiple Uses and Structures and a Special Non-Residential Intensity Watershed Allocation (SNIA).
2. This case is continued from the July 11, 2019 and August 8, 2019 City Council meetings. Since the original proposal, the site plan has been amended to increase the buffer/screen from 15 ft. to 50 ft. on the northern boundary adjacent to residentially zoned property, including natural vegetation and a planted evergreen buffer. Changes to the site plan since the August Council meeting include relocation of the proposed drive into the property south of the railroad, further away from the adjoining residential property, a reduced watershed allocation, and two potential locations for the proposed rail spur.
3. One entrance from Nottingham St., a state-maintained road, is proposed. Based on NCDOT feedback, access from Vision Dr. will not be permitted due to the section adjacent to the property being fully controlled. NCDOT will be responsible for Nottingham St. driveway permitting.
4. Norfolk Southern Railroad is responsible for reviewing and approving the final rail spur alignment and any improvements within the railroad right-of-way.
5. An industrial development with multiple uses and/or structures allows uses permitted in the underlying zoning district. However, review of the the Conditional Use Permit (CUP) request can allow use restrictions and the applicant has offered restrictions on certain uses.
6. The property is located within the balance of the Back Creek/Lake Lucas Watershed area. Permissible built upon area is capped at 12 percent of the land area unless a SNIA authorizing additional built-upon-area, up to 70%, is approved.
7. Ten percent of the watershed area may be designated as a Special Intensity Allocation area. Within the Back Creek/Lake Lucas Watershed balance area, 193.48 acres of special allocation area currently exists. If the requested SNIA is granted, this project would use 11.32 acres of the allocation area, reducing the available allocation area to 182.16 acres. The previous plan had requested the maximum 70 percent allocation.
8. Approval of a SNIA has no effect on general watershed development regulations intended to protect water quality.

LDP Conformity Issues

Conditional Use Permit Staff Report

Staff Comments

Suggested Conditions

See attached **draft** conditions proposed by staff.

For Conditional Use Permit Hearings:
The following tests shall be found in favor of the applicant by the City Council.

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted an approved.
2. That the use meets all required conditions and specifications of the Asheboro Zoning Ordinance.
3. That the use will not substantially injure the value of adjoining or abuting property, or that the use is a public necessity,
4. That the location and character of the use if developed according to the plan as submitted and approved is in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

If any Conditional Use Permit is discontinued for a period of 180 days; or the permit is not initiated within 180 days; or replaced by a use otherwise permitted in the zoning district, it shall be deemed abandoned and the Conditional Use Permit shall be null and void and of no effect.

310B.3 Back Creek Lake Watershed -- Balance of Watershed UT to Cedar Creek -- Balance of Watershed WS-II-BW
B. Density and Built-upon Limits:
...2. All other residential and nonresidential development shall not exceed twelve (12%) percent built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed for nonresidential uses to seventy percent (70%) built upon area on a project by project basis. For the purpose calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

647 Watershed SNIA (12/02)
647.1 All applications for a SNIA shall include the following:
a. Projects must minimize built upon surface area.
b. Projects must direct stormwater away from surface waters.
c. Projects must incorporate Best Management Practices to minimize quality impacts.
d. Projects must be connected to City of Asheboro water and sewer.
e. Projects must provide a positive economic benefit to the community.

(A) The use approved shall be an "Industrial Development with Multiple Uses and/or Structures", excluding the uses below:

(i) Any type of Adult Establishment; (ii) Amusement Parks; (iii) Brew Pubs; (iv) Bus terminal; (v) Cemetery (human or pet); (vi) Child Care Center; (vii) Circus, fair, or carnival; (viii) Correctional facilities; (ix) Farmer's Market'; (x) Flea Market; (xi) Government land reserve; (xii) Junkyards; (xiii) Kennels; (xiv) Landfills; (xv) Liquor store; (xvi) Lumberyard; (xvii) Mini Warehouse; (xviii) Mobile home sales; (xix) Sludge applications; (xx) Storage of hazardous wastes; (xxi) Vehicle Towing Operation and/or Storage Facility (xxii) Any use prohibited by Watershed Protection Regulations, Article 300B.

(B) As allowed by the zoning ordinance, existing vegetation may be preserved to count towards buffer and landscaping shown on the site plan.

(C) Should the number of parking spaces required to serve the proposed development be determined to be more or less than the amount of parking shown on the site plan, a change to the amount of parking shall not be considered a modification of the project requiring Council approval. The applicant shall submit a revised site plan for review by city staff for inclusion into the file.

(D) Actions identified in Article 1000, Section 1013.5.B (1) and (2) related to the size of the proposed structure(s) shall be considered minor changes and not permit modifications requiring Council review.

(E) Consistent with Section 1013.5, proposed conversion of any drive(s) within the zoning lot, and/or leading to the zoning lot from existing public right-of-way(s), to a publicly maintained street shall not be deemed a modification of the Conditional Use Permit, subject to zoning ordinance and subdivision ordinance requirements and applicable processes.

(F) Prior to the storage of any hazardous material, a spill prevention, containment, and control plan (SPCC) prepared by a professional competent in SPCC. Any SPCC-required spill containment structures must be designed by a North Carolina registered professional engineer or architect.

(G) A stormwater management plan identifying details of the stormwater BMP to be utilized shall be submitted prior to any zoning compliance permit authorizing built-upon area to exceed 12% of the watershed balance area on the zoning lot. Prior to the issuance of a certificate of zoning compliance, certification from a professional engineer stating that the stormwater BMP has been installed as designed shall be provided. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be the responsibility of the property owner.

(H) All land uses shall continually remain in good standing with NC Department of Environmental Quality and/or other regulatory entities charged with enforcing air quality requirements. As a point of illustration and not limitation, this shall mean that the land use remains free of any notice of violation and/or of non-compliance from NCDEQ.

(I) Prior to the issuance of a zoning compliance permit for the construction of any phase of the development, the applicant shall:

(i) Provide evidence of NCDOT approval;

(ii) Provide evidence of approval by Norfolk Southern Railroad for all proposed improvements to be located within area controlled by the railroad;

(iii) Provide evidence of compliance with the city code and polices for and water and sewer extensions and connections, including annexation and the surveying of necessary easements for any lines required to be publicly maintained;

(iv) Submit a revised site plan to city staff to accurately reflect zoning classification of Tract 3 (Parcel Identification Number 7752655565).

(v) Provide NC Department of Environmental Quality erosion control permit when required.

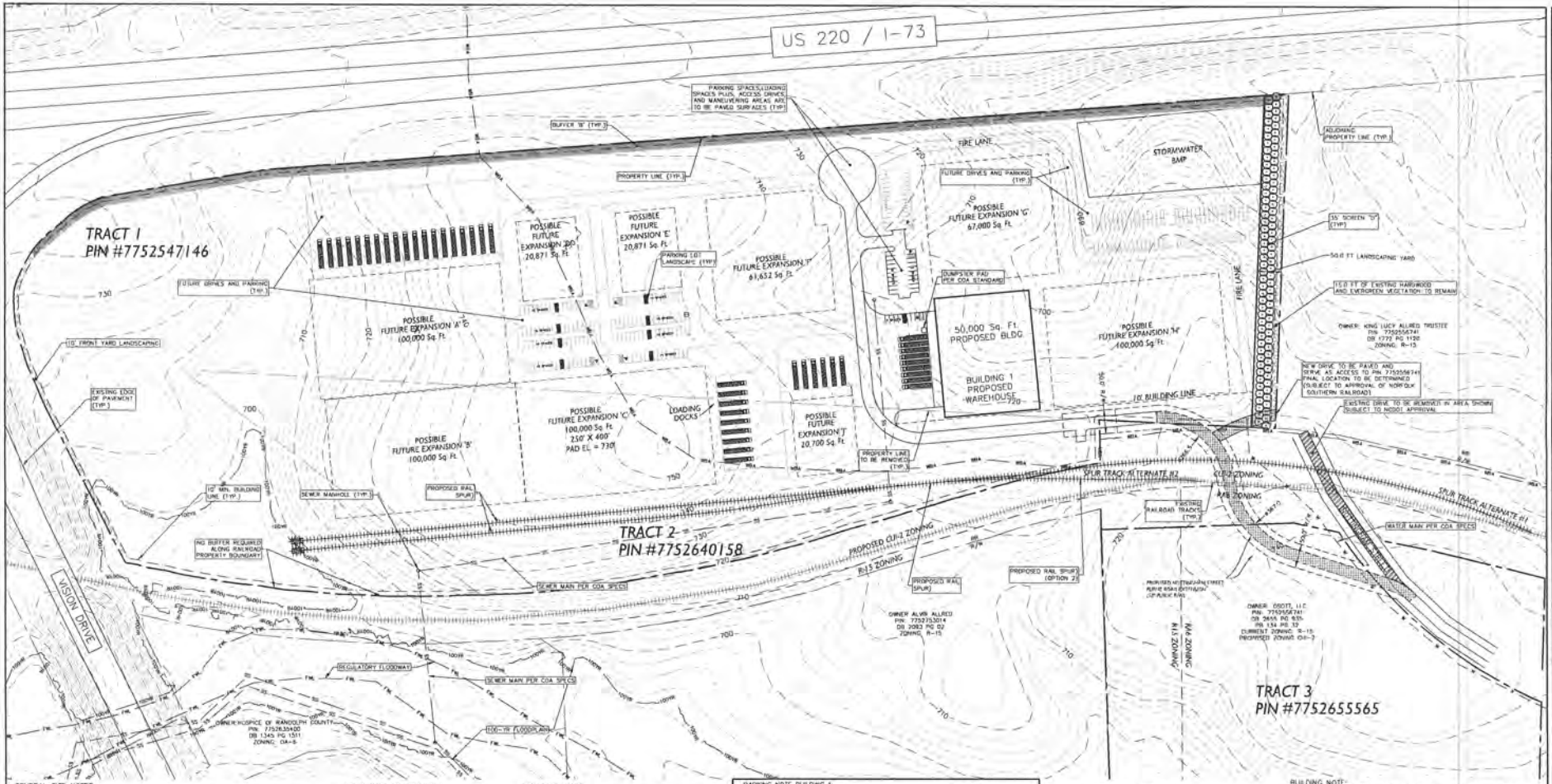
(vi) Properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

(J) Prior to issuance of a zoning compliance permit for future phases of the development, the following information shall be provided:

(i) Additional lighting detail showing compliance with Performance Standards for Industrial District Section 316A;

(ii) Information showing compliance with Section 307A (Central Solid Waste Storage Area), as needed, for future phases of the development;

(iii) Building elevation details compliant with Article 300A, Section 316A.



GENERAL SITE NOTES:
1. PARCEL BOUNDARY INFORMATION OBTAINED FROM RANDOLPH COUNTY GIS
2. TOPOGRAPHIC DATA PER NC ONE MAP CONTOURS.
3. EXISTING ROADWAYS AND TREELINES HAVE BEEN ESTIMATED PER AERIAL IMAGERY.
4. OWNER: OSOTT LLC
5. OWNER ADDRESS: 130 WRIGHT WAY TROY, NC 27371
6. PIN'S: 7752547146/7752640158/7752655565
7. DEED BOOK/PAGE: 2637/0220
8. CURRENT ZONING: CU-I-3, RA6 & R15 ENTIRE SITE TO BE REZONED TO CU-I-2 ZONING
9. SETBACKS: FRONT= 10 FT / SIDE= 10 FT / REAR= 10 FT
10. MAX BUILDING HEIGHT= 45 FT
11. EXISTING LAND USE: VACANT
12. PROPOSED LAND USE: INDUSTRIAL COMPLEX WITH MULTIPLE USES AND STRUCTURES
13. SHOULD EXISTING CONDITIONS DIFFER FROM WHAT IS SHOWN ON THESE PLANS, CONTACT ENGINEER IMMEDIATELY. ADDITIONAL WORK PERFORMED WITHOUT OWNERS, ENGINEERS, & ARCHITECTS KNOWLEDGE & APPROVAL WILL BE DEEMED INCIDENTAL WORK WITH NO EXTRA PAYMENTS MADE.
14. LANDSCAPE REQUIREMENTS PER CITY STANDARDS.

LIGHTING NOTE:
ALL NEW SITE AND PARKING LIGHTING TO CONFORM TO SECTION 316A OF THE CITY OF ASHEBORO ORDINANCE

PARKING NOTE:
171 SPACES REQUIRED
171 SPACES PROVIDED

6 HANDICAP SPACES REQUIRED
(7) HANDICAP SPACES PROVIDED
(ALL VAN ACCESSIBLE)

CONDITIONS OF REZONING:
THE REZONING OF THE PROPERTIES IN QUESTION WILL HAVE THE CONDITION THAT THE FOLLOWING USES MAY BE RESTRICTED BY THE CITY OF ASHEBORO:
- ANY TYPE OF ADULT ESTABLISHMENT
- AMUSEMENT PARKS
- BREW PUBS
- BUS TERMINAL
- CEMETARY (HUMAN OR ANIMAL)
- CHILD CARE CENTER
- CIRCUS, FAIR, OR CARNIVAL
- CORRECTIONAL FACILITIES
- FARMER'S MARKET
- GOVERNMENT LAND RESERVE
- JUNKYARDS
- KENNELS
- LANDFILLS
- LIQUOR STORE
- MOBILE HOME SALES
- SLUDGE APPLICATIONS
- STORAGE OF HAZARDOUS WASTES
- FLEA MARKET
- LUMBERYARD
- MINI WAREHOUSE
- VEHICLE TOWING OPERATION /VEHICLE STORAGE FACITY
- ANY USE PROHIBITED BY THE WATERSHED PROTECTION REGULATIONS; ARTICLE 3008

LANDSCAPE NOTE:

EXISTING VEGETATION TO COUNT TOWARDS REQUIREMENTS FOR ALL PROPOSED BUFFERS AND PLANTING YARDS.

FRONT YARD LANDSCAPING (VISION DRIVE)
REQ'D= ONE TREE PER 20 LF OF STREET FRONTAGE 700 LF/20=350 TREES
ONE FLOWERING TREE PER 20 LF REQ'D
1 EVERGREEN SHRUB PER TEN LF 700 LF/10=70 SHRUBS

8.1 SQ. FT. OF LANDSCAPE REQUIRED PER PARKING SPACE (182 SQ FT MIN AREA REQ'D/ 9 FT MIN WIDTH PER PARKING LOT LANDSCAPE AREA WITH 1 CANOPY TREE AND GROUND COVER OR MULCH)
167x8.1= 1353 SF REQ'D. 1,353/182= (9) LANDSCAPE ISLANDS REQ'D. (9) PROVIDED

BUFFER 'B' MINIMUM 20 FEET WIDE STRIP WITH 2 CANOPY TREES, 4 UNDERSTORY TREES , AND 8 SHRUBS PER 100 L.F.

SCREEN 'D' 35 FOOT MINIMUM SCREENING YARD. TWO STAGGERED ROWS OF EVERGREEN TREES, WHICH ARE NO LESS THAN 6 FEET IN HEIGHT AT TIME OF PLANTING AND ARE SPACED NO MORE THAN 15 FEET APART ON CENTER WHICH AT MATURITY WILL FORM A VISUAL BARRIER FROM ABOVE THE OPAQUE SCREEN TO A HEIGHT OF TWENTY FEET.

PROPOSED PLANT LIST

	COMMON NAME	BOTANICAL NAME	QUANTITY
⊙	LEYLAND CYPRESS	CUPRESSUS X LEYLANDII	92

APPROVED ALTERNATIVE PLANT LIST

	COMMON NAME	BOTANICAL NAME
–	RED CEDAR	JUNIPERUS VIRGINIANA
–	CRYPTOMERIA	CUPRESSACEAE
–	CAROLINA HEMLOCK	TSUGA CAROLINIANA
–	DEODAR CEDAR	CEDRUS DEODARA

PARKING NOTE BUILDING 1:
-0.6 PER EMPLOYEE PER LARGEST SHIFT. 0.6x20=(12) SPACES
-VEHICLES USED IN CONDUCT TO MANUFACTURING (1) SPACE
-TOTAL SPACES REQUIRED FOR PROPOSED BUILDING 12+1=(13) SPACES REQ'D

PARKING NOTE EXPANSION 'A':
-0.6 PER EMPLOYEE PER LARGEST SHIFT. 0.6x40=(24) SPACES
-VEHICLES USED IN CONDUCT TO MANUFACTURING (1) SPACE
-TOTAL SPACES REQUIRED FOR PROPOSED BUILDING 24+1=(25) SPACES REQ'D

PARKING NOTE EXPANSION 'B':
-0.6 PER EMPLOYEE PER LARGEST SHIFT. 0.6x40=(24) SPACES
-VEHICLES USED IN CONDUCT TO MANUFACTURING (1) SPACE
-TOTAL SPACES REQUIRED FOR PROPOSED BUILDING 24+1=(25) SPACES REQ'D

PARKING NOTE EXPANSION 'C':
-0.6 PER EMPLOYEE PER LARGEST SHIFT. 0.6x40=(24) SPACES
-VEHICLES USED IN CONDUCT TO MANUFACTURING (1) SPACE
-TOTAL SPACES REQUIRED FOR PROPOSED BUILDING 24+1=(25) SPACES REQ'D

PARKING NOTE EXPANSION 'D &E':
-0.6 PER EMPLOYEE PER LARGEST SHIFT. 0.6x10=(6) SPACES
-VEHICLES USED IN CONDUCT TO MANUFACTURING (1) SPACE
-TOTAL SPACES REQUIRED FOR PROPOSED BUILDING 6+1=(7)(2)=14 SPACES REQ'D

PARKING NOTE EXPANSION 'F':
-0.6 PER EMPLOYEE PER LARGEST SHIFT. 0.6x30=(18) SPACES
-VEHICLES USED IN CONDUCT TO MANUFACTURING (1) SPACE
-TOTAL SPACES REQUIRED FOR PROPOSED BUILDING 18+1=(19) SPACES REQ'D

PARKING NOTE EXPANSION 'G':
-0.6 PER EMPLOYEE PER LARGEST SHIFT. 0.6x30=(18) SPACES
-VEHICLES USED IN CONDUCT TO MANUFACTURING (1) SPACE
-TOTAL SPACES REQUIRED FOR PROPOSED BUILDING 18+1=(19) SPACES REQ'D

PARKING NOTE EXPANSION 'H':
-0.6 PER EMPLOYEE PER LARGEST SHIFT. 0.6x40=(24) SPACES
-VEHICLES USED IN CONDUCT TO MANUFACTURING (1) SPACE
-TOTAL SPACES REQUIRED FOR PROPOSED BUILDING 24+1=(25) SPACES REQ'D

PARKING NOTE EXPANSION 'I':
-0.6 PER EMPLOYEE PER LARGEST SHIFT. 0.6x10=(6) SPACES
-VEHICLES USED IN CONDUCT TO MANUFACTURING (1) SPACE
-TOTAL SPACES REQUIRED FOR PROPOSED BUILDING 6+1=(7)) SPACES REQ'D

-TOTAL SPACES REQUIRED 171 TOTAL REQ'D

EXISTING SITE AREAS:

WOODS & GRASS: 2,136,130 S.F. (49.04 AC)

TOTAL AREA: 2,136,130 S.F. (49.04 AC)

PROPOSED SITE AREAS:

BALANCED WATERSHED AREA:
TOTAL AREA IN BWA: 1,033,700 S.F. (23.73 AC)
ALLOWABLE IMPERVIOUS 70%: 723,590 S.F. (16.61 AC)
PROPOSED IMPERVIOUS: 60.48% 625,358.00 S.F. (14.35 AC)
BMP WILL BE SIZED TO TREAT 70% BUILT UPON AREA

GENERAL WATERSHED AREA:
TOTAL AREA IN GWA: 1,102,429 S.F. (25.31 AC)
ALLOWABLE IMPERVIOUS 100%: 1,102,429 S.F. (25.31 AC)

NORTH
GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

BUILDING NOTE:
BUILDING LAYOUT AND DIMENSIONS ARE APPROXIMATE. FINAL BUILDING SIZE AND LAYOUT MAY BE ADJUSTED PENDING SPECIFIC USERS NEED. ALL CITY OF ASHEBORO REQUIREMENTS WILL BE MET.

NCDOT NOTE:
NCDOT DRIVEWAY PERMIT REQUIRED
ROAD TO BE NCDOT STANDARD PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR BUILDING 1

MECHANICAL NOTE:
ROOFTOP UNITS PROPOSED ON ALL FUTURE EXPANSIONS. ALL UNITS TO BE SCREENED FROM RIGHT OF WAY PER CITY OF ASHEBORO ORDINANCE. MANUFACTURING AND PROCESSING ACTIVITIES EXCLUDED FROM THIS REQUIREMENT.

PAVING NOTE:
ALL PROPOSED PAVING TO BE HEAVY DUTY ASPHALT OR CONCRETE PAVING
EACH PHASE TO BE ENGINEERED AND CONSTRUCTED TO MEET THE NEEDS OF FUTURE DEVELOPMENTS.

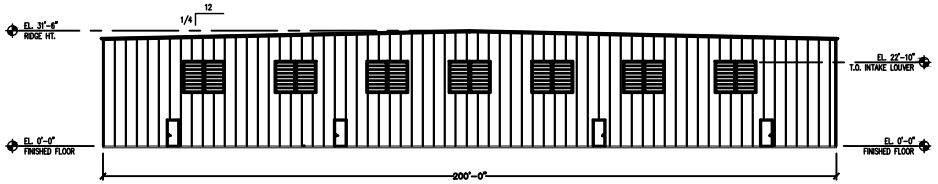
HEAVY DUTY ASPHALT PAVEMENT SECTION
NOT TO SCALE

SEA
Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
[author block]

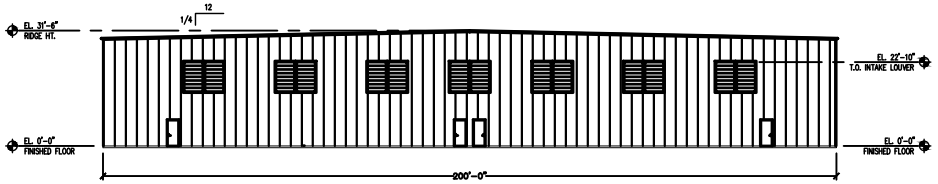
No.	Date	Description	By
1	08-28-19	PER CITY OF ASHEBORO COMMENTS	ZMC
2	09-24-19	PER CITY OF ASHEBORO COMMENTS	ZMC

CONDITIONAL USE / SPECIAL USE
PRELIMINARY SITE PLAN
OSOTT, LLC
VISION DRIVE
RANDOLPH COUNTY - ASHEBORO - NORTH CAROLINA

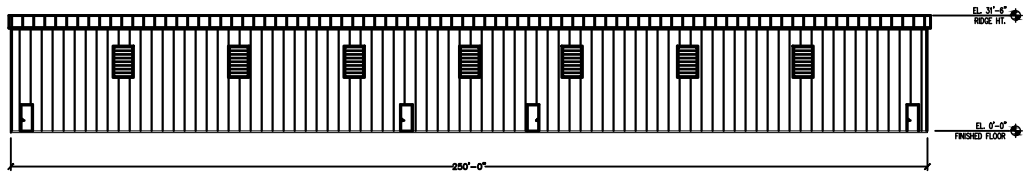
Scale: 1" = 100'
Date: 08-28-19
Drawn By: ZMC
Checked By: [illegible]
Job No.: [illegible]
Sheet No. C-3



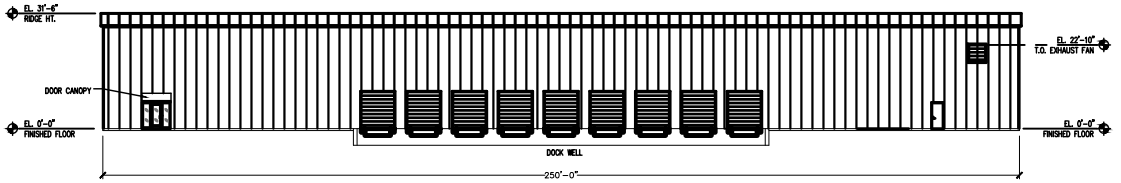
1 A-1 EAST EXTERIOR ELEVATION
SCALE: 1/16" = 1'-0"



2 A-1 WEST EXTERIOR ELEVATION
SCALE: 1/16" = 1'-0"



3 A-1 NORTH EXTERIOR ELEVATION
SCALE: 1/16" = 1'-0"



4 A-1 SOUTH EXTERIOR ELEVATION
SCALE: 1/16" = 1'-0"

Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
PO Box 968
Asheboro, NC 27204
Phone: 336-318-0902 Fax: 336-318-0922
E-mail: mick@summeyengineering.com
NC Professional Engineering Firm License No. P-0536

No.	Date:	Description:	By:

CONDITIONAL USE / SPECIAL USE
BUILDING ELEVATIONS
OSOTT, LLC
VISION DRIVE
RANDOLPH COUNTY - ASHEBORO - NORTH CAROLINA

Scale:	1" = 1'-0"
Date:	JUNE 2019
Drawn By:	PBC
Checked By:	MWS
Job No.	E-6593

Sheet No.
A-1
of 1

REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, AUGUST 8, 2019
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

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

John N. Ogburn, III, City Manager
Robert L. Brown, Police Major
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance 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. 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. Public comment period.

Mayor Smith opened the floor for comments from the public.

Mr. Willie Gladden expressed his appreciation to the Council Members for their support of the 2019 Russell Murphy Football Camp.

Mr. Hayworth Lemonds, a representative of the Asheboro High School Class of 1970, asked the Council Members to consider establishing a memorial for the late Felix Ward, who retired from full-time employment with the city as the cultural and recreation services director and was very active in the community after his retirement from full-time employment.

Mr. Rashidi Everett expressed his gratitude for the Juneteenth celebration within the City of Asheboro.

Dr. David Stansfield asked that the city consider the construction of a dog park in the updated Land Development Plan.

There being no further comments from the public, Mayor Smith closed the public comment period.

4. Resumption of the quasi-judicial hearing for Case No. RZ/CUP-19-09, which was continued from the July meeting, in order to obtain more evidence concerning an application to place property on the north side of Vision Drive and along Nottingham Street in a CU-I2 zoning district and to obtain a conditional use permit authorizing an industrial development with multiple uses and/or structures, including a special intensity watershed allocation.

Mayor Smith resumed the quasi-judicial hearing for land use case number RZ/CUP-19-09 which was continued from the Council's regular July meeting.

Mr. Nuttall, who was sworn in during the public hearing in July, presented a written request from Mr. John Thompson, on behalf of the applicant, to continue the public hearing to the Council's regular September meeting. The desire for an opportunity for additional dialogue between neighbors as well as for the applicant to receive feedback from Norfolk Southern regarding a new site plan was the stated reason for the request.

Upon motion by Mr. Moffitt and seconded by Ms. Carter, the Council voted unanimously to continue the public hearing to the Council's regular September meeting that will be held on September 12, 2019. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

A copy of the written request presented by Mr. Nuttall is on file in the city clerk's office.

5. Update on the collaborative effort to maintain high quality health care in Randolph County as demonstrated by the willingness of local officials such as Mayor Smith and the city manager to serve on a Randolph Health advisory committee.

Ms. Angela Orth, who is the Chief Executive Officer of Randolph Health, updated the council members on the effort to maintain high quality health care in Randolph County. Randolph Health is in the process of creating a new model of health care within Asheboro and is striving to be a strategic partner with the City of Asheboro in this effort.

During her presentation, Ms. Orth asked that Mayor David Smith and City Manager John Ogburn serve on a subcommittee created by the Randolph Health Board of Directors, which is seeking created and diverse viewpoints to add to the collaborative effort to create this new model of health care. With no objection from the council members, Mayor Smith and City Manager Ogburn will serve as non-voting ex officio members of the subcommittee.

6. Consent agenda.

Upon motion by Mr. Bell and seconded by Mr. Burks, the Council voted unanimously to approve/adopt as presented the following consent agenda items.

(a) The meeting minutes for the city council's special meeting held on July 9, 2019.

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

(b) The minutes and general account of the closed session held during the council's special meeting on July 9, 2019.

The approved minutes and general account of the above-referenced closed session are on file in the city clerk's office. However, in compliance with the resolution approved as the next consent agenda item, the general account of the closed session is not

currently available for inspection because such an inspection would frustrate the purpose of the closed session.

(c) A resolution sealing the general account of the closed session held on July 9, 2019.

RESOLUTION NUMBER 25 RES 8-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Resolution Sealing the General Account of a Closed Session Conducted during a Special Joint Meeting with the Randolph County Board of Commissioners on July 9, 2019

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

WHEREAS, pursuant to Section 143-318.11(a)(1) and Section 131E-97.3 of the North Carolina General Statutes, the city council, upon unanimous adoption of a properly made and seconded motion, went into closed session on July 9, 2019, during a joint special meeting with the Randolph County Board of Commissioners, in order to discuss privileged and confidential information pertaining to competitive healthcare activities by or on behalf of Randolph Health; and

WHEREAS, the purpose for going into closed session on July 9, 2019, would be frustrated if the general account of the closed session were to be made available for public inspection at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the general account of the closed session conducted on July 9, 2019, is hereby sealed and will remain sealed so long as public inspection of the records would frustrate the purpose of the closed session; and

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

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on August 8, 2019.

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

ATTEST:

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

(d) The meeting minutes for the city council's regular meeting that was held on July 11, 2019.

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

(e) A resolution expressing the city's commitment to partnering with the United States Census Bureau and the State of North Carolina to support the goals and ideals of the 2020 Census.

RESOLUTION NUMBER 26 RES 8-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION EXPRESSING ASHEBORO'S COMMITMENT TO A 2020 CENSUS PARTNERSHIP

WHEREAS, the United States Census Bureau is required by the Constitution of the United States to conduct a count of the population; and

WHEREAS, this population count provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy; and

WHEREAS, the City of Asheboro is committed to ensuring every resident is counted; and

WHEREAS, federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on population and housing data obtained from the census; and

WHEREAS, census data helps determine how many seats each state will have in the United States House of Representatives and is necessary for an accurate and fair redistricting of state legislative seats, certain local governing boards, and voting districts; and

WHEREAS, information from the 2020 Census and American Community Survey are vital tools for economic development and increased employment; and

WHEREAS, the information collected by the census is confidential and protected by law; and

WHEREAS, a united voice from business, government, community-based and faith-based organizations, educators, media, and others will enable the 2020 Census message to reach more of our citizens.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City of Asheboro is committed to partnering with the United States Census Bureau and the State of North Carolina and will take the following actions in support of the 2020 Census:

1. The city will support the goals and ideals for the 2020 Census and will disseminate 2020 Census information;

2. The city will encourage all city residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation;

3. The city will provide census advocates to speak to city and community organizations;

4. The city will support census takers as they help our city and county complete an accurate count; and

5. The city will strive to achieve a complete and accurate count of all persons within our borders.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of August, 2019.

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

ATTEST:

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

(f) A resolution declaring the official intent of the City of Asheboro to purchase municipal vehicles and equipment and to reimburse the General Fund with installment financing proceeds.

RESOLUTION NUMBER 27 RES 8-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

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

WHEREAS, in order to maintain a satisfactory level of municipal services, the Asheboro City Council has adopted a budget ordinance for fiscal year 2019-2020 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted high-quality municipal services; and

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

1. $319,271.00 has been budgeted for the police department to acquire twelve vehicles;

2. $51,900.00 has been budgeted for the fire inspection department to acquire three vehicles;

3. $441,500.00 has been budgeted for the street maintenance department to acquire three vehicles/pieces of equipment (a leaf truck, a tandem dump truck, and a 2-ton dump truck);

4. $29,267.00 has been budgeted for the engineering department to acquire a vehicle; and

5. $80,000.00 has been budgeted for the facilities maintenance department to acquire three vehicles.

The total budgeted amount for the purchase of the above-listed vehicles and equipment needed by the listed city departments to deliver essential municipal services is $921,938.00; and

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

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

WHEREAS, the Asheboro City Council has decided that the above-stated expenditures are to be reimbursed to the General Fund during the current fiscal year with proceeds from an installment financing agreement that will create security interests in the above-listed municipal vehicles and equipment acquired by the city during its 2019-2020 fiscal year; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, consistent with the city's budget ordinance for fiscal year 2019-2020 and with the explicit intent of seeking reimbursement for the expenditures from installment financing proceeds, a maximum of $921,938.00 may be expended from the General Fund for the acquisition of the above-listed vehicles and equipment prior to the execution of any installment financing agreement; and

BE IT FURTHER RESOLVED that the City Council of the City of Asheboro does hereby formally and explicitly declare the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement that is to be executed prior to the end of the 2019-2020 fiscal year, any and all expenditures from the General Fund for the purchase during this fiscal year of the vehicles and equipment referenced hereinabove and that are necessary to the provision of essential municipal services.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of August, 2019.

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

ATTEST:

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

(g) An ordinance clarifying that fines collected pursuant to Code of Asheboro Section 50.045 (Tampering with Infrastructure Prohibited) will be disbursed to the public schools.

ORDINANCE NUMBER 20 ORD 8-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE TO AMEND SECTION 50.045 OF THE CODE OF ASHEBORO

WHEREAS, Section 50.045 of the Code of Asheboro prohibits tampering with municipal water system infrastructure; and

WHEREAS, Section 14-151 of the North Carolina General Statutes prescribes criminal penalties for interfering with certain components of a water utility's infrastructure; and

WHEREAS, actions prohibited by Section 50.045 of the Code of Asheboro also fall within the scope of the criminal offenses established by Section 14-151 of the North Carolina General Statutes; and

WHEREAS, in accordance with Article IX, Section 7(a) of the Constitution of North Carolina, the clear proceeds of all fines collected for any breach of the criminal laws must be distributed to the local school administrative units of the county in which the proceeds were collected; and

WHEREAS, Section 14-151 of the North Carolina General Statutes provides helpful text to remove licensed contractors conducting themselves in accordance with recognized customs and standards from the reach of the sanctions established by this criminal law; and

WHEREAS, the Asheboro City Council has concluded that Section 50.045 of the Code of Asheboro should be amended to unambiguously establish that fees charged for conduct that falls within the scope of the state's criminal laws will be distributed to the local school administrative units and to explicitly incorporate the licensed contractor exception into the city ordinance provision.

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

Section 1. Section 50.045 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.045 TAMPERING WITH INFRASTRUCTURE PROHIBITED.

(A) It shall be unlawful for any person to deface, tamper with or injure any municipal infrastructure connected with or pertaining to the water system owned and operated by the city, specifically including without limitation any house, reservoir, valve cock, wheel, fire plug or other fixture connected with or pertaining to the city water system, or to place any building material, rubbish or other matter or substance on any valve, stop cock, meter box, water main or service pipe, or to obstruct access to any fixture connected with the city water system, or to remove, tamper with or injure any pipe, fire plug, hydrant, valve or cock or to open any of them, except when due authority has been given therefor by the Water and Sewer Department.

(B) Tampering with any municipal infrastructure connected with or pertaining to the city water system, specifically including without limitation a fire hydrant and a water meter or any device attached thereto, is hereby expressly declared to be unlawful and will result in a charge and other enforcement actions as hereinafter set out. Within any 12 calendar month period, there will be a charge of $150 for the first offense, $500 for the second offense, and criminal penalties, including without limitation a fine of $500, shall be instituted thereafter in accordance with G.S. § 14-4. By way of illustration and without limitation, a person shall be deemed to have tampered with municipal infrastructure in violation of this section if, without authorization from the Water and Sewer Department, a fire hydrant is opened or operated in any manner; a water meter is activated, operated, or manipulated in an effort to restore water service for any premises for which water service has been discontinued; the water meter or any device attached thereto is damaged to any degree by an unauthorized individual attempting to manipulate or operate some physical component of or attachment to the water meter; or the water meter is relocated to provide service in a location other than the service address noted in the records of the Water and Sewer Department. Nothing contained within this division shall release a person found guilty of tampering with a water meter or any other aspect of the city's water supply and distribution system from liability for so doing, and the provisions of this division shall not preclude the city from pursuing any other remedy available at law or equity for such unlawful conduct.

(C) Any monies collected on the basis of charges established by this section are deemed to be fines collected for a breach of the criminal laws, and the clear proceeds from these fines shall be distributed to the local school administrative units in Randolph County in accordance with the applicable laws and regulations.

(D) Nothing in this section applies to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards.

Section 2. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 3. 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 the 8th day of August, 2019.

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

ATTEST:

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

(h) The temporary closure of certain streets and sections of streets for Fall Festival XLVII from 12:01 a.m. on Saturday, October 5, 2019, until 11:00 p.m. on Sunday, October 6, 2019.

The parade permit application for the requested street closure, including a street closure map, was included in the Council's materials. Copies of these items are on file in the city clerk's office.

(i) An ordinance to amend the general fund fiscal year 2019-2020.

21 ORD 8-19

ORDINANCE TO AMEND THE GENERAL FUND FY 2019-2020

WHEREAS, The City of Asheboro has drug forfeiture assets available for use to purchase certain equipment that are not incorporated in the annually adopted police department budget, and;

WHEREAS, the police department has identified the need and value of the following equipment to aid in their efforts to protect citizens and apprehend and prosecute criminals: a tactical response van, a tactical utility task vehicle, a blackout trailer, 50 armor plate ballistic vests, and a license plate hunter, a speed trailer / license plate reader, a new video /audio recording system to replace the current one that is breaking down, a thermal weapon scope, a SWAT robot and a drone, and;

WHEREAS, the total cost of this equipment is estimated at $275,000, and;

WHEREAS, the Environmental Services Department has identified a need to purchase a Knuckle Boom truck to replace one that has broken down and is not able to be repaired, and;

WHEREAS, the cost of this equipment is estimated at $154,000, and;

WHEREAS, the City of Asheboro wishes to provide some financial support for programs for the Mayor's Committee on Disabled Persons and expects personal / corporate donations to the City to offset the cost, and;

WHEREAS, the City wishes to establish a budget of $5000 for these programs / activities, and;

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

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

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

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

Account #	Expense Description	Increase/ Decrease
10-335-1200	Miscellaneous Revenue- Contributions	$5,000
10-399-0000	Fund Balance Appropriation	$154,000
10-350-0200	US Justice Funds	$222,000
10-350-0100	US Treasury Funds	53,000
		$434,000

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

Account #	Expense Description	Increase/ Decrease
10-620-1205	Mayor's Committee on Disabled Persons	$5,000
10-580-7400	Capital Outlay	$154,000
10-510-7400	Capital Outlay	$252,263
10-510-3601	Uniform/ Accessories- Bullet Proof Vests	22,737
		$434,000

Adopted this 8th day of August, 2019.

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

ATTEST:

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

7. Community Development Items:

(a) Case No. SUP-19-03: A quasi-judicial hearing on an application for a special intensity watershed allocation allowing an increase in the amount of impervious coverage up to 70% within the Watershed Balance Area. The property is located at 2971 Taylor Drive and is more specifically identified by Randolph County Parcel Identification Number 7754702203.

Mayor Smith opened the quasi-judicial hearing on the application by J. Graylen Cranford and Taylor Trogdon, agent, (collectively, the "Applicant") for a Special Use Permit authorizing a special non-residential intensity allocation ("SNIA") within a watershed balance area.

Mr. Nuttall was placed under oath and presented the planning staff's analysis of the Applicant's request that included a properly submitted site plan and building elevations for the Special Use Permit. The request pertains to approximately 11.38 acres of land owned by Custom Extrusion Inc. at 2971 Taylor Drive. Randolph County Parcel Identification Number 7754702203 more specifically identifies the property.

Mr. Nuttall stated that, in addition to publishing the required notice of this hearing, legal notices were mailed to adjoining property owners. These notices were mailed on July 23, 2019.

With the assistance of a slide show, Mr. Nuttall testified as to the following facts about the Special Use Permit application:

1. The request is for a SNIA. The existing and proposed land use of the property is manufacturing, processing, and assembly.

2. There are currently two entrances from Taylor Drive, which is a city-maintained street serving industrial uses.

3. The Norfolk Southern railroad is across Taylor Drive from the subject property.

4. The property is located within the balance of the Back Creek/Lake Lucas Watershed area. An increase of built upon area is capped at 12 percent of the land area (approximately 1.36 acres), unless a SNIA authorizing additional built-upon area, up to 70 percent, is approved. Impervious surfaces constructed prior to July 1, 1993, are not required to be included in this allocation. Available records indicate the existing facility has been in place since 1992.

5. The application seeks approval of new built-upon area equivalent to 16 percent of the property's land area.

6. Ten percent of the watershed area may be designated as a SNIA area. Within the Back Creek/Lake Lucas Watershed balance area, 193.48 acres of special allocation area currently exists. If the requested SNIA is granted, this project would use approximately 0.45 acres of the allocation area, reducing the available allocation area to 193.03 acres (179.27 acres if the SNIA under consideration with a separate pending case, Case No. CUP-19-09, is granted).

7. Approval of a SNIA has no effect on general watershed development regulations intended to protect water quality.

8. The property is surrounded entirely by industrially zoned parcels, with the exception of small portions of the adjoining properties to the north and west having residential zoning. The residentially zoned portions of these parcels are more than 1,000 feet from the subject property.

On behalf of the Applicant, Mr. Baron Thompson, Esq. was placed under oath and offered testimony in support of the request. This testimony was focused on addressing the four standards for issuance of a Special Use Permit.

As part of his testimony, Mr. Thompson express the Applicant's agreement with the following conditions that were recommended by the planning staff for attachment to the requested Special Use Permit:

1. Should the number of parking spaces required to serve the proposed development be determined to be less than the amount of parking shown on the site plan, a decrease in the amount of parking shall not be considered a modification of the project requiring council approval. The Applicant shall submit a revised site plan for review by city staff for inclusion in the file.

2. Prior to the storage of any hazardous material, a spill prevention, containment, and control plan ("SPCC") must be prepared by a professional competent in SPCC. Any SPCC-required spill containment structures must be designed by a North Carolina registered professional engineer or architect.

3. Prior to the issuance of a zoning compliance permit, the Applicant shall provide the following:

   (a) A North Carolina Department of Environmental Quality erosion control permit when required.
   (b) Additional detail concerning proposed grade separation between the parking are adjacent to the site's northern entrance against the building. If the paved area in this location abutting the building is used for a loading dock or loading space, such use shall not be considered a modification of the project requiring Council approval. The Applicant shall submit a revised plan for review by city staff for inclusion in the file.

4. A stormwater management plan identifying details of the stormwater BMP to be utilized shall be submitted prior to any zoning compliance permit authorizing built-upon area to exceed 12 percent of the watershed balance area on the zoning lot. Prior to the issuance of a certificate of zoning compliance, certification from a professional engineer stating that the stormwater BMP has been installed as designed shall be provided. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be responsibility of the property owner.

Additionally, Mr. H.R. Gallimore of REMAX Central Realty, presented testimony in support of the application.

No witness came forward in opposition to the Special Use Permit application.

In the absence of any additional testimony or evidence, Mayor Smith transitioned to the deliberative phase of the hearing.

Upon motion by Mr. Bell and seconded by Mr. Swiers, the Council voted unanimously to approve, with the staff recommended conditions, the requested Special Use Permit. A final decision document with the formal findings of fact, conclusions of law, and order authorizing the Special Use Permit will be entered by the Council during its next regular meeting on September 12, 2019. This order will reflect the conditions attached to the Special Use Permit.

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

(b) <u>Case No. RZ-19-10</u>: A legislative hearing on an application to rezone property at 531 Rock Crusher Road (Randolph County Parcel Identification Number 7761658018) from B1 (Neighborhood Commercial) to M (Mercantile).

Mayor Smith opened the public hearing on this land use case, which was legislative in nature, pertaining to the application by Benjamin A. Zenetella (the "Applicant") to rezone approximately 18.6 acres of land from B1 (Neighborhood Commercial) to M (Mercantile).

The land to be rezoned (the "Zoning Lot") is owned by Benjamin A. Zenetella, Gomez Gonzalez, and Sonia Del Carmen. The Zoning Lot is more specifically identified by Randolph County Parcel Identification Number 7761658018.

Mr. Nuttall stated that, in addition to publishing the required notice of this hearing, legal notices were mailed to adjoining property owners. These notices were mailed on July 23, 2019.

Mr. Nuttall utilized a slide show to summarize the planning staff's analysis of the rezoning application. This analysis was summarized as follows:

1. The Zoning Lot is outside of the city limits but within the city's extraterritorial planning jurisdiction.

2. East Presnell Street is a state-maintained minor thoroughfare. Rock Crusher Road is a state-maintained road.

3. The zoning ordinance describes the requested Mercantile (M) District as follows: "Intended to provide for a greater number of potential business activities than the B1 Zoning District. The Mercantile District is distinguished from the B2 General Commercial District by excluding certain uses permitted in the B2 District that are likely to create the greatest external impact (traffic, noise, lighting, etc.) and by its additional standards that address compatibility with adjoining residential neighborhoods. These districts should be located in nodes along minor thoroughfares or higher classification streets." Heavier commercial uses such as sales of motor vehicles and manufactured homes are not permitted in the M District.

4. Tax records indicate that a structure built in 1980 contains 4,838 heated square feet. The current B1 zoning district allows a maximum of 3,000 square feet for all structures on a zoning lot, rendering the current size of the structure on the property a legal non-conforming situation. The requested Mercantile (M) District allows a total of up to 6,000 square feet for all structures on a zoning lot, subject to meeting other zoning requirements.

5. Available records indicate that the Zoning Lot was last approved for use as a place of worship.

6. Other components of development such as drive through services and open storage are restricted in the Mercantile District.

The Planning Board recommended approval of the request. This recommendation was based on the Planning Board's concurrence with the following analysis from the Community Development Division staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans as well as the reasonableness of the request and whether the requested rezoning is in the public interest:

> The Land Development Plan's designation of the property for commercial use and the growth strategy's designation of the property for Economic Development help support the rezoning. The East Small Area plan also discusses accommodating existing commercial uses and sites that have not been fully developed.
>
> The requested Mercantile zoning district accommodates expansion of the existing structure, or construction of new structure(s) on the property, but also limits the size of development and restricts the most intense commercial uses. This reduces compatibility concern with the adjoining residentially zoned properties to the east and west. Limitation on the size of structures also helps mitigate the impact of development on a property which has steep slopes in excess of a 20 percent grade on portions of the Zoning Lot.
>
> Considering these factors, staff believes that the proposed zoning map amendment is reasonable and in the public interest.

There being no comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

The city council concurred with the staff and planning board analysis of the consistency of the request with the land development plan. Council Member Moffitt

moved, and Council Member Bell seconded the motion, to adopt a plan consistency statement and to approve the requested rezoning with the following 2-part motion:

1. City Council Analysis of the Requested Map Amendment: The Land Development Plan's designation of the property for commercial use and the growth strategy map's designation of the property for Economic Development support the rezoning. The East Small Area plan also discusses accommodating existing commercial uses and sites that have not been fully developed.

   The requested Mercantile zoning district accommodates expansion of the existing structure, or construction of new structure(s) on the property, but also limits the size of development and restricts the most intense commercial uses. These limitations and restrictions reduce compatibility concerns with the adjoining residentially zoned properties to the east and west. The limitation on the size of structures also mitigates the impact of development on a property which has steep slopes in excess of a 20 percent grade on portions of the Zoning Lot.

   Considering these factors, the city council has concluded that the zoning map amendment application is consistent with the adopted comprehensive Land Development Plan and is reasonable and in the public interest.

2. In light of the above-stated analysis, the requested zoning map amendment to place the Zoning Lot in the Mercantile (M) zoning district is approved as consistent with the adopted plan.

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the above-stated motion was adopted unanimously.

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

(c) A request for approval of a proposed engineering services agreement with Wetherill Engineering in the amount of $69,585.44 for design work on NCDOT TIP Project EB-5862 (Industrial Park Avenue Sidewalk Improvements).

Mr. Nuttall presented and recommended the approval of a proposed engineering services agreement with Wetherill Engineering in the amount of $69,585.44 for professional engineering services for design work needed for the Industrial Park Avenue Sidewalk Improvement Project.

Upon motion by Mr. Bell and seconded by Ms. Carter, the Council voted unanimously to approve the above-described engineering services agreement with Wetherill Engineering. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

A copy of the above-referenced agreement is on file in the city clerk's office.

(d) Discussion of the process to appoint a steering committee to lead the upcoming Land Development Plan update.

Mr. Nuttall reported that city staff will begin soliciting applications from citizens for participation on a steering committee to lead the upcoming Land Development Plan update. The applications from candidates for appointment will be presented during the Council's next regular meeting on September 12, 2019, for action by the Council.

(e) Consideration of a resolution in support of improvements to McDowell Road (SR 1150) and New Century Drive (SR 1245).

Mr. Nuttall presented and recommended adoption, by reference, of a resolution in support of the improvements to McDowell Road and New Century Drive as proposed by the North Carolina Department of Transportation.

Upon motion by Mr. Bell and seconded by Ms. Snuggs, the Council voted unanimously to adopt the following resolution by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

RESOLUTION NUMBER 28 RES 8-19

CITY OF ASHEBORO RESOLUTION IN SUPPORT OF PROPOSED NCDOT IMPROVEMENTSD TO MCDOWELL ROAD (SR 1150) AND NEW CENTURY DRIVE (SR 1245)

WHEREAS, the North Carolina Department of Transportation (NCDOT) is considering improvements to McDowell Road and New Century Drive that are intended to enhance intersection safety and reduce congestion; and

WHEREAS, the City of Asheboro concurs that the contemplated project will both enhance safety and reduce congestion at this important intersection; and

WHEREAS, NCDOT has requested the City of Asheboro consider a resolution in support of the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the City of Asheboro supports a request for statewide project funds to improve McDowell Road and New Century Drive.

ADOPTED during regular session on this the 8th day of August, 2019.

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

ATTEST:

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

8. Engineering items:

(a) An Asheboro Airport Authority recommendation to delegate short-term hangar leasing authority to the city manager.

City Engineer Michael Leonard presented and recommended adoption, by reference, of a resolution delegating short-term hangar leasing authority at the Asheboro Regional Airport to the city manager.

Upon motion by Mr. Moffitt and seconded by Mr. Burks, the Council voted unanimously to adopt the following resolution by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

RESOLUTION NUMBER 29 RES 8-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DELEGATING SHORT-TERM HANGAR LEASING AUTHORITY AT THE ASHEBORO REGIONAL AIRPORT TO THE CITY MANAGER

WHEREAS, some city-owned hangar space at the Asheboro Regional Airport is, for certain intervals of time, unoccupied and not needed by the city; and

WHEREAS, Section 160A-272 of the North Carolina General Statutes authorizes the Asheboro City Council to delegate to the city manager the authority to determine that specific city-owned property is temporarily surplus to the city's needs and to lease such property for up to one year; and

WHEREAS, on July 16, 2019, the Asheboro Airport Authority recommended enabling the city manager to authorize the lease of unused city-owned hangar space for a lease period of up to one year; and

WHEREAS, the Asheboro City Council concurs with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city manager is authorized to designate specific city-owned hangar space at the Asheboro Regional Airport as temporarily surplus to the city's needs and to enter, upon such conditions as the city manager shall determine are appropriate and are consistent with the adopted rules and regulations for the Asheboro Regional Airport, into leases of the surplus city-owned hangar space for periods of up to one year; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city manager shall transmit written notice of the city's entry into such a short-term hangar lease to the airport authority and the city council at each board's first meeting following the exercise of this delegated leasing authority; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the delegation of leasing authority granted by this Resolution is effective immediately.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of August, 2019.

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

ATTEST:

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

(b) A status report on the permitting process for the Zoo City Sportsplex.

Mr. Leonard presented a completed plan for the Zoo City Sportsplex. The procurement process for work needed for the project will begin in the near future.

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

(c) A petition from Mr. Leonard Latham requesting the contiguous annexation of a parcel of land at 1126 Oakland Avenue.

(i) Consideration of a resolution directing the city clerk to investigate the annexation petition.

After receiving City Engineer Michael Leonard's overview of the annexation petition submitted by Leonard Latham, Council Member Carter moved to adopt the following resolution by reference, and Council Member Swiers seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion and thereby approved the following resolution.

RESOLUTION NUMBER 30 RES 8-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF THE ANNEXATION PETITION SUBMITTED BY LEONARD LATHAM

WHEREAS, Leonard Latham has submitted a petition requesting the annexation into Asheboro of his parcel of land at 1126 Oakland Avenue, Asheboro, North Carolina 27203; and

WHEREAS, the parcel of land for which annexation has been requested (the "Annexation Parcel") is more specifically identified by Randolph County Parcel Identification Number 7751660777 and is approximately 35,422.877 square feet (0.813 of an acre), more or less, in size; and

WHEREAS, the Annexation Parcel is contiguous to Asheboro's primary city limits; and

WHEREAS, Section 160A-31 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, the Asheboro City Council has decided to proceed with the statutorily prescribed voluntary annexation process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the council the results of her investigation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of August, 2019.

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

ATTEST:

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

In anticipation of the council's above-stated action, the city clerk prepared the following certification in advance of the council meeting and submitted this certificate for the council's review.

CERTIFICATE OF SUFFICIENCY
(Annexation Petition Received from Leonard Latham)

TO: The City Council of the City of Asheboro, North Carolina

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petition submitted by Leonard Latham. I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petition.

The petition submitted by Mr. Latham requests the annexation into Asheboro of his approximately 35,422.877-square foot (0.813 of an acre) parcel of land at 1126 Oakland Avenue, Asheboro, North Carolina 27203. The parcel of land for which the petitioner has requested annexation (the "Annexation Parcel") is more specifically identified by Randolph County Parcel Identification Number 7751660777.

On the basis of my investigation, I have concluded that all of the owners of the real property lying in the Annexation Parcel have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of the 8th day of August, 2019.

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

(ii) Consideration of a resolution directing the city clerk to investigate the annexation petition.

In light of the preceding council action and the submittal of the city clerk's certification document, Mr. Leonard then presented, for the council's consideration, a resolution setting the date for a hearing on the question of the requested annexation. Council Member Burks moved to adopt the following resolution by reference, and Council Member Bell seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion and thereby approved the resolution.

RESOLUTION NUMBER 31 RES 8-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF THE REQUESTED ANNEXATION OF LAND OWNED BY LEONARD LATHAM

WHEREAS, Leonard Latham properly submitted a petition requesting the annexation into Asheboro of his approximately 35,422.877-square foot (0.813 of an acre) parcel of land at 1126 Oakland Avenue, Asheboro, North Carolina 27203; and

WHEREAS, the parcel of land for which annexation has been requested is more specifically identified by Randolph County Parcel Identification Number 7751660777; and

WHEREAS, pursuant to a previously adopted resolution, the city clerk investigated the sufficiency of the annexation petition; and

WHEREAS, the city clerk certified the sufficiency of the petition for proceeding with setting the date for a public hearing on the question of the requested annexation pursuant to Section 160A-31 of the North Carolina General Statutes.

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

Section 1. A public hearing on the question of annexing the territory described in Section 2 of this Resolution will be held in the council chamber on the second floor of Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on September 12, 2019.

Section 2. The territory proposed for annexation is described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a 1" existing iron pipe that is flush with the ground at the northwest corner of the Leonard Latham property described in Deed Book 2357, Page 1609, Randolph County Registry (this property is a single parcel of land identified by Randolph County Parcel Identification Number 7751660777 that consists of Lots 64-65 of the Forest Hills Subdivision, Addition 6, as shown on a plat of survey recorded in Plat Book 6, Page 55, Randolph County Registry; the Leonard Latham property described herein is the sole parcel of land for which annexation is requested and will be referred to as the "Annexation Parcel"), the beginning point is a control corner located by means of the North Carolina Coordinate System at the coordinates of North 716,976.26 feet and East 1,756,107.29 feet (NAD 83 (2011)); thence from the beginning point and departing from the existing City of Asheboro primary city limits line by following the proposed City of Asheboro primary city limits line along the Annexation Parcel's northern boundary line, which runs with the southern margin of the 50-foot public right-of-way for Oakland Avenue (North Carolina Secondary Road 1483), South 89 degrees 51 minutes 37 seconds East 120.02 feet to a 5/8" existing iron rod that is 1" above ground at the northeast corner of the Annexation Parcel; thence continuing to follow the proposed City of Asheboro primary city limits line by departing from the southern margin of the public right-of-way for Oakland Avenue and following the Annexation Parcel's eastern boundary line along the Kenneth Thomas property described in Deed Book 1038, Page 178, Randolph County Registry South 00 degrees 25 minutes 40 seconds West 296.28 feet to a 1-1/4" existing iron pipe that is 3" above ground at the southeast corner of the Annexation Parcel; thence continuing to follow the proposed City of Asheboro primary city limits line by departing from the Annexation Parcel's eastern boundary line and proceeding the following courses and distances along the Annexation Parcel's southern boundary line that is shared with the Peter Carignan property described in Deed Book 2069, Page 2147, Randolph County Registry: North 89 degrees 17 minutes 35 seconds West 59.77 feet to a 3/4" existing iron pipe that is 6" above ground; thence North 89 degrees 18 minutes 40 seconds West 59.81 feet to a 1" existing iron pipe in concrete and 3" above ground at the Annexation Parcel's southwest corner that is on the existing City of Asheboro primary city limits line, this corner is a control corner located by means of the North Carolina Coordinate System at the coordinates of North 716,681.15 feet and East 1,756,105.53 feet (NAD 83 (2011)); thence departing from the Annexation Parcel's southern boundary line and following the existing City of Asheboro primary city limits line along the Annexation Parcel's western boundary line North 00 degrees 20 minutes 32 seconds East 295.12 feet to the point and place of BEGINNING, and containing a total of 35,422.877 square feet (0.813 of an acre) of land, more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of William C. Burrow, Professional Land Surveyor with License Number L-2497. The plat of survey is titled "ANNEXATION SURVEY FOR CITY OF ASHEBORO(:) LEONARD LATHAM" and is identified as Project No. 5438.

Section 3. Notice of the public hearing scheduled by Section 1 of this Resolution shall be published in *The Courier-Tribune*, which is a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of August, 2019.

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

ATTEST:

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

9. Discussion concerning the naming of the proposed arboretum.

Mayor Smith introduced this agenda item pertaining to the project previously referred to as the proposed Asheboro Arboretum. As part of this discussion, Mayor Smith recognized Owen George, who is the President of Trees NC.

Mr. George recommended naming the proposed project the "David and Pauline Jarrell City Center Garden." In addition to making this recommendation, Mr. George reported that the individuals who volunteered to raise funding for the project were supportive of the proposed project name.

After some discussion, the council members concurred with Mr. George's recommendation.

Council Member Bell moved, and Council Member Swiers seconded the motion, to name the arboretum project the "David and Pauline Jarrell City Center Garden." Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

10. Upcoming events.

Mayor Smith led a brief discussion of upcoming events occurring within the city government and the community in general. No action was taken by the city council during this portion of the meeting.

There being no further business, the meeting was adjourned at 8:18 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

NOTICE OF A SPECIAL MEETING

ASHEBORO CITY COUNCIL

TUESDAY, AUGUST 20, 2019

7:00 P.M.

The City Council of the City of Asheboro will hold a special meeting on Tuesday, August 20, 2019. This meeting will begin at 7:00 p.m. in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

During the meeting, a public hearing will be held on the proposed appropriation and expenditure of city funds, in accordance with Section 158-7.1 of the North Carolina General Statutes, for an economic development project with innovative Business Growth, LLC d/b/a Founder's Hemp. After the public hearing, the city council will consider adopting a resolution authorizing the city to pursue the proposed economic development project by submitting to the Rural Development Division within the North Carolina Department of Commerce an application, including a commitment to provide the required local funding match, for a building reuse grant to support the above-listed company's plans to increase production capacity.

All interested persons are invited to attend and present their views.

This notice is issued on the 14th day of August, 2019.

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

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SPECIAL MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
TUESDAY, AUGUST 20, 2019
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)
Walker B. Moffitt) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)

Linda H. Carter)
) – Council Members Absent
Charles A. Swiers)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Jeffrey C. Sugg, City Attorney

Mayor Smith called the meeting to order and opened a public hearing on a proposed economic development project with innovative Business Growth, LLC d/b/a Founder's Hemp.

During the public hearing, Mr. Kevin Franklin, who is the President of the Randolph County Economic Development Corporation, reported that innovative Business Growth, LLC d/b/a Founder's Hemp, an integrated hemp company based in Asheboro, is considering an expansion with new job creation within Asheboro and Randolph County.

Founder's Hemp provides expert assistance to its network of farmers and processes North Carolina grown hemp into usable products. It is among the first hemp companies established in North Carolina and has been operating in Asheboro since 2017. Because of its rapid growth, the company intends to renovate a portion of the facility it occupies in south Asheboro in order to accommodate new equipment and processes.

With this project, Founder's Hemp will install five new clean rooms in existing product storage space in order to facilitate enhanced processing. It is committed to an investment of at least $310,000 for the expansion project, with an additional related investment of approximately $50,000 for machinery and equipment. Additionally, the project will result in the creation of fifteen (15) new full-time jobs and the retention of the current 62 positions. The new positions will pay an average annual wage of $35,667.

During his presentation, Mr. Franklin reported that Founder's Hemp is eligible for a Building Reuse Grant from the North Carolina Department of Commerce in the amount of $150,000 ($10,000 per job) to assist with the renovation expenses. The City of Asheboro would serve as the grant applicant since the program requires the applicant to be a unit of local government.

The grant program also requires a 5% local government cash match which would total $7,500 based on the $150,000 grant request. The Randolph County Economic Development Corporation will formally request that the County of Randolph participate in providing an equal share of the match, $3,750 per unit of government. The submission deadline for the grant application is August 29, 2019.

Mr. Franklin recommended that the City Council of the City of Asheboro adopt a resolution authorizing the application by the City of Asheboro for a Building Reuse Grant to support the renovation of an Asheboro facility by innovative Business Growth, LLC d/b/a Founder's Hemp.

Mr. Owen George, who is with the Small Business Administration, presented comments in support of the economic development project. Additionally, Mr. Bobby Crumley and Ms. Jamie Crumley of Founder's Hemp presented comments in support of the project.

After no other speakers asked to be heard during the public hearing, Mayor Smith inquired of the Council Members as to what action they would like to take.

The Council Members concurred with Mr. Franklin's recommendation. Upon motion by Mr. Bell and seconded by Mr. Moffit, the Council voted unanimously to adopt the following resolution. Council Members Bell, Burks, Moffitt, Redding, and Snuggs voted in favor of the motion.

RESOLUTION NUMBER 32 RES 8-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AUTHORIZING THE APPLICATION BY THE CITY OF ASHEBORO FOR A BUILDING REUSE GRANT TO SUPPORT THE RENOVATION OF AN ASHEBORO FACILITY BY INNOVATIVE BUSINESS GROWTH, LLC D/B/A FOUNDER'S HEMP

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, innovative Business Growth, LLC d/b/a Founder's Hemp, which is a North Carolina limited liability company, (the "Company") has a leased facility at 720 Industrial Park Avenue in Asheboro; and

WHEREAS, due to past success and expected future growth, the Company has developed a renovation project for its Industrial Park Avenue facility that will allow for increased production capacity; and

WHEREAS, the Company is proposing a capital investment of not less than $310,000 for this renovation project; and

WHEREAS, in addition to retaining 62 positions, the Company is committed to creating in Asheboro 15 new full-time jobs with an average annual wage of $35,667; and

WHEREAS, in light of the Company's stated commitment to job creation, the City's professional staff has joined with the Randolph County Economic Development Corporation to recommend that the City submit an application for Building Reuse Grant funding in the amount of $150,000; and

WHEREAS, on August 20, 2019, the City Council of the City of Asheboro (the "Council") conducted a properly advertised public hearing on the question of whether to proceed with the contemplated economic development project by submitting an application for the grant funding described herein; and

WHEREAS, after considering the information presented during the public hearing, the City's elected officials expressed their concurrence 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 Council supports the job creation associated with the Company's proposed renovation project; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the Council believes, 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 undertaking the proposed economic development project, specifically including the submission of a Building Reuse Grant application seeking $150,000 in funding; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the City hereby commits to provide the required local government cash match of $7,500, which is equal to 5% of the $150,000 sought for this project; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the City's elected and 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 special meeting held on the 20th day of August, 2019.

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

ATTEST:

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

There being no further business, the meeting was adjourned at 7:15 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 July 1, 2019

The Asheboro ABC Board met on Monday, July 1, 2019, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Member Steve Knight, Board Member 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.

The Board reviewed and there being no objection, approved the minutes of the June 3, 2019, Board meeting.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses). All payments made by draft or funds transfer during the month of June 2019 were reviewed by the Board.

The GM updated the board concerning legislation affecting ABC board operations.

The GM presented data concerning top-pay rates for the store manager and full-time employees as compared to other ABC system employees in the state with similar responsibilities. The GM reviewed pay rates and benefits set by such other boards and recommended raising the top of the pay scale for the Board's store manager to $28.84 per hour and full-time employees to $22.40 per hour. Based upon current pay rates and merit eligibility, it will take at least 4 years before any employee will reach the top of the pay scale. Upon motion by Bob Morrison, the new top rates were approved by the Board.

The Board heard reports from the General Manager concerning the following issues:

1. Asheboro ABC sales statistics comparing:

    - June 2019 sales with the previous month indicate:
        - An overall -3.5 change (all sales and tax collections)

    - June 2019 sales with sales from the same month last year indicate:
        - Retail Sales +0.6% ($253,087.69)
        - Mixed Beverage Sales: +8.7% ($35,318.01)
        - Sales Tax Collections: +0.6% ($17,736.36)
        - Overall Collections: +1.45% ($306,142.06)

    - June 2019 bottle sales with bottle sales from the same month last year indicate:
        - Retail Bottle Sales: +1.0%

- Mixed Beverage Bottle Sales: +7.1%
- Overall Bottle Sales: +1.3%

The next regular Asheboro ABC Board meeting will be held Monday, August 5, 2019, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 8-5-19
GM

Stephen R Knight

Robert E Moore

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on August 5, 2019

The Asheboro ABC Board met on Monday, August 5, 2019, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Member Steve Knight, Board Member 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. The Chair, after review of the agenda, recused herself from any discussion or voting on grant applicants and advised she would leave the meeting room when the matter came before the Board. Except for the Chair's recusal, the agenda was adopted.

The Board reviewed and there being no objection, approved the minutes of the July 1, 2019, Board meeting.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses). All payments made by draft or funds transfer during the month of August 2019 will be reviewed at the October meeting.

The GM reviewed the status of legislation in the NC General Assembly which may affect ABC Board Operations. SB290, an Act to Make Various Revisions to the ABC Laws, was enacted July 18, 2019, and becomes effective September 1, 2019. Parts of HB536, ABC Omnibus Bill, was added to SB290 and the bill itself remains in the Rules Committee of the Senate. HB971, Modern Licensure (privatization), was last heard for discussion only in the House ABC Committee. No action has been taken on HB971 since April 26, 2019.

The Chair recused herself and left the meeting room.

Grant applications from Asheboro Shelter of Hope and Maddie's Mission were reviewed by Board Members Stephen Knight and Bob Morrison. The Asheboro Shelter of Hope application was rejected by the Board and the Board directed the GM to obtain additional information concerning Maddie's Mission for discussion at the Board's September 3, 3019, meeting.

Upon motion by Bob Morrison, the Board approved requiring non-profit organizations submit an IRS form 990 or 990EZ with grant applications. The GM will draft new language for review at the Board's September 3, 2019, meeting.

The next regular Asheboro ABC Board meeting will be held Monday, September 3, 2019, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 9-3-19 RJ
GM

Stephen A Knight
Robert E Monroe

CITY OF ASHEBORO
NORTH CAROLINA

Memo

To: Mr. John N. Ogburn, III, City Manager

From: John L. Evans, City of Asheboro Community Development Division

Date: September 6, 2019

RE: Consideration of a request to extend the time allowed between Preliminary and Final Plat review for the Robins Nest Phase 2 subdivision.

The subdivision ordinance requires that a Final Plat for a major subdivision be approved within twelve (12) months of approval of the preliminary plat to avoid the preliminary plat approval becoming null and void. As permitted by the Asheboro Subdivision Ordinance (Article VII, Section 2.E), a request to allow an additional one year period between preliminary plat and final plat approval has been filed for the Robins Nest Phase 2 subdivision. City Council approved the Preliminary Plat on September 14, 2017. Council previously granted an extension on September 6, 2018, until and through September, 2019. If approved, this extension would allow submission of a final subdivision plat until and through September, 2020.

Council has customarily granted approvals for similar requests. Therefore, we are requesting that consideration of this item be placed on the consent agenda. The written request from the applicant's agent follows.

John Evans

From: William Atkinson [will@asheboro.com]
Sent: Friday, August 17, 2018 9:06 AM
To: John Evans
Cc: H. Mack Summey Jr.; Bobby Kivett; Bobby Kivett; Christian Vestal; Trevor Nuttall
Subject: Robins Nest Subdivision, Phase 2 - Final Plat Extension Request

John,

Based on the current progress at the Robins Nest Subdivision, Phase 2, it has become apparent that an extension will be required as it will not be feasible to provide the final plat within the twelve (12) month deadline for the final plat submittal from the preliminary plat approval date per the City of Asheboro Subdivision Ordinance. Therefore, our office would like to formally request an extension of one (1) year on behalf of the owner.

As the preliminary plat was approved on September 14, 2017 (Case No. SUB-17-02), please see that this request to extend the review time between the preliminary and final plat is included in the agenda for the Council meeting on September 6, 2018. Should you require additional documentation or other further information, please do not hesitate to call or email our office.

Thank you for your time,
Will

William Atkinson, P.E.
Project Engineer
Summey Engineering Associates, PLLC
Engineering – Land Planning – Consulting
P.O. Box 968
Asheboro, NC 27204
Offfice: 336.328.0902
Fax: 336.328.0922

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CITY OF ASHEBORO
NORTH CAROLINA

Memo

To: Mr. John N. Ogburn, III, City Manager

From: John L. Evans, City of Asheboro Community Development Division

Date: September 6, 2019

RE: Consideration of a request to extend the time allowed between Preliminary and Final Plat review for the Zoocrest Townhomes subdivision.

The subdivision ordinance requires that a Final Plat for a major subdivision be approved within twelve (12) months of approval of the preliminary plat to avoid the preliminary plat approval becoming null and void. As permitted by the Asheboro Subdivision Ordinance (Article VII, Section 2.E), a request to allow an additional one year period between preliminary plat and final plat approval has been filed for the Zoocrest Townhomes subdivision. City Council approved the Preliminary Plat on September 6, 2018. If approved, this extension would allow submission of a final subdivision plat until and through September, 2020.

Council has customarily granted approvals for similar requests. Therefore, we are requesting that consideration of this item be placed on the consent agenda. The written request from the applicant's agent follows.

John Evans

From: Mack Summey <mack@summeyengineering.com>
Sent: Wednesday, August 7, 2019 8:05 PM
To: John Evans
Cc: Bobby Kivett; Bobby Kivett; Trevor Nuttall; Christian Vestal; Will Atkinson
Subject: Final Plat Extension Requests for September City Council Agenda (Zoocrest Townhomes)

John,

Based on the current progress at the Zoocrest Townhomes Project, it has become apparent that an extension will be required as it will not be feasible to provide the final plat within the twelve (12) month deadline for the final plat submittal from the preliminary plat approval date per the City of Asheboro Subdivision Ordinance. Therefore, our office would like to formally request an extension of one (1) year on behalf of the owner.

As the preliminary plat was approved on September 6, 2018, (SUB-18-01) please see that this request to extend the review time between the preliminary and final plat is included in the agenda for the Council meeting on September 12, 2019. Should you require additional documentation or other further information, please do not hesitate to call or email our office.

Thank you!
Mack

H. Mack Summey, Jr., PE
Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
P.O. Box 968
Asheboro, NC 27204
Office - 336-328-0902
Fax - 336-328-0922
Email: Mack@summeyengineering.com

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION SUPPORTING AND AUTHORIZING AN APPLICATION FOR A STATE GRANT/LOAN FOR THE SANITARY SEWER LIFT STATION NO. 3 IMPROVEMENTS PROJECT

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (codified in Chapter 159G of the North Carolina General Statutes) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction for a wastewater collection system; and

WHEREAS, the City of Asheboro (hereafter referred to interchangeably as the "City" and the "Applicant") needs and intends to construct wastewater collection system improvements described as the Sanitary Sewer Lift Station No. 3 Improvements Project (hereafter referred to as the "Project"); and

WHEREAS, the City intends to request state loan or grant assistance for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro (hereafter referred to as the "Council") that the City, if approved for a State loan or grant award, will arrange financing for all remaining costs of the Project; and

BE IT FURTHER RESOLVED by the Council that the City will adopt and place into effect on or before completion of the Project a schedule of fees and charges, in addition to other available funds, that will provide adequate funding for the proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt; and

BE IT FURTHER RESOLVED by the Council that a provision will be included in the loan agreement authorizing the State Treasurer, upon failure of the City to make scheduled repayment(s) of the loan, to withhold from the City any State funds that would otherwise be distributed to the City in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan; and

BE IT FURTHER RESOLVED by the Council that the City will provide for the efficient operation and maintenance of the Project infrastructure upon completion of the construction thereof; and

BE IT FURTHER RESOLVED by the Council that John N. Ogburn, III, who is the city manager for the Applicant (the city manager will be hereafter referred to as the "Authorized Official"), and any successor so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan to aid in the construction of the Project described above; and

BE IT FURTHER RESOLVED by the Council that the Authorized Official, and any successor so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application; and

BE IT FURTHER RESOLVED by the Council that the City has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the Project and to Federal and State grants and loans pertaining thereto.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 12th day of September, 2019.

_____
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION SUPPORTING AND AUTHORIZING AN APPLICATION FOR AN ASSET INVENTORY AND ASSESSMENT STATE GRANT

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (codified in Chapter 159G of the North Carolina General Statutes) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction for a wastewater collection system; and

WHEREAS, the City of Asheboro (hereafter referred to interchangeably as the "City" and the "Applicant") needs and intends to develop asset inventories, condition assessment of critical assets, and other components of asset management programs for the water and sanitary sewer systems (hereafter referred to as the "Project"); and

WHEREAS, the City intends to request state grant assistance for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro (hereafter the "Council") that John N. Ogburn, III, who is the city manager for the Applicant (the city manager will be hereafter referred to as the "Authorized Official"), and any successor so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the performance of the Project described above; and

BE IT FURTHER RESOLVED by the Council that the Authorized Official, and any successor so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application; and

BE IT FURTHER RESOLVED by the Council that the City has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the Project and to Federal and State grants and loans pertaining thereto.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 12th day of September, 2019.

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

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

ORDINANCE TO AMEND
THE ASHEBORO HOUSING DEVELOPMENT FUND (#62)
FY 2019-2020

WHEREAS, Council has consistently planned and invested in community revitalization using founded urban design and strategic planning methods, and;

WHEREAS, the North Carolina Housing Finance Agency approved a $50,000 grant for 2018 Urgent Repair Program, and;

WHEREAS, the City Match for this grant is $8000, and;

WHEREAS, the City of Asheboro did not have any approved projects to spend these funds on at the time of its distribution in August 2018 but does now, and;

WHEREAS, revenues and expenses in the Asheboro Housing Development Fund have changed over time in relation to the current budget, and;

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles.

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

Section 1: Revenues

Account #	Revenue Description	Increase
62-300-0000	General Fund Contribution	8,000
62-320-0000	Urgent Repair Grant	50,000
		58,000

Section 2: Expenses

Account #	Revenue Description	Increase
62-600-0002	Construction	58,000

Adopted this the 12th day of September 2019.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2019-2020

WHEREAS, RhinoLeap Productions has presented a proposal to the City of Asheboro for use of the City of Asheboro Sunset Theatre for five theatrical productions to be held at the Sunset Theater and has requested sponsorship from the City of Asheboro in the amount of $20,000 for each of these performances, and;

WHEREAS, three of these performances are incorporated into the adopted budget for 2019-2020, and;

WHEREAS, the total additional requested sponsorship of these performances is $40,000, and;

WHEREAS, Council has consistently planned and invested in community revitalization using founded urban design and strategic planning methods, and;

WHEREAS, the North Carolina Housing Finance Agency approved a $50,000 grant for 2018 Urgent Repair Program, and;

WHEREAS, the City of Asheboro is ready to use the grant proceeds from the 2018 North Carolina Housing Finance Agency grant allocation and the City match for this grant is $8000, and;

WHEREAS, revenues and expenses in the General Fund have changed in relation to the current budget, and;

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles.

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

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

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

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

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

Account #	Expense Description	Increase
10-399-0000	Fund Balance Appropriation	48,000

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2019-2020

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

Account #	Expense Description		Increase
10-490-3200	Grant		8,000
10-615-1201	Programs- Sunset Theatre		40,000
		Total	48,000

Adopted this 12th day of September, 2019

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2018-2019

WHEREAS, The City Council of the City of Asheboro desires to secure a right –of-way for the proposed extension of Commerce Place as a connector road to Pineview Street, and in order to construct these improvements, the City of Asheboro must first obtain a permanent right-or-way on a parcel of land currently owned by Schwarz Enterprises Inc. and;

WHEREAS, the property is 0.16 acres located at 460 Commerce Place and is identified as PIN 7753791468, and;

WHEREAS, an independent third party appraisal of the property establishes the property value at $5,600, and:

WHEREAS, Schwarz Enterprises Inc. has agreed to sell this property to the City of Asheboro at the appraised value of $5,600.00, and;

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

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

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

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

Account #	Expense Description	Increase/ Decrease
10-399-0000	Fund Balance Appropriation	5,600

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

Account #	Expense Description	Increase/ Decrease
10-565-7100	Capital Outlay- Land	5,600

(Continued on next page)

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2018-2019

Adopted this 12th day of September, 2019

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2019-2020

WHEREAS, The University of North Carolina School of Government established the Development Finance Initiative (DFI) to assist North Carolina communities with achieving their community economic development goals, and;

WHEREAS, the City of Asheboro would like to engage DFI for technical assistance to advise the City on the feasibility of a proposal made by a private developer to redevelop portions of the Acme-McCrary Mill, and;

WHEREAS, the initial proposal fee for advising and financial modeling work is $16,100 and additional advising services will be available at an hourly cost, and;

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

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

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

Section 1: That the following Revenue line item be increased / (decreased):

Account #	Revenue Description	Increase
10-399-0000	Fund Balance Appropriation	20,000

Section 1: That the following Revenue line item be increased / (decreased):

Account #	Expense Description	Increase
10-490-0400	Professional Services	20,000

Adopted this12th day of September, 2019

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

APPROVAL OF AN INVOLUNTARY COMMITMENT TRANSPORTATION AGREEMENT

WHEREAS, Section 122C-251(g) of the North Carolina General Statutes requires the governing bodies of cities and counties to adopt a plan known as an "involuntary commitment transportation agreement" or "transportation agreement" for the custody and transportation of respondents subject to involuntary commitment proceedings under Chapter 122C, Article 5 of the North Carolina General Statutes; and

WHEREAS, since 2014, the Asheboro Police Department and the Office of the Randolph County Sheriff have utilized a memorandum of understanding (the "MOU") to generate operational efficiencies and enhance the performance of the agencies' respective duties under the involuntary commitment process established in Chapter 122C of the North Carolina General Statutes; and

WHEREAS, the MOU has now been updated to reflect recent amendments to Chapter 122C, Article 5 of the North Carolina General Statutes; and

WHEREAS, the interim chief of police and the city manager have recommended the adoption of the updated MOU to function as the City of Asheboro Involuntary Commitment Transportation Agreement; and

WHEREAS, the updated MOU is attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this instrument by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council concurs with the above-stated recommendation by the city manager and the interim chief of police.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective immediately, the MOU attached to this Resolution as EXHIBIT 1 is hereby approved as the City of Asheboro Involuntary Commitment Transportation Agreement; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the interim chief of police is hereby authorized and directed to execute, without unnecessary delay, the MOU on behalf of the City of Asheboro; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that this approval is a continuing approval that shall not lapse unless and until another Resolution providing otherwise is adopted by the Asheboro City Council; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that this transportation agreement shall be submitted to the following officials and entities: (a) the Clerk of Superior Court and the magistrates in the city's judicial district, (b) the LME/MCO that serves the city and Randolph County, and (c) the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that if this transportation agreement is subsequently modified, the modified agreement shall be submitted, at least 10 days prior to the effective date of the new plan, to the following officials and entities: (a) the Clerk of Superior Court and the magistrates in the City's judicial district, (b) the LME/MCO that serves the City and Randolph County, and (c) the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 12th day of September, 2019.

_____

David H. Smith, Mayor

ATTEST:

_____

Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

CITY OF ASHEBORO
INVOLUNTARY COMMITMENT
TRANSPORTATION AGREEMENT

(MOU WITH THE OFFICE OF THE RANDOLPH COUNTY SHERIFF)

MEMORANDUM OF UNDERSTANDING

This **Memorandum of Understanding** (the **"MOU"**) is an agreement between the **CITY OF ASHEBORO** (the **"City"**), a North Carolina municipal corporation acting for purposes of this MOU by and through the **Asheboro Police Department** (the **"APD"**), and the **RANDOLPH COUNTY SHERIFF'S OFFICE** (the **"RCSO"**). This MOU is designed to clarify the functions performed by APD officers in conjunction with RCSO deputies so as to achieve operational efficiencies that enhance the service provided by both agencies in support of the involuntary commitment process established in Chapter 122C of the North Carolina General Statutes.

SECTION I. PURPOSE

A central purpose of this MOU is to resolve in a definitive and mutually agreed upon manner certain ambiguities that arise when APD officers receive involuntary commitment orders instructing the officers to transport a respondent directly to a facility designated as a 24-hour facility pursuant to G.S. 122C-252 and 10A NCAC 26C.0100. At the present time, there is no such facility within Randolph County.

Thus, when an APD officer receives for service an order to transport a respondent directly to a 24-hour facility, the officer has been asked to serve an order to transport a respondent to another county. One of the objectives of this MOU is to clarify the APD officer's authority and responsibilities in such a situation.

This MOU does not change in any manner the long-standing practice of APD officers and RCSO deputies in situations where a petitioner personally appears before a magistrate who issues a custody order directing a law enforcement officer to take a respondent into custody and transport the respondent to his or her first examination (the form currently utilized for this type of case is Form AOC-SP-302A, New 11/12). Similarly, no ambiguities have arisen with regard to the service of transport orders issued in conjunction with outpatient treatment for respondents, and this MOU does not change the long-standing practices applicable to these types of transport orders.

Notwithstanding any term or condition of this MOU, nothing herein shall be construed or otherwise interpreted to limit the jurisdiction, powers, or rights possessed by APD officers and RCSO deputies, specifically including by way of illustration and not limitation the ability of the agencies to provide mutual aid to each other in accordance with the applicable laws and the directives of the chief executives for the respective agencies.

SECTION II. SELECT STATUTORY PROVISIONS GUIDING THE TRANSPORTATION OF RESPONDENTS

(A) Transportation within a County [G.S. 122C-251(a)]: In general, the transportation of a respondent within a county as part of the involuntary commitment proceedings, including admission and discharge, is provided by the county or the cities located within the county. A city is responsible for transporting a respondent who is either a resident of that city or has been physically taken into custody within that city's corporate limits. The county is responsible for transporting respondents who either reside within the county, but outside the city limits of a municipality, or have been physically taken into custody within the county and outside of the city limits of a municipality.

(B) Transportation between Counties [G.S. 122C-251(b)]: Transportation between counties under the involuntary commitment proceedings established in Chapter 122C, Article 5 of the North Carolina General Statutes for a first examination as described in G.S. 122C-263(a) and G.S. 122C-283(a) and for admission to a 24-hour facility shall be provided by the county where the respondent is taken into custody. Transportation between counties under the involuntary commitment proceedings established in the above-cited Article for respondents held in 24-hour facilities who have requested a change of venue for the district court hearing shall be provided by the county where the petition for involuntary commitment was initiated. Transportation between counties under the involuntary commitment proceedings established in the above-cited Article for discharge of a respondent from a 24-hour facility shall be provided by the respondent's county of residence. However, a respondent being discharged from a facility may use his or her own transportation at his or her own expense.

(C) Method of Transportation [G.S. 122C-251(c), (d), and (e)]: Transportation of a respondent may be (i) by city- or county-owned vehicles, (ii) by private vehicle by contract with the city or county, or (iii) as provided in an agreement developed and adopted under G.S. 122C-251(g) and G.S. 122C-202.2. Under this MOU, transportation provided by the City will be provided by and through APD officers utilizing city-owned vehicles.

To the extent feasible, law enforcement officers transporting respondents shall dress in plain clothes and shall travel in unmarked vehicles. Further, law enforcement officers, to the extent possible, shall advise respondents when taking them into custody that they are not under arrest and have not committed a crime, but are being taken into custody and transported to receive treatment and for their own safety and that of others.

To the extent feasible, a city or county shall provide a driver or attendant who is the same sex as the respondent, unless the law enforcement officer allows a family member of the respondent to accompany the respondent in lieu of an attendant of the same sex as the respondent.

In taking custody and providing transportation as required by G.S. 122C-251, the law enforcement officer may use reasonable force to restrain the respondent if it appears necessary to protect the law enforcement officer, the respondent, or others. Any use of restraints shall be as reasonably determined by the officer to be necessary under the circumstances for the safety of the respondent, the law enforcement officer, and other persons. Every effort to avoid restraint of a child under the age of 10 shall be made by the transporting officer unless the child's behavior or other circumstances dictate that restraint is necessary.

The law enforcement officer shall respond to all inquiries from the facility concerning the respondent's behavior and the use of any restraints related to the custody and transportation of the respondent, except in circumstances where the information is confidential or providing the information would otherwise compromise a law enforcement investigation.

(D) Cost and Expense of Transporting a Respondent [G.S. 122C-251(h)]: The cost and expenses of custody and transportation of a respondent as required by the involuntary commitment procedures of Chapter 122C, Article 5 of the North Carolina General Statutes, to the extent they are not reimbursed by a third-party insurer, are the responsibility of the respondent's county of residence. The State (when providing transportation under G.S. 122C-408(b)), a city, or a county is entitled to recover the reasonable cost of transportation from the county of residence of the respondent. The county of residence of the respondent shall reimburse the State, another county, or a city the reasonable transportation costs incurred as authorized by G.S. 122C-251(h).

The county of residence of the respondent is entitled to recover the reasonable cost of transportation it has paid to the State, a city, or county. Provided that the county of residence provides the respondent or other individual liable for the respondent's support a reasonable notice and opportunity to object to the reimbursement, the county of residence of the respondent may recover that cost from (1) the respondent, if the respondent is not indigent; (2) Any person or entity that is legally liable for the respondent's support and maintenance provided there is sufficient property to pay the cost; (3) Any person or entity that is contractually responsible for the cost; or (4) Any person or entity that otherwise is liable under federal, State, or local law for the cost.

(E) Involuntary Commitment Transportation Agreement [G.S. 122C-251(g)]: G.S. 122C-251(a) authorizes cities and counties to contract with each other to provide transportation. Furthermore, G.S. 122C-251(g) provides that the governing body of a county or city shall adopt a plan known as an "involuntary commitment transportation agreement" or "transportation agreement" for the custody and transportation of respondents in involuntary commitment proceedings under Chapter 122C, Article 5 of the North Carolina General Statutes. This MOU has been adopted by the Asheboro City Council as an integral part of the City's compliance with G.S. 122C-251(g).

(F) Chapter 122C, Article 5, Part 7 of the North Carolina General Statutes (Involuntary Commitment of the Mentally Ill);

Law Enforcement Officer's Duty upon Receipt of Custody Order:

(1) G.S. 122C-261(e): Anyone who has knowledge of an individual who is mentally ill and either (i) dangerous to self, as defined in G.S. 122C-3(11)a., or dangerous to others, as defined in G.S. 122C-3(11)b., or (ii) in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness may appear before a clerk or assistant or deputy clerk of superior court or a magistrate and execute an affidavit to this effect, and petition the clerk or magistrate for the issuance of an order to take the respondent into custody for examination by a commitment examiner. Upon receipt of such a custody order, a law enforcement officer, a person designated under G.S. 122C-251(g), or other person identified in the order shall take the respondent into custody within 24 hours after the order is signed and proceed according to G.S. 122C-263. The custody order is valid throughout the State.

(2) G.S. 122C-263(a): After assuming custody of the respondent and without unnecessary delay, the law enforcement officer shall transport the respondent to a facility or other location identified by the LME/MCO in the community crisis services plan adopted pursuant to G.S. 122C-202.2 that has an available commitment examiner and the capability to perform a first examination in conjunction with a health screening at the same location, unless exigent circumstances require the transport of the respondent to an emergency department. If a commitment examiner is not available, whether on-site, on-call, or via telemedicine, at any such facility or location, or if a plan has not been adopted, the person designated to provide transportation shall take the respondent to an alternative non-hospital provider or facility-based crisis center for a first examination in conjunction with a health screening at the same location.

In the absence of a non-hospital provider or facility-based crisis center to perform a first examination in conjunction with a health screening at the same location, the person designated to provide transportation shall take the respondent to a private hospital or clinic, a general hospital, an acute care hospital, or a State facility for the mentally ill.

If a commitment examiner is not immediately available, the respondent may be temporarily detained in an area facility, if one is available; if an area facility is not available, the respondent may be detained under appropriate supervision in the respondent's home, in a private hospital or clinic, in a general hospital, or in a State facility for the mentally ill, but not in a jail or other penal facility.

For the purposes of this section, the term "non-hospital provider" means an outpatient provider that provides either behavioral health or medical services.

(3) **G.S. 122C-263(a1):** A facility or other location to which a respondent is transported under G.S. 122C-263(a) shall provide a health screening of the respondent. The health screening shall be conducted by a commitment examiner or other individual who is determined by the area facility, contracted facility, or other location to be qualified to perform the health screening. The respondent may either be in the physical face-to-face presence of the person conducting the screen or may be examined utilizing telemedicine equipment and procedures.

Documentation of this required health screening that is completed prior to transporting the patient to any general hospital, acute care hospital, or designated facility shall accompany the patient or otherwise be made available at the time of transportation to the receiving facility.

(4) **G.S. 122C-263(b):** The examination set forth in G.S. 122C-263(a) is not required when (i) the affiant who obtained the custody order is a commitment examiner who recommends inpatient commitment, or (ii) when the custody order states that the respondent was charged with a violent crime, including a crime involving assault with a deadly weapon, and the respondent was found incapable of proceeding. In any of the cases stated in the immediately preceding sentence, the law enforcement officer or person designated under G.S. 122C-251(g) shall take the respondent directly to a 24-hour facility described in G.S. 122C -252.

(5) **G.S. 122C-263(c):** The commitment examiner described in G.S. 122C-263(a) shall examine the respondent as soon as possible, and in any event within 24 hours after the respondent is presented for examination.

When a commitment examiner performs this examination, the respondent may either be in the physical face-to-face presence of the commitment examiner or may be examined utilizing telemedicine equipment and procedures.

A commitment examiner who examines a respondent by means of telemedicine must be satisfied to a reasonable medical certainty that the determinations made in accordance with G.S. 122C-263(d) would not be different if the examination had been done in the commitment examiner's physical presence. If not so satisfied, the commitment examiner must note that the examination was not satisfactorily accomplished, and the respondent must be taken for a face-to-face examination in the physical presence of a person authorized to perform examinations under G.S. 122C-263.

As used in G.S. 122C-263, "telemedicine" is the use of two-way real-time interactive audio and video between places of lesser and greater medical capability or expertise to provide and support health care when distance separates participants who are in different geographical locations. A recipient is referred by one provider to receive the services of another provider via telemedicine.

(6) **G.S. 122C-263(d)(1):** At the conclusion of the examination, if the commitment examiner recommends outpatient commitment, the person designated in the order to provide transportation shall return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county, and the respondent shall be released from custody.

(7) **G.S. 122C-263(d)(2):** If a commitment examiner finds that the respondent is mentally ill and is dangerous to self, as defined in G.S. 122C-3(11)a., or others, as defined in G.S. 122C-3(11)b., the commitment examiner shall recommend inpatient commitment, and shall so show on the examination report. Upon notification, the law enforcement officer or other designated person shall take the respondent to a 24-hour facility described in G.S. 122C-252 pending a district court hearing.

To the extent feasible, in providing the transportation of the respondent, the law enforcement officer shall act within six hours of notification. The other designated person shall take the respondent to a 24-hour facility described in G.S. 122C-252 pending a district court hearing within six hours of notification.

If a 24-hour facility is not immediately available or appropriate to the respondent's medical condition, the respondent may be temporarily detained under appropriate supervision at the site of the first examination. Upon the commitment examiner's determination that a 24-hour facility is available and medically appropriate, the law enforcement officer or other designated person shall transport the respondent after receiving a request for transportation from the facility of the commitment examiner.

To the extent feasible, in providing the transportation of the respondent, the law enforcement officer shall act within six hours of notification. The other designated person shall transport the respondent without delay and within six hours after receiving a request for transportation from the facility of the commitment examiner.

At any time during the respondent's temporary detention under appropriate supervision, if a commitment examiner determines that the respondent is no longer in need of inpatient commitment, the proceedings shall be terminated and the respondent transported and released by the person designated in the order to provide transportation. In such a case, the respondent shall be returned to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county where the respondent shall be released from custody.

Additionally, during the respondent's temporary detention under appropriate supervision, if the commitment examiner determines that the respondent meets the criteria specified in G.S. 122C-263(d)(1) for outpatient commitment, the commitment examiner may recommend outpatient commitment for the respondent. In such a case, the person designated in the order to provide transportation shall return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county, and the respondent shall be released from custody.

Any decision to terminate the proceedings or to recommend outpatient commitment after an initial recommendation of inpatient commitment shall be documented and reported to the clerk of superior court in accordance with G.S. 122C-263(e).

If the respondent is temporarily detained and a 24-hour facility is not available or medically appropriate seven days after the issuance of the custody order, a commitment examiner shall report this fact to the clerk of superior court and the proceedings shall be terminated. The termination of the proceedings pursuant to G.S. 122C-263(d)(2) shall not prohibit or prevent the initiation of new involuntary commitment proceedings when appropriate.

A commitment examiner may initiate a new involuntary commitment proceeding prior to the expiration of this seven-day period as long as the respondent continues to meet the applicable criteria. Affidavits filed in support of proceedings terminated pursuant to G.S. 122C-263(d)(2) may not be submitted to support subsequent involuntary commitment petitions. If the affiant initiating new commitment proceedings is a commitment examiner, the affiant shall conduct a new examination and may not rely upon examinations conducted as part of the proceedings terminated pursuant to the above-cited statutory provision.

(8) G.S. 122C-262 [Special Emergency Procedure for Individuals Needing Immediate Hospitalization]:

Anyone, including a law enforcement officer, with knowledge of an individual who is subject to inpatient commitment according to the criteria of G.S. 122C-263(d)(2) and who requires immediate hospitalization to prevent harm to self or others may transport the individual directly to an area facility or other place, including a State facility for the mentally ill, for examination by a commitment examiner in accordance with G.S. 122C-263(c).

Upon examination by the commitment examiner, if the individual meets the inpatient commitment criteria specified in G.S. 122C-263(d)(2) and requires immediate hospitalization to prevent harm to self or others, the commitment examiner shall so certify in writing before any official authorized to administer oaths. If the commitment examiner executes the oath, appearance before a magistrate shall be waived. The commitment examiner shall send a copy of the certificate to the clerk of superior court by the most reliable and expeditious means.

Anyone, including a law enforcement officer if necessary, may transport the individual to a 24-hour facility described in G.S. 122C-252 for examination and treatment pending a district court hearing. The commitment examiner's certificate shall serve as the custody order and the law enforcement officer or other designated person shall provide transportation in accordance with the provisions of G.S. 122C-251.

If a 24-hour facility is not immediately available or appropriate to the respondent's medical condition, the respondent may be temporarily detained under appropriate supervision in accordance with G.S. 122C-263(d)(2) and released in accordance with G.S. 122C-263(d)(2).

If, upon examination of a respondent presented in accordance with G.S. 122C-262(a), the commitment examiner finds that the individual meets the criteria for inpatient commitment specified in G.S. 122C-263(d)(2) but does not require immediate hospitalization to prevent harm to self or others, the commitment examiner may petition the clerk or magistrate in accordance with G.S. 122C-261(d) for an order to take the individual into custody for transport to a 24-hour facility described in G.S. 122C-252.

If the commitment examiner recommends inpatient commitment and the clerk or magistrate finds probable cause to believe that the respondent meets the criteria for inpatient commitment, the clerk or magistrate shall issue an order for transport to or custody at a 24-hour facility described in G.S. 122C-252. However, if a 24-hour facility is not immediately available or appropriate to the respondent's medical condition, the respondent may be temporarily detained under appropriate supervision in accordance with G.S. 122C-263(d)(2) and released in accordance with G.S. 122C-263(d)(2).

(G) Chapter 122C, Article 5, Part 8 of the North Carolina General Statutes (Involuntary Commitment of Substance Abusers);

Law Enforcement Officer's Duty upon Receipt of Custody Order:

(1) G.S. 122C-281(e): Anyone who has knowledge of a substance abuser who is dangerous to self or others may appear before a clerk or assistant or deputy clerk of superior court or a magistrate, execute an affidavit to this effect, and petition the clerk or magistrate for the issuance of an order to take the respondent into custody for examination by a commitment examiner. Upon receipt of such a custody order, a law enforcement officer or other designated person identified in the order shall take the respondent into custody within 24 hours after the order is signed. The custody order is valid throughout the State.

(2) G.S. 122C-283(a): After assuming custody of the respondent and without unnecessary delay, the law enforcement officer or the individual designated or required to provide transportation under G.S. 122C-251(g) shall transport the respondent to a facility or other location identified by the LME/MCO in the community crisis services plan adopted

pursuant to G.S. 122C-202.2 that has an available commitment examiner and the capability to perform a first examination in conjunction with a health screening at the same location, unless exigent circumstances require the transport of the respondent to an emergency department. If a commitment examiner is not available, whether on-site, on-call, or via telemedicine, at any such facility or location, or if a plan has not been adopted, the person designated to provide transportation shall take the respondent to an alternative non-hospital provider or facility-based crisis center for a first examination in conjunction with a health screening at the same location.

In the absence of a non-hospital provider or facility-based crisis center to perform a first examination in conjunction with a health screening at the same location, the person designated to provide transportation shall take the respondent to a private hospital or clinic, a general hospital, an acute care hospital, or a State facility for the mentally ill.

If a commitment examiner is not immediately available, the respondent may be temporarily detained in an area facility, if one is available; if an area facility is not available, the respondent may be detained under appropriate supervision in the respondent's home, in a private hospital or clinic, in a general hospital, or in a State facility for the mentally ill, but not in a jail or other penal facility.

For the purposes of this section, the term "non-hospital provider" means an outpatient provider that provides either behavioral health or medical services.

(3) **G.S. 122C-283(a1):** A facility or other location to which a respondent is transported under G.S. 122C-283(a) shall provide a health screening of the respondent. The health screening shall be conducted by a physician or other individual who is determined by the area facility, contracted facility, or other location to be qualified to perform the health screening. The respondent may either be in the physical face-to-face presence of the health screening examiner or may be examined utilizing telemedicine equipment and procedures. Documentation of this required health screening that is completed prior to transporting the patient to any general or acute care hospital shall accompany the patient or otherwise be made available at the time of transportation to the receiving facility.

(4) **G.S. 122C-283(b):** The examination set forth in G.S. 122C-283(a) is not required when (i) the affiant who obtained the custody order is a commitment examiner, or (ii) the respondent is in custody under the special emergency procedure described in G.S. 122C-282. In these cases

when it is recommended that the respondent be detained in a 24-hour facility, the law enforcement officer shall take the respondent directly to a 24-hour facility described in G.S. 122C -252.

(5) **G.S. 122C-283(c):** The commitment examiner described in G.S. 122C-283(a) shall examine the respondent as soon as possible, and in any event within 24 hours after the respondent is presented for examination. The examination shall include but is not limited to an assessment of the respondent's (i) current and previous substance abuse including, if available, previous treatment history; and (ii) dangerousness to himself or others as defined in G.S. 122C-3(11).

(6) **G.S. 122C-283(d)(1):** At the conclusion of the examination, if the commitment examiner finds that the respondent is a substance abuser and is dangerous to self or others, the commitment examiner shall recommend commitment and whether the respondent should be released or be held at a 24-hour facility pending hearing and shall so show on the examination report. Based on the commitment examiner's recommendation, the law enforcement officer or other designated individual shall take the respondent to a 24-hour facility described in G.S. 122C-252 or release the respondent. If a 24-hour facility is not immediately available or medically appropriate, the respondent may be temporarily detained under appropriate supervision and the procedures described in G.S. 122C-263(d)(2) shall apply.

(7) **G.S. 122C-283(d)(2):** At the conclusion of the examination, if the commitment examiner finds that the condition described in G.S. 122C-283(d)(1) does not exist, the respondent shall be released and the proceedings terminated.

(8) **G.S. 122C-282 [Special Emergency Procedure for Individuals Needing Immediate Hospitalization]**:

When an individual subject to commitment under the provisions of Chapter 122C, Article 5, Part 8 of the North Carolina General Statutes is also violent and requires restraint and when delay in taking the individual to a commitment examiner for examination would likely endanger life or property, a law enforcement officer may take the person into custody and take him or her immediately before a magistrate or clerk. The law enforcement officer shall execute the affidavit required by G.S. 122C-281 and in addition shall swear that the respondent is violent and requires restraint and that delay in taking the respondent to a commitment examiner for an examination would endanger life or property.

If the clerk or magistrate finds by clear, cogent, and convincing evidence that the facts stated in the affidavit are true, that the respondent is in fact violent and requires restraint, and that delay in taking the respondent to a commitment examiner for an examination would endanger life or property, the clerk or magistrate shall order the law enforcement officer to take the respondent directly to a 24-hour facility described in G.S. 122C-252.

Respondents received at a 24-hour facility under the provisions of G.S. 122C-282 shall be examined and processed thereafter in the same way as other respondents under Chapter 122C, Article 5, Part 8 of the North Carolina General Statutes.

SECTION III. DISCUSSION OF APD AND RCSO TRANSPORT RESPONSIBILITIES

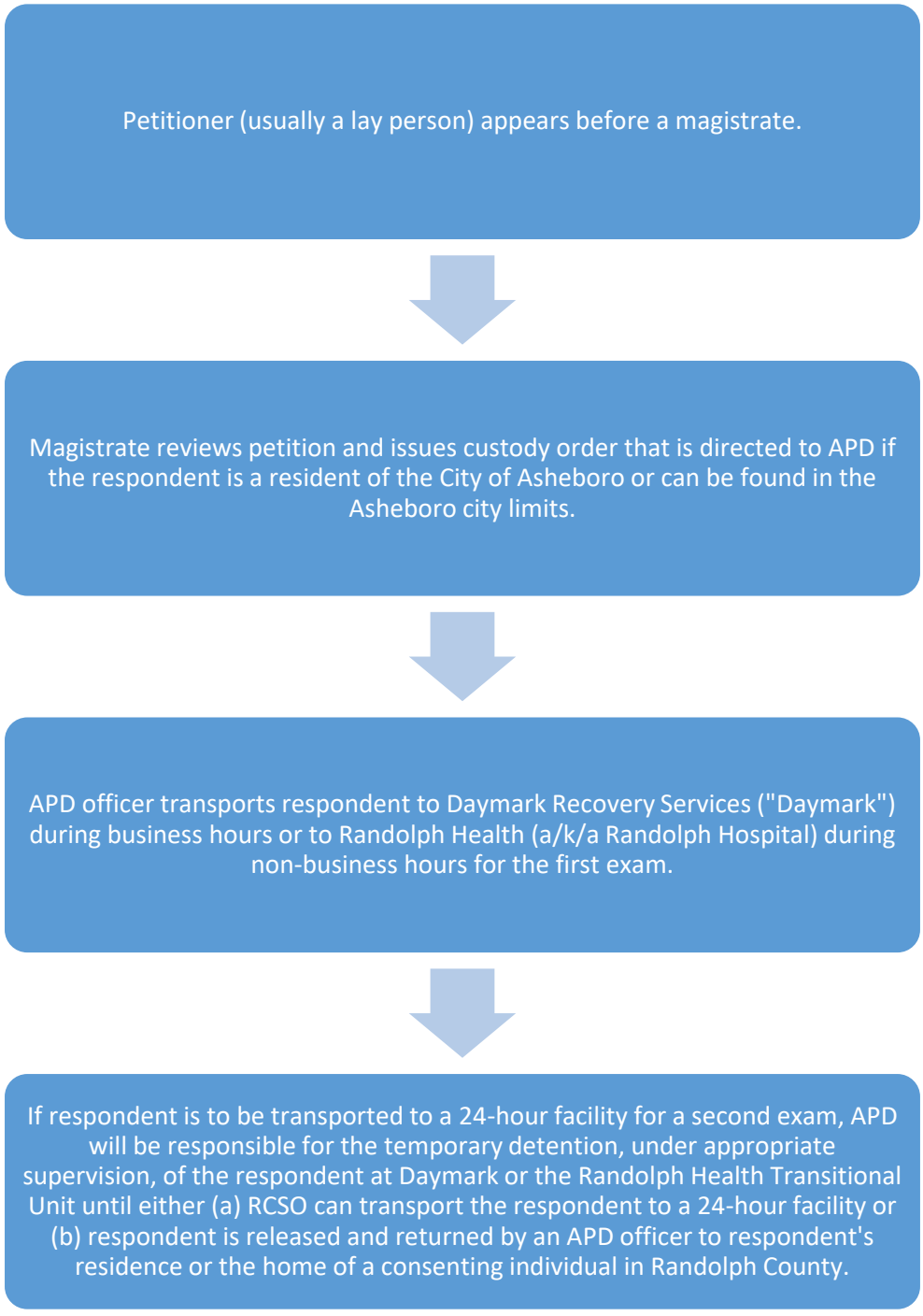
The statutory mandates that guide APD officers in discharging their responsibilities during involuntary commitment proceedings are outlined in Section II of this MOU. However, the following subsections of the MOU are designed to address certain operational ambiguities that have arisen with the implementation of the APD's role in the involuntary commitment process.

A. Petitioner Appears before Magistrate or Clerk [Form AOC-SP-302A]

This MOU does not alter in any manner the long-standing procedure that has been followed by the APD and the RCSO when serving custody and transportation orders issued in response to a petitioner (typically, a layperson) appearing before a magistrate or clerk, usually a magistrate. The flow chart for the standard service by the APD of Form AOC-SP-302A is as follows:

[The remainder of this page has been intentionally left blank.
The flow chart for this subsection of the MOU is on the next page.]

APD Service of Form AOC-SP-302A



B. Petitioner Is a Certified Commitment Examiner ("Certified Examiner") Who Has Examined the Respondent [Form AOC-SP-302B]

An AOC-SP-302B order directs the law enforcement officer to transport the respondent directly to a 24-hour facility. This subsection of the MOU addresses some of the challenges that arise when a 24-hour facility is not available or the direct transport of the respondent to a 24-hour facility is not medically appropriate.

When a clerk or magistrate directs an order to a law enforcement officer with Form AOC-SP-302A, the officer is to take the respondent into custody for examination by a certified examiner that is located in Randolph County. In contrast, when a clerk or magistrate directs an order to a law enforcement officer with Form AOC-SP-302B, the officer is to transport the respondent to a 24-hour facility. Currently, there is no such facility in Randolph County.

Pursuant to G.S. 122C-251(b), for purposes of involuntary commitment proceedings, transportation between counties is to be provided by the county where the respondent is taken into custody. However, G.S. 122C-251 enables and directs cities and counties to agree on a plan for the transportation of respondents. Under the agreement adopted by the Asheboro City Council and implemented by means of this MOU, APD officers play a prescribed role in serving certain AOC-SP-302B orders.

The Asheboro City Council is supportive of the APD playing a role in the service of certain Form AOC-SP-302B orders because the City's governing board recognizes the tremendous logistical burden placed on the RCSO to transport all of the respondents taken into custody in Randolph County to 24-hour facilities located across the state. The willingness of the RCSO to partner with the City to facilitate APD officers providing certain services for respondents who are residents of Asheboro or who were physically taken into custody by law enforcement officers within the Asheboro city limits is deemed by the Asheboro City Council to be sufficient consideration to support the City undertaking the following support functions.

The flow chart for the provision by the APD of these support functions is as follows:

[The remainder of this page has been intentionally left blank. The flow chart for this subsection of the MOU is on the next page.]

APD Service of Form AOC-SP-302B

Order Directed to APD in the Following Situations:

Respondent's address is within the Asheboro city limits or evidence indicates respondent physically taken into custody by LEO within the Asheboro city limits prior to certified examiner seeking AOC-SP-302B order.

- Certified examiner seeks and magistrate issues AOC-SP-302B order that is directed to APD if a 24-hour facility is not immediately available to receive the respondent or the direct transport of the respondent to a facility outside of Randolph County is not medically appropriate.
- APD officer serves order and completes Return of Service Section III.A. and III.B. of the order.
- APD officer retains responsibility for respondent until either RCSO transports respondent to 24-hour facility or respondent is released and returned by APD officer to respondent's residence or the home of a consenting individual in Randolph County. If respondent is released before transport to 24-hour facility, APD officer completes Section III.C. of the order.

Order Not Directed to APD in the Following Situation:

Respondent's address is outside of the Asheboro city limits and no LEO took physical custody of respondent within the Asheboro city limits prior to certified examiner seeking AOC-SP-302B order.

- Certified examiner seeks and magistrate issues AOC-SP-302B order that is directed to agency other than APD even if (i) a 24-hour facility is not immediately available to accept respondent or (ii) transport to such a facility is not medically appropriate at the time of the issuance of the order.
- LEO from agency other than APD serves order and retains responsibility for respondent until the respondent is either transported to a 24-hour facility or released.

C. Special Emergency Procedure for Individuals Needing Immediate Hospitalization [Form DMH 5-72-01-A]

When an individual is brought to a certified examiner because of the perceived need for immediate hospitalization, the certified examiner completes the required examination form and an emergency certificate. This documentation will be forwarded to the clerk of superior court for review by the district court.

While a district court hearing is pending, the emergency certificate, as a supplement to the standard form for the examination and recommendation for involuntary commitment, serves as a custody order that directs a law enforcement officer to transport the respondent to a 24-hour facility. This emergency certificate is not a form generated by the Administrative Office of the Courts. Instead, the form, which is identified as Form DMH 5-72-01-A, is produced by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. This division is a component of the North Carolina Department of Health and Human Services.

Due to the absence of a 24-hour facility within Randolph County, the APD does not perform the transport duties contemplated by the emergency certificate. The statutorily authorized emergency procedure provides authority for an APD officer to transport a respondent found within the Asheboro city limits to a certified examiner for an examination and, with the completion of the examination and the emergency certificate, to assist the staffs at Daymark and Randolph Health with the temporary detention of a respondent under appropriate supervision until a RCSO deputy can transport the respondent to a 24-hour facility. The RCSO deputy would complete the return of service for the DMH 5-72-01-A once the transport has been completed.

If a 24-hour facility is not immediately available, or transport to such a facility is not medically appropriate for a respondent who has been examined under the emergency procedure and found to be in need of immediate hospitalization, the emergency procedure should be terminated and a petition from a certified examiner should be submitted to a magistrate for the purpose of seeking the issuance of an order in the form of AOC-SP-302B. An AOC-SP-302B order issued as a consequence of the termination of a special emergency procedure with an Asheboro resident as the respondent or that originated in the Asheboro city limits shall be directed to the APD for service.

The following flow chart summarizes the role of APD officers when they initiate or are summoned to assist with a respondent subject to the special emergency procedures for individuals needing immediate hospitalization:

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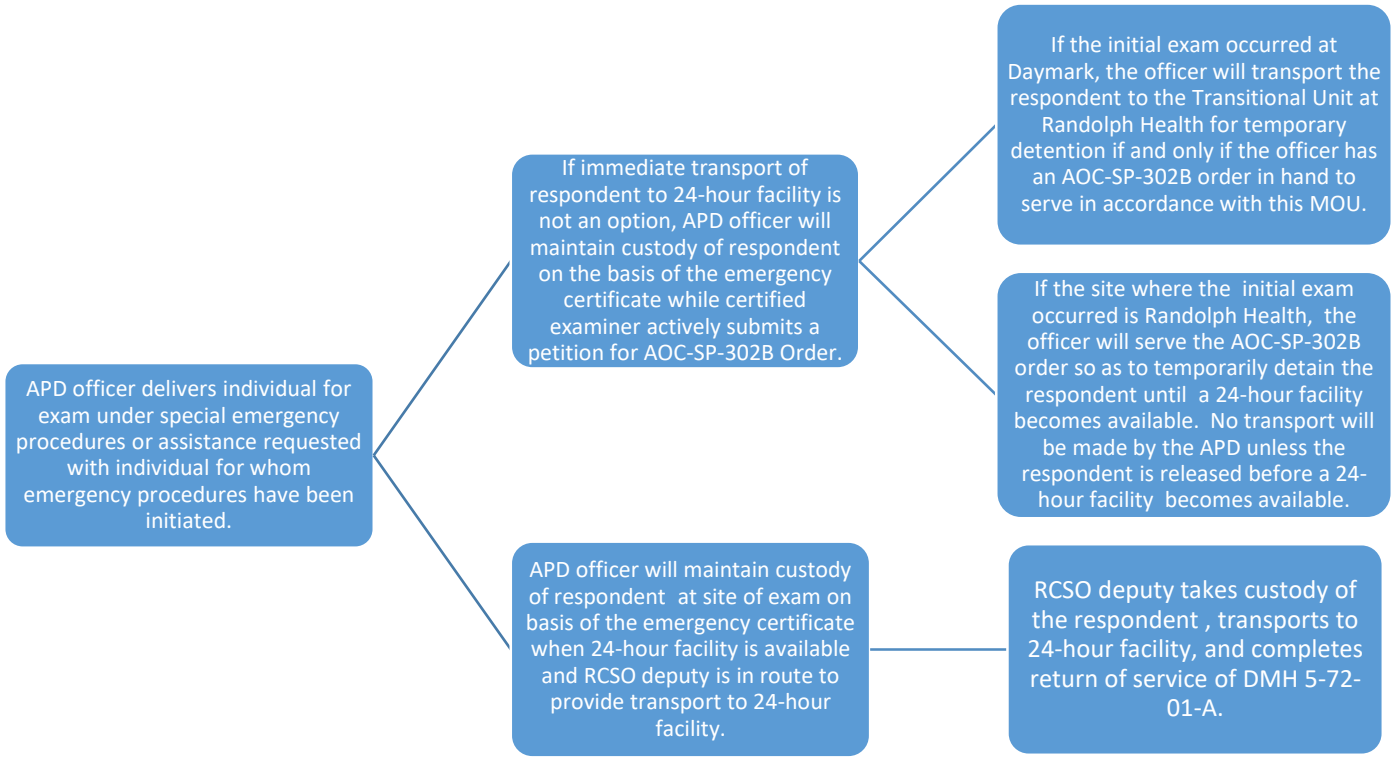
The flow chart for this subsection of the MOU is on the next page.]

APD Officers and Special Emergency Procedures



Notes:

1. APD officers do not transport respondents pursuant to Form DMH 5-72-01-A, and they do not complete, under any circumstances, the return of service for a Form DMH 5-72-01-A.

2. Regardless of whether an APD officer is involved in initiating the special emergency procedures or otherwise assisting with a respondent during the clinician's examination of the individual pursuant to the special emergency procedures, the APD will assume responsibility for receiving and serving an AOC-SP-302B order that is obtained for any respondent with an address located within the Asheboro city limits.

IV. MODIFICATION OF THIS MOU

Any modifications to this MOU must be proposed in writing and approved by the signatories. In order to be valid, the approval on behalf of the City must include the concurrence of the Asheboro City Council.

However, the modification or amendment of any statute, regulation, AOC form, or any other legal authority cited herein shall be deemed to be automatically incorporated into this Agreement by reference.

Due to the fact that this MOU functions for the City of Asheboro as the involuntary commitment transportation agreement mandated by G.S. 122C-251(g), if this MOU is modified by the parties to the agreement, the modified agreement shall be submitted to the following officials and entities at least 10 days prior to the effective date of the new plan: (a) the Clerk of Superior Court and the magistrates in the City's judicial district, (b) the LME/MCO that serves the City and Randolph County, and (c) the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

V. DURATION AND TERMINATION OF THIS MOU

This MOU will be in effect from the date of signing by both parties until terminated by any party hereto. Any party to this MOU, upon thirty 30 days prior written notice to the other party, may terminate the Agreement at any time. Such notice shall be delivered personally or by certified or registered mail.

VI. NO THIRD PARTY RIGHTS AND DISTRIBUTION OF MOU

This MOU does not, is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law or in equity in any civil or criminal action by any third party to this agreement.

As noted above, this MOU functions for the City of Asheboro as the involuntary commitment transportation agreement mandated by G.S. 122C-251(g). Consequently, upon execution of the agreement by the signatories listed on the next page, this MOU shall be submitted to the following officials and entities: (a) the Clerk of Superior Court and the magistrates in the City's judicial district, (b) the LME/MCO that serves the City and Randolph County, and (c) the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

With specific regard to the entry of the Asheboro Police Department into this MOU, the execution of the Agreement by the Interim Chief of Police was authorized pursuant to the adoption of a resolution (Resolution No. _____) by the City Council of the City of Asheboro, North Carolina in open session during a regular meeting held on the 12th day of September, 2019.

_____	_____
Mark T. Lineberry, Interim Chief of Police City of Asheboro, North Carolina	Gregory J. Seabolt, Sheriff Randolph County, North Carolina
Date: _____	Date: _____

RESOLUTION ADOPTING
DAVID AND PAULINE JARRELL CENTER CITY GARDEN

WHEREAS, the City Council of the City of Asheboro desires to officially adopt the David and Pauline Jarrell Center City Garden to preserve and enhance a historically significant 3-acre downtown green space of property owned by former Governor Jonathan Worth and desires it to become a public city garden for current and future generations; and

WHEREAS, it is the desire of the City Council of the City of Asheboro for this garden to serve as a restorative and tranquil refuge for visitors and a protected habitat for plants and wildlife; and

WHEREAS, the Garden's use of indigenous plants, including trees, shrubs and groundcover will serve as an example of the best practices in natural landscape design and horticulture methods; and

WHERAS, the City Council recognizes the benefit for residents, visitors and students the opportunity to learn about native plants and local history via a center city garden; and

WHEREAS, While serving as Asheboro's Mayor from 2001- 2009, Jarrell diligently strived to protect and enhance green space and the city's tree canopy; and

WHEREAS, David and Pauline Jarrell wishing to continue to enhance and preserve our natural beauty, donated a portion of this land to the City of Asheboro in December 2018; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Asheboro hereby names the property located at 179 South Cox Street

THE DAVID AND PAULINE JARRELL CENTER CITY GARDEN

Adopted this the 12th day of September, 2019.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC,NCCMC, City Clerk

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2019-2020

WHEREAS, The City Council of the City of Asheboro desires to purchase two parcels of land to become part of the proposed David & Pauline Jarrell Center City Garden, and;

WHEREAS, The City of Asheboro has already received $76,500 in private donations toward the negotiated purchase price of $165,000 for the property owned by David H. and Pauline Jarrell located at 179 South Cox Street, identified by PIN 7751920210, and;

WHEREAS, The City of Asheboro desires to purchase an adjacent parcel of land, located at 205 South Cox Street, identified by PIN 7751829013, for the negotiated price of $204,000, from Sharon M.Farkas, and;

WHEREAS, the estimated closing costs and 2 months prorated taxes for both parcels is estimated to not exceed $3,150, and;

WHEREAS, The City of Asheboro has renegotiated the contract with Waste Management to reduce our garbage disposal cost of residential waste by $10 per ton per ton which, based on 8,802 tonnage from September 2018-June 2019, the City will save $8,802 in tipping fees in 2019-2020, and;

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

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

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

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

Account #	Expense Description	Increase/ Decrease
10-399-0000	Fund Balance Appropriation	363,348

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

Account #	Expense Description		Increase/ Decrease
10-580-8300	Tipping Fee		(8,802)
10-620-7100	Capital Outlay- Land		372,150
		Increase	363,348

(Continued on next page)

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2019-2020

Adopted this 12th day of September, 2019

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

Work Authorization No. 3
Asheboro Regional Airport
NEW AIRFIELD LIGHTING SYSTEM
For
Asheboro Regional Airport
August 19, 2019

Contract for Professional Services
Nov. 10, 2016

Project Description

This work authorization includes the design/bid phase services for a new airfield lighting system. The existing lighting system is antiquated, approximately 20 years old. The new system will include LED fixtures to improve efficiency and reduce maintenance requirements.

This project will also include a new electrical vault building and power supply equipment. The existing power supply equipment is located in one of the airport hangar buildings.

All proposed costs are grant eligible and are reimbursable to the OWNER under State/Federal at a ratio of 90% State/Federal and 10% Local Match.

Scope of Services

The CONSULTANT will provide the general Basic and Special Services listed below and in accordance with Section I & Section II of the General Provisions of the Contract for Professional Services, dated November 10, 2016.

Basic Services
Design/Bid

1. Project Development: The CONSULTANT will provide the following Services:

    a. Preparation and coordination of work authorization agreement between the owner and the consultant to include NCDOA review and concurrence.

b. Preparation and submittal of initial grant documents and application forms to include budgets and schedules, coordination of submittal with NCDOA and owner to establish grant set-up.

c. Preparation of sub-consultant contracts/coordination for survey and geotechnical services.

2. Design / Contract Documents: The CONSULTANT will provide the following Services.

a. Prepare design plans/specifications and contract bid documents for a new airfield lighting system to include a new electrical vault building.

b. Prepare and submit along with form 7460 to FAA a Safety and Phasing Plan. Review proposed phasing options with the owner in order to minimize impact to the airport's operations during construction.

3. Bidding Assistance: The CONSULTANT will provide the following Services.

a. Includes preparation of a bid advertisement, pre-bid conference, bid opening (1) each, bid tabulation and analysis, submittal of bids for NCDOA review and concurrence for recommendation of award.

4. Grant Administration: The CONSULTANT will provide the following Services.

a. Assist OWNER with grant document preparation and submittal, complete grant reporting forms & subsequent requests for reimbursement.

Special Services

1. Field Surveys: Field surveys will be subcontracted and shall consist of topographic and location survey of existing conditions within the project area to include drainage features.

2. Environmental Documentation (CATEX): The CONSULTANT will provide the following Services.

a. Prepare and submit required Documentation (CATEX) to NCDOA (NEPA and FAA SOP 500 compliant) for review and concurrence. The

proposed work area and access/staging area(s) will be part of the CATEX coverage.

Note: Scope of Work does not include professional services for any construction phase services (they will be addressed in a separate work authorization). Should any delineation or mitigation be required for wetlands or archeological significant areas impacted by the proposed improvements they will be addressed in a separate agreement. The OWNER will be responsible for payment of all applicable review fees, permit fees and advertisements.

Deliverables

1. The CONSULTANT will provide electronic copies to the OWNER, in pdf and/or AutoCAD format of drawings and renderings produced under this Work Authorization.

2. Project schedule and cash flow projection.

3. Environmental Documentation-CATEX (NEPA and FAA SOP 500 compliant)

Fee Schedule

The OWNER will pay, and the CONSULTANT agrees to accept as full compensation for services under this Work Authorization a fee of One Hundred Fifty-Seven Thousand Eight Hundred Seventy-Eight Dollars ($157,878) as indicated.

Basic Services

1.	Project Development	Lump Sum	$ 9,167
2.	Design/Contract Documents	Lump Sum	$124,140
3.	Bidding Assistance	Lump Sum	$ 10,654
4.	Grant Administration	Lump Sum	$ 7,041

Special Services

1.	Environmental Documentation (CATEX)	Lump Sum	$ 6,876

Any Additional Services requested shall be approved by the Owner in writing and will be completed in accordance with the Rate Schedule in effect at the time of services.

Owner:

The City of Asheboro

_____

John Ogburn
City Manager

Date: _____

Engineer:

W.K. Dickson & Co., Inc.

_____

Brian L. Tripp, PE, BCEE
Vice President

Date: 8/28/19

This instrument has been pre-audited in the manner required by the local government budget and fiscal control act.

_____

Finance Officer

Bid Tabulation
City of Asheboro Recreation Facility Bleachers

Bid Opened at 10:00 AM, September 5, 2019

Company Name	Meets Specs.	Project Completion Date	Total Bid
Learning Environments, Inc	Yes	12/20/2019	$ 76,510.00
The Sports Flooring Group	Yes	12/21/2019	$ 85,389.84

Low Bidder - Learning Environments, Inc. **Total Bid -$76,510.00**