REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, APRIL 8, 2021, 7:00 PM

1. Call to order.

2. Silent prayer and pledge of allegiance.

3. Mayor Smith will lead the council's recognition of Facilities Maintenance Director Jimmy L. Cagle for receiving the 2019 North Carolina Continuing Education Electrical Inspector of the Year Award presented by the North Carolina Board of Electrical Contractors Examiners.

4. Appearance by Mr. Rashidi Everette with the Juneteenth Committee.

5. Appearance by Ms. Emma Cheek, owner of The Exchange, and Ms. Sara Holden, owner of Asheboro Bagel Co., regarding the recent StrEATery event by Downtown Asheboro Inc.

6. Public comment period.

7. Consent Agenda:

   (a) Approval of the meeting minutes for the regular city council meeting held on March 4, 2021.

   (b) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for February 1, 2021.

   (c) Approval of the community development division's request to schedule for May 6, 2021, and to advertise, legislative hearings on the following rezoning applications:

      (i) Request to rezone a parcel of land (Randolph County Parcel Identification Number 7761458800) on the north side of Kidd Drive from R10 to R40 zoning.

      (ii) Request to rezone a parcel of land (Randolph County Parcel Identification Number 7751640197) at 532 West Salisbury Street from I2 to B2 zoning.

(d) Acknowledgement that, due to the COVID-19 relief legislation found in Session Law 2021-3, the time allowed between the preliminary plat and final plat approvals for the Hillcrest Subdivision has been extended from April 30, 2021, by linking this time extension to the duration of the pandemic related gubernatorial executive orders.

(e) Approval of the 2021 Downtown Farmers' Market operational days and hours, including special events, listed on the attachment with this agenda.

(f) Acknowledgement of the receipt and acceptance of the operational hours proposed by the Recreation Services Director for the city-owned pools during the 2021 season.

(g) Approval of an ordinance to amend the Water & Sewer Fund for Fiscal Year 2020-2021 in order to account for the reallocation of funds to cover the cost of a new sewer vacuum truck.

(h) Approval of Change Order Number 2 for the Zoo City Sportsplex Project.

(i) Approval of a resolution awarding to D. Richard Thompson his service side arm upon retirement from the Asheboro Police Department.

8. Community & Strategic Initiatives Planner David Putnam, with the Piedmont Triad Regional Council (PTRC), will request the following actions:

(a)Adoption of the City of Asheboro's 2021 Comprehensive Parks and Recreation Plan.

(b) Approval of a resolution to apply for a NC Parks and Recreation Trust Fund (PARTF) grant for $500,000 for the next phase of construction for the Zoo City Sportsplex.

9. Public Hearing (Case No. RZ-21-02): Planning & Zoning Administrator Justin Luck will describe proposed zoning ordinance text amendments designed to align the city zoning ordinance with the changing legal framework for the regulation of development.

10. Chief Mark Lineberry will present the police departments' annual report.

11. Assistant City Engineer Wayne Smith will present the following items:

(a) A budget amendment authorizing the rehabilitation and updating of the runway lighting at the Asheboro Regional Airport.

(b) Acknowledge receipt of a $10,000 grant from the Volkswagen Settlement Level 2 ZEV Infrastructure Program to install a Downtown Electrical Vehicle Charger in the municipal parking lot behind city hall.

12. Water Resources Director Michael Rhoney, PE will summarize the bids and request the award of contracts for the following purchasing and contracting items:

(a) Seven chemicals needed by the water resources division for the time period of April 16, 2021 to April 15, 2022.

(b) The Wastewater Treatment Plant Clarifier Basin(s) Painting and Rehab Project.

13. City Attorney Jeff Sugg will present the following items:

(a)An update on the potential purchase of a leasehold interest in Hangar N at the Asheboro Regional Airport.

(b) A resolution of intent to permanently close portions of the public right-of-way for Sunset Avenue between Church Street and Davis Street.

14. The City Manager will present the following items:

(a) Update on the COVID-19 pandemic's impact on municipal operations.

(b) Update on American Recovery Act funds distribution.

(c) City of Asheboro's requests for capital projects to be funded in the upcoming proposed federal infrastructure legislation.

(d) Briefing on the upcoming public information notifications pertaining to the Dixieland Acres subdivision streets safety enhancements.

15. Mayor Smith will lead a discussion about upcoming events and items not on the agenda.

16. Adjournment.

REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, MARCH 4, 2021
7:00 PM

This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and city management team members present:

David H. Smith) – Mayor Presiding

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

Linda H. Carter) – Council Member Present by Telephone Conference Call

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Jeffrey C. Sugg, City Attorney
D. Richard Thompson, Jr., Police Captain
Charles D. Wagner, Police Captain
Tammy M. Williams, Deputy City Clerk

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows. The number of elected officials, city employees, and private citizens physically present in the council chamber at any point in time was limited in order to maintain the physical distancing recommended by public health authorities during the current coronavirus pandemic.

During each vote, specific inquiries were made to ensure that Council Member Carter, who was participating by conference call, was on the line and able to cast her vote.

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. Appearance and recognition of guests and citizens.

Mayor Smith welcomed everyone in attendance.

4. The year-end audit report for fiscal year 2019-2020.

Mr. Steve Hackett, CPA, with the firm of William R. Huneycutt, CPA presented the audit report for the fiscal year that ended June 30, 2020. During his presentation, Mr. Hackett reported that the city received what is commonly referred to as a "clean audit" (also referred to as an "unmodified opinion"). A "clean audit" means the city's financial statements are fairly presented in accordance with generally accepted accounting principles for the year ending June 30, 2020.

The council members expressed their satisfaction with the audit report and their general consent to the acceptance of the report from the auditor. A copy of the written audit report is available for inspection in the city's finance department.

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

5. Discussion of the "StrEATery" event that is scheduled for March 20, 2021.

(a) Ms. Rebekah McGee, who is the Executive Director for Downtown Asheboro, Inc., reported that the first outdoor dining event that was held on November 7, 2020 was successful. The next outdoor dining event, "StrEATery," is scheduled for March 20, 2021 from 11:00 a.m. until 9:00 p.m.

A proposed street closure map, depicting the streets within the downtown area that should be closed for the event, was presented for Council's review and approval. The North Carolina Department of Transportation (NCDOT) has already approved the closure of North Fayetteville Street between West Academy Street and Trade Street in Asheboro between the hours of 8:00 a.m. and 10:00 p.m. as requested by Downtown Asheboro, Inc. Additionally, Downtown Asheboro, Inc. has requested that the City of Asheboro close Sunset Avenue between Church Street and North Fayetteville Street from 8:00 a.m. until 10:00 p.m.

After some discussion, Council Member Bell moved and Council Member Moffitt seconded the motion to close the above-referenced streets as indicated on the "StrEATery" Road Closures Map from 8:00 a.m. until 10:00 p.m. on March 20, 2021 for the outdoor dining and entertainment event. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

A copy of the approved street closure map is on file in the city clerk's office.

(b) In addition to Ms. McGee's presentation, Mr. Joel Leonard described Makesboro USA. Makesboro USA has a 15-foot trailer, a mobile makespace, packed with technological equipment, including but not limited to a 3D printer, laser cutter, and a CNC router, in order for individuals to learn various hands-on skills in operating machinery and technological equipment.

Mr. Leonard informed the council members of his plans to hold events in the future so that the citizens of Asheboro may learn new skills and

trades. These events are free to the public and will take place in Bicentennial Park.

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

6. Public comment period.

Mayor Smith opened the floor for public comments, and none were offered.

Mayor Smith closed the public comment period.

7. Consent agenda:

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

(a) The meeting minutes for the city council's regular meeting on February 4, 2021.

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 acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for January 4, 2021.

The minutes of the meeting held by the Asheboro ABC Board on January 4, 2021, have been received by the city clerk, distributed to Mayor Smith and the Council Members for review, and have been filed in the city clerk's office.

(c) The planning department's request to schedule for April 8, 2021, and to advertise a legislative hearing on the adoption of text amendments designed to align the city zoning ordinance with the changing legal framework for regulation and development.

The hearing concerning the application for the above-described zoning ordinance text amendments will be scheduled and advertised in accordance with the applicable statutes/ordinances and then heard by the Asheboro City Council during its regular meeting on April 8, 2021.

(d) An ordinance to amend the General Fund to account for the receipt and expenditure of CARES Act money for the Asheboro Regional Airport.

08 ORD 3-21

ORDINANCE TO AMEND THE GENERAL FUND
FY 2020-2021

WHEREAS, the City of Asheboro received CARES act money from NCDOT for use at the Asheboro Regional Airport, and;

WHEREAS, the City of Asheboro wishes to recognize these funds in the budget and allocate those funds to go toward the acquisition of Hangar N approved at the February 4th Council Meeting, and;

WHEREAS, the City of Asheboro desires amend the 2020-2021 budget to incorporate these changes to be in compliance with all generally accepted accounting principles, and;

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

That the following Revenue line items be increased:

Line Item	Description	Change
10-349-0000	State Grants	30,000

That the following Expense line items be increased:

Line Item	Description	Change
10-650-0400	Professional Services	30,000

Adopted this the 4th day of March 2021.

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

ATTEST:

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

(e) An ordinance to amend the General Fund for the David and Pauline Jarrell Center City Garden to account for the landscape design and master plan.

09 ORD 3-21

ORDINANCE TO AMEND THE GENERAL FUND
FY 2020-2021

WHEREAS, In September 2019, the City Council of the City of Asheboro authorized the purchase of two parcels of land to become part of the proposed David & Pauline Jarrell Center City Garden, and;

WHEREAS, along with the parcel of land donated to the City of Asheboro, there are approximately 3 acres available for development, and;

WHEREAS, the City of Asheboro is ready to proceed with creating a master plan for the landscape design of the Garden;

WHEREAS, at the Project Ordinance to establish the David & Pauline Jarrell City Garden Fund was approved by the City Council at the February 4, 2021 meeting, and:

WHEREAS, a contribution from the General Fund is needed to cover the masterplan development, and;

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

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

That the following Revenue line items be increased:

Line Item	Description	Amount
10-399-0000	Fund Balance Appropriation	$107,000

That the following Expense line items be increased:

Line Item	Description	Amount
10-620-7500	Contribution to David & Pauline Jarrell City Garden Fund	$107,000

Adopted this the 4th day of March 2021.

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

ATTEST:

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

(f) An ordinance to amend the General Fund to account for improvements to Whitley Street.

10 ORD 3-21

ORDINANCE TO AMEND THE GENERAL FUND
FY 2020-2021

WHEREAS, as part of annexation negotiations in 2007, the City of Asheboro agreed to contract and install water, sanitary sewer, storm sewer and paving improvements to Whitley Street area when the property was developed, and;

WHEREAS, the property was planned to be developed in 2017 with an expected completion time in 2018 and was thus funding was included in the General Fund with the expectation of reimbursement, and;

WHEREAS, at this time, the area is under development and the portion of the project that the City is responsible has been completed to the satisfaction of the City of Asheboro, and;

WHEREAS, the general fund budget needs to be amended to provide funding for the anticipated reimbursement for the storm sewer and street improvements as agreed to in 2007, and:

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

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

That the following Revenue line items be increased:

Line Item	Description	Amount
10-399-0000	Fund Balance Appropriation	$166,200

That the following Expense line items be increased:

Line Item	Description	Amount
10-565-4505	Contracted Maintenance- Construction	$166,200

Adopted this the 4th day of March 2021.

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

ATTEST:

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

(g) An ordinance to amend the Economic and Tourism Development Fund to account for the city's placemaking project.

11 ORD 3-21

ORDINANCE TO AMEND THE ECONOMIC & TOURISM DEVELOPMENT FUND FY 2020-2021

WHEREAS, the City of Asheboro continues to look for ways to support promote Asheboro and the surrounding businesses, and;

WHEREAS, NCDOT started building a 14.4 mile highway interchange between I-73 and I-74 and US HWY 64 Asheboro in June 2015 and the segment was opened on December 18, 2020, and;

WHEREAS, the City recognizes a branding opportunity to the City of Asheboro, the NC Zoo and the region by establishing unique, creative and implementable designs at six highway interchanges of the I-73/I-74 corridor that will leverage the economic synergies between the City of Asheboro and the NC Zoo, and;

WHEREAS, the City desires to allocate funding and appropriate for the expense in the Economic and Tourism Development fund, and;

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

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

That the following Revenue line items be increased:

Line Item	Description	Increase
72-354-1000	Allocation for Branding on HWY 64 bypass- Phase I	$185,000

That the following expense line items be increased:

Line Item	Description	Increase
72-800-0004	Branding on HWY 64 bypass- Phase I	$185,000

Adopted this the 4th day of March 2021.

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

ATTEST:

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

(h) An ordinance to amend the Economic and Tourism Development Fund for the city's downtown broadband project.

12 ORD 3-21

ORDINANCE TO AMEND THE ECONOMIC & TOURISM DEVELOPMENT FUND
FY 2020-2021

WHEREAS, the City of Asheboro continues to look for ways to support the downtown businesses; and;

WHEREAS, the need to fiber / broadband internet has been deemed as essential to support the redevelopment of the downtown area, and;

WHEREAS, in November 2020, the City Council approved a budget amendment in the amount of $86,000 to begin the project of extending internet in the downtown area, and;

WHEREAS, the additional cost to extend fiber in the downtown area for work expected to be completed in the 2020-2021 fiscal year is estimated at $133,000, and;

WHEREAS, the projected cost to extend fiber in the downtown area for work expected to be completed in the 2021-2022 fiscal year is estimated at $100,000, and;

WHEREAS, the City desires to allocate funding and appropriate for the expense in the Economic and Tourism Development fund, and;

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

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

That the following Revenue line items be increased:

Line Item	Description	Increase
72-384-0000	Downtown Redevelopment	$233,000

That the following expense line items be increased:

Line Item	Description	Increase
72-800-0003	Downtown Redevelopment	$233,000

Adopted this the 4th day of March 2021.

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

ATTEST:

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

8. Public Hearing (Case No. RZ-21-01): A public hearing on proposed zoning ordinance text amendments pertaining to encroachments into public rights-of-way.

Mayor Smith opened the public hearing on the following request.

Community Development Director Trevor Nuttall utilized a slide show to provide an overview of the proposed text amendments. During his presentation, Mr. Nuttall noted the following:

1. The Asheboro Zoning Ordinance generally prohibits encroachments into public rights-of-way. Encroachments may include features such as canopies, awnings, signs, or improvements related to outdoor dining.

2. There has been an increase in the number of requests for encroachments described in (1) above, particularly in the central business district that makes up the historic core of the city and coincides with part of the Center City Planning Area, where the setbacks of existing structures tend to be minimal, or in some cases are directly along the public right-of-way line. The proposed text amendments are focused on the Center City Planning Area.

3. The Asheboro City Code includes provisions for encroachments into public rights-of-way, with review to ensure such encroachments do not create safety problems or prevent free passage across them.

4. The City only has jurisdiction over city-maintained public rights-of-way. The North Carolina Department of Transportation (NCDOT) reviews encroachment requests within public rights-of-way for state-maintained roads. State law, for example, allows encroachments into the public right-of-way in cases such as sidewalk dining (which may include structures regulated by the zoning ordinance). This is subject to an agreement between the local government and NCDOT (Session Law 2013-266).

5. The intent of the amendments is to ensure the zoning ordinance isn't in conflict with the provisions of the city code, or allowances

by state law. However, the other provisions related to design standards, provisions related to area, height, and placement, and other general requirements are not affected by this proposal.

The proposed amendments to Article 200A, Center City Planning Area of the Asheboro Zoning Ordinance consist of the following underlined text:

Tier 1

(4) Development Standards for Buildings

The following sections identify standards that shall apply to development within the Central Business Planning Area in addition to all other applicable standards contained in this Ordinance. In general, infill uses shall be compatible with the established architectural character of the area by using complementary building style, form, size, color, materials, and detailing. New construction should reinforce existing building and design patterns.

(a) Building Materials:

(i) Permitted Materials: Buildings shall be clad in one or more of the following: brick, brick veneer, ornamental split-faced concrete block or similar ornamental concrete masonry unit (CMU), stucco (synthetic or natural), stone or simulated stone/marble. Vinyl and/or aluminum may be used to clad soffits, trim, or windows. Aggregate stone panels may be used provided it does not cover more than 30 percent of any wall area.

(ii) Prohibited Materials: Materials specifically disallowed as primary siding materials include, but are not limited to: vinyl and aluminum siding, unfinished wood, concrete block (except split-faced block). In addition, materials prohibited in Sections 316A, 317A and 318A of this Ordinance are prohibited.

(b) Colors: No high intensity colors metallic colors, or fluorescent colors shall be allowed on any building or architectural element. Exception: The use of such colors shall be permitted on business identification signs.

(c) Existing Street Fronting Facades:

(i) For existing buildings, no openings on any portion of a wall oriented toward a public street shall be covered or blocked with any material so as to render the opening functionally obsolete (unable to be utilized for entry into the building) or inhibit transparency.

(ii) Security bars, panels, curtains, and like devices, whether retractable or permanent, shall not be constructed or used on the exterior portion of any building wall oriented toward a public street. Such devices may be installed on the interior of the building.

(iii) *A zoning compliance permit shall be obtained prior to painting, staining, or covering any street front facade. Any street front facade of masonry buildings that has historically been left in a natural, uncovered state shall not be painted, stained or otherwise covered; this prohibition shall apply only to the masonry portion of the building and not to any non-masonry building trim or accents. This subsection shall not apply to single-or two family dwellings. (Amended 2-4-2016)*

(iv) *Notwithstanding Sections 304.4 and 505 of the Asheboro Zoning Ordinance, objects and structures over sidewalks otherwise permitted by Chapter 99 of the Code of Asheboro shall be allowed to encroach into city- maintained public right-of-ways and, with state approval, state-maintained public right-of-ways, provided:*

(aa) any sidewalk within the public right-of-way is not rendered non-compliant with Americans with Disabilities Act standards by such object or structure; and

(bb) the object or structure does not prevent the city and any other entitled entity from maintaining public infrastructure within the public right-of-way; and

(cc) the object or structure is in strict compliance with Chapter 99 of the Code of Asheboro and all other provisions of the city Zoning Ordinance.

Tier 2

(4) Development Standards for Buildings

The following sections identify standards that shall apply to development within the Central Fringe Planning Area in addition to all other applicable standards contained in this Ordinance. In general, infill uses shall be compatible with the established architectural character of the area by using complementary building style, form, size, color, materials, and detailing. New construction should reinforce existing building and design patterns.

(a) *Building Materials:*

(i) *Permitted Materials: Buildings shall be clad in one or more of the following: brick, brick veneer, ornamental split-faced concrete block or similar ornamental concrete masonry unit (CMU), stucco (synthetic or natural), stone or simulated stone/marble. Vinyl and/or aluminum may be used to clad soffits, trim, or windows. Aggregate stone panels may be used provided it does not cover more than 30 percent of any wall area.*

(ii) *Prohibited Materials: Materials specifically disallowed*

as primary siding materials include, but are not limited to: vinyl and aluminum siding, unfinished wood, concrete block (except split-faced block). In addition, materials prohibited in Sections 316A, 317A and 318A of this Ordinance are prohibited.

(b) Colors: No high intensity colors metallic colors, or fluorescent colors shall be allowed on any building or architectural element. Exception: The use of such colors shall be permitted on business identification signs.

(c) Existing Street Fronting Facades:

(i) For existing buildings, no openings on any portion of a wall oriented toward a public street shall be covered or blocked with any material so as to render the opening functionally obsolete (unable to be utilized for entry into the building) or inhibit transparency.

(ii) Security bars, panels, curtains, and like devices, whether retractable or permanent, shall not be constructed or used on the exterior portion of any building wall oriented toward a public street. Such devices may be installed on the interior of the building.

(iii) Notwithstanding Sections 304.4 and 505 of the Asheboro Zoning Ordinance, objects and structures over sidewalks otherwise permitted by Chapter 99 of the Code of Asheboro shall be allowed to encroach into city- maintained public right-of-ways and, with state approval, state-maintained public right-of-ways, provided:

(aa) any sidewalk within the public right-of-way is not rendered non-compliant with Americans with Disabilities Act standards by such object or structure; and

(bb) the object or structure does not prevent the city and any other entitled entity from maintaining public infrastructure within the public right-of-way; and

(cc) the object or structure is in strict compliance with Chapter 99 of the Code of Asheboro and all other provisions of the city Zoning Ordinance

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan.

LDP Goals/Policies Supporting the Request:

2.1.1 The Zoning Ordinance will periodically be reviewed to ensure that the specific regulations for each Zoning District are aligned with the desired character and focus of each district.

3.2.1 The City will amend Zoning requirements (i.e. setback regulations, permitted building materials, orientation of streetscapes, parking areas, pedestrian access, etc.) to ensure that new development is compatible with, and enhances, the architectural design of surrounding land uses.

Checklist Item 10: Text amendment is consistent with Land Category Descriptions. Staff Note: Actual checklist item refers to rezoning request consistency with Land Category Descriptions, but as articulated in final analysis, the text amendment also complies with this item.

The City of Asheboro Planning Board concurred with the following planning staff analysis and recommended approval of the proposed text amendments:

> "The proposed text amendments are intended to allow encroachments into the public right-of-ways under certain circumstances to enhance the unique experience and design of the Asheboro City Center area, but must be done prudently.
>
> The current proposal is intended to ensure that all other requirements of the zoning ordinance and other regulatory provisions addressing appearance, safety, and public accessibility are strictly maintained but allows accommodation of appropriately designed spaces in the public realm. The proposal also clarifies, and as necessary, removes language that is currently in conflict with the Asheboro City Code and allows for the appropriate review process to occur if encroachments are proposed in state-maintained right-of-ways.
>
> Recognition that buildings in the Center City were developed with limited space separating them from the street acknowledges both unique design challenges not usually faced outside this area and opportunities to prudently respond to changing conditions and encourage features that enliven the City Center's streetscape, which the Land Development Plan envisions as a 'unique and vibrant atmosphere setting the City Center apart from other districts.'
>
> Considering these factors and state law requiring these changes, staff believes that the proposed text amendment is overall consistent with the Land Development Plan and is therefore reasonable and in the public interest."

Mr. Mark Trollinger, who is the owner and general manager of Trollinger Construction, presented comments in support of the requested text amendments. With no other comments from the public, Mayor Smith transitioned to the deliberative phase of the case.

The city council concurred with the staff and planning board's analysis of the consistency of the request with the land development plan. Council Member Bell moved, and Council Member Snuggs seconded the motion, to adopt the following plan consistency statement and to approve the text amendments with the following mulit-part motion:

1. The proposed text amendments are intended to allow encroachments into the public rights-of-way under certain circumstances and thereby enhance the unique experience and design of the Asheboro City Center area, but must be done prudently.

   The current proposal will ensure that all other requirements of the zoning ordinance and other regulatory provisions addressing appearance, safety, and public accessibility are strictly maintained while allowing accommodation of appropriately designed spaces in the public realm. The proposal also clarifies, and as necessary, removes language that is currently in conflict with the Asheboro City Code and allows for the appropriate review process to occur if encroachments are proposed in state-maintained rights-of-way.

   Recognition that buildings in the Center City were developed with limited space separating them from the street helps with addressing both unique design challenges not usually faced outside this area and the opportunities presented by the need to respond to changing conditions and encourage features that enliven the City Center's streetscape, which the Land Development Plan envisions a 'unique and vibrant atmosphere setting the City Center apart from other districts.'

   Considering these factors, the requested text amendments maintain overall consistency with the Land Development Plan. Furthermore, the council finds the requested text amendments to be reasonable and in the public interest.

2. In light of the above-stated analysis, and looking at the totality of the evidence, the requested text amendments are 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 utilized by Mr. Nuttall is on file in the city clerk's office.

9. Water Resources Division items.

(a) Funding for proposed improvements at Sewer Lift Station No. 3.

Water Resources Director Michael Rhoney, PE utilized a slide show in order to provide an update on the Sanitary Sewer Lift Station No.3 Improvements Project. Lift Station No. 3 is located on Mine Street in Asheboro.

The Division of Water Infrastructure within the North Carolina Department of Environmental Quality has reviewed the city's application for funding for this project. In a letter dated March 1, 2021, the city received notice that the state Water Infrastructure Authority has approved the project as eligible to receive funding.

The State Reserve Project Loan will be $2,705,240.00 at a maximum interest rate of 1.10%. A loan fee of 2% will be invoiced after bids have been received.

The intent to fund is contingent on approval of the loan through the Local Government Commission and on meeting all of the following milestones:

	Milestone	Date
1.	Engineering Report Submittal	July 1, 2021
2.	Engineering Report Approval	December 1, 2021
3.	Bid and Design Package Submittal	June 1, 2022
4.	Bid and Design Package Approval	October 3, 2022
5.	Advertise Project, Receive Bids, Submit Bid Information, and Receive Authority to Award	February 1, 2023
6.	Execute Construction Contract(s)	March 1, 2023

The total budgeted cost of the project is $2,730,240.00. Mr. Rhoney will update the council members as more information becomes available. A copy of the slide show utilized by Mr. Rhoney is on file in the city clerk's office.

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

(b) Consideration of consulting forester services contract.

Water Resources Director Michael Rhoney, PE presented and recommended adoption, by reference, of a resolution authorizing the entry of the city into professional services contract for consulting forester services.

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

RESOLUTION NUMBER 04 RES 3-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING THE ENTRY OF THE CITY INTO A PROFESSIONAL SERVICES CONTRACT FOR CONSULTING FORESTER SERVICES

WHEREAS, the City of Asheboro (the "City") owns several acres of land, initially estimated to be approximately 86 acres, at the City of Asheboro Wastewater Treatment Plant with standing timber that, in accordance with good asset management practices, should be evaluated for a potential timber sale; and

WHEREAS, Tugwell Consulting Forestry, P.A. of Asheboro, North Carolina (the "Consultant") has provided competent and satisfactory consulting forester services to the City during past timber sales; and

WHEREAS, the Consultant is willing to provide the professional services needed to conduct a proper evaluation of the wastewater treatment plant property for a potential timber sale; and

WHEREAS, the professional services contract submitted by the Consultant 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 recommendation from the water resources director and the city manager to enter into the proposed professional services contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the professional services contract attached to this Resolution as EXHIBIT 1 is hereby approved; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city manager is authorized and directed to execute the contract on behalf of the municipal corporation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of March, 2021.

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

ATTEST:

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

EXHIBIT 1

STATE OF NORTH CAROLINA

PROFESSIONAL SERVICES CONTRACT

COUNTY OF RANDOLPH

THIS CONTRACT, made and entered into as of the date of the last signature affixed hereto, by and between the **CITY OF ASHEBORO**, a North Carolina municipal corporation located in Randolph County, North Carolina, hereinafter called "Owner", and **TUGWELL CONSULTING FORESTRY, P.A.** of Asheboro, N.C., Randolph County, State of North Carolina, hereinafter called "Consultant";

WITNESSETH

THAT for the purpose and subject to the conditions hereinafter set forth said Owner hereby contracts for the professional services of the Consultant, and the Consultant hereby agrees to provide such services.

THE PURPOSE, TERMS, AND CONDITIONS OF THIS CONTRACT ARE AS FOLLOWS:

1. The property that is the subject of this Contract is various tax identification parcel numbers, of approximately 86 +/- total acres, known as the ***Wastewater Treatment Plant Property***, located adjacent to Bonkemeyer Drive in

Asheboro. Tax ID #'s: 7763-64-5814, 7763-75-8973, and 7763-74-2717. Deed references, respectively: DB 652/648, DB 652/645, and DB 652/651.

2. The **Consultant** agrees to perform the following professional services, in preparation to conduct a timber sale and in so doing, shall:

   a. Go upon the property, and locate and mark cutting boundaries within which the harvesting of timber is to be done. If any question arises as to the location of property lines, he will recommend a survey, if the same is deemed necessary.

   b. The Consultant will perform a timber inventory and appraisal, and recommend to the Owner a fair market value for which the timber should be sold, based upon current markets. If Owner is not satisfied with the fair market value, Owner may void the remainder of this contract, by paying the appraisal fee as described in 4.b. below.

   c. The Consultant will recommend to the Owner the method of sale to a buyer at not less than the value determined by the Consultant prior to posting or giving any notice of the type of sale. Any recommended method of sale shall be in strict compliance with Article 12 (Sale and Disposition of Property) in Chapter 160A of the North Carolina General Statutes.

   d. The Consultant will make himself available to interested buyers to show the timber and answer any questions they may have concerning this timber sale.

   e. If timber is to be sold by the negotiated offer, advertisement, and upset bid process, Consultant will seek to promote such type sale among available prospective buyers or offer to prospective buyers the timber at no less than the agreed price between the Owner and Consultant.

   f. Supply to the attorney the proper information for preparation of the timber deed. Work with the attorney, timber purchaser, and Owner to coordinate and facilitate closing of the timber sale transaction.

   g. Periodically check upon, and inspect the manner in which the timber is being harvested to be certain that the logging contractor follows all conditions specified in the timber deed.

   h. Assist the landowner with reforestation, if desired, by preparing all cost-share forms and reforestation plans for submitting to the appropriate government agency.

3. The **Owner** agrees:

   a. To guarantee the title and legal ownership to any timber proposed to be sold.

   b. To provide survey if necessary.

   c. To provide legal right of ingress, egress, and regress to the property in locations approved by the City of Asheboro Water Resources Director as compatible with the operations of the City of Asheboro Wastewater Treatment Plant.

d. To the extent permitted by law, not to negotiate with any buyer as to price, terms or conditions of the timber sale without the prior consent of the Consultant.

e. Subject to strict compliance with the applicable legal authorities, to place on the Asheboro City Council's meeting agenda a formal request for authorization to execute a General Warranty Timber Deed, or Timber Sale Agreement, when presented.

f. To delineate, in writing before the timber sale, any and all fences, structures, improvements, sewer lines, equipment within the sale area, power lines, easements, or any item of importance or concern within the timber sale area.

4. The Owner agrees to pay the Consultant 10% of the total sale price for his efforts to sell said timber.

a. The Consultant is due full commission if an acceptable offer is obtained at the sale. An acceptable offer is defined as an offer that satisfies both of the following requirements: (i) The offer must be submitted in strict compliance with the laws and regulations applicable to a sale conducted by the City of Asheboro for standing timber on the Wastewater Treatment Plant Property; and (ii) Such an offer meets or exceeds the fair market value, as set by the Consultant's timber appraisal.

b. If timber is not sold by the date set by the parties hereto for the sale by a method of sale strictly compliant with the laws and regulations applicable to the City of Asheboro, because of low, no, or unacceptable bids, then Owner shall pay to Consultant an appraisal fee of $2,500.00. Payment is due within 15 days after the date set for such sale.

c. Full payment is due at closing of the timber sale upon delivery of the timber deed and receipt of the sale proceeds. Consultant shall have the authority to take the sale proceeds into his escrow account for disbursement. A final disbursement of funds to the Owner in accordance with this contract and a settlement statement detailing the transaction shall be provided to the Owner within 3 business days of the Consultant's receipt of funds.

d. If the timber is not sold because of low, no, or unacceptable offers, Consultant shall then have for a period of six months the exclusive right to negotiate for the sale of the timber at the price established by the current appraisal by Consultant; provided, however, any such sale and the related negotiations must be conducted in strict compliance with the laws and regulations applicable to a sale conducted by the City of Asheboro for standing timber on the Wastewater Treatment Plant Property. If such a sale is successfully concluded, payment shall be made as specified in 4 above, less any appraisal fee previously paid.

5. It is understood and agreed that the duties to be performed by the Consultant with respect to preparing for and conducting the timber sale shall be done within a period of 60 days.

6. E-Verify Requirements: Consultant and any of its subcontractors that perform work on this Project shall comply with the applicable requirements in Article 2 (Verification of Work Authorization) of Chapter 64 of the North Carolina General Statutes.

IN WITNESS WHEREOF, the parties hereto have executed this Contract the day, month, and year indicated below.

E. Gerald Tugwell, R.F., A.C.F. Manager Tugwell Consulting Forestry, P.A. Carolina Phone: 336-953-2063	John N. Ogburn, III, City City of Asheboro, North
Date Contract Signed	Date Contract Signed

This instrument has been preaudited in the manner prescribed by the Local Government Budget and Fiscal Control Act.

Deborah P. Reaves, Finance Officer
City of Asheboro, North Carolina

10. The preliminary report for Dixieland Acres traffic study.

City Engineer Michael Leonard, PE, reported on the traffic study completed by DRMP, Traffic Engineering, Inc. The study was initiated in order to address citizens' safety concerns with traffic issues, including but not limited to, increased traffic within the subdivision and speeding.

During the study, DRMP, Traffic Engineering, Inc. investigated and provided recommendations in order to decrease traffic and address speeding within the area. Additionally, Mr. Leonard utilized a slide show suggesting the recommendations should be implemented. The study suggests the following changes:

(1.) Installing thirteen speed cushions located on six different streets;
(2.) Two traffic circles which would not require additional real estate;
(3.) One median island; and
(4.) Six realigned intersections.

City staff will update the council as the details necessary for the implementation of the recommendations are refined and prepared for presentation as action items.

A copy of the slide show utilized by Mr. Leonard is on file in the city clerk's office along with a copy of the traffic study.

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

11. Consideration of a resolution of intent to permanently close a portion of the public right-of-way for Sunset Avenue between Church Street and Davis Street.

Mr. Leonard reported that the plat of survey needed for the street right-of-way closure project has not been completed. The documentation needed for this project will be ready for the council's regular meeting in April 2021.

Upon the general consent of the council members, the above-referenced item was continued to the council's next regular meeting that is scheduled for April 8, 2021.

12. A request by Mr. Donald Lanier to de-annex certain territory located on the south side of Tot Hill Road.

City Manager John Ogburn presented and recommended adoption, by reference, of a resolution requesting the enactment of a local act of the General Assembly of North Carolina to remove approximately 0.355 of an acre of land from the city's satellite corporate limits.

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

RESOLUTION NUMBER 05 RES 3-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION REQUESTING THE REMOVAL OF CERTAIN TERRITORY FROM THE CITY LIMITS BY LOCAL ACT OF THE GENERAL ASSEMBLY OF NORTH CAROLINA

WHEREAS, Farrell D. Potts and wife, Brenda C. Potts own a parcel of land (Randolph County Parcel Identification Number 7628894062) that is approximately 2.637 acres in size and is more specifically described by a North Carolina General Warranty Deed recorded in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2734, Page 596; and

WHEREAS, the above-described parcel of land was acquired from Donald W. Lanier on December 29, 2020, and was unimproved land at the time of the conveyance; and

WHEREAS, approximately 0.355 of an acre of the parcel of land acquired by the Potts is inside the satellite corporate limits of the City of Asheboro; and

WHEREAS, the existence of this small portion of the described parcel of land within the satellite corporate limits of the City of Asheboro has added challenges to the implementation of development plans for the parcel; and

WHEREAS, the satellite corporate limits of the City of Asheboro were extended to include the described territory as part of a larger legislative annexation of the Tot Hill Farm development that occurred when the General Assembly of North Carolina enacted Session Law 2008-21, with an effective date of June 30, 2008; and

WHEREAS, Donald Lanier has requested that the above-referenced 0.355 of an acre of land be removed from the satellite corporate limits of the City of Asheboro; and

WHEREAS, the Asheboro City Council does not have the authority to remove territory from the city's corporate limits; and

WHEREAS, the Asheboro City Council is supportive of Donald Lanier's efforts to remove the territory described herein from the satellite corporate limits of the City of Asheboro.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, effective on the 4th day of March, 2021, as follows:

Section 1. The Asheboro City Council hereby respectfully requests that the local legislative delegation to the General Assembly of North Carolina introduce and support the enactment of a local act to remove from the satellite corporate limits of the City of Asheboro the following territory, which is comprised of two separate deannexation areas, described by metes and bounds as follows:

DEANNEXATION AREA 1

Cedar Grove Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro satellite city limits line at stones and a 1/2-inch existing iron rod that is up 10 inches at the southwest corner of both Deannexation Area 1 and the Farrell D. Potts and wife, Brenda C. Potts property, which is the tract of land containing two areas of territory to be removed from the satellite corporate limits of the City of Asheboro, the Farrell D. Potts and wife, Brenda C. Potts property (the "Potts Tract") is described in Deed Book 2734, Page 596, Randolph County Registry and shown as Lot 15 in Plat Book 164, Page 17, Randolph County Registry; thence from the beginning point at the southwest corner of Deannexation Area 1 and proceeding along the existing City of Asheboro satellite city limits line by following the shared boundary line between the Potts Tract and the Donald Lanier property described in Deed Book 2675, Page 187, Randolph County Registry and shown as Lot 14 in Plat Book 166, Page 9, Randolph County Registry the next two bearings and distances: North 06 degrees 28 minutes 20 seconds East 127.70 feet to a 1/2-inch existing iron rod that is up 2 inches; thence North 06 degrees 28 minutes 20 seconds East 16.30 feet to a point at the northwest corner of Deannexation Area 1, this northwest corner of Deannexation Area 1 is located by means of the North Carolina Coordinate System at the coordinates of North 688,919.25 feet and East 1,728,306.26 feet (NAD 83 (2011)); thence continuing to run along the existing City of Asheboro satellite city limits line by departing from the western boundary line for the Potts Tract and Deannexation Area 1 in order to follow the northern boundary line for Deannexation Area 1 across the Potts Tract the next two bearings and distances: South 73 degrees 46 minutes 57 seconds East 172.97 feet to a point; thence North 87 degrees 49 minutes 26 seconds East 90.96 feet to a point at the northeastern corner of Deannexation Area 1; thence departing from the northern boundary line of Deannexation Area 1 by following the next three bearings and distances along the shared boundary line between the Potts Tract and the Tot Hill Farm, LLC property described in Deed Book 1684, Page 1799, Randolph County Registry in order to proceed along the proposed City of Asheboro satellite city limits line, which will be the new satellite city limits line for the City of Asheboro after the removal of the territory within Deannexation Area 1 from the satellite corporate limits of the City of Asheboro: South 51 degrees 43 minutes 28 seconds West 39.10 feet to a point; thence South 83 degrees 23 minutes 26 seconds West 193.63 feet to a 3/4-inch existing iron pipe that is up 7 inches; thence South 44 degrees 07 minutes 48 seconds West 72.06 feet to the point and place of BEGINNING, and containing a total of 13,652.004 square feet (0.313 of an acre) of land, more or less, within Deannexation Area 1 that is to be removed from the satellite corporate limits of the City of Asheboro.

The above-stated description is in accordance with a plat of survey titled "PLAT OF PROPOSED DEANNEXATION of Certain Territory at the Request of the CITY OF ASHEBORO(;) PROPERTY OF FARRELL D. POTTS AND BRENDA C. POTTS" that was drawn under the supervision of William C. Burrow, Professional Land Surveyor with License Number L-2497. The project number listed on the plat is 5782, and the plat of survey's title block bears the date of February 22, 2021.

DEANNEXATION AREA 2

Cedar Grove Township, Randolph County, North Carolina:

BEGINNING at a point in the western margin of the 60-foot public right-of-way for Tot Hill Farm Road (North Carolina Secondary Road 1163) that is both (a) the easternmost corner of the Farrell D. Potts and wife, Brenda C. Potts property (the "Potts Tract") described in Deed Book 2734, Page 596, Randolph County Registry and shown as Lot 15 in Plat Book 164, Page 17, Randolph County Registry; and (b) the southeast corner of Deannexation Area 2, which is one of two areas within the "Potts Tract" containing territory that is proposed for removal from the satellite corporate limits of the City of Asheboro; thence from the beginning point proceeding South 51 degrees 43 minutes 28 seconds West 136.85 feet along the southern boundary line of Deannexation Area 2 to a point at the southwest corner of Deannexation Area 2 (this southern boundary line for Deannexation Area 2 is labeled as the proposed City of Asheboro satellite city limits line and will be the new satellite city limits line subsequent to the removal of the territory within Deannexation Area 2 from the satellite corporate limits of the City of Asheboro), the above-referenced southern boundary line for Deannexation Area 2 follows the southern boundary line for the Potts Tract that runs along the Tot Hill Farm, LLC property described in Deed Book 1684, Page 1799, Randolph County Registry; thence departing from the proposed City of Asheboro satellite city limits line and the Potts Tract boundary line shared with the Tot Hill Farm, LLC property in order to proceed across the Potts Tract and follow the existing City of Asheboro satellite city limits line, which is the northern boundary line for Deannexation Area 2, the next two bearings and distances: North 34 degrees 15 minutes 27 seconds East 60.61 feet to a point; thence North 54 degrees 27 minutes 55 seconds East 80.27 feet to a point in the western margin of the 60-foot public right-of-way for Tot Hill Farm Road; thence departing from the existing City of Asheboro satellite city limits line to follow the proposed City of Asheboro satellite city limits line, which is also the eastern boundary line for Deannexation Area 2, South 33 degrees 43 minutes 15 seconds East 14.40 feet along the western margin of the 60-foot public right-of-way for Tot Hill Farm Road to the point and place of BEGINNING, and containing a total of 1,822.557 square feet (0.042 of an acre) of land, more or less, within Deannexation Area 2 that is to be removed from the satellite corporate limits of the City of Asheboro.

The above-stated description is in accordance with a plat of survey titled "PLAT OF PROPOSED DEANNEXATION of Certain Territory at the Request of the CITY OF ASHEBORO(;) PROPERTY OF FARRELL D. POTTS AND BRENDA C. POTTS" that was drawn under the supervision of William C. Burrow, Professional Land Surveyor with License Number L-2497. The project number listed on the plat is 5782, and the plat of survey's title block bears the date of February 22, 2021.

Section 2. City staff members are hereby authorized to undertake all administrative actions deemed necessary to implement the provisions of this Resolution, specifically including without limitation engaging in discussions and correspondence on behalf of the municipal corporation with members of the local delegation to the General Assembly of North Carolina and the legislative bill drafting office, to facilitate consideration of the proposed removal of territory from the satellite corporate limits of the City of Asheboro.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of March, 2021.

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

ATTEST:

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

13. Update on the pandemic's impact on municipal operations.

Mr. Ogburn utilized a slide show to provide an update on the continuing impact of the pandemic on the city. As of, March 4, 2021 there were 13,262 confirmed cases and 201 confirmed deaths in Randolph County.

Randolph County has been downgraded from a code red county with critical community spread to code yellow with significant community spread. Mr. Ogburn emphasized the continued use of "The 3 W's:"

1. Wash-hands
2. Wear-face covering
3. Wait-at least six (6) feet apart

The above-referenced agenda item was for informational purposes only, and no formal action was taken by the council during this portion of the meeting.

14. A discussion of upcoming events and other items not on the agenda.

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

There being no further business, the meeting was adjourned at 8:36 p.m.

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

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Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on February 1, 2021

The Asheboro ABC Board met on Monday, February 1, 2021, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. Present at the Board office were Board Member Steve Knight and General Manager Rodney Johnson (GM). The Chair and Board Member Bob Morrison attended via telephone. A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

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

Board Minutes from the January 4, 2021, meeting were reviewed and approved by the Board. The Chair and Bob Morrison directed the GM sign the minutes for them.

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

Monthly drafts and EFT payments from the prior month were reviewed by the Board.

Grant applications for 2021 1st and 2nd Quarter funds were reviewed by the Board. Upon motion by Steve Knight, the Board approved awarding Randolph Community College $2000 from 1st Quarter funds and $2000 from 2nd Quarter funds and splitting residual funds equally between Community Hope Alliance and Path of Hope.

A discussion was held relating to full-time employees who miss work because of a COVID related illness. Upon motion by Bob Morrison, the Board approved giving full-time employees paid COVID sick leave until such time as the matter can be further reviewed and acted on by the Board. The Board further directed the GM review City of Asheboro policy concerning how the City is addressing the issue and report back to the Board.

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

1. Asheboro ABC sales statistics comparing:

    - January 2021 sales with the previous month indicate:
        - An overall -38.3% change (all sales and tax collections)

    - January 2021 sales with sales from the same month last year indicate:
        - Retail Sales +32.7%
        - Mixed Beverage Sales: +15.8%
        - Sales Tax Collections: +32.6%
        - Overall Collections: +30.80%

    - January 2021 bottle sales with bottle sales from the same month last year indicate:

- Retail Bottle Sales: +9.0%
- Mixed Beverage Bottle Sales: +13.4%
- Overall Bottle Sales: +9.3%

The next regular Asheboro ABC Board meeting will be held Monday, March 1, 2021, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 3-1-21

GM

Stephen B Knight

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

TO: John Ogburn, *City Manager*

FROM: Jonathan Sermon, *Recreation Services Director*

DATE: April 6, 2021

SUBJECT: **Written notice to Council of proposed operational hours at the Downtown Farmers' Market and Outdoor City Swimming Pools.**

The Cultural & Recreation Services Department is requesting to be placed on the council's consent agenda for the April 8th city council meeting to address the proposed operational hours at the Downtown Farmers' Market and outdoor city-owned swimming pools for the 2021 season. Please allow this letter and any attached documentation to serve as the formal written notice to the Asheboro City Council as required each year by the Cultural & Recreation Services Department policy manual.

Downtown Farmers' Market

The normal hours of operation for the Downtown Farmers' Market are Tuesday, Thursday, and Saturday each week during the months of May – October. The market also typically holds "pre-market" days on the final two Saturday's of April each year. This year that translates to the official opening of the 2021 season being Saturday, May 1st with pre-market days of Saturday, April 17th and 24th. However, if the availability of certain seasonal agricultural goods, namely strawberries, comes in earlier than expected the Market will forgo the pre-market days and begin normal full-time operations on Saturday, April 17th. At this time there are no special events planned for the market this season due to continued COVID-19 restrictions. If conditions continue to improve and when restrictions allow, staff will revisit the scheduling of special events later in the season.

Swimming Pools

At this time, current regulations due to COVID-19 allow public outdoor swimming pools to operate with just minor restrictions. In anticipation of being able to open our outdoor aquatic facilities, please find attached the proposed 2021 operational hours for both Memorial and North Asheboro Swimming Pools. The normal hours of operation each season for the outdoor

swimming pools are to open for weekends beginning on Memorial Day weekend in May. Then, beginning the weekend after the last day of school, the swimming pools are open daily until the second Sunday of August. The attached proposed schedule mirrors those traditional hours of operation again this season.

Should there be any questions concerning the proposed 2021 schedules for the Downtown Farmers' Market or the Outdoor City Swimming Pools, Recreation Services Director, Jonathan Sermon will be present at the council meeting to provide any additional information that may be requested.

Memorial Pool Schedule 2021

Sunday:

1:00pm – 6:00pm	Public Open Swim

Monday:

1:00pm – 6:00pm	Public Open Swim

Tuesday:

9:00am – 10:00am	Adult Lap Swim
10:00am – 11:30am	Group Swim
12:00pm – 1:00pm	Fitness Class
1:00pm – 6:00pm	Public Open Swim

Wednesday:

12:00pm – 1:00pm	Fitness Class
1:00pm – 6:00pm	CLOSED TO THE PUBLIC

Thursday:

9:00am – 10:00am	Adult Lap Swim
10:00am – 11:30am	Group Swim
1:00pm – 6:00pm	Public Open Swim
7:00pm – 9:00pm	Public Night Swim

Friday:

1:00pm – 6:00pm	Public Open Swim

Saturday:

1:00pm – 6:00pm	Public Open Swim

North Pool Schedule 2021

Sunday:

1:00pm – 6:00pm	Public Open Swim

Monday:

9:00am – 10:00am	Adult Lap Swim
10:00am – 11:30am	Group Swim
12:00pm – 1:00pm	Water Aerobics
1:00pm – 6:00pm	CLOSED TO THE PUBLIC

Tuesday:

12:00pm – 1:00pm	Water Aerobics
1:00pm – 6:00pm	Public Open Swim
7:00pm – 9:00pm	Public Night Swim

Wednesday:

9:00am – 10:00am	Adult Lap Swim
10:00am – 11:30am	Group Swim
1:00pm – 6:00pm	Public Open Swim

Thursday:

12:00pm – 1:00pm	Water Aerobics
1:00pm – 6:00pm	Public Open Swim
7:00pm – 9:00pm	Public Night Swim

Friday:

1:00pm – 6:00pm	Public Open Swim

Saturday:

1:00pm – 6:00pm	Public Open Swim

ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2020-2021

WHEREAS, in October 2020, the City Council passed a budget amendment to allocate funding for lead abatement at the Water Treatment Plant, and;

WHEREAS, this project has been deferred to a future fiscal year, and;

WHEREAS, the both of Sewer Maintenance Department's sewer vacuum trucks are out of service and repair is not a reasonable option considering the age of the equipment and the high cost associated with the repair, and;

WHEREAS, the City is mandated to vacuum out 10% of the sewer lines each year and therefore having an operational vacuum truck is essential to operation, and;

WHEREAS, the cost of a new sewer vacuum truck with taxes, is estimated at $436,000, and

WHEREAS, to minimize the impact on retained earnings, the money allocated for the lead abatement at the Water Treatment Plant is being reallocated to cover the cost of a new sewer vacuum truck, 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 expense line items are changed as follows:

hat the following expense line item be increased / decreased:

Account #	Expense Description	Increase
30-820-4500	Contracted Services	(436,000)
30-850-7400	Capital Outlay	436,000
	Total Change	0

Adopted this 8th day of April, 2021.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AWARDING TO DONALD RICHARD THOMPSON, JR. HIS SERVICE SIDE ARM UPON RETIREMENT FROM THE ASHEBORO POLICE DEPARTMENT

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens throughout the course of his Asheboro Police Department career, which began on October 6, 1993, Police Captain D. Richard Thompson, Jr. will begin his retirement from employment with the city effective May 1, 2021; and

WHEREAS, pursuant to and in accordance with Section 20-187.2 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor Captain Thompson for his dedicated service to the city by awarding to him, at a minimal monetary cost, the service side arm that he carried at the time of his retirement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective May 1, 2021, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the city of $1.00, D. Richard Thompson, Jr. is to be awarded ownership of his city-issued service side arm (a Glock model 45 9mm with serial no. BLKC082 and three magazines) upon a determination by the police department command staff that Mr. Thompson is eligible under the applicable federal and state laws to receive, own, or possess a firearm.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of April, 2021.

_____

David H. Smith, Mayor

ATTEST:

_____

Holly H. Doerr, CMC, NCCMC, City Clerk

RZ-21-02: Text Amendments to the zoning ordinance to be consistent with North Carolina General Statutes 160D (Local Government Planning and Development Regulation) & Signs

Planning Board Recommendation and Staff Report

Additional information will be provided during the April 8, 2021 City Council meeting.

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-21-02**

Date 3/1/2021 PB

Applicant City of Asheboro

Legal Description

Text amendments to the zoning ordinance to incorporate Chapter 160D of the NC General Statutes (Local Planning and Development Regulation) into the Asheboro Zoning Ordinance & Signs

Requested Action See legal description above

Existing Zone N/A

Land Development Plan See staff report

Planning Board Recommendation

Continue the request.

Reason for Recommendation

The Planning Board reviewed general information related to the request during its March 1, 2021 meeting and continued the request to allow adequate time to review the proposed draft text amendment.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-21-02** **Date** 4/8/2021 City Council

General Information

Applicant City of Asheboro

Address 146 North Church Street

City Asheboro NC 27203

Phone 336-626-1201

Location N/A

Requested Action Text amendments to the zoning ordinance to be consistent with North Carolina General Statutes 160D (Local Planning and Development Regulation) & Signs

Existing Zone N/A **Existing Land Use** N/A

Size N/A **Pin #** N/A

Applicant's Reasons as stated on application

See attached statement.

Surrounding Land Use

North N/A **East** N/A

South N/A **West** N/A

Zoning History See analysis for historic background.

Legal Description

Text amendments to the zoning ordinance to incorporate Chapter 160D of the NC General Statutes (Local Planning and Development Regulation) into the Asheboro Zoning Ordinance & Signs

Analysis

1. Changes to state law concerning land use were adopted in 2019 (Senate Bill 355, NCGS 160D) . The provisions consolidated provisions for city and county land use regulations into one chapter. Many of the provisions were focused on reorganizing existing law, and making primarily technical changes rather than sweeping policy changes. However, some provisions have a greater impact on how land use decisions are made.
2. One of the most significant mandated changes is replacement of combined legislative rezoning and quasi-judicial Conditional Use Permit applications with legislative Conditional Zoning, which places conditions on a property as part of a rezoning process. Quasi-judicial proceedings for Special Use Permits would continue to exist for sensitive land uses that already require a Special Use Permit. The text amendments also propose amendments to sign provisions.
3. Other changes include requiring an applicant/landowner's written consent to enforce conditional zoning district or special use permit, prohibition of non-governmental third party "downzonings" (from commercial to residential for example).
4. The law now also requires an adopted land use plan that is reasonably maintained. Also, a Land Use Plan's Future Land Use Map must be updated each time a rezoning this is not consistent with the map is approved.
5. NCGS 160D requires that amendments be made by July 1, 2021 for local zoning provisions to remain valid.
6. As noted in (1) above, a key goal of NCGS 160D was to consolidate and reorganize existing state law into a more coherent fashion. Similar reorganization of the zoning ordinance's format is proposed.

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	Not applicable
Small Area Plan	Not applicable
Growth Strategy Map Designation	Not applicable

LDP Goals/Policies Which Support Request

1.2.4 The City will promote its expedited permitting process and continue to make the land development process user-friendly for citizens and organizations.

2.1.1 The Zoning Ordinance will periodically be reviewed to ensure that the specific regulations for each Zoning District are aligned with the desired character and focus of each district.

2.2.3 The City will periodically update maps in the Land Development Plan to ensure they accurately represent current conditions in our city and are consistent with the goals and policies.

LDP Goals/Policies Which Do Not Support Request

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

These amendments are proposed primarily to comply with recent changes in state law. In addition, the proposed changes formalize many of staff's existing practices (ensuring that the Land Development Plan is regularly updated, ensuring consistency of zoning designation with the Land Development plan or offering a rationale for why a decision was made that was contrary to the plan). Current practice offers citizens various procedural options to change a land use designation of their property, and legislative conditional zoning will provide a new option, replacing conditional use district permits. The proposed language will also reflect model language related to federal case law related to signs. As noted above, staff is also proposing some organizational changes to the zoning ordinance that offer improvements in how it is formatted and useable for applicants and staff.

Considering these factors and state law requiring these changes, staff believes that the proposed text amendment is overall consist with the Land Development Plan and is therefore reasonable and in the public interest.

Recommendation In order to give the City Council and the public adequate time to review the proposed draft text amendment, staff's recommendation is to **continue** the request until May 6, 2021.

ORDINANCE TO AMEND THE GENERAL FUND
FY 2020-2021

WHEREAS, the City of Asheboro would like to appropriate funding for the City Match of a grant awarded by North Carolina for Lighting Rehabilitation at Asheboro Regional Airport, and;

WHEREAS, the City of Asheboro desires amend the 2020-2021 budget to incorporate this expense and to be in compliance with all generally accepted accounting principles, and;

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

That the following Revenue line items be increased:

Line Item	Description	Increase
10-399-0000	Fund Balance Allocation	$120,000

That the following Expense line items be increased:

Line Item	Description	Increase
10-650-6600	Contribution to Airport Runway Fund	$120,000

Adopted this the 8th day of April 2021.

_____
David H. Smith, Mayor

ATTEST:

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

ORDINANCE TO AMEND
THE AIRPORT IMPROVEMENTS FUND (#66)
FY 2020-2021

WHEREAS, the City of Asheboro has received additional federal funding for the Asheboro Regional Airport, (Award ID 36244.32.7.1 letter dtd 03/08/21) and;

WHEREAS, the City of Asheboro would like to appropriate these funds toward the design of new airfield lighting, and;

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

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: That the following revenue line items are increased / decreased:

Account	Description	Increase
66-350-0000	Grant proceeds- Airport Lighting	1,080,000
66-350-0001	GF Contrib. – Match Airport Lighting	120,000
	Total Increase	1,200,000

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

Account	Description	Increase
66-984-0500	Airfield Lighting Rehab	1,200,000

Adopted this the 8th day of April 2021.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, City Clerk

Water Resources Division
146 N Church Street
PO Box 1106
Asheboro, NC 27204-1106

CITY OF ASHEBORO
NORTH CAROLINA

Tel: 336-626-1201 Ext. 258

Fax: 336-626-1218

BID SUMMARY
CHEMICALS BIDS FOR THE CITY OF ASHEBORO
WATER/WASTEWATER TREATMENT PLANTS
MARCH 29, 2021

The City of Asheboro received fifteen (15) bid packages listed on the attached Bid Tabulation Sheet at 2:00 PM, March 9, 2021. These bids are for seven (7) chemicals needed for operations at the Water/Wastewater Treatment Plants. These bids include furnishing chemicals to the plants for the time period from April 16, 2021 to April 15, 2022.

Bids for Fluosilicic Acid, Liquid Caustic and Sodium Hypochlorite were solicited via advertising in accordance with City practice but the total purchasing amount for these chemicals is under the formal bidding threshold.

The bid for Calcium Nitrate from Lime-Chem, Inc. is non-responsive because it does not meet the specifications set forth in the Bid Document

It is recommended that the contracts to purchase chemicals from April 16, 2021 to April 15, 2022 be awarded to the responsive low bidders as listed below:

Chemical	Company	Price
Liquid Alum	C & S Chemicals	$286.00/Ton
Liquid Caustic	Univar, USA, Inc.	$374.00/Ton
Fluosilicic Acid	Univar, USA, Inc.	$363.00/Ton
Sodium Hypochlorite	Univar, USA, Inc.	$0.69/Gal
Calcium Nitrate	Cape Fear Water Solutions, Inc.	$2.0899/Gal
Sodium Permanganate	Amerochem Corporation	$8.06Gal
Calcium Hydroxide/Magnesium Hydroxide Slurry Blend	Polytec, Inc	$1.32/Gal

By: _____
Michael D. Rhoney, P.E.
Water Resources Director

CITY OF ASHEBORO CHEMICAL BID TABULATION MARCH 9, 2021

Company Name	Liquid Alum	Liquid Caustic	Flousilcic Acid	Sodium Hypochlorite 12%	Calcium Nitrate	Sodium Permanganate	Calcium Hydroxide/Magnesium Hydroxide Slurry Blend
Amerochem NSF CERT (x)						$8.06	
Brenntag Southeast NSF CERT (x)		$466.00			$2.10	$12.27	
C & S Chemicals NSF CERT (x)	$286.00						
Cape Fear Water Solutions NSF CERT ( )					$2.0899		
Chemrite NSF CERT (x)						$8.23	
Chemtrade NSF CERT (x)	$354.00	.					
Evoqua Water Technologies NSF CERT ( )					$2.399		
G2O Technologies NSF CERT (x)	$445.14						
JCI Jones Chemicals NSF CERT (x)		$460.00					
Lime-Chem, Inc. NSF CERT ( )					2.05*		
Oltrin Mfg NSF CERT (x)		$455.00					
Pencco, Inc. NSF CERT (x)			$433.00				
Polytec, Inc. NSF CERT ( )							$1.32
Shannon Chemical NSF CERT (x)			$747.00			$9.43	
Univar, USA NSF CERT (x)	$291.00	$374.00	$363.00	$0.69	$2.285		
MINIMUM	$286.00	$374.00	$363.00	$0.69	$2.09	$8.06	$1.32
MAXIMUM BID	$445.14	$466.00	$747.00	$0.69	$2.40	$12.27	$1.32

* - Non Responsive Bid does not meet specifications

Recommended Bid Award

Revised 3-16-2021

Water Resources Division
146 N Church Street
PO **Box 1106**
Asheboro, NC 27204-1106

CITY OF ASHEBORO
NORTH CAROLINA

Tel: 336-626-1201 Ext. 258

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DISCUSSION OF PROPOSALS
WASTEWATER TREATMENT
CLARIFIER BASINS(s) PAINTING AND REHAB
MARCH 30, 2021

The scope of work for the Clarifier Basin(s) Painting and Rehab Project at the Wastewater Treatment Plant includes a base proposal for surface preparation and epoxy coating of the interior walls and trough of final clarifiers 1 & 2 including the metal rake structure, center column, and bridge. Additive Alternative No. 1 adds the option of providing an epoxy coating system for only the metal parts for Primary Clarifier No. 7 (rake arm, center column, and bridge). Additive Alternative No. 2 adds a non-wetting coating system to the trough for final clarifiers No. 1 & 2. The project was advertised informally on March 3, 2021:

Potential bidders were encouraged to schedule on-site visits in lieu of a pre-bid meeting to avoid a large gathering. The specifications were written based on a coating system from Carboline. Other systems were allowed to be submitted as substitutes by Sherwin-Williams Company and Tnemec Company, Inc. Three (3) Addendums were issued prior to the bid. Addendums 2 & 3 approved substitute coating systems from Sherwin-Williams and Tnemec respectively.

This project was budgeted to be completed in fiscal year ending June 30, 2021 at the amount of $500,000.00. However, representatives from the coating manufacturers advised that the bids would come in under $300,000.00. Upon this advice, the project was bid as an informal proposal.

Five (5) of the six (6) bids listed below were received by the specified time in the bid document of 10:00 AM, March, 23, 2021. One of the bids was submitted after the required time and not on the required Form of Proposal. The bids received were as follows:

Bidder	Base Bid Amount	Add Alternate # 1	Add Alternate # 2	System
Baxter Protective Coatings LLC ** 489 Corban Ave SE Concord, NC 28025	$215,635.00	$88,370.00	No Bid	Carboline
Carolina Management Team 49 McDowell St Asheville, NC 28801	$306,196.00	$96,693.00	$19,238.00	Carboline
Creative Resurfacing, LLC 2417 Waynick St High Point, NC 27265	$194,750.00	$47,800.00	$11,560.00	Tnemec

Saffo Contractors, Inc. PO Box 7035 Wilmington, NC 28406	$283,850.00	$141,925.00	$41,750.00	Carboline
Southern Paint & Waterproofing Co., Inc. 3306 Liberty Rd Greensboro, NC 27406	$412,919.00	$74,635.00	$11,997.00	Carboline
Superior Industrial Maintenance Co LLC 4801 Stough Rd Concord, NC 28027	$515,870.00	$165,208.00	$29,627.00	Carboline

The apparent lowest, responsive and responsible bidder is Creative Resurfacing, LLC at $194,750.00 listing the Tnemec coating system. Tnemec did not submit an equivalent product for the Additive Alternate No. 2 non-wetting coating system. Therefore, I cannot recommend award of Additive Alternate No. 2 at this time. Based on the results of these proposals it is recommended the Clarifier Basin(s) Painting and Rehab Project be awarded to Creative Resurfacing, LLC at the base bid of $194,750.00 with the addition of Additive Alternative No. 1 at the additional bid price of $47,800.00 for a total project cost of $242,550.00. References provided upon request have been vetted revealing no concerns to prevent the execution of this award.

By Michael D Rhoney
Michael D. Rhoney, P.E.
Water Resources Director

CITY OF ASHEBORO
WASTEWATER TREATMENT PLANT
CLARIFIER BASIN(s) PAINTING & REHAB
BID TABULATION SHEET
March 23, 2021

Contractor	Bid			System	Addendum # 1	Addendum # 2	Addendum # 3
	Base Proposal	Add Alt No. 1	Add Alt No. 2				
Carolina Management Team 49 McDowell St Asheville, NC 28801	$306,196.00	$96,693.00	$19,238.00	Carboline	Yes	Yes	Yes
Creative Resurfacing, LLC 2417 Waynick St High Point, NC 27265	$194,750.00	$47,800.00	$11,560.00	Tnemec	Yes	Yes	Yes
Saffo Contractors, Inc. PO Box 7035 Wilmington, NC 28406	$283,850.00	$141,925.00	$41,750.00	Carboline	Yes	Yes	Yes
Southern Paint & Waterproofing Co., Inc 3306 Liberty Rd Greensboro, NC 27406	$412,919.00	$74,635.00	$11,997.00	Carboline Tnemec Sherwin Williams	Yes	Yes	Yes
Superior Industrial Maintenance Co LLC 4801 Stough Rd Concord, NC 28027	$515,870.00	$165,208.00	$29,627.00	Carboline	Yes	Yes	Yes
Baxter Protective Coatings LLC ** 489 Corban Ave SE Concord, NC 28025	$215,635.00	$88,370.00	No Bid	Carboline	No	No	No

** Non Responsive Bid. Late and not or proper Proposal Form

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION OF INTENT TO PERMANENTLY CLOSE PORTIONS OF THE PUBLIC RIGHT-OF-WAY FOR SUNSET AVENUE BETWEEN CHURCH STREET AND DAVIS STREET

WHEREAS, Section 160A-299 of the North Carolina General Statutes prescribes the procedure to be followed by a city in order to permanently close a street or alley; and

WHEREAS, the section of Sunset Avenue located between Church Street (North Carolina Secondary Road 1707) and Davis Street is a public street within the corporate limits of the City of Asheboro that is under the general authority and control of the city; and

WHEREAS, the city manager, in consultation with the city's engineering department, has advised the Asheboro City Council that the existing 70-foot wide public right-of-way for this section of Sunset Avenue contains more area than is needed for the public right-of-way in this location; and

WHEREAS, in furtherance of the long-standing goal to encourage the development of land along this part of Sunset Avenue as part of a vibrant downtown Asheboro, the Asheboro City Council has concluded that the public right-of-way for the section of Sunset Avenue between Church Street and Davis Street should be reduced or narrowed; and

WHEREAS, in order for the proposed reduction in the area claimed for public right-of-way to be implemented in a manner that promotes public accessibility and safety, portions of the northern and southern margins of the public right-of-way for Sunset Avenue between Church Street and Davis Street will need to be permanently closed; and

WHEREAS, in order for the city to lawfully permanently close a street or any portion thereof, Section 160A-299 of the North Carolina General Statutes requires the city council to first adopt a resolution declaring the governing board's intent to permanently close the street, or portion(s) of the street, in question and then call a public hearing on the question.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, on this the 8th day of April, 2021, as follows:

Section 1. It is the intent of the City Council of the City of Asheboro to permanently close a combined total of approximately 4,737 square feet of public right-of-way located on the northern and southern margins of the public right-of-way for Sunset Avenue between Church Street and Davis Street in order to reduce the identified section of the street from a 70-foot public right-of-way to a 56.67-foot public right-of-way. The portions of public right-of-way proposed for permanent closure are located within the corporate limits of the City of Asheboro, are not part of a public right-of-way controlled by the North Carolina Department of Transportation, and are more particularly defined and described as follows:

Permanent Public Right-of-Way Closure Area Located along the North Side of Sunset Avenue between Church Street and Davis Street

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the north side of Sunset Avenue at a computed point where the proposed 56.67-foot right-of-way line for Sunset Avenue intersects with the western margin of the public right-of-way for North Church Street (North Carolina Secondary Road 1707), this Beginning point is located North 43 degrees 29 minutes 58 seconds West 41.04 feet from a mag nail that is set in the centerline of the intersection of Sunset Avenue and Church Street and is located by means of the North Carolina Coordinate System at the coordinates of North 712,821.21 Ground US Survey Feet and East 1,757,466.10 Ground US Survey Feet (NAD 83 (2011)); thence from the Beginning point running with the southern boundary line for the permanent street closure area proposed for the north side of Sunset Avenue ("Street Closure Area 1") North 87 degrees 18 minutes 04 seconds West 378.26 feet along a total of six parcels or tracts of land (these six parcels or tracts of land are, running east to west, the Frankie Lee Morton property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2506, Page 886; the First Baptist Church Asheboro property described in Deed Book 1534, Page 230, Randolph County Registry; the Tony Lee Hoover property described in Deed Book 1620, Page 1077, Randolph County Registry; the Mackey Properties Holdings LLC property described in Deed Book 2734, Page 2142, Randolph County Registry and in Plat Book 167, Page 4, Randolph County Registry; the Central Telephone Company property described in Deed Book 968, Page 261, Randolph County Registry; and the Central Telephone Company property described in Deed Book 968, Page 259, Randolph County Registry) by following the proposed 56.67-foot right-of-way line (subsequent to the Asheboro City Council's adoption of the permanent street closure order, this 56.67-foot right-of-way line will be the new northern margin of the public right-of-way for Sunset Avenue) to a computed point at the southwest corner of Street Closure Area 1 (this computed point is located North 82 degrees 42 minutes 36 seconds East 165.07 feet from a mag nail that is set in the centerline of the intersection of Sunset Avenue and Davis Street and is located by means of the North Carolina Coordinate System at the coordinates of North 712,847.85 Ground US Survey Feet and East 1,756,896.28

Ground US Survey Feet (NAD 83 (2011)); thence departing from the southern boundary line for Street Closure Area 1, which is also the proposed 56.67-foot right-of-way line for the north side of Sunset Avenue, in order to follow the western boundary line for Street Closure Area 1 by running North 02 degrees 57 minutes 17 seconds East 6.67 feet across the portion of the existing public right-of-way for Sunset Avenue proposed for permanent closure to a computed point in the eastern margin of a 10-foot alley described in Deed Book 1070, Page 742, Randolph County Registry; thence departing from the western boundary line for Street Closure Area 1 and running along the northern boundary line for Street Closure Area 1 by following the existing 70-foot right-of-way line for the north side of Sunset Avenue the next bearing and distance: South 87 degrees 18 minutes 04 seconds East 378.37 feet to a computed point in the western margin of the public right-of-way for North Church Street; thence departing from the northern boundary line for Street Closure Area 1, which is the existing 70-foot right-of-way line, and following the eastern boundary line for Street Closure Area 1 the next bearing and distance along the western margin of the public right-of-way for North Church Street: South 03 degrees 52 minutes 37 seconds West 6.67 feet to the point and place of the BEGINNING, and being all of that certain 2,522 square feet of land, more or less, encompassed by the preceding metes and bounds description.

The preceding description is in accordance with sheet 1 of a 2-sheet plat of survey titled "Survey For: ***Sunset Avenue Street Closure*** *From Church Street to Davis Street" that was drawn under the supervision of Dan W. Tanner, II, a Professional Land Surveyor with license number L-4787. The referenced plat of survey, which is identified by Job # 12564 and bearing in the title block the date of January 26, 2021, is hereby incorporated into this Resolution by reference as if copied fully herein.*

Permanent Public Right-of-Way Closure Area Located along the South Side of Sunset Avenue between Church Street and Davis Street

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the south side of Sunset Avenue at a computed point where the proposed 56.67-foot right-of-way line for Sunset Avenue intersects with the western margin of the public right-of-way for South Church Street (North Carolina Secondary Road 1707), this Beginning point is located South 47 degrees 39 minutes 52 seconds West 43.64 feet from a mag nail that is set in the centerline of the intersection of Sunset Avenue and Church Street and is located by means of the North Carolina Coordinate System at the coordinates of North 712,821.21 Ground US Survey Feet and East 1,757,466.10 Ground US Survey Feet (NAD 83 (2011)); thence from the Beginning point running with the northern boundary line for the permanent street closure area proposed for the south side of Sunset Avenue ("Street Closure Area 2") along a total of six parcels or tracts of land (these six parcels or tracts of land are, running east to west, the J and A Castlerock LLC property described in Deed Book 2671, Page 23, Randolph County Registry; the Sunset Flowers & Gifts LLC property described in

Deed Book 1960, Page 1775, Randolph County Registry; the Trustees of Asheboro Masonic Lodge No. 699 property described in Deed Book 1152, Page 330, Randolph County Registry; the Sunset Medical Building LLC property described in Deed Book 2125, Page 760, Randolph County Registry and in Plat Book 61, Page 91, Randolph County Registry; the Randolph County Partnership for Children property described in Deed Book 1636, Page 1316, Randolph County Registry and in Plat Book 61, Page 91, Randolph County Registry; and the KACS Holding LLC property described in Deed Book 2367, Page 596, Randolph County Registry) by following the proposed 56.67-foot right-of-way line (subsequent to the Asheboro City Council's adoption of the permanent street closure order, this 56.67-foot right-of-way line will be the new southern margin of the public right-of-way for Sunset Avenue) the next four bearings and distances: North 87 degrees 20 minutes 26 seconds West 266.55 feet to a 5/8-inch existing iron rod that is flush with the ground with a cap; thence North 87 degrees 19 minutes 29 seconds West 35.03 feet to a 3/4-inch existing iron pipe that is flush with the ground; thence North 87 degrees 21 minutes 59 seconds West 132.93 to a 1-inch existing iron pipe that is flush with the ground; thence North 87 degrees 19 minutes 45 seconds West 127.54 feet to a 5/8-inch existing iron rod that is flush with the ground at the northwest corner of Street Closure Area 2 (this 5/8-inch existing iron rod is located South 38 degrees 32 minutes 21 seconds West 38.32 feet from a mag nail that is set in the centerline of the intersection of Sunset Avenue and Davis Street and is located by means of the North Carolina Coordinate System at the coordinates of North 712,847.85 Ground US Survey Feet and East 1,756,896.28 Ground US Survey Feet (NAD 83 (2011)); thence departing from the northern boundary line for Street Closure Area 2, which is also the proposed 56.67-foot right-of-way line for the south side of Sunset Avenue, in order to follow the western boundary line for Street Closure Area 2 by running South 00 degrees 45 minutes 48 seconds West 3.93 feet across the portion of the existing public right-of-way for Sunset Avenue proposed for permanent closure to a computed point; thence departing from the western boundary line for Street Closure Area 2 and running along the southern boundary line for Street Closure Area 2 by following the existing 70-foot right-of-way line for the south side of Sunset Avenue the next two bearings and distances: South 87 degrees 20 minutes 26 seconds East 295.34 feet to a 3/4-inch existing iron pipe that is flush with the ground; thence South 87 degrees 20 minutes 26 seconds East 266.49 feet to a computed point in the western margin of the public right-of-way for South Church Street; thence departing from the southern boundary line for Street Closure Area 2, which is the existing 70-foot right-of-way line, and following the eastern boundary line for Street Closure Area 2 the next bearing and distance along the western margin for the public right-of-way for South Church Street: North 03 degrees 52 minutes 37 seconds East 3.95 feet to the point and place of the BEGINNING, and being all of that certain 2,215 square feet of land, more or less, encompassed by the preceding metes and bounds description.

The preceding description is in accordance with sheet 2 of a 2-sheet plat of survey titled "Survey For: ***Sunset Avenue Street Closure*** *From Church Street to Davis Street" that was drawn under the supervision of Dan W. Tanner, II, a Professional Land*

Surveyor with license number L-4787. This plat of survey, which is identified by Job # 12564 and bearing in the title block the date of January 26, 2021, is hereby incorporated into this Resolution by reference as if copied fully herein.

Section 2. A public hearing on the above-described proposal to permanently close portions of the public right-of-way for Sunset Avenue between Church Street and Davis Street is hereby called and is to be held during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on June 10, 2021, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203. At this public hearing, any person may be heard on the question of whether or not the intended closing of the above-described portions of Sunset Avenue would be detrimental to the public interest or the property rights of any individual.

Section 3. The city clerk is hereby directed to cause the publication of this Resolution of Intent once a week for four (4) successive weeks prior to the above-referenced public hearing in *The Courier-Tribune*, a newspaper of general circulation in the City of Asheboro.

Section 4. The city clerk is further directed to transmit a copy of this Resolution of Intent by registered or certified mail to each owner of property adjoining the portions of Sunset Avenue described in Section 1 of this Resolution. The identities of these property owners is to be determined on the basis of records maintained by the Randolph County Tax Department.

Section 5. The city clerk is further directed to cause the prominent posting of this Resolution of Intent in a minimum of two (2) locations along the portions of Sunset Avenue described in Section 1 of this Resolution.

This Resolution of Intent was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of April, 2021.

_____

David H. Smith, Mayor

ATTEST:

_____

Holly H. Doerr, CMC, NCCMC, City Clerk