AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, AUGUST 4, 2022, 7:00 PM

1. Call to order.

2. Silent prayer and pledge of allegiance.

3. Presentation by IMPACT Now, Jeremy Skidmore.

4. Appearance by Mr. Clyde "Chip" Foust, Jr., President, Asheboro/Randolph NAACP.

5. Public comment period.

6. Fire Chief Willie Summers will present the fire department's annual report.

7. Human Resources Director Doug Kemp will introduce:

   (a) Safety Director Brad Dalke; and

   (b) Kristen Terry with a report on the North Carolina 4 Military Employment (NC4ME) seminar.

8. Consent agenda items for approval, acknowledgement, and/or adoption:

   (a) Approval of the meeting minutes for the regular city council meeting on July 14, 2022.

   (b) Approval of an ordinance establishing a stop intersection at Dixon Avenue and Dixon Street.

   (c) Approval of an ordinance establishing a no parking zone on both sides of West Kivett Street between South Church Street and South Park Street.

   (d) Approval of an ordinance establishing a no parking zone on both sides of East Kivett Street between South Cox Street and South Main Street.

   (e) Approval of a resolution authorizing the sale of certain surplus city-owned vehicles by electronic public auction.

   (f) Approval of a nondiscrimination policy in connection with the award of funding from the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds.

9. Community Development Director Trevor Nuttall will present the following items:

   (a) Status report on the ongoing update to the city Land Development Plan;

   (b) Authorization to engage the Piedmont Triad Regional Council for grant services related to the construction of the David and Pauline Jarrell Center City Garden;

   (c) Authorization to engage the Piedmont Triad Regional Council to provide strategic management assistance to the city for a potential waterline extension project;

   (d) An update on the qualifications-based selection process underway for the procurement of the environmental site assessment services needed for the project to acquire the former Acme-McCrary Hosiery Mill, including a request for the delegation of authority to the city manager to award a contract; and

   (e) A report on the qualifications-based selection process authorized by the city manager for a safety and traffic calming study to review the merge of Sunset Avenue and West Salisbury Street.

10. Spencer Patton, EI will request council action on a proposed contract with Field Turf for the installation of the turf fields and all appurtenances on Fields 5, 6, 7, and 8 at the Zoo City Sportsplex for $3,897,216.41.

11. Finance Director Deborah Reaves will request council action on a budget amendment pertaining to the Zoo City Sportsplex.

12. Public hearing on an annexation request pertaining to approximately 7 acres of land at 923 Meadowbrook Road:

    (a) Spencer Patton, EI will discuss the annexation petition, and then Mayor Smith will invite public participation; and

    (b) City council consideration of an annexation ordinance.

13. A public hearing on an annexation request pertaining to approximately 20 acres of land in the Timber Ridge Subdivision along East Allred Street:

    (a) Spencer Patton, EI will discuss the annexation petition, and then Mayor Smith will invite public participation; and

    (b) City council consideration of an annexation ordinance.

14. City Attorney Jeff Sugg will introduce for council consideration William C. Burrow's request for city waterline connection authorization for property that is outside the city and not contiguous to the primary city limits line.

15. Mayor Smith will discuss with the council members potential changes in the membership of the Asheboro ABC Board.

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

17. Adjournment.

REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, JULY 14, 2022
7:00 P.M.

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

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Kelly L. Heath)
William N. McCaskill) – Council Members Present
Walker B. Moffitt)
Jane H. Redding)
Charles A. Swiers)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michel L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Charles D. Wagner, Police Captain
Tammy M. Williams, CMC, Deputy City Clerk

1. Call to Order

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Moment of Silent Prayer and Pledge of Allegiance

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and recite the pledge of allegiance.

3. Public Comment Period

Mayor Smith welcomed everyone in attendance and opened the floor for comments from the public.

Mr. Ward Russell commented on suggested modifications to the process for considering/evaluating options for improving public access to McCrary Park at 138 Southway Road.

Mr. Richard Caviness commented on a land use case for which a public hearing had been scheduled for later in the meeting. Mr. Caviness agreed to hold his substantive comments on the land use case until the public hearing could be opened on the question of the land use application that was of concern to the speaker.

Ms. Maria Foust commented on issues surrounding the public debate about the confederate soldier statue located on the grounds of the Randolph County courthouse complex.

In the absence of any other speakers, Mayor Smith closed the public comment period.

4. Consent Agenda

Prior to calling for a vote of the consent agenda, Mayor Smith asked if any item should be removed for individual consideration. City Attorney Jeff Sugg requested the withdrawal from the consent agenda of a resolution pertaining to the public auction of surplus city-owned vehicles. This resolution was identified on the meeting agenda as item 4(g).

With the exception and exclusion of meeting agenda item 4(g), Council Member Burks moved, and Council Member Heath seconded the motion, to approve/adopt the following consent agenda items. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(a) City Council Meeting Minutes for June 9, 2022

The meeting minutes for the city council's regular meeting on June 9, 2022, were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been posted on the city's website.

(b) City Council Meeting Minutes for June 28, 2022

The meeting minutes for the city council's special meeting on June 28, 2022, were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been posted on the city's website.

(c) Asheboro ABC Board Meeting Minutes for June 6, 2022

The council acknowledged the receipt of the Asheboro ABC Board's approved meeting minutes for June 6, 2022. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(d) Amendment of Contract # 2021-042-3201-2587 with the North Carolina Department of Commerce

An amendment of contract # 2021-042-3201-2587 was approved with the adoption of the consent agenda. The listed contract pertaining to the StarPet Inc. / Project Avocado economic development project was made by and between the Rural Economic Development Division of the North Carolina Department of Commerce and the City of Asheboro. Within Paragraph 3 (Term of Agreement), the text "terminate on 12/10/2022" was deleted, and the text "terminate on 12/10/2023" was added. All other terms and conditions of the agreement were unaltered.

(e) Appointment to the Asheboro Redevelopment Commission

Gene Isom was appointed to the Asheboro Redevelopment Commission. This vacancy was created when Linda Carter stepped down from the commission. Mr. Isom's term of office will expire on April 1, 2024.

(f) Resolution Authorizing the Advertising by Electronic Means Only of Electronic Public Auctions of Surplus City-Owned Personal Property

With the adoption of the consent agenda, the resolution printed at the top of the immediately following page was unanimously approved by the city council.

RESOLUTION NUMBER 18 RES 7-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AUTHORIZING THE ADVERTISING OF ELECTRONIC AUCTIONS OF SURPLUS CITY-OWNED PERSONAL PROPERTY BY ELECTRONIC MEANS ONLY

WHEREAS, Section 160A-270(c) of the North Carolina General Statutes authorizes the City of Asheboro to conduct public auctions of personal property by means of electronic auction procedures and to advertise electronic auctions by electronic means only; and

WHEREAS, the Asheboro City Council finds that advertising electronic auction sales of personal property by electronic means only increases the efficiency of the property disposal process and saves public funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the following procedures are hereby approved:

1. All sales of surplus city-owned personal property by electronic public auction may be advertised by electronic means only;

2. Electronic advertisements of the sale of personal property shall be posted at least 10 calendar days prior to the date on which bidding for the property opens;

3. Electronic advertisements shall be posted on the City of Asheboro website and, where feasible, by any other electronic means through which notice of the electronic auction may be broadly advertised; and

4. Electronic advertisements shall identify and provide a general description of the property to be sold, the date and time at which electronic bidding opens, the electronic address where information about the property to be sold can be found, the electronic address where electronic bids may be posted, a reference to the resolution authorizing the sale, where applicable, and any other relevant terms and conditions of sale.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 14th day of July, 2022.

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

ATTEST:

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

[As noted above, item 4(g) on the meeting agenda was withdrawn at the request of city staff. The following consent agenda items, while numbered sequentially in accordance with the item numbers used for these meeting minutes, correspond to the item numbers listed on the meeting agenda as items 4(h), (i), and (j).]

(g) General Fund Budget Amendment

With the adoption of the consent agenda, the ordinance printed at the top of the immediately following page was unanimously approved by the city council.

37 ORD 7-22

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2022-2023

WHEREAS, the City Council of the City of Asheboro was presented with an economic development project relating Fibertex Personal Care Corporation's plans to construct a new manufacturing facility on approximately 30.61 acres of land.

WHEREAS, Fibertex Personal Care's project would result in an investment of approximately $114 million dollars in real and personal property and will result in the creation of 145 new full time jobs.

WHEREAS, the City Council authorized the City of Asheboro to support the Fibertex Personal Care's project through an agreement for economic incentives payments signed April 2, 2018.

WHEREAS, the Fibertex Personal Care has submitted documentation verifying that the company has met the required performance for the first economic incentive payment with investment in real property and creation of 44 new full time jobs;

WHEREAS, the City Council appropriated $50,000 at the June 28, 2022 meeting as a transfer to the Economic Development Fund for the first incentive payment of $50,000 to Fibertex.

WHEREAS, the correct amount of the First Incentive payment is $100,000 so an additional $50,000 needs to be appropriated.

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

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

That the following revenue line item be increased

Account #	Expense Description	increase / (decrease)
10-000-399.0000	Fund Balance Allocation	50,000

That the following Expense line item be increased / (decreased):

Account #	Expense Description	increase / (decrease)
10-490-572.0000	Contribution to ED fund	50,000

Adopted this 14th day of July, 2022.

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

ATTEST:

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

(h) Economic & Tourism Development Fund Amendment

With the adoption of the consent agenda, the ordinance printed at the top of the immediately following page was unanimously approved by the city council.

38 ORD 7-22

ORDINANCE TO AMEND THE ECONOMIC & TOURISM DEVELOPMENT FUND FY 2022-2023

WHEREAS, the City Council of the City of Asheboro was presented with an economic development project relating Fibertex Personal Care Corporation's plans to construct a new manufacturing facility on approximately 30.61 acres of land.

WHEREAS, Fibertex Personal Care's project would result in an investment of approximately $114 million dollars in real and personal property and will result in the creation of 145 new full time jobs.

WHEREAS, the City Council authorized the City of Asheboro to support the Fibertex Personal Care's project through an agreement for economic incentives payments signed April 2, 2018.

WHEREAS, the Fibertex Personal Care has submitted documentation verifying that the company has met the required performance for the first economic incentive payment with investment in real property and creation of 44 new full time jobs.

WHEREAS, the City Council appropriated $50,000 at the June 28, 2022 meeting as a transfer to the Economic Development Fund for the first incentive payment of $50,000 to Fibertex.

WHEREAS, the correct amount of the First Incentive payment is $100,000 so an additional $50,000 needs to be appropriated.

WHEREAS, the budget as adopted requires amendment to be in compliance with all generally accepted accounting principles, and;

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

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

Account #	Revenue Description	Increase
72-000-375.0000	Contribution for Fibertex 4-2018 agreement	50,000

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

Account #	Expense Description	Increase
72-000-871.0000	Fibertex Incentive 4-2018 agreement	50,000

Adopted this the 14th day of July 2022.

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

ATTEST:

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

(i) Water and Sewer Fund Budget Amendment

With the adoption of the consent agenda, the ordinance printed at the top of the immediately following page was unanimously approved by the city council.

39 ORD 7-22

ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2022-2023

WHEREAS, the current budget appropriation in the system maintenance department provided for a replacement vehicle in the amount of $55,000, and

WHEREAS, since adoption of the budget, it has been determined that the need for a replacement vehicle is greater in the technical services department.

WHEREAS, the City of Asheboro wishes to reallocate funding for a vehicle from the system maintenance department to the technical services department.

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

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

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

That the following Expense line item be increased / (decreased):

Account #	Expense Description	increase / (decrease)
30-860-574.0000	Capital Outlay – Technical Svcs	55,000
30-870-574.0000	Capital Outlay – System Maint.	(55,000)
	Total Increase / (Decrease)	0

Adopted this14th day of July, 2022.

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

ATTEST:

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

5. Legislative Hearings on Land Use Cases

(a) Case No. RZ-22-06: Application for an Amendment to the Existing RA6 (CZ) Zoning on Property at 3140 Zoo Parkway

Mayor Smith opened the legislative hearing on the above-referenced zoning map amendment application. Prior to recognizing any speakers, Mayor Smith honored Council Member Moffitt's request to disclose for transparency purposes that he previously had an ownership interest in a lot within the development currently under review. The ownership interest in question has been sold, and Council Member Moffitt had no financial interest of any kind in the development under review when this land use case came before the city council for review.

The zoning map amendment application pertains to the RA6 (CZ) zoning district that encompasses the Parkway South Townhomes at 3140 Zoo Parkway, inclusive of all the addressed units within the development as well as the city-owned pump station. The parcels of land included within this application are identified by the following

Randolph County Parcel Identification Numbers: 7669367599, 7669368424, 7669368457, 7669368498, 7669368631, 7669368673, 7669369540, 7669369637, 7669369669, 7669460397, 7669460439, 7669460475, 7669460507, 7669460513, 7669460570, 7669460699, 7669460701, 7669461318, 7669461355, 7669461382, 7669461615, 7669461642, 7669462370, 7669462454, 7669462483, 7669462566, 7669462595, 7669462663, 7669462770, 7669463259, 7669463300, 7669463413, 7669463452, 7669463524, 7669463553, 7669463609, 7669463648, and 7669463676.

The land for which the amended conditional zoning district is proposed (the entirety of the parcels of land located within the proposed zoning district will be hereinafter collectively referred to as the "Zoning Lot") is approximately 7.62 acres in size. The Zoning Lot is described in the Office of the Register of Deeds for Randolph County, North Carolina in Condo Book 1, Page 64; Condo Book 1, Page 83; and Plat Book 113, Page 14.

The Zoning Lot is currently zoned RA6 (CZ). The existing land uses on the Zoning Lot are a city-owned sewer pump station and a residential planned unit development.

The Parkway South Homeowners' Association submitted the zoning ordinance map amendment application. If the application is approved, the current RA6 (CZ) high density residential conditional zoning under which the residential planned unit development exists will be modified to transfer street maintenance within the development to the City of Asheboro.

After confirming to the governing board that the required legal notice of this proceeding had been mailed, published, and posted on the Zoning Lot, Community Development Director Trevor Nuttall utilized a slide show to present the planning staff's analysis of the application. Mr. Nuttall noted the following:

1. The Zoning Lot is inside the city limits.

2. Zoo Parkway (North Carolina Highway 159) is a state-maintained major thoroughfare.

3. The current use of the property is a residential planned unit development (Parkway South), consisting of 35 residential townhome units.

4. This request does not include construction of any new dwellings or structures or new construction. The primary question presented by the application is whether the city will assume maintenance and ownership of the private streets within the development. However, the request does also require the city council to consider and approve new building setbacks from the proposed public rights-of-way within the development.

5. After receiving the application, the planning staff contacted other city departments about the request. Various city departments have reviewed the application and offered input. While no objection has been raised to converting the streets to publicly maintained city streets, the following comments have been offered:

    a. The road design is inadequate for individual sanitation can pick-up; dumpster service will continue to be necessary.

    b. Council will need to separately consider any request for a reduced speed limit, and any request for an ordinance specifically prohibiting on-street parking.

    c. The streets will need to be named if the application is approved. This street naming process will lead to properties being readdressed. All dwellings are currently

assigned a single Zoo Parkway address with individual unit numbers.

6. The Zoning Lot is part of a Village Activity Center, which emphasizes a pedestrian friendly mix of compatible land uses. Sidewalks are not included within the development because the development was constructed before sidewalks were required within residential planned unit developments.

7. Public streets are typically 28 feet wide from gutter to gutter, within a 50-foot public right-of-way. Streets within this development are approximately 19 feet of asphalt plus valley curbing. The proposed public right-of-way is from the back of the curb to the back of the curb, with easements proposed for city utilities and street signs.

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

Proposed Land Use Map Designation: Activity Center (property is part of Village Activity Center)

Small Area Plan: Southeast

Growth Strategy Map Designation: Primary Growth

LDP Goals/Policies Which Support Request:

Goal 3.1: Enhancement, maintenance, and preservation of the built environment.

LDP Toolkit Description of Primary Growth Area (PGA) – Areas with prime access to existing city infrastructure and urban services and located within existing city limits. Suitable development sites within PGAs should be given the highest level of encouragement and incentives for short-range development

Goal 5.1: Cost effective, efficient, and coordinated infrastructure in appropriate locations.

LDP Goals/Policies Which Do Not Support Request:

(d) Policy 5.3.2: The City will amend the Zoning and Subdivision Ordinances to discourage development patterns (i.e., excessive use of cul-de-sacs, lack of connectivity within and between developments) that result in the city (and its taxpayers) incurring unnecessary infrastructure costs.

As part of its analysis, the city planning staff also offered suggested conditions believed to be necessary to ensure Land Development Plan consistency and general conformity with city codes.

Suggested Conditions from Planning Staff

(A) The use approved shall be a residential planned unit development.

(B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.

(C) Solid waste collection must be done via dumpster service. The City of Asheboro will not pick up individual cans within the development. The final plat publicly

dedicating the street right-of-way shall state that the City of Asheboro will not pick up individual cans for the development.

(D) The following shall be established, by the Applicant, prior to the City of Asheboro's acceptance of streets within the development as public streets:

(i) Any signs, excluding governmental regulatory/traffic signs, shall be removed from the public right-of-way by the homeowners' association.

(ii) On-street parking shall be prohibited.

(E) Prior to the recording of a final plat consistent with the conditional zoning district, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this conditional zoning ordinance in the chain of title for the Zoning Lot.

The City of Asheboro Planning Board considered the zoning map amendment application and recommended placement of the Zoning Lot into the modified RA6 (CZ) zoning district. In making this recommendation, the planning board concurred with the planning staff's analysis of the consistency of the proposed development with the adopted comprehensive plans as well as the reasonableness of the proposal.

> City staff has reviewed the request and has identified no significant maintenance issues related to the condition of the street or utilities. Conditions are suggested to address matters that have been identified during the review process. If approved, the city will assume maintenance costs associated with the roadway and street lighting within the proposed right-of-way. While planned unit developments built under the current code require sidewalk construction, this development predates that requirement and acceptance of the streets for maintenance will not increase the extent of that nonconformity.

In response to Mayor Smith inviting comments from the public, Mr. James Goudy, who is the president of the homeowners' association for Parkway South Townhomes, presented comments in support of the rezoning application. Mr. Goudy, on behalf of the homeowners' association, expressed agreement with the above-listed conditions that were proposed by the planning staff.

No other comments were offered from the public. Mayor Smith then transitioned to the deliberative phase of the process.

After engaging in deliberations about the zoning map amendment application, Council Member Bell moved, and Council Member Swiers seconded to motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following two-part motion.

1. The proposed zoning map amendment application is consistent, on balance, with the goals and policies of the Land Development Plan. Due to the absence of significant maintenance issues related to the existing condition of the streets and utilities, no undue burden will be created for the taxpayers with the acceptance of the streets for public maintenance. The built environment in this section of the city will be enhanced, maintained, and preserved with the approval of the requested conditional zoning ordinance. Based on this analysis, and with the attachment of the above-listed conditions, the requested conditional zoning is reasonable and in the public interest.

2. In light of the above-stated analysis, the above-described zoning ordinance map amendment application is approved; provided, however, this approval is conditioned upon the Applicant accepting and agreeing to the above-printed conditions recommended by the city planning staff for attachment to the approved conditional zoning ordinance.

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

A copy of the slide show presentation utilized by Mr. Nuttall is on file in the City Clerk's office.

(b) Case No. RZ-22-07: Application for R7.5 (CZ) Zoning for a Residential Planned Unit Development on the West Side of Zoo Parkway, Approximately 225 Feet South of Ridge Avenue

Mayor Smith opened the legislative hearing on a zoning map amendment application seeking the rezoning of approximately 2.51 acres of land on the west side of Zoo Parkway, exclusive of the public right-of-way for Zoo Parkway, from the existing R10 medium-density residential zoning to R7.5 medium-density conditional zoning with a residential planned unit development. The parcel of land for which R7.5 (CZ) zoning is requested (the "Zoning Lot") is located approximately 225 feet south of Ridge Avenue between 1712 and 1740 Zoo Parkway. The Zoning Lot is owned by Crown Park Townhomes, LLC and is more specifically identified by Randolph County Parcel Identification Number 7750943464.

Darren Lucas (the "Applicant") filed the conditional zoning application. The written consent of the limited liability company that owns the Zoning Lot was noted on the conditional zoning application.

Community Development Director Trevor Nuttall was the first speaker during the legislative hearing. In addition to informing the governing board that the required legal notice of the hearing was mailed, published, and posted on the Zoning Lot, Mr. Nuttall utilized a slide show to present the planning staff's analysis of the application. This analysis included the following information:

1. The application indicates that the requested district would accommodate townhomes. Under the zoning ordinance, such a project is viewed as a residential planned unit development.

2. The Zoning Lot is inside the city limits.

3. Zoo Parkway (North Carolina Highway 159) is a state-maintained major thoroughfare at this location.

4. The planned unit development proposes 14 lots accessed via a private street or driveway. The initial application presented to the planning board indicated 16 units, but the number was reduced following the meeting in which the planning board did not provide a favorable recommendation. One entrance to the development is proposed from Zoo Parkway.

5. The submitted plans indicate homes would be single-story and between 825 and 855 square feet each.

6. The site plan shows buffers on the northern, southern, and western sides of the Zoning Lot, consisting of a combination of existing preserved vegetation and new plantings. The site plan also shows 35 parking spaces, front yard and internal landscaping, internal sidewalks, a dumpster, and recreation space.

7. Both the R10 and R7.5 districts permit single and two-family dwellings.

8. The density of the proposed development, which is considered an attached single-family project, is approximately 6 dwellings per acre after deducting land area for the private drive. The proposed R7.5 district permits a maximum of approximately 6 dwellings per acre when no public or private street right-of-way is required.

9. The requested R7.5 district is described in the zoning ordinance as "intended to provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living."

10. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community."

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

Proposed Land Use Map Designation: Neighborhood Residential

Small Area Plan: Central

Growth Strategy Map Designation: Primary Growth

LDP Goals/Policies Which Support the Request:

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

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

Checklist Item 5: Complies with Growth Strategy Map.

Checklist Items 12 and 13: 12.) Property is located outside of watershed; and 13.) The property is located outside of Special Hazard Flood Area.

LDP Goals/Policies Which Do Not Support the Request:

Checklist Item 14: Rezoning is located on steep slopes of greater than 20%.

Checklist Item 15: Rezoning is not consistent with Land Category Descriptions.

As part of its analysis, the city planning staff also offered suggested conditions believed to be necessary to ensure Land Development Plan consistency and general conformity with city codes.

Suggested Conditions from Planning Staff

(A) The use approved shall be a residential planned unit development with a total of 14 dwelling units on 14 lots.

(B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.

(C) Prior to recording a plat for any phase of the development, homeowners' association documents, which contain provisions consistent with this order, shall be recorded in the Office of the Randolph County Register of Deeds. Such

homeowners' documents shall include, but not be limited to, maintenance responsibilities of the association, a release of the City of Asheboro from liability due to utility maintenance on private streets (if applicable), indication that walls between units are party walls, and prohibition of parking recreational vehicles (boats, campers, travel trailers, etc.) outdoors. Final plans shall include provisions for ADA accessible parking.

(D) Maintenance of all recreation areas, parking lots, any utilities not publicly maintained, roads, and drainage facilities that are not specifically labeled on the approved site plan as publicly owned and maintained shall be the responsibility of the property owner and any successors in interest.

(E) The plat to be recorded shall reflect that the front property line is at the public right-of-way line of North Carolina Highway 159 (Zoo Parkway).

(F) Prior to the issuance of a zoning compliance permit, plans concerning water, including provisions for fire hydrants, and sanitary sewage that complies with city policies shall be submitted. Surveying of any required city easements shall be the responsibility of the property owner.

(G) Prior to the issuance of a zoning compliance permit for the proposed land use, the applicant shall submit documentation detailing the following approvals:

(i) Driveway permit from the North Carolina Department of Transportation; and

(ii) Erosion control approval from the North Carolina Department of Environmental Quality.

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

The city planning staff provided the following analysis of the consistency of the proposed development with the adopted comprehensive plans as well as the reasonableness of the proposal.

> While the requested conditional zoning district would authorize development exceeding the general density of the surrounding neighborhood, R7.5 zoning is compatible with the Land Development Plan's Neighborhood Residential designation and the plan generally supports a variety of housing options being available to the community. The plan revision reducing the number of homes from 16 to 14 brings the request more in line with density expected to be generated by R7.5 development. Furthermore, the applicant has made additional commitments related to project landscaping and is maintaining, and in the case of open space preservation, exceeding the city's Planned Unit Development standards.
>
> Conditions for the zoning district are proposed . . . and are considered necessary to ensure code compliance. With the inclusion of the conditions, staff finds the amended proposal to be a reasonable request and approval to be in the public's interest.

In response to Mayor Smith inviting comments from the public, Mr. Robert Wilhoit, Esq., Mr. Darren Allen, Esq., and Mr. H.R. Gallimore presented comments in support of the rezoning application. Mr. Richard Caviness presented concerns about the potential increase in traffic along Zoo Parkway as a result of this project. No other comments were offered from the public, and Mayor Smith then transitioned to the deliberative phase of the process.

After engaging in deliberations about the zoning map amendment application, Council Member Bell moved, and Council Member Moffitt seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following two-part motion.

1. While the requested conditional zoning district will authorize development exceeding the general density of the surrounding neighborhood, R7.5 zoning is compatible with the Land Development Plan's Neighborhood Residential designation and the plan generally supports the availability of a variety of housing options for the community. The 14 homes shown on the site plan submitted to the city council is in line with the density expected to be generated by R7.5 development. Weighing the totality of the factors, the current zoning map amendment application is consistent with the city's adopted comprehensive development plans. Furthermore, the Applicant has made additional commitments related to project landscaping and is maintaining, and in the case of open space preservation exceeding, the city's planned unit development standards. Based on this analysis, and with the attachment of the above-listed conditions, which the Applicant accepted during the course of the legislative hearing, the requested conditional zoning is reasonable and in the public interest.

2. In light of the above-stated analysis, the above-described zoning ordinance map amendment application seeking R7.5 (CZ) zoning for a residential planned unit development is approved; provided, however, this approval is conditioned upon the Applicant accepting and agreeing to the above-printed conditions recommended by the city planning staff for attachment to the approved conditional zoning ordinance.

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

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

(c) <u>Case No. RZ-22-08</u>: Application for a Conditional Zoning Ordinance to Address Three Parcels of Land Located, Respectively, at 342 Patton Avenue, 1352 East Salisbury Street, and 1420 East Salisbury Street

Mayor Smith opened the legislative hearing on a zoning map amendment application filed by Ken and Bridget Gallimore. The Gallimores (the "Applicants") are seeking zoning map amendments that will impact the Applicants' properties at 342 Patton Avenue, 1352 East Salisbury Street, and 1420 East Salisbury Street.

In total, the three parcels of land are approximately 6.19 acres in size. This land is more specifically identified by the following Randolph County Parcel Identification Numbers: 7761510840, 7761512555, and 7761513992.

In addition to confirming for the governing board that the required legal notice for this legislative hearing had been mailed, published, and posted on the real property at issue with the zoning map amendment application, Community Development Director Trevor Nuttall utilized a slide show to present the planning staff's analysis of the application. This analysis included the following information:

1. A portion of the Applicants' property (1420 East Salisbury Street and the northern portion of 1352 East Salisbury Street) is located inside the city limits.

2. East Salisbury Street is a state-maintained minor thoroughfare. Patton Avenue is a state maintained road.

3. The OA6 zoning district is described as "intended to produce moderate intensity office and residential development to serve adjacent residential areas

and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged." The I2 description is "to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts."

4. The site plan shows the following:

   (a) On the property located at 1420 East Salisbury Street, which was previously rezoned to an I2 (CZ) conditional general industrial district to allow for motor vehicle repair-major and rental/sales of domestic motor vehicles, the site plan is proposing an additional driveway to this property along Patton Avenue, landscaping changes, and the elimination of dumpster screening;

   (b) On the property located at 342 Patton Avenue, which is currently zoned R10 and for which OA6 (CZ) office-apartment conditional zoning is requested, the Applicants propose converting the existing residential dwelling into a business, personal, and/or professional services use; and

   (c) On the property located at 1352 East Salisbury Street (west of Patton Avenue), the Applicants are proposing to rezone the property from OA6 to OA6 (CZ) to allow the conversion of the existing residential dwelling to a business, personal, and/or professional services use as well as an overflow parking area associated with the Applicants' business at 1420 East Salisbury Street. The planning staff noted that while business, professional, and personal services are all permitted by right within the existing OA6 district, parking and vehicle storage associated with major automobile repair and rental/sales of domestic motor vehicles would not be permitted in a general OA6 district.

5. The pavement width of Patton Avenue is 15 to 16 feet in front of the property. The North Carolina Department of Transportation has indicated that improvements to Patton Avenue and/or additional right-of-way for Patton Avenue may be required.

6. The parking location for the proposed office uses at 1352 East Salisbury Street is marginally divergent from the typical ordinance requirement due to its location within the front yard setback. Conditions have been proposed by the planning staff to address this deviation.

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

Proposed Land Use Designation:	Urban Residential and Office – Institutional
Small Area Plan:	Central
Growth Strategy Map Designation:	Primary Growth (inside city limits) / Adjacent Developed (outside city limits)

LDP Goals/Policies Which Support the Request:

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map (except as stated below).

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance *(Article 200, Section 210, Schedule of Statements of Intent)* (except for 342 Patton Avenue)

2.1.3: The city will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial / commercial and low-intensity residential uses (related to the property at 342 Patton Avenue).

LDP Goals/Policies Which Do Not Support the Request:

Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map (relates to having a supportive use typically associated with an I1 or I2 zoning district in a proposed OA6 (CZ) district, located at 1420 East Salisbury Street).

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance *(Article 200, Section 210, Schedule of Statements of Intent)* (342 Patton Avenue).

As part of its analysis, the city planning staff also offered suggested conditions believed to be necessary to ensure Land Development Plan consistency and general conformity with city codes.

Suggested Conditions from Planning Staff

(A) The land uses approved shall be as follows:

(i) 1420 East Salisbury Street: Motor vehicle repair (major) and rental/sales of domestic motor vehicles;

(ii) 1352 East Salisbury Street: Business services, personal services, and/or professional services, and overflow parking for motor vehicle repair (major) and rental/sales of domestic motor vehicles located at 1420 East Salisbury Street as well as parking for 342 Patton Avenue; and

(iii) 342 Patton Avenue: Business services, personal Services, and/or professional services.

(B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and the approved site plan.

(C) All current zoning conditions and site improvement requirements that apply to 1420 East Salisbury Street shall remain in effect except that a new driveway shall be permitted to Patton Avenue if allowed by the North Carolina Department of Transportation ("NCDOT") and that no protective yard shall be required between 1420 East Salisbury Street and 342 Patton Avenue.

(D) In addition to front yard landscaping, a row of evergreen shrubs, 5' on center, shall be installed between the parking area and the right-of-way serving the structure at 1352 East Salisbury Street.

(E) All front yard landscaping, building and parking area separation, and parking/maneuvering areas shall, at minimum, comply with the city's zoning standards.

(F) In the event a dumpster, new lighting, or mechanical equipment is proposed, plans shall be submitted to the City of Asheboro Planning Department for review of code compliance and inclusion in the file without further review by the city council.

(G) A 6' tall opaque privacy fence shall be allowed to be substituted for the privacy landscaping adjacent to the Cranford property.

(H) The Applicant shall ensure compliance with all applicable NCDOT, North Carolina Department of Environmental Quality, and North Carolina Building Code rules and regulations as part of the proposed project.

(I) Prior to the issuance of a Zoning Compliance Permit for the proposed land use(s), the owners of the Zoning Lot shall properly execute and deliver to the zoning administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this conditional zoning in the chain of title for the Zoning Lot.

During the legislative hearing, a point of discussion emerged about the fact that the parking arrangements for the land uses on different parcels of land are integrated and a difficulty could arise if the common ownership of the parcels is severed at a future date. In order to address this concern, Community Development Director Nuttall suggested, and the Applicants consented to the suggestion, to add a condition that, at the zoning compliance permit stage, a note shall be added to the approved site plan whereby the property owners acknowledge that the approved parking arrangement for the land uses on the different parcels or tracts of land is integrated (*i.e.,* tied together) and any severance in the common ownership of the parcels or tracts of land will require an active inquiry as to whether the use(s) proposed for the land in question after the severance of common ownership will comply with the city zoning ordinance's parking regulations or will be deemed to be nonconforming and subject to an enforcement action.

The City of Asheboro Planning Board considered the requested rezoning and recommended approval of the Applicants' conditional zoning application. In making this recommendation, the planning board concurred with the following city planning staff analysis of the consistency of the proposed map amendments with the adopted comprehensive plans as well as the reasonableness of the proposal.

> Given the existing I2 (CZ) district for the automotive uses located at 1420 East Salisbury Street, the request for a new I2 (CZ) district to allow a secondary driveway and change the buffering requirement against the structure at 342 Patton Avenue, which is now owned by the Applicants, is reasonable.
>
> The transitional nature of the area and mixture of current uses in the vicinity lends validity to an OA6 (CZ) district for the offices and parking/storage lot uses, provided adequate landscaping and screening is installed and appropriate conditions established to ensure compatibility with adjoining properties and consistency with the Land Development Plan.

In response to Mayor Smith inviting comments from the public, H.R. Gallimore, who is a real estate broker, presented comments in support of the rezoning application. In contrast, Kevin Price discussed his traffic safety concerns that were focused on the difficulty encountered by motor vehicles attempting to use the narrow pavement currently found on Patton Avenue. When no other comments were offered by meeting attendees, Mayor Smith transitioned to the deliberative phase of the process.

After engaging in deliberations about the zoning map amendment application, Council Member Bell moved, and Council Member Burks seconded the motion, to adopt the plan consistency statement printed below and to approve the requested conditional zoning with the following two-part motion.

1. Given the existing I2 (CZ) district for the automotive uses located at 1420 East Salisbury Street, the request for an amended I2 (CZ) district to allow a secondary driveway and to change the buffering requirement against the structure at 342 Patton Avenue, which is now owned by the Applicants, is

reasonable. Furthermore, in addition to residential land uses in the area, the Asheboro Mall is located to the east of the Applicants' property, and an office is located to the west, adjacent to 1352 East Salisbury Street. The transitional nature of the area and the mixture of current uses in the vicinity lends validity to an OA6 (CZ) district for the offices and parking/storage lot uses. However, the validity of the request is contingent on the installation of adequate landscaping and screening in conjunction with appropriate conditions to ensure compatibility with adjoining properties and consistency with the Land Development Plan. When viewed in total, the application is generally consistent with the Land Development Plan and is reasonable and in the public's interest.

2. In light of the above-stated analysis, the above-described zoning ordinance map amendment application seeking conditional zoning for the identified parcels or tracts of land is approved; provided, however this approval is conditioned upon the Applicants accepting and agreeing to the above-printed conditions recommended by the city planning staff for attachment to the approved conditional zoning ordinance, specifically including the integrated parking acknowledgment condition added during the legislative hearing.

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

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

6. <u>Case No. SUB-22-04</u>: Subdivision Sketch Design Review for Estates of Cedar Falls, Phase 3

Community Development Director Trevor Nuttall presented the planning staff's analysis of the sketch design for the Estates of Cedar Falls, Phase 3 subdivision. This subdivision is located along the east side of 2513 Old Cedar Falls Road, Asheboro, North Carolina 27203. This subdivision phase consists of approximately 13.36 acres out of a total of approximately 56.73 acres. Phase 3 is a portion of a parcel of land identified by Randolph County Parcel Identification Number 7762369298.

Brian Thomas, who is the applicant, has requested the approval of a sketch design that shows 38 lots. The property to be subdivided is currently undeveloped and is subject to R10 zoning.

During his presentation, Mr. Nuttall noted the following information.

(a) The sketch design shows a conventional subdivision. While the subdivision ordinance encourages sidewalks, they are not required in a development that is not a planned unit development.

(b) Unlike the planned unit development previously approved to the west of the subject property, a conventional residential subdivision is permitted by right in a residential zoning district, subject to meeting the requirements of the subdivision ordinance.

(c) Access to this subdivision is proposed via the street connection provided in the adjoining Phase 1. The development does not include a connection to the previously approved Thomas Estates Planned Unit Development or a separate connection Old Cedar Falls Road.

The Planning staff and planning board recommended approval of the sketch design with the following comments:

1. The development layout implements the proposal made to the city council with Phases 1 and 2 regarding the provision of access to the adjoining property to the north. No future access to the adjoining property to the east is shown. The

applicant has indicated that projected site grading and topography make such a connection impractical. Generally, the city looks for access to be provided to adjacent properties where future development could occur.

2. Certain provisions of the North Carolina Fire Code can seek to limit development with only one fire apparatus access road to less than 100 dwellings. In this instance, that provision is not applicable due to the review and approval process utilized for this subdivision. The layout as proposed complies with fire apparatus access road requirements.
3. The North Carolina Department of Transportation has indicated that the location of the drive for the site may need to be adjusted and/or clearing of dedicated right-of-way may be needed to obtain a minimum sight distance. Roadway improvements may be required.
4. Fire hydrant locations will need to be approved by the fire department with the preliminary plat.

After discussion, a consensus emerged among the governing board members to concur with the staff and planning board recommendations. Council Member Moffitt moved, and Council Member Heath seconded the motion, to approve, with the above-stated comments, the submitted subdivision sketch design plat. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

7. Update on Community Development Division Projects

(a) Industrial Park Avenue Sidewalk Improvements Project

Community Development Director Trevor Nuttall reported that all of the bids received to perform the work specified for the Industrial Park Avenue Sidewalk Improvements Project exceeded the amount of funding budgeted for the project. Consequently, Mr. Nuttall recommended that the council reject all of the bids received for the project.

Council Member Moffitt moved, and Council Member Burks seconded the motion, to reject all bids received. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(b) Grant Funding for the David and Pauline Jarrell Center City Garden

Mr. Nuttall reported that work will begin soon with the Piedmont Regional Triad Council to secure grant funding for the David and Pauline Jarrell Center City Garden. A community work day will be scheduled during the fall months in order to engage citizens regarding the plans for the project. In the meantime, steps will be taken in order to secure grant funding for the project's development.

No action was requested of the council during this agenda item, and none was taken.

8. Engineering Department Update

(a) Airport Lighting Rehabilitation Project

City Engineer Michael Leonard, PE reported that the lighting on the northern portion of the taxiway has been completed, while completion of the southern taxiway will be completed soon. The installation of the lights on the runway is scheduled to be completed in August 2022.

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

The slide show presentation utilized by Mr. Leonard is on file in the city clerk's office.

(b) Zoo City Sportsplex Project

(i) Change Order Number 5 with Terry's Plumbing and Utilities, Inc.

Mr. Leonard recommended council approval of Change Order Number 5 with Terry's Plumbing and Utilities, Inc. for the Zoo City Sportsplex Sitework Project. The original contract price was $3,700,315.00. Previous change orders adjusted the price to $6,950,371.54. The contract price due to change order number 5 will be increased by $2,674,019.00 with a new contract price of $9,624,390.54. The purpose of the change order is to allow for additional rock removal, building C, paving, and additional services. The work is anticipated to be completed by August 30, 2023.

Council Member Moffitt moved, and Council Member Swiers seconded the motion to approve the above-referenced change order number 5 with Terry's Plumbing and Utilities, Inc. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(ii) A Budgetary Amendment to Account for Change Order No. 5

Finance Director Deborah Reaves presented and recommended adoption, by reference, of an ordinance to amend the Zoo City Sportsplex Fund. The ordinance recommended for approval is printed below.

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

40 ORD 7-22

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

WHEREAS, the scope of work in change order #5 to the Zoo City Sportsplex contract with Terry's Plumbing & Utilities Inc. is for Terry's Plumbing and Utilities to remove additional rock in the amount of approximately $941K, build "Building C" concession stand in the amount of approximately $533K and additional site work including but not limited to temporary seeding of fields 5-8, concrete work, asphalt work, clearing, fencing, entrance gates, retaining wall, and drainage pipe installation.

WHEREAS, in the 2022-2023 adopted General Fund budget, funding for this phase of work has already been approved.

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

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

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

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

Account #	Expense Description	Increase
74-000-370.0000-74	Contribution from General Fund	$2,674,019

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

Account #	Expense Description	Increase
74-000-400.9001.74	Construction	2,674,019

Adopted this 14th day of July, 2022.

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

ATTEST:

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

(c) Proposed Intersection Improvements for Dixon Avenue and Dixon Street

Mr. Leonard presented a map of proposed intersection improvements for Dixon Avenue and Dixon Street. The improvements include the installation of stop bars and stop signs in order to convert this intersection into a stop intersection from all directions of travel.

The general consensus of the council members was to proceed with the implementation of the recommendations presented by the city engineer. An ordinance to create a stop intersection at this location will be presented for council action at the governing board's next regular meeting.

(d) Proposed Road Closure at the Eastern Terminus of West Pritchard Street

Prior to the discussion of the above-listed meeting agenda item, due to her family having a property interest in real property located at the eastern terminus of West Pritchard Street, Council Member Redding asked to be excused from any deliberation and council action pertaining to this agenda item. Council Member Heath moved, and Council Member Burks seconded the motion, to excuse Council Member Redding from participating in governing board discussions and actions concerning the potential road closure at the eastern terminus of West Pritchard Street. Council Members Bell, Burks, Heath, McCaskill, Moffitt, and Swiers voted aye. There were no dissenting votes.

Mr. Leonard then presented a proposal for a road closure at the eastern terminus of West Pritchard Street. The general consensus of the council members was to move forward with the procedural steps necessary to hold a hearing on the proposed closure of the eastern terminus of West Pritchard Street. Upon the completion of the needed plat of survey, legal instruments to implement the road closure process will be presented to the governing board in order to hold the appropriate hearing on the question.

(e) Proposed No Parking Zone on West Kivett Street

Mr. Leonard presented a map showing the proposed prohibition of on-street parking on both sides of West Kivett Street between South Church Street and South Park Street. During discussion, the council members concluded that on-street parking in the described area created a safety hazard.

Council Member Bell moved, and Council Member Burks seconded the motion, to direct city staff to draft an ordinance prohibiting on-street parking on both sides of West Kivett Street between South Church Street and South Park Street. Council

Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(f) Proposed No Parking Zone on East Kivett Street

Mr. Leonard presented a map showing the proposed prohibition of on-street parking on both sides of East Kivett Street between South Cox Street and South Main Street. During discussion, the council members concluded that on-street parking in the described area created a safety hazard.

Council Member Redding moved, and Council Member Heath seconded the motion, to direct city staff to draft an ordinance prohibiting on-street parking on both sides of East Kivett Street between South Cox Street and South Main Street. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

9. Annexation Petitions

(a) Approximately Seven Acres of Land at 923 Meadowbrook Road

Mr. Leonard provided an overview of the annexation petition submitted by Fatima Lazaro Espinoza. This petition pertains to approximately 7.071 acres of land owned by Mr. Espinoza at 923 Meadowbrook Road.

After reviewing the information provided by city staff, Council Member Bell moved, and Council Member Swiers seconded the motion, to approve/adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

RESOLUTION NUMBER 19 RES 7-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF AN ANNEXATION PETITION SUBMITTED FOR LAND AT 923 MEADOWBROOK ROAD

WHEREAS, Fatima Lazaro Espinoza has submitted a petition requesting the annexation into Asheboro of approximately 7.071 acres of land that he owns at 923 Meadowbrook Road, Asheboro, North Carolina 27203; and

WHEREAS, the petitioner's land is contiguous to Asheboro's primary city limits; and

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

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

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

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on July 14, 2022.

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

ATTEST:

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

In anticipation of the council's above-stated action, the city clerk's office conducted an investigation of the annexation petition in advance of the council meeting and prepared the following certificate for the council's review.

CERTIFICATE OF SUFFICIENCY
(Annexation Petition Submitted for Approximately 7.071 Acres of Land at 923 Meadowbrook Road)

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

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

The Petitioner has requested the annexation into Asheboro of approximately 7.071 acres of land that he owns at 923 Meadowbrook Road. The proposed annexation area is contiguous to the primary corporate limits of the City of Asheboro.

On the basis of my investigation, I have concluded that all of the owners of land lying within the annexation area have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the General Statutes of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of July 14, 2022.

(CITY SEAL)

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

In light of the preceding council action and the submittal of the certification from the office of the city clerk, Mr. Leonard then recommended adoption of a resolution setting the date for a public hearing on the question of the requested annexation. Council Member Bell moved, and Council Member Burks seconded the motion, to adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

RESOLUTION NUMBER 20 RES 7-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF THE REQUESTED ANNEXATION OF APPROXIMATELY 7.071 ACRES OF LAND AT 923 MEADOWBROOK ROAD

WHEREAS, Fatima Lazaro Espinoza has submitted a petition requesting the annexation into Asheboro of approximately 7.071 acres of land that he owns at 923 Meadowbrook Road, Asheboro, North Carolina 27203; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that a public hearing on the question of annexing the territory shown on the plat attached to this Resolution as EXHIBIT 1 will be held in the council chamber on the second floor of Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on August 4, 2022; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that notice of the public hearing scheduled pursuant to this Resolution shall be published in *The Courier-Tribune*, which is a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on July 14, 2022.

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

ATTEST:

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

[EXHIBIT 1, which is referenced in the immediately preceding resolution, is on file in the city clerk's office.]

(b) Approximately Twenty Acres in the Timber Ridge Subdivision along East Allred Street

Mr. Leonard provided an overview of the annexation petition submitted by McDowell Timber Company. This petition pertains to approximately 20.418 acres of land along East Allred Street.

After reviewing the information provided by city staff, Council Member Heath moved, and Council Member Bell seconded the motion, to approve/adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

RESOLUTION NUMBER 21 RES 7-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF AN ANNEXATION PETITION SUBMITTED FOR APPROXIMATELY 20.418 ACRES OF LAND

WHEREAS, McDowell Timber Company, a North Carolina general partnership, has submitted a petition requesting the annexation into Asheboro of approximately 20.418 acres of land owned by the general partnership along East Allred Street (this land is identified by Randolph County Parcel Identification Number 7762401107); and

WHEREAS, the petitioner's land is contiguous to Asheboro's primary city limits; and

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

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

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

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on July 14, 2022.

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

ATTEST:

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

In anticipation of the council's above-stated action, the city clerk's office conducted an investigation of the annexation petition in advance of the meeting and prepared the following certificate for the council's review.

CERTIFICATE OF SUFFICIENCY
(Annexation Petition Submitted for Approximately 20.418 Acres of Land Located along East Allred Street)

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

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petition submitted by McDowell Timber Company, a North Carolina general partnership, (the "Petitioner"). I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petition.

The Petitioner has requested the annexation into Asheboro of approximately 20.418 acres of land owned by the general partnership along East Allred Street (this land is identified by Randolph County Parcel Identification Number 7762401107). The proposed annexation area is contiguous to the primary corporate limits of the City of Asheboro.

On the basis of my investigation, I have concluded that all of the owners of land lying within the annexation area have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the General Statutes of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of July 14, 2022.

(CITY SEAL)

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

In light of the preceding council action and the submittal of the certification from the office of the city clerk, Mr. Leonard then recommended adoption of a resolution setting the date of the public hearing on the question of the requested annexation. Council Member Bell moved, and Council Member Burks seconded the motion, to adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

RESOLUTION NUMBER 22 RES 7-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF THE REQUESTED ANNEXATION OF APPROXIMATELY 20.418 ACRES OF LAND LOCATED ALONG EAST ALLRED STREET

WHEREAS, McDowell Timber Company, a North Carolina general partnership, has submitted a petition requesting the annexation into Asheboro of approximately 20.418 acres of land owned by the general partnership along East Allred Street (this land is identified by Randolph County Parcel Identification Number 7762401107); and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that a public hearing on the question of annexing the territory shown on the plat attached to this Resolution as EXHIBIT A will be held in the council chamber on the second floor of Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on August 4, 2022; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that notice of the public hearing scheduled pursuant to this Resolution shall be published in *The Courier-Tribune*, which is a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on July 14, 2022.

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

ATTEST:

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

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

10. Council Action on Permitting and Compliance Issues

(a) Quasi-judicial Hearing on a Pawnbroker License Application

Mayor Smith opened the quasi-judicial hearing on a pawnbroker license application submitted by Ronald R. Autry, Inc. d/b/a The Pawn Shack. City Attorney Jeff Sugg presented the application submitted by Mr. Ronald Autry, who is the president of Ronald R. Autry, Inc. The proposed location for The Pawn Shack is 532 South Fayetteville Street in Asheboro.

Sworn testimony was given by Mr. Ronald Autry, Community Development Director Trevor Nuttall, and Police Captain Charles Wagner. No evidence was presented in opposition to the requested pawnbroker license.

After considering the evidence, the council members formed a consensus opinion that the applicant is suitable to hold a pawnbroker license and that 532 South Fayetteville Street is a suitable location for the pawnbroker business. Consequently, Council Member Bell moved, and Council Member Redding seconded the motion, to approve the pawnbroker license sought by Ronald R. Autry, Inc. d/b/a The Pawn Shack. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(b) Resolution Adopting a Policy for the Prequalification of Bidders for Construction Projects

Mr. Sugg presented the proposed City of Asheboro Policy for the Prequalification of Bidders for Construction Projects. At the conclusion of his presentation, Mr. Sugg recommended the adoption of the proposed policy by means of approving the resolution printed below.

In response, Council Member Burks moved, and Council Member Heath seconded the motion, to approve the following resolution. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes

RESOLUTION NUMBER 23 RES 7-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION ADOPTING THE CITY OF ASHEBORO POLICY FOR THE PREQUALIFICATION OF BIDDERS FOR CONSTRUCTION PROJECTS

WHEREAS, Section 143-128.1(c) of the North Carolina General Statutes directs a construction manager at risk to use the prequalification process established by the city in accordance with G.S. 143-135.8; and

WHEREAS, Section 143-135.8(b)(2) of the North Carolina General Statutes provides that the city may use the prequalification process for a particular project when the city council "adopts an objective prequalification policy applicable to all construction or repair work . . ." bid under the separate-prime, single-prime, or dual bidding methods as well as for the selection of first-tier subcontractors utilized on construction manager at risk projects; and

WHEREAS, a policy for the prequalification of bidders for construction projects has been prepared by city staff and attached to this Resolution; and

WHEREAS, the Asheboro City Council concurs with the city staff's recommendation to adopt the City of Asheboro Policy for the Prequalification of Bidders for Construction

Projects that is attached hereto as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective immediately, the attached City of Asheboro Policy for the Prequalification of Bidders for Construction Projects is hereby adopted.

This Resolution was approved by the Asheboro City Council in open session during a regular meeting on July 14, 2022.

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

ATTEST:

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

EXHIBIT 1

CITY OF ASHEBORO POLICY FOR THE PREQUALIFICATION OF BIDDERS FOR CONSTRUCTION PROJECTS

ARTICLE I – PURPOSE

Section 1.01: The purpose of this prequalification process is to impartially evaluate a contractor and to properly determine by evaluating the contractor's responsible business practices, work experience, workforce, and equipment whether the contractor is qualified to bid on a construction project. This process is also applicable to contracts awarded to first-tier subcontractors by a Construction Manager at Risk as part of a construction management at risk ("CM at Risk") project. The award of contracts should be the result of open competition in bidding, impartiality in the selection of contractors, integrity in business practices, and the skillful and safe performance of public contracts.

Section 1.02: Unless an undertaking is a CM at Risk project, the Bid Agent shall be responsible for prequalifying individual contractors to bid on construction projects when the city believes prequalification is preferred. Prequalification is limited to construction or repair projects (regardless of cost) that are bid under the separate-prime (multi-prime), single-prime, or dual bidding methods. A bidder shall be deemed nonresponsive if it submits a bid on a construction project subject to prequalification for which the bidder has not been accepted for prequalification in accordance with this policy.

Section 1.03: Prequalification is prohibited for contracts for architectural, engineering, surveying, construction management at risk services, design-build services, and public-private partnership construction services.

Section 1.04: The Construction Manager at Risk shall use the process outlined in this policy for the prequalification of contractors on CM at Risk projects. The Construction Manager and the city shall jointly develop the assessment tool and criteria for each CM at Risk project, including the prequalification scoring values and the minimum required score for prequalification on a specific project.

Section 1.05: Notwithstanding the fact that a contractor has been prequalified, the city reserves the right to reject a contractor's bid if it is determined that the contractor has not submitted the lowest responsible and responsive bid. The prequalification of the contractor shall not preclude the city from subsequently concluding that the contractor is not a responsible

bidder. The prequalification of a contractor for a project shall only apply to the individual project. All construction and repair contracts shall be awarded to the lowest responsive and responsible bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract.

ARTICLE II – SCOPE OF POLICY

Section 2.01: This policy applies to all City of Asheboro divisions and departments.

ARTICLE III – DEFINITIONS

Section 3.01: Bid Agent – The person designated by the city as having the responsibility to prepare the request for qualification, the bid documents, and the contract documents; the advertisement for bids and proposals; and the opening of bids for contracts. The Bid Agent may be a professional services consultant retained by the city under an approved contract or a city engineer or designee.

Section 3.02: Project Manager – The city employee, usually a division or department head, designated by the city manager as responsible for managing a construction, repair, or purchasing project. The Project Manager shall represent the city in matters relating to the project.

Section 3.03: Construction Manager at Risk – A person, corporation, or entity that provides construction management at risk services. The Construction Manager at Risk may also be referred to as the Construction Manager.

Section 3.04: Prequalification – A process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary for the faithful performance of a construction or repair work contract.

ARTICLE IV – PREQUALIFICATION PROCESS

Section 4.01: Each prospective bidder on contracts identified for prequalification by the Bid Agent, in addition to each prospective first-tier subcontractor on all CM at Risk projects, shall submit an application on an approved prequalification application form in order to become prequalified.

Section 4.02: The approved prequalification application form will require the submittal of information on the ownership of the firm, the experience of the firm's personnel, any affiliations with other construction firms, bonding capacity, financial resources, the type of work performed by the firm, and other objective criteria rationally related to the particular contract to be awarded.

Section 4.03: The Bid Agent shall ensure that applications prepared for a project comply with North Carolina law in general and this policy in particular. The application is to be submitted by the deadline established in the notice of prequalification utilized for a specific project. The single act of submitting the application does not permit the firm to submit a bid. Incomplete applications will be rejected or returned for further detail or correction in the sole discretion of the city.

ARTICLE V – ITEMS, AT A MINIMUM, TO BE ADDRESSED AS PART OF THE APPLICATION

Section 5.01: Organizational Structure – The applicant shall provide a list of all owners, officers, partners, or individuals authorized to represent or conduct business on behalf of the applicant. This list must include full legal names that are typed or printed in a clear, legible form. Applicants experiencing changes in ownership, organizational structure, or material changes in assets must inform the Bid Agent

prior to the award of a contract. Failure of the applicant to comply with this requirement may result in the termination of any contract awarded by the city.

Section 5.02: Classification – The applicant shall indicate the type(s) of work the applicant's workforce and equipment normally perform, specifically including licensure information.

Section 5.03: Experience – The applicant shall document the applicant's experience with projects of similar size, scope, or complexity that involve the type(s) of work for which prequalification is requested.

Section 5.04: Financial – The applicant shall provide a minimum of either a current full year audited financial statement or an internal balance sheet with income statement or business tax return.

Section 5.05: Litigation/Claims – The applicant shall submit information regarding its litigation history, including litigation with owners and subcontractors.

Section 5.06: Timeliness – The applicant must provide information on its success at completing projects on time, including the payment of liquidated damages.

Section 5.07: Capacity – The applicant shall demonstrate sufficient bonding capacity, insurance, and resources for the project. The applicant must provide relevant information on the personnel that will be directly responsible for the work, including the location of the office that will be primarily responsible for work.

Section 5.08: Safety – The applicant shall demonstrate an acceptable safety history. The applicant must provide copies of any complaints, safety violations, or reports from the North Carolina Qualifications Board, OSHA, North Carolina Department of Labor, or any other regulating agency associated with any construction project.

Section 5.09: Legal Authorization – The applicant must provide a copy of its North Carolina Contractor's License or provide a statement indicating that the applicant will be able to acquire one before submitting a bid on a project. If a statement is required, the applicant shall identify the state(s) in which the applicant is already licensed for the type of work at issue.

ARTICLE VI – REVIEW OF APPLICATION (CITY BID PROJECTS)

Section 6.01: Prequalification Committee – For each project, the Project Manager shall establish a prequalification committee to review and score applications.

Section 6.02: Review of Applications – The prequalification committee shall use an objective assessment process and criteria for the specific project under review. The prequalification criteria shall not require the applicant to have previously been awarded a construction or repair project by the city. The prequalification criteria used by the committee shall include prequalification scoring values and the minimum required score to be prequalified for the project. The prequalification committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.

Section 6.03: Notice of Decision – The applicant shall be promptly notified of the prequalification committee's decision via e-mail and first-class mail. The notification to a contractor determined not to be prequalified shall

include the reason(s) for denial. Notice shall be provided prior to the advertisement of bids for the project and with sufficient time for the applicant to protest the denial of prequalification.

ARTICLE VII – REVIEW OF APPLICATION (CM AT RISK PROJECTS)

Section 7.01: Prequalification Committee – The Construction Manager and the Project Manager shall agree upon the members of the Construction Manager's prequalification committee. The prequalification committee will review prequalification applications and will determine prequalification eligibility for the CM at Risk project.

Section 7.02: Review of Applications – The prequalification committee and the project manager shall agree upon an objective assessment process. The Construction Manager and the Project Manager shall jointly develop the assessment tool and criteria for the specific project, including prequalification scoring values and the minimum required score to be prequalified for the project. The prequalification criteria shall not require the applicant to have previously been awarded a construction or repair project by the Construction Manager or the city. The prequalification committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.

Section 7.03: Notice of Decision – The applicant shall be promptly notified of the prequalification committee's decision via e-mail and first-class mail. The notification to a contractor determined not to be prequalified shall include the reason(s) for denial. Notice shall be provided prior to the advertisement of bids for the project and with sufficient time for the applicant to protest the denial of prequalification.

ARTICLE VIII – PROTEST PROCEDURE

Section 8.01: Protest to the City Public Works Director – An applicant may protest the denial of prequalification. A written protest must be received by the city's public works director, or designee, within five business days of the applicant's receipt of the notice of denial. The written protest shall identify the project and clearly articulate the reason(s) for the protest. The applicant's written protest shall include as attachments any documents or additional information that the applicant wants the public works director to consider in support of the applicant's contentions. The public works director, or designee, will contact the applicant and set up a date and time to discuss the protest. If upon review, the public works director, or designee, determines that the applicant meets the criteria for prequalification, the applicant shall be notified that it is prequalified to bid on the project and allowed to participate in the bid process. If the public works director, or designee, upholds the denial, the applicant shall be notified by email and first-class mail of the confirmation of the denial.

Section 8.02: City Manager Review – If the applicant desires further review after receiving the decision of the public works director, the applicant may request an administrative review and final decision by the city manager, or designee. A written request for administrative review must be received by the city manager, or designee, within five business days of the applicant's receipt of the written decision from the public works director, or designee. The request for administrative review shall identify the project, clearly articulate the reasons for seeking further review, and attach any documents or additional information in support of the applicant's position. The city manager, or designee, will contact the applicant and set up a date and time for the administrative review. If, upon review, the city manager, or designee, determines that the applicant meets the criteria for prequalification, the applicant shall be

notified that it is prequalified to bid on the project and allowed to participate in the bid process. If the city manager, or designee, upholds the denial, the applicant shall be notified of the city manager's decision by e-mail and first-class mail.

Section 8.03: General Rules for Protests – As part of the prequalification application process, each applicant shall be provided with an e-mail address for communication with the public works director in the event a protest process is initiated. The applicant shall provide at least two e-mail addresses for use by the public works director in communicating with the applicant during a protest process. The bid opening for the project cannot occur until the protest process is completed. The project bid opening must be scheduled in order to allow sufficient time for a bidder that is prequalified as a result of a protest to submit a bid on that project.

(c) Policies Required for the Expenditure of Funds from the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Fund

In order to allow more time for staff to refine the referenced policies, City Attorney Jeff Sugg asked for a continuance of the above-referenced item to the council's special meeting on July 26, 2022. In response, Council Member Moffitt moved, and Council Member Burks seconded the motion, to continue the above-referenced item to the council's special meeting on July 26, 2022. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

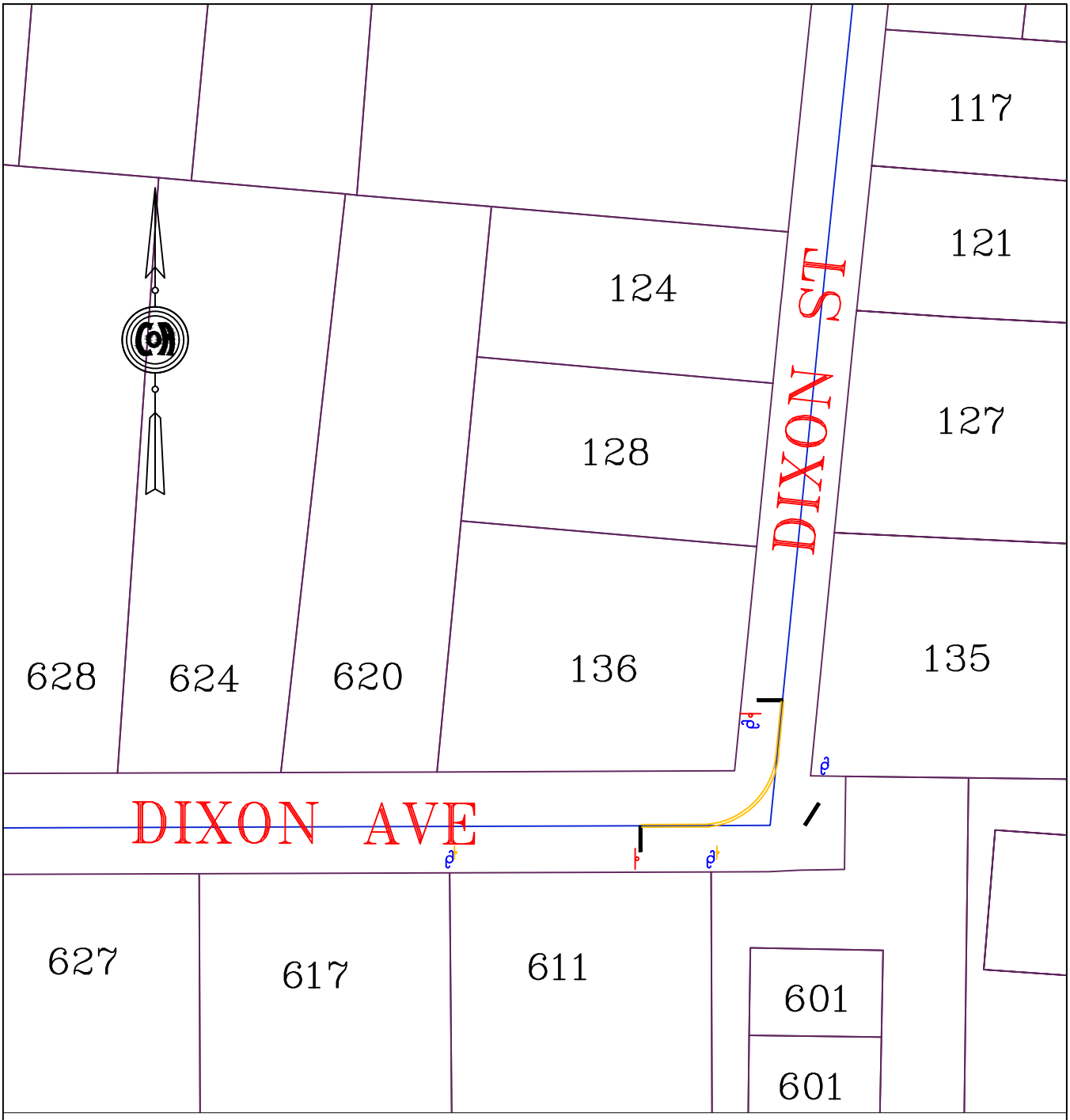
11. Upcoming Events and Items Not on the Agenda

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

There being no further business, the meeting was adjourned at 9:58 p.m.

_____ _____

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



LEGEND

- PROPOSED STOP SIGN
- EXISTING REGULATORY SIGNAGE
- EXISTING UTILITY POLES
- PROPOSED STOP BARS

CITY OF ASHEBORO
ENGINEERING DEPARTMENT
146 NORTH CHURCH STREET
ASHEBORO, NORTH CAROLINA

Scale 1" = 60'
Date: 7-8-2022
Job #: 22015

PROPOSED INTERSECTION IMPROVEMENTS

Intersection of Dixon St & Dixon Ave Asheboro, NC

LEGEND

- PROPOSED STOP SIGN
- EXISTING REGULATORY SIGNAGE
- EXISTING UTILITY POLES
- PROPOSED STOP BARS

CITY OF ASHEBORO
ENGINEERING DEPARTMENT
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Scale 1" = 60'
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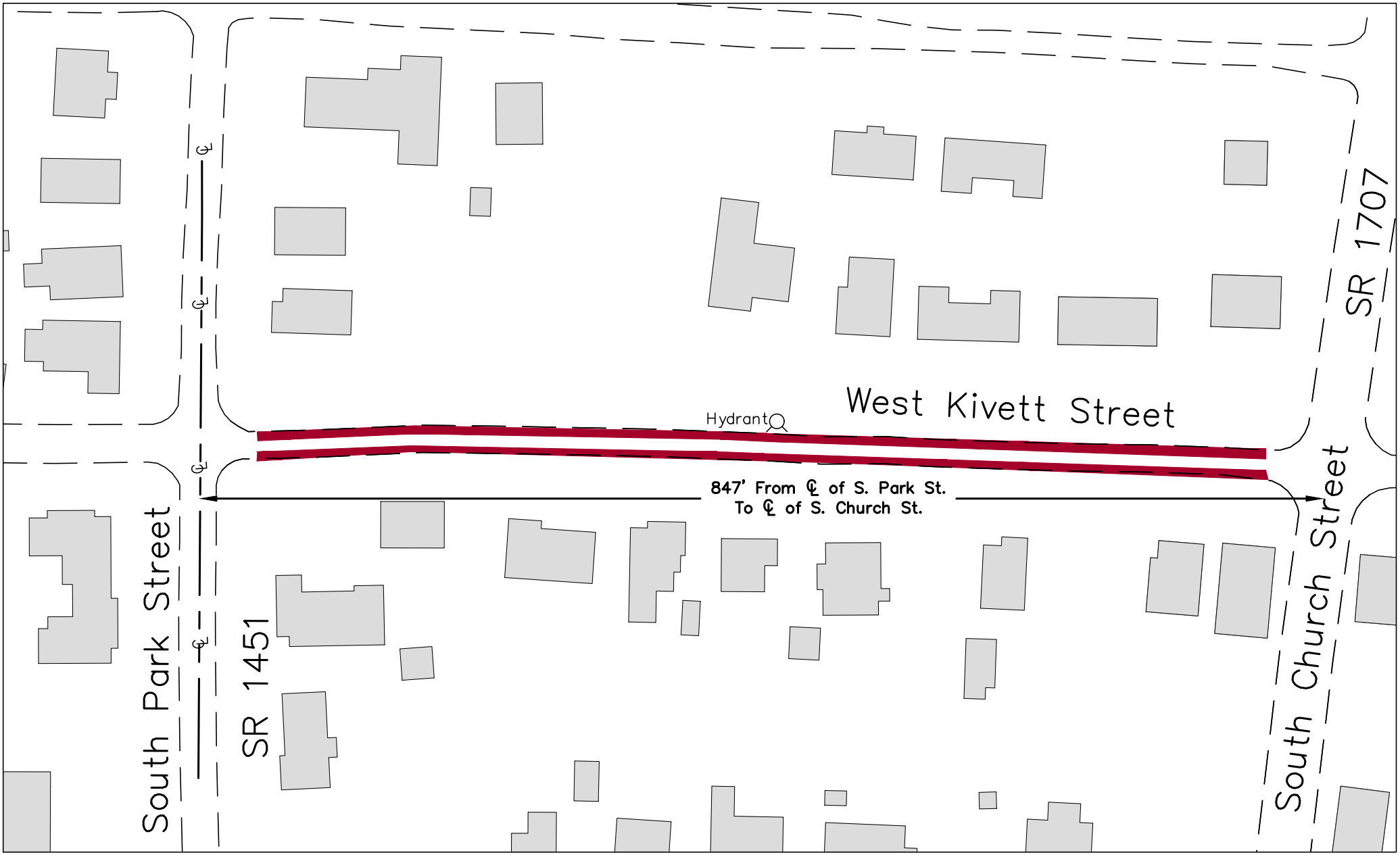
PROPOSED INTERSECTION IMPROVEMENTS

Intersection of Dixon St & Dixon Ave Asheboro, NC



No Parking Designation For West Kivett Street

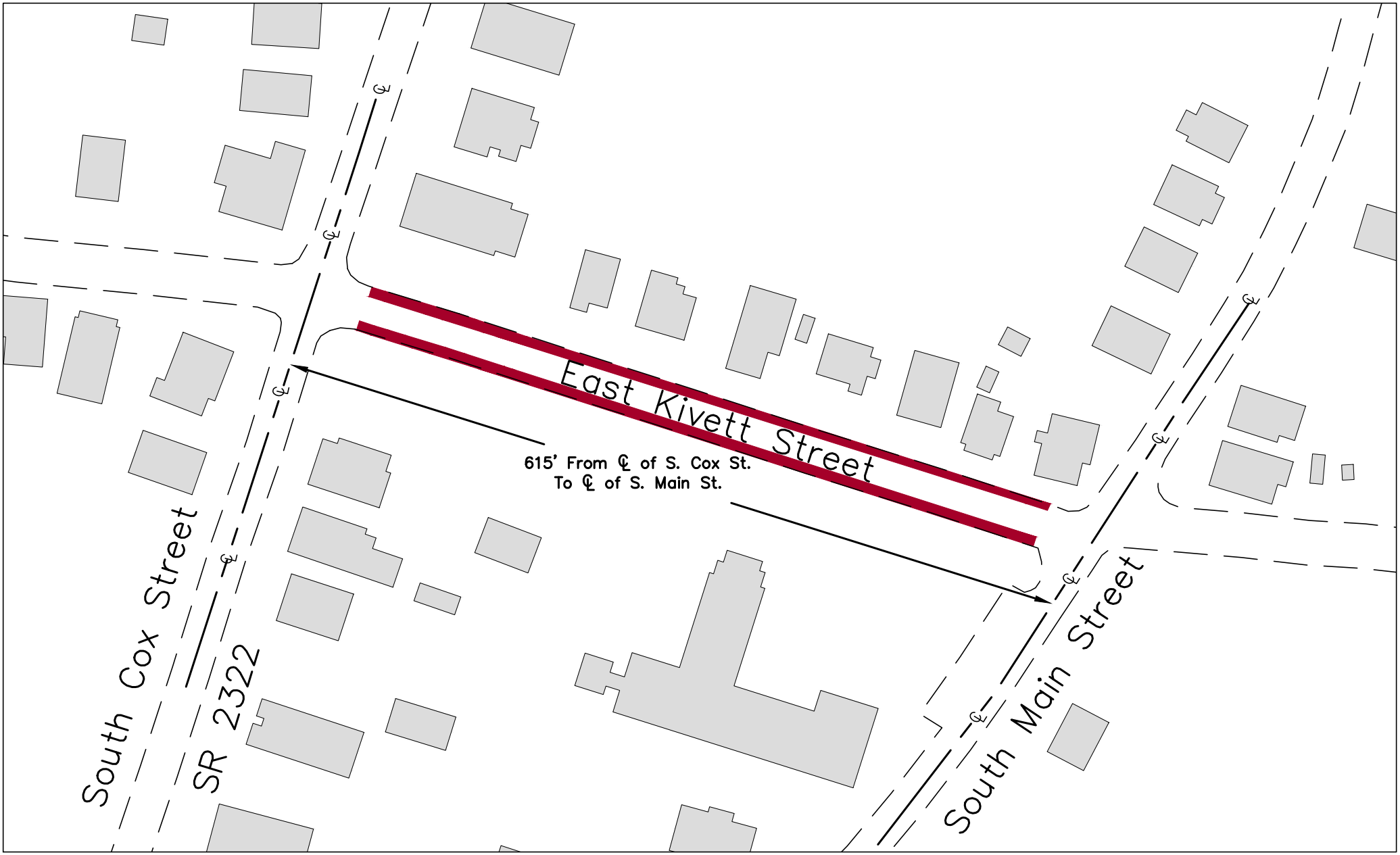
City of Asheboro, North Carolina

Drawing By City of Asheboro Engineering Dept.

July, 2022 Scale 1" = 100'

No Parking

RGM
07033



No Parking Designation For East Kivett Street

City of Asheboro, North Carolina

Drawing By City of Asheboro Engineering Dept.

July, 2022 Scale 1" = 100'

No Parking

RGM
07033

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

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

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

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

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

WHEREAS, pursuant to Asheboro City Council Resolution Number 18 RES 7-22, which was adopted on July 14, 2022, the Asheboro City Council has authorized all sales of surplus city-owned personal property by electronic public auction to be advertised by electronic means only.

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

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

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the terms and conditions of the online sales conducted by means of GovDeals.com shall be as stated in the attached EXHIBIT 2, which is incorporated into this

Resolution by reference as if copied fully herein, with the winning bidder paying a 12.50% Buyers Premium, and no fee chargeable to the City of Asheboro; and

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

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

_____

David H. Smith, Mayor

ATTEST:

_____

Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

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

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

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

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

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

EXHIBIT 2

City of Asheboro

Asheboro, North Carolina

Online Sales - Terms and Conditions

All bidders and other participants of this service agree they have read and fully understand these terms and agree to be bound thereby.

Guaranty Waiver. All assets are offered for sale **"AS IS, WHERE IS."** City of Asheboro **(Seller)** makes no warranty, guaranty or representation any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to ar payment for loss of profit or any other money damages – special, direct, indirect or consequential.

Description Warranty. Seller warrants to the Buyer the property offered for sale will conform to its description. Any claim for misdescription must b made prior to removal of the property. If **Seller** confirms the property does not conform to the description, **Seller** will keep the property and refund ar money paid. The liability of the **Seller** shall not exceed the actual purchase price of the property. Please note upon removal of the property, **all sal are final.**

Personal and property risk. Persons attending during exhibition, sale or removal of goods assume all risks of damage of or loss to person an property and specifically release the seller and **GovDeals** from liability therefore.

Inspection. Most assets offered for sale are used and may contain defects not immediately detectable. Bidders may inspect the property prior to bidding. Bidders must adhere to the inspection dates and times indicated in the asset description. See special instructions on each asset page for inspection details.

Consideration of Bid. Seller reserves the right to reject any and all bids and to withdraw from sale any of the assets listed.

Buyer's Certificate. Successful bidders will receive a Buyer's Certificate by email from **GovDeals**.

Buyers Premium. If a Buyers Premium is shown on the auction page bidder box, then that amount (expressed as a percentage of the fina selling price) will be added to the final selling price of all items in addition to any taxes imposed.

Payment. Payment in full is due not later than **5 business days** from the time and date of the Buyers Certificate. Payment must be made electronically through the GovDeals Website. Acceptable forms of payment are:

- PayPal
- Wire Transfer
- Visa
- MasterCard
- American Express
- Discover

PayPal and Credit Card purchases are limited to below $5,000.00. If the winning bid plus applicable taxes, if any indicated, and the buyer's premium, equals more than $4,999.99, PayPal and Credit Cards may not be used. If Wire Transfer is chosen, a Wire Transfer Transaction Summary page will provide payment and account information. The Wire Transfer must be completed within 5 days.

Removal. All assets must be removed within **ten (10) business days** from the time and date of issuance of the Buyer's Certificate. Purchases will be released only upon receipt of payment as specified. Successful bidders are responsible for loading and removal of any and all property awarded to them from the place where the property is located as indicated on the website and in the Buyer's Certificate. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will **Seller** assume responsibility for packing, loading or shipping. See instructions on each asset page for removal details. A daily storage fee of $10.00 may be charged for any item not removed within the ten (10) business days allowed and stated on the Buyer's Certificate.

Vehicle Titles. Seller will issue a title or certificate upon receipt of payment. Titles may be subject to restrictions as indicated in the asset description on the website.

Default. Default shall include (1) failure to observe these terms and conditions; (2) failure to make good and timely payment; or (3) failure to remove all assets within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until the default has been cured. If the Buyer fails in the performance of their obligations, **Seller** may exercise such rights and may pursue such remedies as are provided by law. **Seller** reserves the right to reclaim and resell all items not removed by the specified removal date.

Acceptance of Terms and Conditions. By submitting a bid, the bidder agrees they have read, fully understand and accept these Terms and Conditions, and agree to pay for and remove the property, by the dates and times specified. These Terms and Conditions are displayed at the top of each page of each asset listed on **GovDeals**. Special Instructions appearing on the asset page will override certain sections of the terms and conditions.

State/Local Sales and/or Use Tax. Buyers may be subject to payment of State and/or local sales and/or use tax. Buyers are responsible for contacti seller or the appropriate tax office, completing any forms and paying any taxes that may be imposed.

Sales to Employees. Employees of the **Seller** may NOT bid on the property listed for auction.

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

_____

David H. Smith, Mayor

ATTEST:

_____

Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

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

ARTICLE I – NONDISCRIMINATION POLICY STATEMENT

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

ARTICLE II – GOVERNING STATUTORY & REGULATORY AUTHORITIES

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other

requirement or condition which individuals must meet to be provided any service, financial aid, or other benefit provided under the program;

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

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

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

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

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

ARTICLE IV – REPORTING AND ENFORCEMENT

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

(B) The City of Asheboro will maintain a complaint log and inform the Treasury Department of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency) covered by Title VI of the Civil Rights Act of 1964 and implementing regulations. Furthermore, the City will provide, upon request, a list of all such complaint-driven reviews or proceedings, whether pending or completed. The list of reviews or proceedings will include the status/outcomes of each review or proceeding. Similarly, upon request or as directed by Treasury Department guidance in any form, the City

of Asheboro will inform the Treasury Department if the City has received no complaints under Title VI.

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

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

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

PIEDMONT TRIAD REGIONAL COUNCIL
1398 CARROLLTON CROSSING DRIVE
KERNERSVILLE, NC 27284
(336) 904-0300
MATTHEW L. DOLGE • EXECUTIVE DIRECTOR

August 3, 2022

Mr. Trevor Nuttall
Community Development Director
City of Asheboro
146 N. Church Street
Asheboro, NC 27203

Dear Mr. Nuttall:

Thank you for asking the Piedmont Triad Regional Council (PTRC) to assist the City of Asheboro in partnering to fulfil the vision of creating the David and Pauline Jarrell Center City Garden in Asheboro.

SCHEDULE – PTRC in consultation with the City of Asheboro Community Development director, Prospect Landscape Architecture consultant and friends of Center City Garden, proposes to complete up to 5 grant applications between September 2022 and July 2023 in order to identify and obtain resources to implement the Center City Garden Master plan. These services will be provided remotely from our Kernersville office. However, the proposed budget provides for some travel to and from Asheboro as needed for stakeholder meetings or other meetings with the City staff or elected officials. The period of performance for this contract would be from August 2022 to August 2023.

STAFF – Grace Messinger, Water Resources Planner, Danica Heflin, Environmental Programs Coordinator and Jesse Day, Planning Director will be the primary PTRC staff members providing these services. Other PTRC Planning and contract staff may assist as well.

SCOPE OF SERVICES – The following scope of services are proposed for Center City Garden Asheboro

Master Plan/Construction Document Process

The PTRC staff will engage with the current consultant, Jennifer Wager, Prospect Landscape Architecture, to facilitate the ideas and concepts drafted in the Master Plan report in order to achieve realistic design elements that the property can support as well as that can be implemented. Steps necessary to create construction documents will be verified and associated timeline will coordinate to align with grant funding submissions.

Aligning Project Goals to Grant Sources

There are several grant sources that may be suitable for implementing the Center City Garden improvements to enhance community benefit, honor history, improve physical health and provide a natural refuge and stormwater management at the site. It is anticipated that up to 5 grant sources will be applied to within the schedule of work.

The following are potential grant sources to pursue and likely due dates for grants for potential implementation, but others may be pursued.

Potential Grant Sources (not exhaustive)

-NC Land and Water Fund: Due February
-NC Attorney General Environmental Enhancement Grant: Due May
-Federal Land and Water Conservation Fund: Due July
-NCDEQ 319 Grant: Due April
-Urban Agriculture Resilience Program: Due: TBD
-Stanley Smith Horticulture Trust: Due July
-NCDEQ Water Resources Fund: Due December and July
-National Fish and Wildlife Foundation: Due January
-Arts Council and Foundation Grants: Due dates vary by source.

Stakeholder Involvement and Consensus Building

Working with the community is a critical component when implementing the plan recommendations and applying for grants at Center City Garden. Since there is an existing plan, key interviews and consultations with friends of Center City Garden will be utilized to verify grant application elements and consistency with planning efforts to date and in coordination with Prospect Landscape Architecture. Where necessary, additional meetings with the larger community may be used to complete grant requirements and competitiveness.

Environmental Review and Permitting

Evidentiary environmental review may be necessary for particular grant sources using federal funding (e.g. Land and Water Conservation Fund). There may be more detailed review required by biologists, ArcGIS surveys or otherwise in order to submit grant applications. If specialized services are required by the grantor, City Staff will be consulted to see if the scope of environmental review is consistent with the intent of this contract proposal.

Sub-Contracting for Project Design Needs

It is anticipated that sub-contracting services may be necessary to complete the grant applications and these services will be procured competitively by the PTRC using existing uniform guidance procurement rules. A budget of $9,995 is reserved for sub-contracting. If the sub-contract project design needs is less than $9,995, PTRC could use this budget amount to secure additional consulting services related to other specialized services, but will consult with the City of Asheboro prior to doing so.

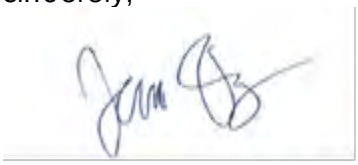
BUDGET – The proposed budget is not to exceed $25,000 as described above.

INDEMNIFICATION – PTRC agrees to indemnify and save harmless the City of Asheboro against all claims made for damages that may arise as a result of its work pursuant to this agreement, and understands nothing within this agreement creates or establishes an

employer and employee relationship between the parties. Both parties may end this contractual arrangement by providing the other party 30 days written notice.

We appreciate the opportunity to assist the City of Asheboro with its current master plan and resource needs. If the City concurs with this agreement as described herein, please return a signed copy to me. Please call me with any questions or suggestions (336.904.0300).

Sincerely,



Jesse Day, AICP
PTRC Planning Director

_____ _____
Mr. John Ogburn, City Manager Date

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

_____ _____
Ms. Debbie Reaves, Finance Officer Date

PIEDMONT TRIAD REGIONAL COUNCIL
1398 CARROLLTON CROSSING DRIVE
KERNERSVILLE, NC 27284
(336) 904-0300
MATTHEW L. DOLGE • EXECUTIVE DIRECTOR

July 15, 2022

Mr. John Ogburn, City Manager
City of Asheboro
PO Box 1106
Asheboro, NC 27284
Via email jogburn@ci.asheboro.nc.us

Dear John:

Thank you for calling on the Piedmont Triad Regional Council (PTRC) to assist you with management services. It is my understanding that PTRC would provide strategic management assistance to the City of Asheboro related to a water line extension. Assistance includes gaining interest and potentially commitments from municipal utility providers adjacent to the water line extension project to purchase water supply from the City of Asheboro.

Please find enclosed a proposal that details the scope of work we anticipate. We are proposing to do the work for a fee of $11,000.00. When you are ready for us to begin please return a signed proposal that acknowledges your acceptance and agreement of the scope of work and terms. If you have any questions about the scope of work, terms or desire a different format please contact me.

The PTRC's mission is to serve our member governments and their affiliates by being accessible and providing high quality services. We provide these services from a unique position and familiarity with this region. You can expect the highest degree of expertise and precision from our staff.

I very much appreciate you giving us an opportunity to submit this proposal. I am available to discuss this proposal with you if you would like for me to do so. I look forward to working with you in the future.

Sincerely,

Matt Reece
Assistant Director

Enclosures

PROFESSIONAL SERVICES OFFERED TO
THE CITY OF ASHEBORO
FOR STRATEGIC MANAGEMENT ASSISTANCE

This is a proposal and agreement by Piedmont Triad Regional Council (PTRC) to provide services to the City of Asheboro to provide strategic management assistance.

I. Scope of Work:

A. Meet with city management and other staff, as identified by the City Manager, to discuss and assess the technical challenges and substantial barriers to the water line extension and connection of service project.

B. Determine how best to facilitate gaining interest and potentially commitments from municipal utility providers adjacent to the water line extension project to purchase water supply from the City of Asheboro.

C. The assessment and planning will include consideration of circumstances impacting facilities, infrastructure, and staffing. The information and impressions gathered will be used to develop and target specific areas of attention.

D. Establish a strategic plan the long term viability of water supply services.

E. Technical assistance may also be provided to establish development agreements.

F. PTRC will coordinate as needed with the lead consulting engineer on the project as assigned by the City of Asheboro.

II. Responsibilities of the City of Asheboro:

In order to facilitate relevant and useful assistance and results the City of Asheboro agrees to provide to PTRC the following: (1) Coordinate introductory meetings on the topic through Randolph County Economic Development Corporation with the primary point of contact assumed to be President Kevin Franklin. (2) provide access to city management, information, and the lead consulting engineer for this project.

II. Staff

The staff members that will be working on the project are very experienced in public sector operations. Matt Reece, PTRC Assistant Director, will be the project manager. He has extensive experience providing technical assistance to local governments throughout the region. Available for technical consultation if Terry Houk, Management Analyst with the PTRC. Terry has over 30 years of experience in municipal water services and in 2021 retired as Public Services Director with the City of High Point. Matthew Dolge, PTRC Executive Director, is also available for consultation on this project.

III. Fee for Services

A fee of $11,000 will be billed at the conclusion of services.

IV. Acceptance and Confirmation of Proposal

If you agree with the terms of this proposal please indicate by signing below and returning a signed original to the offices of the PTRC. PTRC staff will begin work as soon as we are notified of your acceptance. This confirms the City's intention to accept the scope of work as indicated in the proposal presented by the PTRC, aid and otherwise meet the responsibilities outlined, and confirms the authorization and encumbrance of funds sufficient to pay the fee for service.

_____

Accepted for the City of Asheboro Title

_____

Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____

(Signature of finance officer).

_____

Date

MEMORANDUM

TO: John N. Ogburn, III, City Manager

FROM: Michael L. Leonard, City Engineer

DATE: July 28, 2022

RE: Exemption of Project from Qualification Based Selection Process

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North Carolina Session Law 2013-401 modified Section 143-64.32 of the North Carolina General Statutes so as to allow units of local government to exempt, in writing, particular projects from the qualification based selection process prescribed by Section 143-64.31 of the North Carolina General Statutes (i.e. the Mini-Brooks Act) when the estimated professional fee for the project proposed for exemption is in an amount less than $50,000. On June 4, 2015, the Asheboro City Council adopted Resolution Number 18 RES 6-15 delegating the authority to grant such written exemptions for particular eligible projects to the city manager.

The estimated professional fee for the project described below is less than $50,000. The said project is described as follows:

Project Name:

Salisbury and Sunset Traffic Study

Description of Project:

Traffic Study and recommendations for improvements for the intersection of Salisbury Street and Sunset Avenue

---

I have reviewed the preceding information, and I have decided to grant the requested exemption. The written exemption of the above-described project from the qualification based selection process prescribed by the Mini-Brooks Act is evidenced by the signature below.

John N. Ogburn, III
Asheboro City Manager

July 29 2022
Date

COOP BUDGET ESTIMATE

FieldTurf
A Tarkett Sports Company

CITY OF ASHEBORO
ZOO CITY SPORTSPLEX FIELDS 5,6,7,8

July 27, 2022

FieldTurf USA, Inc. is pleased to present the following proposal. FieldTurf pricing is based on the The Keystone Purchasing Network (KPN) contract. KPN provides predetermined preferential pricing through approved vendors. Since the products have already been bid at the national level, individual schools do not have to duplicate the bidding process per KPN Contract # 201801-01.

KPN KEYSTONE PURCHASING NETWORK

Click on the following KPN hyperlink for contract due diligence documentation:
KPN Contract # 201801-01.

	Description	Quantity	Units	Unit Price	Total
	Site Work				
1	Mobilization	1	LS	21,634.00	$21,634.20
2	Layout/CM	1	LS	27,042.75	$27,042.75
3	Erosion & Sediment Control - **BY OTHERS**	1	LS	**N/A**	$0.00
4	Stone Construction Entrance - **BY OTHERS**	1	LS	**N/A**	$0.00
5	Excavation ot Subgrade w/in .10' of Final	1	LS	**N/A**	$0.00
	Subgrade Elevation - **BY OTHERS**				
6	Laser Grade Subgrade - **Spoils Generated**	385,600	SF	0.16	$62,566.11
	to be Disposed ON Site				$0.00
7	Install 8" x 12" Notched Concrete Curb	5,114	LF	45.00	$230,130.00
8	Install 12" Perf. HDPE Perimeter Drain	5,010	LF	42.19	$211,355.32
9	Install 12" Solid Outfall - **Tie Into Existing**	250	LF	42.19	$10,546.67
	Storm Outside Field Area				$0.00
10	Install 4 oz Geotextile Fabric	385,600	SF	0.27	$104,276.84
11	Install 5" # 57 Base Stone	10,175	TONS	50.00	$508,750.00
12	Install 1" Finish Stone	3,185	TONS	50.84	$161,926.58
13	Laser Grade Finish Stone	385,600	SF	0.16	$62,566.11
14	Install 20' H Ball Stopper Net - **Ends of Fields**	1,910	LF	123.62	$236,121.84
	Install ONLY				$0.00
15	Restoration - **BY OTHERS**	6,000	SY	**N/A**	$0.00

16	Corner Kick Sleeves, One Set of 4 per Field	16	EA	2,800.00	$44,800.00
	Subtotal Site Work				**$1,681,716.41**
	Synthetic Turf				
17	Fieldturf FTHD-57 2.25" Turf System	385,600	SF	4.80	$1,850,880.00
18	CoolPlay Top Layer	385,600	SF	0.50	$192,800.00
19	Inlaid Soccer Markings	4	EA	**DONATED**	$0.00
20	FieldTurf 7' Static Brush	2	EA	5,150.00	$10,300.00
	Subtotal Synthetic Turf				**$2,053,980.00**
	Genius				
21	Supply and installation FieldTurf Genius	4	EA	22,200.00	**$88,800.00**
	which includes - per field*:				
	- Two (2) Genius Sensors				
	- Installation of the Genius Sensors				
	- Training				
	- Five (5) Year Warranty on the Genius Sensors				
22	Genius System Monitoring for Ten (10) years:	4	EA	18,180.00	**$72,720.00**
	(contracted under separate agreement with				
	the third-party service provider) – per field:				
	- Annual field data				
	- Management of the Genius System				
	- Maintenance costs				
	Subtotal Genius				**$161,520.00**
	Subtotal Project				**$3,897,216.41**
	Performance & Payment Bonds	**1**	**LS**	**N/A**	**$0.00**
	Total Project				**$3,897,216.41**
	VOLUNTARY ALTERNATE				
A1	Install 8' Gooseneck Combo Goal Posts	1	LS	37,500.00	**$37,500.00**
	for Field #2				

*** The Genius system and its software dashboard will provide the following features:**

- Live, accurate participation tracking of both areas.
- Alerts on maintenance requirements based on live usage data.
- Live report of maintenance performed (areas covered & time spent)
- Heat maps showing usage of the facility, updated automatically in line with maintenance.
- Graphs to map participation and identify trends in usage.
- Alerts to usage out of hours/ intruders

The proposed Genius price does not include:

a) Any costs associated with the supply and installation of the light poles or other structure required for mounting the lightweight sensors; this proposal assumes and is based upon the existence of an adequate light pole or structure at a suitable height on site ready for Genius installation.
b) Any costs associated with the supply and installation of power to the pole location required to power the sensor units.
c) Any costs associated with site preparation and/or suitability of the Genius system; this proposal is expressly conditioned upon FieldTurf's review and, as appropriate, confirmation of site suitability.

PRODUCT DETAILS

FieldTurf, the worldwide leader in artificial turf, is pleased to offer the FieldTurf Classic HD (FTHD-57) 2.25" turf system, with the following product characteristics:

- **Pile Height:** 2.25 Inches
- **Infill Weight:** Top Layer: 0.6lbs/sf CoolPlay; Middle Layer: 5.2lbs/sf Sand mixed with 1.6lbs/sf Cryo A; Bottom Layer: 1lb/sf Sand
- **Pile Weight:** 33 oz/yd2
- **Total System Weight:** 1264 oz/yd2

FieldTurf has taken the necessary steps to ensure that your project will run smoothly and that the quality promised will be the quality delivered.

PRICE INCLUDES:

- An 8 year 3rd party pre-paid insured warranty on the FieldTurf artificial grass surface

PRICE DOES NOT INCLUDE:

- E & S Controls - BY OTHERS
- Supply or installation of Perimeter Safety Fencing
- Rock excavation, haul off spoils offsite
- Site Security
- Unsuitable soils - Once subgrade has been established, a proof roll will be required to ensure structure stability of the soils. In the event that unsuitable soils are encountered, a price to remedy the areas will be negotiated between owner and contractor.

- Installation of manholes, junction boxes, gabions, concrete or rock rip rap, storm drainage not related to the field construction, grate inlets, RCP
- Relocation, removal of existing utilities not limited to electrical conduits, power poles, water, sewer, gas cable, telephone, storm drainage, irrigation heads, lines, valve boxes or wiring of same
- Permits and fees are responsibility of owner
- Construction signs (If necessary, are responsibility of owner)
- FieldTurf Groomer or Sweeper
- Geotechnical investigation of site
- Storm Water Management Requirements beyond scope listed above is NOT included.
- Unless otherwise specified, the price does not include any G-max testing.
- Any alteration or deviation from specifications involving extra costs, which alteration or deviation will be provided only upon executed change orders, and will become an extra charge over and above the offered price.
- Boring for utilities.
- Any electrical work.
- Asphalt paving.
- Concrete.
- Track surfacing, unless otherwise specified.
- Design services and construction documentation, including, but not limited to, conceptual drawings/preliminary design; construction drawings; storm water management; submittal reviews and processing; architectural/engineering inspections; soil borings; professional survey; and as built drawings.
- Repair or resurfacing existing asphalt parking lot if damaged by truck traffic.
- Site restoration, sodding, landscaping or grow-in.
- Payment and Performance Bonds
- Prevailing wages, union labor and other labor law levies.
- **Sales Tax on FieldTurf Materials (Owner to provide E-589CI Affidavit of Capital Improvement for Sales Tax exemption)**
- Anything not explicitly noted in the inclusions.

The price is valid for a period of 90 days. The price is subject to increase if affected by an increase in raw materials, freight, or other manufacturing costs, a tax increase, new taxes, levies or any new legally binding imposition affecting the transaction.

The parties recognize that the impacts of the COVID-19 pandemic are currently unpredictable and could lead to limitations in labor availability and delays in the supply and delivery of materials, equipment or products. In addition, as these contingencies have not been factored into this proposal; materials, equipment and/or products to be used in performing the work may become subject to a price increase. Accordingly, it is acknowledged that the seller/FieldTurf shall (a) not be subject to any damages for any delay due to events beyond its control and, (b) be allowed an equitable adjustment of the time and/or of the price of this proposal or any contractual document resulting therefrom. Please note that the seller/FieldTurf shall use its best efforts to ensure that it fulfills its commitments and will strive to minimize any negative impacts as they may arise. Thank you for your kind understanding.

Please feel free to reach out to any member of our project team with questions about our offer:

Victoria Talay
Project Manager
438-829-1958
victoria.talay@fieldturf.com

Patrick Zeni
Regional Sales Manager
724-825-3765
patrick.zeni@fieldturf.com

Thank you again for your interest in FieldTurf, we look forward to working with you.

Per: _____
Marie-Christine Raymond, Director of Operations
FieldTurf USA, Inc. / Tarkett Sports Canada, Inc.

FieldTurf USA, Inc. holds the Cooperative Purchase contract, any PO for Contract must be made out to FieldTurf USA, Inc. 175 N Industrial Blvd NE. Calhoun, GA 30701

If you have questions regarding the FieldTurf and Beynon SmartBuy Cooperative Purchasing Program, please contact Eric Fisher at: Eric.Fisher@smartbuycooperative.com.

COOP BUDGET ESTIMATE

FieldTurf® A Tarkett Sports Company

CONDITIONS

Notwithstanding any other document or agreement entered into by FieldTurf in connection with the supply and installation only of its product pursuant to the present bid proposal, the following shall apply:

a) This bid proposal and its acceptance is subject to strikes, accidents, delays beyond our control and *force majeure*.

b) FieldTurf's preferred payment terms are as follows: (i) 50% of the Price upon Customer's execution of contract; (ii) 40% of the Price upon shipment of materials from FieldTurf's manufacturing facility; and (iii) Remaining balance of ten percent (10%) upon substantial completion of the field, which shall be achieved when Customer is able to use the field for its intended purpose, even if punchlist items remain and the Certificate of Completion has not been executed by Customer.

c) Accounts overdue beyond 30 days of invoice date will be charged at an interest rate of 10% per annum.

d) FieldTurf requires a minimum of 21 days after receiving a fully executed contract or purchase order and final approvals on shop drawings to manufacture, coordinate delivery and schedule arrival of installation crew. Under typical field size and scenario, FieldTurf further requires a minimum of 28 days per field to install the Product subject to weather and force majeure

e) FieldTurf requires a suitable staging area. Staging area must be square footage of field x 0.12, have a minimum access of 15 feet wide by 15 feet high, and, no more than 100 ft from the site. A 25 foot wide by 25 foot long hard or paved clean surface area located within 50 feet of the playing surface shall be provided for purposes of proper mixing of infill material. Access to any field will include suitable bridging over curbs from the staging area to permit suitable access to the field by low clearance vehicles. Staging area surface shall be suitable for passage with motor vehicles used to transport materials to the site and/or staging area. FieldTurf shall not be liable for any damages to the staging area or its surface unless such damages are caused by FieldTurf's intentional misconduct or negligence.

f) This proposal is based on a single mobilization. If the site is not ready and additional mobilizations are necessary, additional charges will apply.

g) Upon substantial completion of FieldTurf's obligations, the Customer shall sign FieldTurf's Certificate of Completion in the form currently in force; to accomplish this purpose, the Customer will ensure that an authorized representative is present at the walk-through to determine substantial completion and acceptance of the field, which may include a list of punch list items.

h) FieldTurf shall not be a party to any penalty clauses and/or liquidated damages provisions.

i) FieldTurf shall be entitled to recover all costs and expenses, including attorney fees, associated with collection procedures in the event that FieldTurf pursues collection of payment of any past due invoice.

j) All colors are to be chosen from FieldTurf's standard colors.

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

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

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

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

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

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

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

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

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

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

Adopted this 4th day of August, 2022.

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David H. Smith, Mayor

ATTEST:

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Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2021-2022

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

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

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

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

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

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

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

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

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

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

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

Adopted this 4th day of August, 2022.

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David H. Smith, Mayor

ATTEST:

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Holly H. Doerr, CMC, NCCMC, City Clerk