

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, SEPTEMBER 14, 2017, 7:00 PM**

1. Call to Order
2. Silent Prayer and Pledge of Allegiance
3. Consent Agenda Items
 - (A) Approval of the Meeting Minutes for the Regular City Council Meeting on July 13, 2017
 - (B) Approval of the General Account of a Closed Session Held during the Regular City Council Meeting on July 13, 2017
 - (C) Approval of the Meeting Minutes for the Regular City Council Meeting on August 10, 2017
 - (D) Approval of the General Account of a Closed Session Held during the Regular City Council Meeting on August 10, 2017
 - (E) Approval of the Meeting Minutes for the Special City Council Meeting on August 14, 2017
 - (F) Approval of the Final Decision Document for Land Use Case No. SUP-17-01
 - (G) Acknowledgment of the Receipt from the Asheboro ABC Board of Its Meeting Minutes for Meetings on July 10, 2017 and August 7, 2017
 - (H) Approval to Schedule for October 5, 2017, and to Advertise, Public Hearings on the Following Rezoning Applications:
 - (1) An Application to Rezone the Property at 1119 South Cox Street and the Adjoining Parcel of Land Identified by Randolph County Parcel Identification Number 7750970713 from a R7.5 (Medium-Density Residential) Zoning District to an OA6 (Office-Apartment) Zoning District
 - (2) An Application to Rezone the Property at 920 South Cox Street from a CU-B2 (Conditional Use General Commercial) Zoning District to a R7.5 (Medium-Density Residential) Zoning District

- (3) An Application to Rezone the Property on the East Side of North Church Street and the South Side of West Salisbury Street (a Portion of the Parcel of Land Identified by Randolph County Parcel Identification Number 7751738346) from an I2 (General Industrial) Zoning District to a RA6 (High-Density Residential) Zoning District
- (4) An Application to Rezone the Property at 419 East Dorsett Avenue from a R7.5 (Medium-Density Residential) Zoning District to an OA6 (Office-Apartment) Zoning District
- (I) Approval of the Execution of Instruments with the North Carolina Department of Commerce in Order to Obtain Previously Discussed State Funding for Downtown Revitalization as Authorized under North Carolina Session law 2017-57
- (J) Approval of the Temporary Closure from 10:00 AM to 11:30 AM on Saturday, October 14, 2017, of the Streets Shown on the Attached Map Titled "Route Map for Mid-State Heritage Tractor Parade"
- (K) Approval of an Ordinance to Amend the General Fund for Fiscal Year 2017-2018
- (L) Approval of an Ordinance to Amend the Water and Sewer Fund for Fiscal Year 2017-2018
- (M) Approval of a Resolution Declaring the City's Official Intent to Purchase Municipal Vehicles and Equipment and to Reimburse the General Fund with Proceeds from an Installment Financing Agreement
- (N) Approval of a Resolution Awarding Service Side Arms to Retiring Officers of the Asheboro Police Department
- 4. Community Development Director Trevor Nuttall Will Present the City Planning Staff's Analysis of the Preliminary Subdivision Plat Submitted for the Proposed Robins Nest Phase 2 Subdivision under File No. SUB-17-02
- 5. Public Comment Period

6. Economic Development Activities:

(A) Technimark Industrial Rail Spur Construction Project

City Manager John Ogburn Will Discuss the Results of the Bid Opening on September 7, 2017 and, Due to the Absence of Three Qualifying Bids for Consideration during the First Bid Opening, Will Request Permission to Advertise for Bids a Second Time

(B) Fibertex Project

(1) Public Hearing on a Proposal to Appropriate and Expend City Funds for Industrial Site Preparation involving Stream Mitigation

(a) Kevin Franklin, Vice President of the Randolph County Economic Development Corporation, Will Provide an Overview of the Proposed Site Preparation Project

(b) Opportunity for Input from the Public

(c) Council Consideration of a Resolution Authorizing the City's Entry into a Site Development Cost-Sharing Agreement

(2) Public Hearing to Obtain Citizen Input on the Identification of Economic Needs and Desired Economic Development Activities as Part of the Potential Submission by the City of Asheboro of a Community Development Block Grant Application

(a) Community Development Director Trevor Nuttall Will Describe the Community Development Block Grant Application Process

(b) Opportunity for Input from the Public

(c) Council Consideration of a Resolution Authorizing the Submission of an Application Seeking Community Development Block Grant Funding

- (d) Council Consideration of a Resolution Expressing the City's Commitment to Work with the North Carolina Department of Transportation in Support of Rail Industrial Access Track to Serve the Fibertex Facility.
 - (e) Council Consideration of a Resolution Expressing the City's Commitment to Work with the North Carolina Railroad Company to Further the Industrial Rail Spur Construction Component of the Fibertex Project by Means of the "NCRR INVESTS" Program
 - (3) Community Development Director Trevor Nuttall Will Provide an Overview of a Request for Authorization from the City Council for the Procurement of Grant Administration Services from the Piedmont Triad Regional Council for the Fibertex Project
- 7. Odd Fellows Cemetery
 - (A) City Attorney Jeff Sugg Will Brief Mayor Smith and the Council Members on a Staff Proposal for the City to Procure Two Parcels of Land from Ms. Betty F. Foust in Furtherance of the City's Plans to Obtain Street Frontage and Assume Public Maintenance Responsibilities for the Historic Odd Fellows Cemetery
 - (B) Council Consideration of a Resolution Authorizing the Procurement of the Two Parcels of Land from Ms. Betty F. Foust
- 8. Mayor Smith Will Lead a Discussion of Upcoming Events and Items Not on the Agenda
- 9. Adjournment

REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JULY 13, 2017
7:00 P.M.

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

- David H. Smith) – Mayor Presiding
- Clark R. Bell)
- Edward J. Burks)
- Linda H. Carter) – Council Members Present
- Jane H. Redding)
- Katie L. Snuggs)
- Walker B. Moffitt)
-) – Council Members Absent
- Charles A. Swiers)
- John N. Ogburn, III, City Manager
- Michael L. Leonard, PE, City Engineer
- Trevor L. Nuttall, Community Development Director
- Deborah P. Reaves, Finance Director
- Jonathan M. Sermon, Recreation Services Superintendent
- Jeffrey C. Sugg, City Attorney
- Donald R Thompson, Jr., Police Captain
- Tammy M. Williams, Deputy City Clerk

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order at 7:00 p.m. for the transaction of business, and business was transacted as follows. Mayor Smith welcomed everyone to the meeting. Mr. Rudy Olivo, a representative from Congressman Mark Walker’s office, spoke to the council about the recent opening of the Congressman’s office in the Asheboro area. Mr. Olivo is excited to have an office in the Randolph County area and emphasized that the office is available to provide constituent services such as help with interactions between constituents and the Veterans Administration, Internal Revenue Service, the Social Security Administration, and any other federal agencies.

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 repeat the pledge of allegiance.

3. Jody Terry, who is a Randolph County 4-H program assistant, informed the city council about a successful youth leadership program with the YMCA.

Mayor Smith welcomed Jody Terry with the Randolph County 4-H Program, and she introduced a group of middle school aged children who were selected for the NEXT Program. NEXT stands for Needing Excellence Today.

Ms. Terry is working in conjunction with Patrick O’Hara, Executive Director of the Randolph/Asheboro YMCA. The NEXT program is operating with funding secured with the assistance of North Carolina Senator Rick Gunn.

Senator Gunn approached Mr. O’Hara and asked him to start a program for at-risk youth here in the Randolph County area. The YMCA purchased a new bus with part of the funding to help with transportation.

As currently designed, the NEXT program is focused on middle school students. There were 22 students selected from the North Asheboro and South Asheboro Middle Schools.

In preparation for a recent trip to Raleigh, the youth were taken to buy new outfits. For many of these young people, this trip was the first time they had been able to spend the night in a hotel with their own bed and to go to restaurants they would not ordinarily have the opportunity to utilize. Different students shared with the elected officials the students’ experiences during the trip.

Some of the future events planned for these children are Wet and Wild Emerald Point in Greensboro, Preppy Possum to do some painting, and turning some pottery in Seagrove. Mayor Smith thanked the YMCA and the program organizers for their good work.

4. Consent Agenda.

Two consent agenda items, which were meeting minutes for two council meetings in June 2017, were pulled from the agenda because of a staff need for additional time to work on the documents. With the exception of the meeting minutes for June the 8th and June the 27th, no consent agenda items were removed, modified, or individually discussed.

Mr. Bell moved to approve, with the exception of the above-referenced meeting minutes that were pulled from consideration, the following consent agenda items as presented. Council Member Burks seconded the motion, and the council voted unanimously in favor of the motion. Council Members Bell, Burks, Carter, Redding, and Snuggs voted in favor of the motion to approve the following consent agenda items:

(a) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for May 1, 2017. [Consent Agenda Item (c)]

A copy of the Asheboro ABC Board's meeting minutes for May 1, 2017, is on file in the city clerk's office.

(b) Approval of a resolution appointing Stephen R. Knight to a new 3-year term of office on the Asheboro ABC Board. [Consent Agenda Item (d)]

RESOLUTION NUMBER 23 RES 7-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

APPOINTMENT OF STEPHEN R. KNIGHT TO A NEW THREE-YEAR TERM
OF OFFICE ON THE ASHEBORO ABC BOARD

WHEREAS, the Asheboro ABC Board (the "Board") consists of three (3) members that are appointed by the Asheboro City Council (the "Council"); and

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

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

WHEREAS, when the initial appointments to the Board were made by the Council, Stephen R. Knight was appointed to a three-year term of office that began on August 12, 2008, and the Council subsequently reappointed Mr. Knight to the Board for two additional three-year terms of office in 2011 and 2014, respectively; and

WHEREAS, the Board has consistently performed its duties in a very efficient and professional manner; and

WHEREAS, the Council believes that it is in the best interest of the Asheboro ABC system and the municipal corporation to reappoint Stephen R. Knight to the Board for another three-year term of office, and Mr. Knight has agreed to accept this reappointment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective August 12, 2017, Stephen R. Knight is reappointed to the Asheboro ABC Board for another three-year term of office.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 13th day of July, 2017.

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

ATTEST:

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

(c) Approval of the final decision document for land use case nos. CUP-17-03 and SUB-17-01. [Consent Agenda Item (e)]

Case Nos. CUP-17-03 and SUB-17-01
City Council of the City of Asheboro, North Carolina

IN THE MATTER OF THE APPLICATION BY WATERFORD RE, LLC FOR A CONDITIONAL USE
PERMIT SUBDIVISION SKETCH DESIGN APPROVAL AUTHORIZING A RESIDENTIAL
PLANNED UNIT DEVELOPMENT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING, WITH CONDITIONS, THE
REQUESTED LAND USE APPROVALS

THIS MATTER came before the Asheboro City Council (the "Council") for a properly advertised quasi-judicial hearing on the question of whether to approve an application by Waterford RE, LLC for a Conditional Use Permit and the corresponding subdivision sketch design review for a residential planned unit development. The hearing was initially opened and sworn testimony received during a regular meeting of the Asheboro City Council held on May 4, 2017, with additional testimony from witnesses and deliberation by the Council during a continuation of the hearing that was conducted on June 8, 2017. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

FINDINGS OF FACT

1. Waterford RE, LLC (the "Applicant") properly applied, by and through attorney Tom Wright, Esq., for the issuance of a conditional use permit and the requisite subdivision sketch design review and approval authorizing a land use identified in Table 200-2 of the Asheboro Zoning Ordinance (the "AZO") as a residential planned unit development ("PUD").

2. In compliance with the AZO, the Applicant included with the application a site plan and subdivision sketch design plat showing the proposed land use on five parcels of land owned by the Applicant. These parcels of land (collectively, the "Zoning Lot") are located at the northern terminus of the publicly maintained portion of Waterside Drive, north of Hub Morris Road and on the west side of Forest Park Drive. The parcels of land that form the Zoning Lot are more specifically identified by the following Randolph County Parcel Identification Numbers: 7763265981, 7763275095, 7763270025, 7763265467, and 7763265562.

3. The Zoning Lot contains approximately 38 acres and is inside the city limits of Asheboro with access to municipal services.

4. During the initial hearing of these cases on May 4, 2017, the Zoning Lot was placed in a CURA6 zoning district, which is a conditional use high-density residential zoning district.

5. Section 102 of the AZO describes a Conditional Use District as follows:

Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.

6. Section 102 of the AZO further provides as follows:

Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.

In addition, within a CU District no use shall be submitted (sic) except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

The authorization of a Conditional Use Permit in any CU District for any use which is permitted only as a Special Use in the zoning district which corresponds to the CU District shall preclude any requirement for obtaining a Special Use Permit for any such use from the City Council.

7. Section 1013.2 of the AZO establishes the following standards for the issuance by the Council of a conditional use permit:

In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:

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

8. Section 210 of the AZO contains a statement of intent for the RA6 residential zoning district, and this statement of intent provides as follows:

The RA6 Residential District is intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.

9. A PUD, which is the land use for which the Applicant is seeking approval, is permitted by special use permit in an RA6 zoning district, and the Zoning Lot is zoned CURA6.

10. Section 630, Subsection A of the AZO lists the following specific requirements for the issuance of a special use permit, which will be a conditional use permit in this case, allowing a PUD:

- 1. Residential Planned Unit Developments may be permitted in any R40, R15, R10, R7.5, RA6 or OA6 zoning district as long as the proposed development contains a minimum of 2 acres. Those uses ordinarily permitted by right, by SUP, or as an accessory within the district (where) the development is to be located may be included in the development.*
- 2. Review of an application for a PUD SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the PUD requires review as a "major" subdivision the Sketch Design Plat shall be properly submitted, reviewed and recommended by the Planning Board for the City Council's consideration as the PUD SUP. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. If the PUD requires a minor subdivision the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the PUD SUP and granted only after approval of the SUP by the City Council.*
- 3. Residential PUDs may have direct access to City streets or State roads which are not major or minor thoroughfares, provided such access will not create safety hazards due to design or congestion.*
- 4. Streets within a PUD may be public or private according to the regulations of the Asheboro Subdivision Ordinance.*
- 5. The yard and height regulations set forth in Table 200-1 may be modified for a PUD, provided that, for such development as a whole, excluding public street right-of-ways or the area dedicated to private streets but including individual lots, common*

areas, parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located.

6. *Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.*

7. *Provisions and plans for garbage and waste collection shall be included with the application.*

8. *Buffers and/or screening shall be installed and maintained based on the types of individual uses contained within the development as per Article 304A.*

9. *Signs will be regulated as per Article 500.*

10. *Off street parking shall be provided as per Article 400.*

11. *General landscaping shall be installed and maintained. Plans indicating all required and non-required landscaping shall be submitted as part of the application.*

11. The surrounding land uses are as follows:

North: Medium-Density Residential

East: Low to Medium-Density Residential

South: Existing PUD/
Low to Medium-Density Residential

West: Low-Density Residential/
Commercial/Industrial

12. With regard to the city's comprehensive development plans, the growth strategy map identifies the area in which the Zoning Lot is located as a primary growth area, and the proposed land development plan map designates the area as neighborhood residential.

13. The Zoning Lot's existing land use is classified as undeveloped/residential planned unit development previously under construction.

14. Hub Morris Road is a state-maintained minor thoroughfare. Forest Park Drive is a state-maintained road.

15. The Zoning Lot is currently identified as Phase 2 of Waterford Villas. The existing special use permit authorizes 80 dwelling units on 80 lots. A total of 40 structures, each containing two dwelling units, are permitted. Under the R10 zoning that existed prior to the placement of the Zoning Lot in a conditional use district, if the existing special use permit had been abandoned, there is enough acreage to support more than 100 single-family lots and dwelling units or 65 two-family lots with 130 dwelling units.

16. The Applicant is proposing a PUD with a total of 117 dwelling units. The dwelling units are proposed with either two or three units in each of the 45 residential structures. The proposed development also includes common and recreational areas along with an optional storage building proposed for the owners' use. Both public streets and private alleys, which are to be maintained by a homeowners' association, are incorporated into the development design.

17. With the original issuance of a special use permit, the city council first granted approval for a PUD at this location in 2006. Construction of the development began after preliminary plat approval in 2007. Since that time, 28 lots in Phase 1 have been recorded with the associated public infrastructure. Much of the infrastructure within Phase 2 has also been constructed, but this infrastructure has not been dedicated to public ownership and use.

18. The increase in the number of units (80 to 117), the addition of a resident storage facility, and the inclusion of three dwelling units in many of the structures triggers the need for a new special use permit, which is satisfied in a conditional use district by the issuance of a conditional use permit.

19. The proposed units are a single-story design, ranging from approximately 1,346 square feet to 1,522 square feet of gross floor area, with a 2-vehicle garage for each unit.

20. The inclusion of three dwelling units in certain structures required rezoning the property to the conditional use high-density residential zoning district.

21. With regard to the subdivision sketch design review, the Applicant has submitted a subdivision plat for review that is compliant with the City of Asheboro Subdivision Ordinance.

22. Prior to the Council entering a decision as to the Applicant's requests, the City of Asheboro Planning Board concurred with the planning department staff's analysis of the sketch design application and recommended approval of the subdivision sketch design plat.

23. The Applicant's expert, Tonya Brady, is a certified residential real estate appraiser with approximately 20 years of experience. She has reviewed the proposed land use, the Zoning Lot, and

another PUD on Old Lexington Road. The Council finds credible Ms. Brady's expert testimony that the proposed land use will not have a negative impact on surrounding properties.

24. The land use proposed for the Zoning Lot does not pose any elevated risk of generating health and safety concerns.

25. As previously noted, the Applicant was represented by an attorney, Mr. Wright, and certain property owners, whose standing was not challenged during the hearing, retained the services of Benjamin Albright, Esq. Mr. Wright and Mr. Albright submitted for the Council's consideration negotiated conditions for potential attachment to the requested conditional use permit. With the joint submission of these negotiated conditions, the primary area of disagreement became focused on the proposed construction of a large storage building within the development. On this point, the parties initially had very divergent contentions. However, during the portion of the hearing held on June 8, 2017, the represented parties endorsed mutually agreeable potential conditions to the permit that would enhance the compatibility of the storage building with the surrounding properties.

26. The site plan presented to the Council by the Applicant conforms to the regulations prescribed by the AZO.

27. Mr. Wright testified that the Applicant accepted the conditions that the Council ultimately concluded should be attached to the requested conditional use permit.

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

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the AZO requires for the issuance of a conditional use permit, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the Applicant properly submitted an application for a conditional use permit authorizing a PUD on the Zoning Lot located in a CURA6 zoning district.

3. In light of the evidence and the acceptance by the Applicant of the conditions attached to the conditional use permit by the Council, the Applicant's proposed land use is compliant with the applicable requirements of the Asheboro Zoning Ordinance.

4. On the basis of substantial evidence in the record, the Council has concluded that, with the clarifications and protections provided by the conditions attached to this permit, the proposed land use meets the four general standards for granting the requested conditional use permit. The proposed land use will not materially endanger the public health or safety, meets all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

5. The Applicant's subdivision sketch design review application is compliant with the City of Asheboro Subdivision Ordinance.

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

ORDER

Part 1 – Conditional Use Permit

Subject to the following conditions, a conditional use permit authorizing the proposed residential planned unit development on the Zoning Lot is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns. The continuing validity of this conditional use permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, the site plan presented and approved during the final hearing of this matter on June 8, 2017, and the following supplementary conditions:

- (A) The exact location of sidewalks connecting sidewalks located within public right-of-ways, recreation areas, and the proposed 100' x 100' residents' storage units may be modified to the extent that they comply with the Asheboro Subdivision Ordinance, Article X, Subsection IV.C.5, requiring ADA compliant sidewalks that extend from sidewalks along the public right-of-way to all amenities.
- (B) The site plan labels a Type A screen or buffer along portions of the property's perimeter and along Forest Park Drive. Existing vegetation may also count towards meeting screening/buffering

requirements. However, should any deficiency in meeting the landscaping requirements occur, additional buffering or screening measures consistent with Section 304A (Buffers and Screening) and Section 308A (Front Yard Landscaping) of the AZO shall be required.

- (C) The 100' x 100' storage building identified on the site plan is not required by the zoning ordinance, subdivision ordinance, or conditional use permit. If constructed, use of the proposed storage building shall be limited to residents of the proposed Phase 2 of Waterford Villas, and residents of Phase 1 of Waterford Villas (Plat Book 115, Page 80, Randolph County Public Registry).
- (D) Building facades of the 100' x 100' residents' storage building shall consist of materials permitted by Section 318A.D (Design Standards for all Residential Districts) of the AZO.
- (E) Should any recreational vehicles be located in the parking area surrounding the 100' x 100' residents' storage building, such recreational vehicles shall be screened in accordance with the requirements of Section 305A of the AZO.
- (F) If topography necessitates the drive providing access to the dam to encroach into the required 5' screening yard on the southern boundary of the property (in cases in which the "Screen A" option is used in lieu of locations where the minimum 15' "Buffer A" is an option), additional plantings/screening as specified by Section 304A.6 (Alternative Buffers and Screening) will be required to ensure that the degree of screening to adjoining properties is equal to or exceeds the degree of screening provided by "Screen A" requirements.
- (G) Landscaping required adjacent to the northern property boundary of James Markle (DB 1332, PG 55) shall equal or exceed the requirements of a "Screen A" as specified by Section 304A.4. The "Buffer A" option is not permitted at this location.
- (H) Enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings outside the common area shall not be considered a modification of the permit requiring Council review.
- (I) The primary architectural elements for the two-family dwellings shall be substantially similar to those depicted by the building elevation plans submitted showing the three-family dwellings.
- (J) Prior to the approval of a final plat, the applicant shall provide additional details concerning proposed buffering and screening that are required by the Zoning Ordinance and/or adopted supplementary conditions to the conditional use permit.
- (K) All residential units shall have brick/stone fronts.
- (L) Garages: All residences shall have two car garages and all driveways to residences shall be surfaced entirely of concrete.
- (M) Single Story Construction: All new residences shall be one story except bonus rooms may be constructed in the truss area of the homes.
- (N) The drive at the end of Waterside Drive shall be constructed entirely of concrete.
- (O) The rear entrance from Forest Park shall be landscaped consistent with the standards utilized at the entrance at Hub Morris Road except it will not contain a water feature.
- (P) Developers will leave at least 25 feet between Unit 96 and 97 for access to the dam in the event repairs are needed and further developers shall turn over a non-exclusive easement to Dooley Drive and to the 40 foot easement set out in Plat Book 135, Page 3 to access the dam to the homeowners association.
- (Q) Hours of operation for the residents' storage building shall be restricted to 7:00 a.m. through 9:00 p.m.
- (R) There shall be no signs identifying the residents' storage building or area at either entrance, other than address signs or other signs required by applicable local ordinances.
- (S) The exterior of the residents' storage building shall be consistent with the exterior of the other units at Waterford, Phase Two.
- (T) Brick Restrictions and Heated Square Foot Size Restrictions:
 - (1) The first two triplex units beyond 2458 Waterside Drive, units 1 – 12 on the preliminary map, will be restricted to triplexes with 1500-1350-1500 sq. ft. minimum heated space and three two car garages will all exterior brick/stone.

- (2) The four triplex units facing the pond on Waterford Court, Units 55 – 60 and 88 – 93, will be restricted to triplexes with 1500-1350-1500 sq. ft. minimum heated space and three two car garages and all exterior brick/stone.
- (3) All duplex units will be restricted to duplexes with 1500-1500 sq. ft. minimum heated space and two, two car garages with fronts of all exterior brick/stone.
- (4) All units will have brick/stone fronts.
- (5) The two triplex units across Richardson Lake will be triplex units 1500-1350-1500 sq. ft. minimum heated space and all brick/stone exterior (identified as 2 triplex units 88 – 90 & 91 – 93) and three two car garages per unit.
- (6) All other triplex units to be built in the new second and subsequent phases will have a minimum of 1350 square feet of heated space for the interior (middle) unit and the two outside units will have no less than 1500 heated square feet.
- (7) All duplex units to be built in the new second and subsequent phases will have a minimum of 1500 square feet of heated space in each unit.

In the event of any conflict between the above-stated provisions of conditional use permit condition (T) and the site plan reviewed on June 8, 2017, the provisions found in condition (T) of the permit shall be the controlling authority. Furthermore, if such a conflict is discovered, the Applicant shall promptly submit a revised site plan that reflects strict conformity with the conditions stated herein.

- (U) Prior to the issuance of a zoning compliance permit for the proposed land use, the attorneys who appeared on behalf of the represented private parties during the quasi-judicial hearing conducted by the Council shall deliver to the zoning administrator an accurate and legible copy of a fully executed private development agreement indicating that their clients have reached a meeting of the minds with regard to the following issues that were raised during the hearing of this matter:
- (1) Restrictive Covenants: The second and subsequent phases will comply with all covenant guidelines currently enforced in Phase 1 as set out and recorded in Book 2064, Page 340 and in Article VII Sections 1 – 10 except as to the heated square footage of the units, which will be as set out in these conditional use requirements.
 - (2) Common Areas: If common areas are developed in the second phase, they will be developed under declarant control, but nothing will be built without a majority of existing homeowners' approval.

The zoning administrator will not review the agreement for legal sustainability, and no city officials will undertake enforcement of the provisions contained within the private development agreement. The city official's sole standard for determining whether this condition has been satisfied is whether a legible copy of a document evidencing an agreement between the represented parties as to the two issues listed in conditional use permit condition (U) has been submitted.

- (V) Prior to the issuance of a zoning compliance permit for the proposed land use, the Zoning Lot owner 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 use permit in the chain of title for the Zoning Lot.

Part 2 – Subdivision Sketch Design Review

The Application for subdivision sketch design plat submitted under case no. SUB-17-01 is hereby approved with the following comments/conditions:

- (A) Homeowners association documents must be recorded with the final plat, including restrictions pertaining to recreational vehicle parking.
- (B) New Construction plans must be submitted to the city's public works division prior to starting development. Plans must show proposed locations on the site of individual water and sewer services with connections to the mainlines for each of the proposed units.

The above-listed findings, conclusions, and order were adopted by the Asheboro City Council in open session during a regular meeting held by the governing board on the 13th day of July, 2017.

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

ATTEST:

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

(d) Approval to schedule and advertise public hearings to be held on August 10, 2017, for the following zoning cases: [Consent Agenda Item (f)]

- (i) Application to rezone property located at 125 South Church Street (Randolph County Parcel Identification Number 7751725650) from I2 (General Industrial) / B3 (Central Commercial) to entirely B3 zoning;
- (ii) Application to apply city R10 zoning to the Northampton Heights Subdivision territory annexed into the city on June 30, 2017; and
- (iii) Application for Special Use Permit authorizing the Asheboro Housing Authority to add to the administrative building located at 338 Independence Drive (Randolph County Parcel Identification Number 7751617880).

5. Community Development Director Trevor Nuttall introduced the following land use cases:

(a) Combined hearing on the application (Case No. RZ/CUP-17-04) to rezone property at 312 W. Ward Street from RA6 (High-Density Residential) and OA6 (Office-Apartment) to CUB2 (Conditional Use General Commercial) and to obtain a conditional use permit authorizing a large child care center.

Since this combined hearing was quasi-judicial in nature with the accompanying requirement for witnesses appearing before the council to present sworn testimony, the following individuals were placed under oath before any evidence was received into the record:

- 1. Trevor Nuttall, Community Development Director
- 2. Karen Lassiter, Applicant
- 3. Waylon Robbins, Site Planner
- 4. Ben Morgan, Attorney for Applicant

The applicant, Ms. Lassiter, requested that the council rezone the property at 312 W. Ward Street (hereinafter referred to as the "Zoning Lot"), more specifically identified by Randolph County Parcel Identification Number 7751744501, from a combination of RA6 (High-Density Residential) and OA6 (Office-Apartment) zoning to CU-B2 (Conditional Use General Commercial) zoning. Along with the requested rezoning, Ms. Lassiter also applied for a conditional use permit authorizing a large child care center that could provide services to 80 or more children.

City staff members in the community development division provided to the mayor and council members the following analysis of the application to place the Zoning Lot in a CU-B2 zoning district:

The property (Zoning Lot) is located inside the City Activity Center, which is described by the Land Development Plan (LDP) as "the historic core of community life in Asheboro." This description further states that the City Activity Center "incorporates a mix of commercial, office, institutional, residential, and public open space uses."

The property (Zoning Lot) is situated among a mix of uses and zoning districts which are more intense than the requested CU-B2 district. Two sides of the property are adjacent to properties with general district B2 (General Commercial) zoning and I2 (General Industrial) zoning. These surrounding properties have the potential to be more intensive than the requested CU-B2 district.

The requested CU-B2 district can accommodate a number of potential uses that are consistent with the City Activity Center designation, and the conditional use permitting process will help ensure that both the use and manner in which the property develops is an appropriate fit for this location.

Finally, several environmental factors are supportive of the request.

The environmental factors referenced in the staff analysis include the following factors: (1) The Zoning Lot is located outside of any watershed; (2) The Zoning Lot is located outside of any Special Hazard Flood Area; (3) The area for which rezoning is sought is not located on steep slopes of greater than 20%; and (4) The area for which rezoning is sought is not located on poor soils. In light of the above-quoted analysis and the stated environmental factors, the city's planning staff recommended approval of the applicant's rezoning request because the district requested for the Zoning Lot to be reasonable, consistent with the adopted comprehensive plans, and in the public interest.

The Asheboro Planning Board concurred with the planning staff's analysis and recommended approval of the requested rezoning. Prior to deliberating about the requested conditional use permit, the council members addressed the legislative issue of placing the Zoning Lot in a CU-B2 zoning district. Council Member Bell moved (a) to adopt the staff and planning board analysis as the basis for the council's consistency and reasonableness statement and (b) to approve the application to place the Zoning Lot in the requested CU-B2 zoning district. Council Member Carter

seconded the motion. Council Members Bell, Burks, Carter, Redding, and Snuggs voted unanimously in favor of the motion.

With the adoption of this two-part motion, the council placed the Zoning Lot in the requested CU-B2 zoning district and adopted as its own the following consistency/reasonableness statement:

The requested rezoning is consistent with the city's adopted comprehensive plans. The Zoning Lot is located inside the City Activity Center, and the City Activity Center is described by the Land Development Plan (LDP) as "the historic core of community life in Asheboro." This description further states that the City Activity Center "incorporates a mix of commercial, office, institutional, residential, and public open space uses."

The Zoning Lot is situated among a mix of uses and zoning districts which are more intense than the requested CU-B2 district. Two sides of the property are adjacent to properties with general district B2 (General Commercial) zoning and I2 (General Industrial) zoning. These surrounding properties have the potential to be more intensive than the requested CU-B2 district.

The requested CU-B2 district can accommodate a number of potential uses that are consistent with the City Activity Center designation, and the conditional use permitting process will help ensure that both the use and manner in which the property develops is an appropriate fit for this location.

Finally, the reasonableness and compatibility of the said rezoning application with the public interest is reinforced by the following environmental factors: (1) The Zoning Lot is located outside of any watershed; (2) The Zoning Lot is located outside of any Special Hazard Flood Area; (3) The area for which rezoning is sought is not located on steep slopes of greater than 20%; and (4) The area for which rezoning is sought is not located on poor soils.

After placing the Zoning Lot in a CU-B2 zoning district, the council deliberations shifted to the question of the issuance of the requested conditional use permit. Council Member Bell moved, on the basis of the evidence presented during the quasi-judicial hearing, to find that the applicant had satisfied the standards for the issuance of a conditional use permit and to approve, with conditions, the issuance of a conditional use permit authorizing the development and operation of a Child Care Center – Large, as defined by the Asheboro Zoning Ordinance, on the Zoning Lot. Council Member Snuggs seconded the motion. Council Members Bell, Burks, Carter, Redding, and Snuggs voted unanimously in favor of the motion.

The final decision document containing the council's findings of fact, conclusions of law, and order, including the specific conditions attached to the permit, will be entered by the council during its next regular meeting on August 10, 2017.

(b) SUB-17-01: Preliminary Plat for Waterford Villas, Phase 2, Section 1.

The applicant, Waterford RE, LLC, has submitted a subdivision preliminary plat for Waterford Villas, Phase 2, Section 1 that pertains to approximately 13.04 acres out of 38 acres for the entire Phase 2 of the Waterford Villas subdivision. The Randolph County Parcel Identification Numbers referenced by the planning department staff analysis of this request are as follows: 7763265981, 7763275095, 7763270025, 7763265467, and 7763265562.

The applicant is proposing developing Phase 2 of the subdivision in several sections. In Section 1, the applicant proposes 26 lots plus common area. The average lot size is approximately 2,277 square feet.

With conditions, the planning staff and the planning board recommended approval of the applicant's subdivision preliminary plat. Mr. Burks moved, and Ms. Redding seconded the motion, to adopt the planning staff and planning board recommendations to approve the preliminary plat with the following conditions: (1) Water/sewer certifications and as-built engineering required with the final plat; (2) The city's public works division will prepare punch lists for all infrastructure to be maintained by the city, and these punch lists must be satisfactorily addressed prior to final plat approval; (3) A proportionate amount of recreation space, including required access to this space, as required by the city's zoning and subdivision ordinances must be installed for this section of the development; (4) Prior to construction, all applicable regulatory approvals must be granted; and (5) Homeowners' association documents, including recreational vehicle parking restrictions and maintenance mechanisms for the common area, must be recorded with the final plat.

Council Members Bell, Burks, Carter, Redding, and Snuggs voted unanimously in favor of the motion and approved the preliminary plat with the above-stated conditions.

(c) SUB-17-02: Subdivision Sketch Design approval for Robins Nest, Phase 2.

The applicant, McDowell Timber Company, has submitted for review and approval a subdivision sketch design for Robins Nest, Phase 2 that is located on the west side of Gold Hill Road, north of East Allred Street. The parcel information included in the planning staff's analysis of the application identifies approximately 27.88 acres of land with the following Randolph County Parcel Identification Numbers: 7762658808, 7762750195, 7762751483, 7762752727, and 7762754678.

The proposed number of lots is 44. The average lot size is shown as approximately 21,320 square feet. The property is located in the city limits of Asheboro and all city services are available.

The proposal is for a conventional residential subdivision with single-family and two-family dwellings that are permitted in the R10 zoning district. A portion of the property is located in a Special Hazard Flood Area. Two existing entrances serve the development from the existing Phase 1.

The planning department staff commented that the city's subdivision ordinance provides as follows: "Permanent dead-end streets shall not exceed five hundred (500) feet in length unless necessitated by topography or property configuration and shall be provided with a turnaround." In connection with this requirement, the applicant has revised the sketch design to show a cul-de-sac with adequate right-of-way to extend to the adjoining property.

A second comment provided by city staff members was that fire hydrant locations must be coordinated with the Asheboro Fire Department. With the inclusion of these two comments, the planning staff recommended approval of the subdivision sketch design. The planning board concurred with the planning staff recommendation and comments.

Council Member Bell moved, and Council Member Burks seconded the motion, to concur with the recommendations of the planning staff and board and to approve, conditioned on the inclusion of the above-stated planning staff comments, the subdivision sketch design. Council Members Bell, Burks, Carter, Redding, and Snuggs voted unanimously in favor of the motion and approved the subdivision sketch design with the above-stated conditions.

(d) SUB-17-03: Subdivision Sketch Design review for Timber Ridge Subdivision.

The applicant, McDowell Timber Company, has submitted for review and approval of a subdivision sketch design for the Timber Ridge Subdivision that is located on the south side of East Allred Street, west of Northshore Drive. The parcel information included in the planning staff's analysis of the application lists approximately 23.94 acres of land identified by Randolph County Parcel Identification Number 7762401442.

The proposed number of lots is 42. The average lot size is shown as approximately 19,952 square feet. The property is located outside the city limits of Asheboro. Access to city services such as water and sewer would require annexation of the property.

The proposal is for a conventional residential subdivision. Single-family dwellings are permitted in the R15 zoning district with a minimum of 15,000 square foot lots. A small portion of the property to the rear of four of the proposed lots is zoned R10 Medium-Density residential.

A stream runs through a portion of the property, however, the property is outside of the city's watershed area. A small portion of the property is located in a Special Hazard Flood Area.

Two entrances proposed along East Allred Street.

With regard to comments from the city departments, the engineering department commented that annexation would be required prior to approval of a preliminary plat. A second comment from city staff was that fire hydrant locations must be coordinated with the Asheboro Fire Department.

With the inclusion of these two comments, the planning staff recommended approval of the subdivision sketch design. The planning board concurred with the planning staff recommendation and comments.

Council Member Bell moved, and Council Member Burks seconded the motion, to concur with the recommendations of the planning staff and board and to approve, conditioned on the inclusion of the above-stated planning staff comments, the subdivision sketch design. Council Members Bell, Burks, Carter, Redding, and Snuggs voted unanimously in favor of the motion and approved the subdivision sketch design with the above-stated conditions.

6. Public hearing on possible applications for funding under Fiscal Year 2017-18 State Community Development Block Grant (CDBG) Program.

Mayor Smith opened a public hearing to discuss and solicit input on possible applications for funding under the Fiscal Year 2017-2018 State CDBG Program. As part of the advertised hearing, Community Development Director Trevor Nuttall explained that the CDBG Program permits a wide range of development activities directed towards promoting the creation or retention of jobs, enhancing income levels, and providing local employment opportunities principally for persons with

low and moderate income. Applications for CDBG assistance must show that at least 60% of the program funding proposed for each activity will benefit low and moderate income persons.

The purpose of this hearing was to obtain citizen input into the identification of economic needs and desired economic development activities. Any input will be incorporated into the consideration and submission of a CDBG application to the Department of Commerce.

After this hearing, if the city decides to pursue any specific projects, a project specific hearing will be scheduled and advertised. In essence, this hearing is step one in a 2-step process.

When Mr. Nuttall concluded his comments, only one citizen, Mr. Tim Greene, came forward to speak. Mr. Greene's comments were in the form of general questions designed to gain a better understanding of the process.

Mayor Smith closed the public hearing when no one else expressed an interest in speaking. No action was requested of the council, and none was taken.

7. Public Comment Period.

Mayor Smith opened the floor for public comments, and none were offered. In the absence of any comments, Mayor Smith closed the public comment period.

8. Recreation Services Superintendent Jonathan Sermon presented the following items related to recreation services:

(a) Consideration of awarding a roof replacement contract for the recently acquired recreation facility.

Mr. Sermon presented to the council a summary of the bids received to complete the roof replacement at the fitness center/recreation facility recently acquired from the Acme-McCrary Corporation. The following bids were opened at 2:00 p.m. on May 1, 2017:

1. BIRS, Inc.	\$245,130.00
2. McRae Roofing, Inc.	\$214,752.00
3. Triad Roofing Company, Inc.	\$189,000.00

Mr. Sermon asked the council to award the roof replacement to the lowest responsive bidder which was Triad Roofing Company, Inc. with a bid of \$189,000.00. Council Member Bell moved to award the roof replacement contract to the said lowest responsive bidder, and this motion was seconded by Council Member Carter. Council Members Bell, Burks, Carter, Redding, and Snuggs voted unanimously in favor of the motion and awarded the roof replacement contract to Triad Roofing Company, Inc.

(b) Announcement of a special city council meeting on July 25, 2017 to tour the new recreation/fitness center.

A special meeting will be held at the newly acquired recreation center located at 148 North Street in Asheboro on July 25, 2017. The primary focus of this special meeting is a tour of the recreation facility. During the tour, proposed renovations, improvements, and uses for the facility will be highlighted by the city manager and the recreation services superintendent. This special meeting will begin at 6:30 p.m. on July the 25th.

9. City Engineer Michael Leonard, PE will present the following updates:

(a) New Century Drive Extension.

Mr. Leonard announced that the New Century Drive Project is now complete. The city engineer used a visual presentation to show the council the completed project.

No action was requested of the council, and none was taken.

(b) Church Street Water Tank Parking Facility Improvements.

Mr. Leonard announced that, except for waiting for the power pole installation by Duke Progress Energy, the improvements to the parking facility at the Church Street water tank have been completed. The improved parking area has 41 marked spaces.

A visual presentation was used by Mr. Leonard to show the elected officials and anyone in attendance at the meeting the completed improvements to the parking facility. No action was requested of the council, and none was taken.

10. Entry into closed session.

In order to discuss matters relating to the location or expansion of industries or other businesses in the area served by the City of Asheboro, including agreement on a tentative list of economic development incentives that may be offered by the city in negotiations, Council Member Carter moved to go into closed session pursuant to Section 143-318.11(a)(4) of the North Carolina General Statutes. This motion was seconded by Council Member Burks. Council Members Bell, Burks, Carter, Redding, and Snuggs voted unanimously in favor of motion, and the Council then went into closed session.

11. Upcoming events and items not on the agenda.

After returning to open session, Mayor Smith announced upcoming events. No items were presented for action by the council, and no action was taken.

12. Adjournment.

With no further business to conduct, the meeting was adjourned at 8:54 p.m.

Tammy M. Williams, Deputy City Clerk

David H. Smith, Mayor

GENERAL ACCOUNT OF A CLOSED SESSION

Asheboro City Council
Council Chamber, Municipal Building
Thursday, July 13, 2017

Upon the unanimous adoption of a motion to go into closed session in order to discuss matters relating to the location or expansion of industries or other businesses in the City of Asheboro, a closed session was conducted under the authority of Section 143-318.11(a)(4) of the North Carolina General Statutes with the following elected city officials and city staff members present:

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)

Walker B. Moffitt)
) – Council Members Absent
Charles A. Swiers)

John N. Ogburn, III, City Manager
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Tammy M. Williams, Deputy City Clerk

Kevin Franklin, Vice President of the Randolph County Economic Development Corporation, also attended this closed session. Mr. Franklin requested the opportunity to address the council in closed session in order to discuss a contemplated economic development project referred to as Project Pine.

The focus of the contemplated economic development project is on Fibertex Personal Care (the “Company”), which is owned by a Danish conglomerate that trades on the Danish stock exchange. The Company is seeking a shovel ready site for a new state-of-the-art engineered textile production facility. The product being produced would be nonwoven textiles suitable for use in diapers, incontinence products, and feminine hygiene products. If the Company constructs a production facility in Asheboro, this location would be the Company’s first North American production facility.

The site under consideration for the production facility is the rail served portion of the Goodyear/Thomas site in north Asheboro. The production facility will require rail service, heavy power, natural gas availability, and good highway access. The Goodyear/Thomas site can accommodate these requirements.

The Asheboro location is the only North Carolina location under consideration. Competitor states include Georgia, South Carolina, and Tennessee.

The potential investment by the Company is \$114,125,000 over seven years with job creation equaling 145 new jobs, with an average annual wage in excess of \$40,000, over six years. The anticipated revenue from this investment is \$3,507,794 over seven years.

The Company anticipates the potential for a second phase of investment in the future.

The incentive proposal is based on the concept of a performance based grant of 60 percent of anticipated revenues over a seven-year period for a total grant of \$2.1 million to be split evenly between the city and the county (\$1,050,000 each).

In addition to the JDIG incentive from the state, proposals have also been provided from the following grant programs to assist with the estimated \$1.42 million cost to construct the rail spur and relocate gates and lights at the crossing:

- CDBG Rail Grant - \$560,000
- NCDOT Rail Grant - \$200,000
- NC Railroad Invests Grant - \$420,000.

The City of Asheboro would be the applicant for the grants and would be responsible for administering them. The CDBG Rail Grant will require a \$140,000 local match which will be included in the proposed \$2.1 million local incentive package. The Company has been informed that, if approved, the first two years of incentive payments will be dedicated to the rail match, with the Company eligible to receive its initial grant payment in year 3.

In Mr. Franklin's opinion, the quality of jobs with higher wages, the capital intensive nature of the business in question, plans for future growth, and the diversification of the industrial base all support a higher incentive than what is typically considered.

The city manager and the county manager have agreed that the scheduling of a joint public hearing for Monday, August 14, 2017 at 3:00 p.m. is feasible.

After considering the information provided during this closed session, Mayor Smith and the council members reached the general consensus that the incentives proposal outlined by Mr. Franklin is a good proposal and the governing board members support moving forward with the above-stated joint public hearing. Once this discussion was concluded, Council Member Burks moved to return to open session. Council Member Bell seconded the motion. Council Members Bell, Burks, Carter, Redding, and Snuggs voted unanimously in favor of the motion, and the council returned to open session at 8:44 p.m. on July 13, 2017.

Tammy M. Williams, Deputy City Clerk

David H. Smith, Mayor

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, AUGUST 10, 2017
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)
Walker B. Moffitt) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)
Charles A. Swiers)

Linda H. Carter) – Council Member Absent

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk/Paralegal
Doug Kemp, Human Resources Director
Michael L. Leonard, PE, City Engineer
Mark T. Lineberry, Assistant Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Jordan Thompson, Community Development Division Intern

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 say the pledge of allegiance.

3. Presentation of a Certificate of Achievement for Excellence in Financial Reporting.

Mayor Smith recognized Ms. Reaves for receiving a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.

4. Recognition of the Asheboro Fire Department for 50 CPR saves.

Dr. Jason Stopyra, M.D., who is the Randolph County Emergency Services Medical Director, recognized and presented a plaque to the Asheboro Fire Department for 50 CPR saves. Deputy Fire Chief Eddie Cockman and firefighters from Station 1 were in attendance to receive the recognition.

5. Consent agenda.

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

(a) The meeting minutes of the city council's regular meeting on June 8, 2017.

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

(b) The meeting minutes of the city council's special meeting on June 27, 2017.

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

(c) The meeting minutes of the city council's special meeting on July 25, 2017.

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

(d) Acknowledgment of the receipt from the Asheboro ABC Board of its meeting minutes for June 5, 2017.

A copy of the Asheboro ABC Board's meeting minutes for June 5, 2017 is on file in the city clerk's office.

(e) The final decision document for land use case no. CUP-17-04.

Case No. CUP-17-04
Final Decision Document
City Council of the City of Asheboro, North Carolina

IN THE MATTER OF THE APPLICATION FOR A CONDITIONAL USE PERMIT AUTHORIZING A LAND USE CLASSIFIED BY THE ASHEBORO ZONING ORDINANCE AS A CHILD CARE CENTER – LARGE

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING,
WITH CONDITIONS, THE REQUESTED CONDITIONAL USE PERMIT**

THIS MATTER was brought before the Asheboro City Council (the "Council") for a quasi-judicial hearing that was conducted during a regular meeting of the Council held on July 13, 2017. After receiving sworn testimony and considering all of the evidence, including a proposed site plan, the Council, on the basis of competent, material, and substantial evidence, hereby resolves the question of the issuance of the requested conditional use permit by entering the following:

FINDINGS OF FACT

1. Karen Lassiter (the "Applicant") has properly submitted an application for a conditional use permit that would authorize the operation of a land use classified by the Asheboro Zoning Ordinance (the "AZO") as a Child Care Center – Large (this proposed land use will be hereinafter referred to as the "Child Care Center") at 312 West Ward Street.

2. The Applicant proposes to operate the Child Care Center on a lot that is approximately 0.95 of an acre in size and is identified by Randolph County Parcel Identification Number 7751744501 (the "Zoning Lot").

3. The existing structure on the Zoning Lot is currently vacant, but it was previously used for health services.

4. If granted, the Child Care Center authorization sought by the Applicant would allow a facility that serves 80 or more children. After school care associated with this land use is also part of the proposal.

5. The Applicant proposes using the existing structure with the addition of an opened, covered play area in front of the building, facing North Church Street.

6. There are currently two driveways into the Zoning Lot. One is located on West Ward Street, and the other is located on North Church Street. The Applicant proposes eliminating the driveway in front of North Church Street and adding a one-way (entrance only) driveway on West Ward Street to accommodate the play area.

7. The Zoning Lot is located within the Asheboro city limits, and all city services are available. West Ward Street and North Church Street are both city-maintained streets at this location.

8. The surrounding land uses are as follows:

North: Office/Institutional/Medical

East: Industrial/Commercial/Railroad

South: Commercial/Medical

West: Multi-Family/Industrial

9. The Growth Strategy Map identifies the area in which the Zoning Lot is located as a "Primary Growth" area, and the Proposed Land Development Plan Map designates this location as a "City Activity Center." The Zoning Lot is located within Tier 3 of the Center City Planning Area (Commercial and Employment Center Planning Area).

10. Prior to the Council's deliberations concerning the issuance of the requested conditional use permit ("CUP"), the Zoning Lot was legislatively placed in a Conditional Use General Commercial (CUB2) zoning district.

11. Section 102 of the AZO describes a Conditional Use District as follows:

Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.

12. Section 102 of the AZO further provides as follows:

Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.

In addition, within a CU District no use shall be submitted (sic) except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

The authorization of a Conditional Use Permit in any CU District for any use which is permitted only as a Special Use in the zoning district which corresponds to the CU District shall preclude any requirement for obtaining a Special Use Permit for any such use from the City Council.

13. Section 1013.2 of the AZO establishes the following standards for the issuance by the Council of a conditional use permit:

In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:

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

14. The land use for which the Applicant is seeking approval (the Child Care Center) is permitted by special use permit in the underlying B2 zoning district.

15. Section 210 of the AZO contains a statement of intent for the B2 general commercial zoning district, and this statement of intent provides as follows:

The B2 General Commercial District is intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets.

16. Section 616 of the AZO lists the following specific requirements for the issuance of a special use permit, which will be a conditional use permit in this case, allowing the requested Child Care Center:

Child Care Facilities may be permitted provided that the following requirements are met:

- 616.1 *Child Care Facilities must meet the standards provided by the Child Day Care Commission. Evidence that Commission requirements are met shall be presented to the City prior to any Certificate of Zoning Compliance being issued.*
- 616.2 *Child Care Facilities may be permitted in Industrial Districts provided they are operated as an accessory use to a legal permitted use.*
- 616.3 *Facilities permitted in any Residential, OA6, O&I and B1, B2 and B3 Districts or that are contiguous to any residential district shall provide screening around play areas and parking areas to avoid any nuisance to adjoining residentially zoned property.*
- 616.4 *Facilities permitted in any residential district shall maintain the character and appearance of a residential use.*
- 616.5 *All facilities shall meet the standards of the N.C. Building Code.*
- 616.6 *Offstreet parking shall be provided in accordance with Article 400.*
- 616.7 *Applications for permits under this Section shall be accompanied by a site plan or plat which includes the location of all structures; parking areas including ingress, egress and maneuvering space; play areas; required screening; permitted signs and additional information as may be necessary to indicate compliance with these regulations.*

17. With the conditions suggested by the city's community development division staff, the site plan submitted by the Applicant is in compliance with the prescribed regulations and specifications of the AZO. The conditions offered for attachment to a potential CUP are as follows:

- (A) The site plan notes a 5' Type A Screen and 10' Type C Screen on the northern and western boundaries of the Zoning Lot, respectively; front yard landscaping consistent with AZO Section 308A along W. Ward Street and N. Church Street; and interior landscaping consistent with the requirements of AZO Section 409. Existing vegetation may also count towards these landscaping and screening requirements. However, should any deficiency in meeting these requirements occur, additional buffering or screening measures consistent with the applicable AZO sections will be required and must be installed.
- (B) The site plan does not indicate any additional outdoor lighting at this time. If the Applicant proposes outdoor lighting at a later date, such a proposal shall not be considered a modification requiring a new CUP. Information shall be submitted to city staff demonstrating compliance with AZO Section 317A.1 (Performance Standards for all Commercial Zoning Districts – Light) for inclusion in the file without further review by the Council.
- (C) The site plan labels a partially covered area for infants and toddlers. Should requirements from other agencies regulating child care dictate a different size or configuration of this covered area from the depiction on the site plan, such a change shall not be deemed to be a modification of the CUP as long as this change does not increase the gross floor area beyond the permitted limitations of AZO Section 1013.5. Within the parameters of this condition, information concerning such a change shall be submitted to city staff demonstrating compliance with the AZO requirements for review, approval, and inclusion in the file without further review by the Council.
- (D) Prior to the issuance of a Zoning Compliance Permit for the proposed Child Care Center, the owner(s) of the Zoning Lot shall properly execute 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 CUP in the chain of title for the Zoning Lot.

18. During the hearing of this matter, the Applicant, by and through her attorney, accepted the suggested conditions without modification and agreed to comply with the said conditions.

- 19. The Applicant has extensive experience properly operating a child care center.
- 20. No testimony was offered in opposition to the Applicant's request.

21. City employees in the community development division have reviewed the specific regulations prescribed by Section 616 of the AZO for child care facilities that require authorization by means of the issuance of a Special Use Permit, and the Applicant's proposal is compliant with these requirements.

22. As an experienced child care operator, the Applicant offered uncontroverted testimony that her existing business has not had any negative impacts on the value of adjoining property.

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

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the Ordinance requires for the issuance of a CUP, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the Applicant has properly submitted an application for a CUP authorizing the operation of the Child Care Center on the Zoning Lot that is located in a CUB2 zoning district.

3. In light of the available evidence and the express agreement of the Applicant to accept and comply with the conditions recommended by the city's community development division staff, the Applicant's site plan for the proposed land use is compliant with the applicable requirements of the AZO.

4. On the basis of the evidence presented during the hearing of this matter, the Council has concluded that the proposed use meets the four (4) general standards for the granting of a CUP. More specifically, the proposed use will not materially endanger the public health or safety, meets all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

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

ORDER

The Applicant is hereby issued a CUP authorizing the development and operation of a Child Care Center – Large, as defined by the Asheboro Zoning Ordinance, on the Zoning Lot. This CUP shall be valid so long as, and only so long as the Applicant, and her heirs, successors, and assigns, develop and conduct the approved land use in compliance with the provisions of the Asheboro Zoning Ordinance, the site plan reviewed and approved during the hearing on July 13, 2017, and remain in strict compliance with the following conditions:

- (A) The site plan notes a 5' Type A Screen and 10' Type C Screen on the northern and western boundaries of the Zoning Lot, respectively; front yard landscaping consistent with AZO Section 308A along W. Ward Street and N. Church Street; and interior landscaping consistent with the requirements of AZO Section 409. Existing vegetation may also count towards these landscaping and screening requirements. However, should any deficiency in meeting these requirements occur, additional buffering or screening measures consistent with the applicable AZO sections will be required and must be installed.
- (B) The site plan does not indicate any additional outdoor lighting at this time. If the Applicant proposes outdoor lighting at a later date, such a proposal shall not be considered a modification requiring a new CUP. Information shall be submitted to city staff demonstrating compliance with AZO Section 317A.1 (Performance Standards for all Commercial Zoning Districts – Light) for inclusion in the file without further review by the Council.
- (C) The site plan labels a partially covered area for infants and toddlers. Should requirements from other agencies regulating child care dictate a different size or configuration of this covered area from the depiction on the site plan, such a change shall not be deemed to be a modification of the CUP as long as this change does not increase the gross floor area beyond the permitted limitations of AZO Section 1013.5. Within the parameters of this condition, information concerning such a change shall be submitted to city staff demonstrating compliance with the AZO requirements for review, approval, and inclusion in the file without further review by the Council.
- (D) Prior to the issuance of a Zoning Compliance Permit for the proposed Child Care Center, the owner(s) of the Zoning Lot shall properly execute 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 CUP in the chain of title for the Zoning Lot.

The foregoing findings, conclusions, and order were adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of August, 2017.

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

ATTEST:

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

(f) An ordinance to amend the General Fund.

17 ORD 8-17

ORDINANCE TO AMEND THE GENERAL FUND FY 2017-2018

WHEREAS, at the time of budget preparation, there were three monetary costs that were projected but not refined at a level that they could be allocated to specific departments and as a result, these were allocated in the Human Resources department budget, and;

WHEREAS, these three monetary costs are associated with Performance based pay awards, COG increases for 2017-2018 and an allocation for the final stages of movement of employees from Job /Grade/Step plan to the performance based pay plan, and;

WHEREAS, total cost allocated in the budget is \$100,000, and;

WHEREAS, the analysis for the movement of employees from job / grade / step plan to PBP is now complete and approved by the City Manager for implementation August 2017, and;

WHEREAS, the allocation now should be moved from Human Resources budget to the impacted departmental budgets, and;

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

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

That the following expense line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
10-590-0600	Unallocated Pay Plan Changes	(17,237)
10-510-0200	Salaries	9,194
10-510-0702	FICA / Medicare	703
10-510-0705	Retirement	759
10-510-0706	401k	460
10-545-0200	Salaries	2,015
10-545-0702	FICA / Medicare	154
10-545-0705	Retirement	151
10-555-0200	Salaries	1,186
10-555-0702	FICA / Medicare	91
10-555-0705	Retirement	89
10-580-0200	Salaries	1,987
10-580-0702	FICA / Medicare	152
10-580-0705	Retirement	149
10-640-0200	Salaries	127
10-640-0702	FICA / Medicare	10
10-640-0705	Retirement	10
Increase		<u>0</u>

Adopted this the 10th day of August 2017.

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

ATTEST:

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

(g) An ordinance to amend the Water and Sewer Fund.

18 ORD 8-17

ORDINANCE TO AMEND THE WATER AND SEWER FUND FY 2017-2018

WHEREAS, at the time of budget preparation, there were three monetary costs that were projected but not refined at a level that they could be allocated to specific departments and as a result, these were allocated in the Billing and Collection department budget, and;

WHEREAS, these three monetary costs are associated with Performance based pay awards, COG increases for 2017-2018 and an allocation for the final stages of movement of employees from Job /Grade/Step plan to the performance based pay plan, and;

WHEREAS, total cost allocated in the budget is \$35,000, and;

WHEREAS, the analysis for the movement of employees from job / grade / step plan to PBP is now complete and approved by the City Manager for implementation August 2017, and;

WHEREAS, the allocation now should be moved from Billing and Collection Department to the impacted departmental budgets, and;

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

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

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

That the following expense line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
30-720-0600	Unallocated Pay Plan Changes	(2,574)
30-830-0200	Salaries	938
30-830-0702	FICA / Medicare	72
30-830-0705	Retirement	70
30-840-0200	Salaries	1,298
30-840-0702	FICA / Medicare	99
30-840-0705	Retirement	97
		<u>Increase 0</u>

Adopted this the 10th day of August 2017.

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

ATTEST:

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

(h) The temporary closure of streets for Fall Festival XLV, on October 6, 2016 from 9:00 p.m. until October 8, 2017 at 11:00 p.m.

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

[At the conclusion of the council's consideration of the consent agenda, and in light of the approval of item 5(h), Mayor Smith recognized Grace McFetters, Executive Director of the Randolph Arts Guild. Ms. McFetters expressed her appreciation, as did the elected officials, for the cooperation between the city and the Arts Guild in staging events such as the Fall Festival.]

6. Community Development Division Items:

- (a) RZ-17-05: An application to rezone property located at 125 South Church Street (Randolph County Parcel Identification Number 7751725650) from I2 (General Industrial)/B3 (Central Commercial) to B3 on the entire parcel.**

Mayor Smith opened the public hearing, which was legislative in nature, on the following request.

The requested rezoning pertains to approximately 0.08 of an acre out of 1.67 acres of land located at 125 South Church Street that is owned by Jerry D. Neal. Randolph County Parcel Identification Number 7751725650 more specifically identifies the parcel of land that contains the 0.08 of an acre of land, more or less, that is not already zoned B3 and for which rezoning into a B3 zoning district is requested.

Mr. Nuttall utilized a visual presentation to summarize the planning staff's analysis of the request by Jerry D. Neal and Dustie Gregson to rezone the above-described land to B3 (Central Commercial) zoning.

The staff report noted the following:

1. The property is inside the city limits, and all city services are available.
2. South Church Street is a state-maintained minor thoroughfare at this location.
3. The property is located within Tier 1 (Central Business Planning Area) of the Center City Planning Area. Tier 1 is described by the zoning ordinance as "established to strengthen Asheboro's Center City Planning Area by incorporating a mix of commercial, office, institutional, residential, and public open space uses."
4. The property has previously been used for commercial activities, most recently a bar, and previously for retail shoppers' goods.
5. The majority of the property is currently zoned B3. A small portion of the property is zoned I2.
6. The B3 Central Commercial District is intended to be applied to the traditional commercial, governmental, administrative and service core of Asheboro, commonly known as the Central Business District (Zoning Ordinance, Sec. 210). It is also distinct from other commercial districts by requiring no off-street parking.
7. Adaptive reuse of formerly industrial properties for commercial and residential uses has occurred in the area in recent years, including several adjoining parcels.

The Planning Board recommended approval of the requested rezoning after concurring with the following analysis from the Community Development staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans, the reasonableness of the request, and whether the requested rezoning was in the public interest:

"The property is part of the City Activity Center, which is described by the Land Development Plan (LDP) as 'the historic core of community life in Asheboro.' This description further states that the City Activity Center 'incorporates a mix of commercial, office, institutional, residential, and public open space uses.' Uses permitted in the B3 district generally fit this description, and are likely more compatible with the City Activity Center designation than some uses permitted by the current I2 General Industrial zoning that exists on a portion of the property. The long standing history of the property for commercial activities is also more consistent with a B3 designation than an I2 designation. The Central Small Area Plan also emphasizes the importance of the preservation/revitalization of the City Center as a key issue.

The character of the immediate area has changed from industrial in nature to a mix of uses described by the City Activity Center designation, and rezoning approvals that appropriately match zoning designations with the intent of the City Activity Center have made revitalization of properties possible. Designating the property with one zoning district also helps streamline the development approval process.

These are also several transportation factors that support the B3 rezoning request. There is available on-street and off-street public parking in the vicinity. Recent improvements have also occurred which make South Church Street safer and more attractive for pedestrian and bicycle travel.

Finally, the property's location outside of watershed, flood areas, or areas with steep topography help make the requested B3 district appropriate.

These factors make the request consistent with the adopted LDP, and therefore reasonable and in the public interest."

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

Upon motion by Mr. Bell and seconded by Mr. Swiers, Council voted unanimously to approve the requested rezoning by adopting a multi-part motion that included the following actions:

1. Approval and adoption as its own by the Council of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's decision to grant the requested rezoning; and
2. In light of the Council's above-stated determinations/analysis, the application for the requested zoning amendment was approved without any modifications.

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

(b) RZ-17-06: Application to rezone property located on the west side of Northampton Drive, north of Newbern Avenue and Eldorado Road (Northampton Heights subdivision, formerly Carriage at Sykes Farm III and Identified as lots 72-86 recorded in Plat Book 145, page 80) from Randolph County RE (Residential-Exclusive) zoning to City of Asheboro R10 (Medium-Density Residential) zoning, including public right-of-way of Northampton Drive.

Mayor Smith opened the public hearing, which was legislative in nature, on the following request.

The requested rezoning pertains to approximately 7.75 acres of land located along the west side of Northampton Drive/north side of Eldorado Road/Newbern Avenue. Randolph County Parcel Identification Numbers 7750923185, 7750926840, 7750925661, 7750925522, 7750924492, 7750924353, 7750924214, 7750926700, 7750923045, 7750913916, 7750912876, 7750912747, 7750912608, 7750911578, and 7750911427 more specifically identify the parcels of land for which rezoning into an R10 Medium-Density Residential district is requested.

Mr. Nuttall utilized a visual presentation and highlighted a request by the City of Asheboro to rezone the above-described property from Randolph County (RE-Residential Exclusive) to City of Asheboro zoning (R10 Medium-Density Residential). This rezoning was filed as a consequence of the property being voluntarily annexed into the City of Asheboro. The proposed zoning reflects the most appropriate district supported by the Land Development Plan.

The staff report noted the following:

1. The property is inside the city limits and has access to city water. Sewer is approximately 200 feet from the property along Sykes Farm Road. The owner is investigating the extension of public sewer service in front of the subject property.
2. Northampton Drive and Eldorado Road/Newbern Avenue are state-maintained roads.
3. Portions of Lots 83-86 are within a Special Hazard Flood Area.
4. The property was previously in the City of Asheboro's zoning jurisdiction and zoned R10 Medium-Density Residential. The R10 zoning district permits single-family dwellings on lots with 10,000 square feet of land and two-family dwellings on lots with 15,000 square feet of land.
5. In 2013, the City released a portion of its extraterritorial zoning jurisdiction (ETJ) to Randolph County, including the subject property. Randolph County's zoning designation is RE (Residential-Exclusive), allowing primarily single-family dwellings.
6. In 2015, the city's Land Development Plan was updated. Due to the property's release from the city's ETJ, it was not included in the proposed

land use or growth strategy maps in the 2015 update. However, the property was formerly designated for “neighborhood residential use.” Adjacent properties within the City’s zoning jurisdiction are designated for neighborhood residential use.

7. The LDP growth strategy map previously mapped the property as “Adjacent Developed,” which the LDP states should receive “careful consideration for annexation and full provision of urban services.”
8. The property was annexed into the City limits on June 30, 2017, at the request of the property owner. State statutes require zoning be placed on the property within sixty (60) days of annexation.

The Planning Board recommended approval of the requested rezoning after concurring with the following analysis from the Community Development staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans, the reasonableness of the request, and whether the requested rezoning was in the public interest:

“Due to the annexation of the property, zoning must be applied within 60 days. In reviewing the Land Development Plan, several checklist items and policies are supportive of the request.

First, the neighborhood residential designation emphasizes neighborhoods of similar density. Considering that the property was previously zoned R10 and adjacent properties to the east and south within the city’s zoning district are zoned R10, staff believes the R10 district is the most suitable for ensuring compatibility with surrounding land uses.

Also, the growth strategy map’s previous designation of the property in an ‘Adjacent Developed Area’ and the Central Small Area Plan’s recommendation that areas adjacent to existing city limits will be given the highest priority for receiving urban services and being annexed also support an R10 designation. The Central Small Area Plan also cites areas south of Dixie Drive as one of the ‘greatest development opportunities’ within the Central Planning Area.

An R10 zoning designation is consistent with these goals and policies, and therefore staff believes this designation is the most reasonable and serves the public interest”

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

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve the requested rezoning by adopting a multi-part motion that included the following actions:

1. Approval and adoption as its own by the Council of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council’s decision to grant the requested rezoning; and
2. In light of the Council’s above-stated determinations/analysis, the application for the requested rezoning amendment was approved without any modifications.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk’s office.

(c) SUP-17-01: Application for Special Use Permit authorizing an addition to an Asheboro Housing Authority administrative building (a Public Use Facility) located at 338 W. Wainman Avenue at the intersection of Independence Dr. (Randolph County Parcel Identification Number 7751617880).

Mayor Smith opened the quasi-judicial hearing on the request to issue a Special Use Permit for a Public Use Facility.

Mr. Nuttall was placed under oath and presented the planning staff’s analysis of the Applicant’s request that included a properly submitted site plan and building elevations for the Special Use Permit. The request pertains to approximately 5.38 acres of land owned by Asheboro Housing Authority (the Applicant) that is located at 338 West Wainman Avenue (at the intersection of Independence Drive). Randolph County Parcel Identification Number 7751617880 more specifically identifies the property.

The Applicant is seeking a Special Use Permit for a Public Use Facility, specifically to allow an addition onto the existing offices for the Asheboro Housing Authority. This addition would include, but not limited to, additional office space, restrooms, and meeting rooms.

During his presentation, Mr. Nuttall utilized a visual presentation and noted the staff's analysis of the Special Use Permit application as follows:

1. The request is for a Public Use Facility, specifically to allow an addition onto the existing offices for the Asheboro Housing Authority. Multi-family housing is also on the same parcel of land.
2. West Wainman Avenue is a city-maintained street.
3. The property is located in Tier 1 (Central Business Planning Area) of the Center City Planning Area. The zoning ordinance describes this designation as encouraging the revitalization and new development in the Central Business Planning Area. Additionally, the zoning ordinance describes this designation as encouraging a pedestrian oriented mix of multi-story buildings located close to the street and containing an attractive mix of first-story storefronts, ample sidewalks, and street trees.
4. As detailed by Section 602.2 of the Zoning Ordinance, there are two options for approving a public use facility. If all zoning requirements are met, staff may approve a public use facility. If there is a deficiency in meeting zoning ordinance requirements, the applicant may apply for a special use permit to allow approval of the proposed public use facility with the identified deficiency(s).
5. After reviewing the proposed site plan, staff has identified two (2) deficiencies:
 - a. A sidewalk currently exists along West Wainman Avenue east of Independence Drive. As part of the proposed addition, Section 322A of the zoning ordinance requires a sidewalk to be extended along the entire frontage of the property since a sidewalk extends along part of the property's frontage.
 - b. Setbacks in this district are calculated from averaging the front setbacks in the same block. The front yard setback along West Wainman Avenue is a minimum of 15.75 feet and maximum of 25.75 feet. The proposed addition is 10.5 feet from the front property line, and encroachment into the front yard setback of 5.25 feet.
6. The Asheboro Comprehensive Pedestrian Plan identifies construction of sidewalks along this section of West Wainman Avenue as a high priority due to the property's location within Tier 1 of the Center City Planning area and proximity to a number of land uses (schools, parks, commercial uses, central business district, etc.)

Mr. Robert Lawler of the Asheboro Housing Authority was placed under oath and offered testimony in support of the request. This testimony was focused on addressing the four standards for issuance of a Special Use Permit. As part of his testimony, Mr. Lawler expressed his agreement with the following conditions that were recommended by the planning staff for attachment to the requested Special Use Permit:

1. The site plan erroneously labels the front setback along West Wainman Avenue as a 10' side setback with an incorrect (OA6) zoning designation. A revised site plan, reflecting the approved setback and correct zoning designation, shall be submitted to staff members in the City of Asheboro Community Development Division for staff review and inclusion in the file without further review by the Council.
2. Land use activities that do not require a Special Use Permit are permitted to the full extent permitted by the Asheboro Zoning Ordinance and shall not be deemed to be a modification requiring the issuance of a new Special Use Permit.
3. 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 Special Use Permit in the chain of title for the Zoning Lot.

No witnesses came forward in opposition to the Applicant's request for the issuance of a Special Use Permit. There being no additional comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

Upon motion by Mr. Bell and seconded by Mr. Moffitt, Council voted unanimously to approve, with the staff recommended conditions, the requested Special Use Permit. A final decision document with the formal findings of fact, conclusions of law, and order authorizing the Special Use Permit

will be entered by the Council during regular session on September 14, 2017. This order will reflect the conditions imposed upon this permit as a consequence of the testimony during the public hearing.

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

(d) Notification of the City of Asheboro's award of N.C. Department of Commerce 2017-2018 Downtown Revitalization and Economic Development Grant.

Mr. Nuttall informed the mayor and the council members that the City of Asheboro has been selected to receive \$100,000.00 for downtown revitalization as authorized under N.C. Session Law 2017-57, Senate Bill 257, Section 15.8(a). In order to receive the funding, the city staff must complete a proposal form and describe the project's proposed activities, estimated expenses, and expected outcomes. The form must be submitted to the N.C. Department of Commerce by September 15, 2017.

With the general consent of the council members, city staff will complete and submit the proposal form in order to receive the above-described funding. The funds received will be allocated for the rehabilitation of the former Acme/Sapona fitness center that was recently acquired by the city. Rehabilitation activities include, but are not limited to, the installation of a new roof and gym floor in order to transform the building into the city's recreation center. The project should be completed by July 2018.

(e) Report of announcement by N.C. Department of Commerce of the city's inclusion in the Downtown Associate Community Program.

Mr. Nuttall reported to the mayor and council members that the North Carolina Department of Commerce has provided notice of the selection of the City of Asheboro to receive technical assistance, training, and downtown redevelopment tools through the Downtown Associate Community Program which is coordinated under the NC Main Street and Rural Planning Center umbrella. This program is a pre-requisite for the designation as a Main Street community and will provide professional services such as a marketing analysis for Asheboro.

(f) Presentation on recently completed marketing initiatives.

Ms. Jordan Thompson, Community Development Division Intern, utilized a visual presentation in order to update the mayor and council members on her work with marketing initiatives during her internship. Ms. Thompson reported that city staff has been successful in advertising city events through various avenues of communication such as the government access channel, the city website and calendar, social media, an employee newsletter, press releases, local community calendars (e.g. Chamber of Commerce, the Tourism Development Authority, and Spectrum News), and through the distribution of event flyers.

Ms. Jordan's report was received positively and with great appreciation for her excellent work as an intern for the city.

7. Public comment period.

Mayor Smith opened the floor for public comments. During the public comment period, the following individuals came forward to speak: Barbara Chadwell, Owen Deese, Ray Read, Jeanine Read, Donna Perry, Harold Stallings, Pam Wiggins, William Walker, Barbara Ward, and Tim Greene. At the request of the mayor and council members, Community Development Director Trevor Nuttall also spoke during the public comment period in order to provide information in response to some of the questions raised by the other speakers.

The comments provided by the above-listed speakers pertained to concerns about the proposed Timber Ridge subdivision that underwent subdivision sketch design review during the council's regular July meeting. In order to more fully address the concerns raised during this portion of the meeting, an informational workshop pertaining to the proposed subdivision will be held at a later date. City staff in the community development division will organize the workshop and will issue a press release announcing the said workshop.

No other comments were offered, and Mayor Smith closed the public comment period.

8. Consideration of an agreement with the North Carolina Department of Transportation for a construction project to extend Commerce Place (SR 3102) from the existing end of the pavement to Pineview Road (SR 1703).

City Engineer Michael Leonard, PE presented and recommended that the city enter into a "DOT CONSTRUCTION AGREEMENT" prepared by the North Carolina Department of Transportation ("NCDOT"). If executed, this agreement will enable a construction project to proceed to extend Commerce Place approximately 2,700 linear feet from its existing terminus to Pineview Road. Under the proposed agreement, the city would receive a \$400,000 grant from NCDOT for the construction project.

NCDOT would design and construct the proposed road. The city would be responsible for acquiring the proposed right-of-way after the final road alignment is determined.

Council Member Burks moved to accept the city engineer's recommendation and to approve the entry of the city into the proposed construction agreement with NCDOT. Council Member Swiers seconded the motion. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion and approved the city's entry into the "DOT CONSTRUCTION AGREEMENT" presented by the city engineer.

A copy of the said agreement is on file in the city clerk's office.

9. Update on the change in bylaws of the Randolph County Economic Development Corporation.

City Manager John Ogburn updated the mayor and city council on certain changes undertaken by the Randolph County Economic Development Corporation ("RCEDC"). The RCEDC Board of Directors is moving forward with several changes that were recommended by the Randolph County Strategic Planning Implementation Committee. These include revisions to the RCEDC bylaws and board structure to ensure that the RCEDC is organized to provide a full range of economic development services to serve the local government partners.

The RCEDC board will have 20 members. Eight of the members will be representatives of local government, and the remaining 12 members will be community directors from the RCEDC membership. Local government directors will serve by virtue of their position in local government. The Mayor of the City of Asheboro or his/her designee will be one of the local government directors.

No action was requested of the council, and none was taken.

10. Closed session.

Mayor Smith opened the floor for a motion to go into closed session pursuant to Section 143-318.11(a)(4) of the North Carolina General Statutes in order to discuss matters relating to the location and expansion of industries or other businesses in the area served by the City of Asheboro, including agreement on a tentative list of economic development incentives that may be offered by the city in negotiations. Mr. Bell moved to go into closed session, and Mr. Burks seconded the motion. The motion was then adopted unanimously. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

11. Upcoming events.

Upon returning to open session, Mayor Smith briefly led a discussion of upcoming events occurring with the city government and the community in general.

There being no further business, the meeting was adjourned at 9:11 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

GENERAL ACCOUNT OF A CLOSED SESSION

**Asheboro City Council
Council Chamber, Municipal Building
Thursday, August 10, 2017**

Upon the unanimous adoption of a motion to go into closed session in order to discuss matters relating to the location or expansion of industries or other businesses in the City of Asheboro, a closed session was conducted under the authority of Section 143-318.11(a)(4) of the North Carolina General Statutes with the following elected city officials and city staff members present:

David H. Smith) – Mayor Presiding

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

Linda H. Carter) – Council Member Absent

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk
Michael L. Leonard, P.E., City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

Kevin Franklin, Vice President of the Randolph County Economic Development Corporation, also attended this closed session. Mr. Franklin requested the opportunity to address the council in closed session in order to request approval to proceed with a plan that could ultimately result in the city expending up to \$100,000 in site preparation costs that would have a positive impact on the previously discussed Project Pine.

As discussed during previous closed sessions, Project Pine is a contemplated economic development project with Fibertex Personal Care (the “Company”). The Company is seeking a shovel ready site for a new state-of-the-art engineered textile production facility. The product being produced would be nonwoven textiles suitable for use in diapers, incontinence products, and feminine hygiene products. If the Company constructs a production facility in Asheboro, this location would be the Company's first North American production facility.

The site under consideration for the production facility is the rail served portion of the Goodyear/Thomas site in north Asheboro. The production facility will require rail service, heavy power, natural gas availability, and good highway access. The Goodyear/Thomas site can accommodate these requirements.

The potential investment by the Company is \$114,125,000 over seven years with job creation equaling 145 new jobs, with an average annual wage in excess of \$40,000, over six years. The anticipated revenue from this investment is \$3,507,794 over seven years. The Company anticipates the potential for a second phase of investment in the future.

The previously discussed incentive proposal was based on the concept of a performance based grant of 60 percent of anticipated revenues over a seven-year period for a total grant of \$2.1 million to be split evenly between the city and the county (\$1,050,000 each).

As expressed during previous closed sessions, Mr. Franklin is of the opinion that the quality of jobs with higher wages, the capital intensive nature of the business in question, plans for future growth, and the diversification of the industrial base all support a higher incentive than what is typically considered. The council concurred with this opinion during a closed session July 13, 2017. Consequently, a joint public hearing with the Randolph County Board of Commissioners on the question of Project Pine is scheduled for Monday, August 14, 2017.

The new issue for discussion is site related and not unique to Fibertex. A previously unknown stream has been identified on the Goodyear/Thomas site. The US Army Corp of Engineers has been contacted, and a low quality intermittent stream identified. Any economic development project on this otherwise prime site would be derailed if the stream issue is not addressed in a satisfactory manner.

There is a solution. The necessary stream delineation and permit application can be completed in approximately 90 days. The Randolph County Economic Development Corporation will pay for and manage this aspect of the site preparation project.

The question to be resolved at this point is the issue of mitigation fees, which could be as high as \$300,000. The city manager has suggested splitting the potential mitigation fees three ways between the city, the county, and the property owner. Thus, each party would commit to an exposure of no more than \$100,000 for this site preparation work.

The property owner has agreed to this proposal, and the county commissioners have scheduled a public hearing on this question due to their general support of the concept.

After considering the information provided during this closed session, Mayor Smith and the council members reached the general consensus that the proposal for a 3-party cost sharing agreement for the potential mitigation fees, with the city paying no more than \$100,000, was a reasonable proposal that should be advanced by holding a public hearing on the question of these potential site preparation expenditures. A public hearing will be scheduled to consider this question in accordance with the North Carolina General Statutes.

Once this discussion was concluded, Council Member Bell moved to return to open session. Council Member Snuggs seconded the motion. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion, and the council returned to open session.

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

David H. Smith, Mayor

NOTICE OF A SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF ASHEBORO
MONDAY, AUGUST 14, 2017
3:00 P.M.

Notice is hereby given of a special meeting of the City Council of the City of Asheboro that is to be held on Monday, the 14th day of August, 2017, at 3:00 p.m. **This meeting will be held as a joint meeting with the Randolph County Board of Commissioners in the 1909 Randolph County Historic Courthouse Meeting Room, 145-C Worth Street, Asheboro, North Carolina 27203.**

This special joint meeting has been called for the purpose of conducting a joint public hearing on the proposed appropriation and expenditure of county and city funds, in accordance with Section 158-7.1 of the North Carolina General Statutes, for an economic development project with a company to be named during the public hearing. After the public hearing, the respective governing boards will consider resolutions authorizing the county and city to enter into an economic development incentives contract with the company.

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

This notice is issued on the 9th day of August, 2017.

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

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SPECIAL MEETING
ASHEBORO CITY COUNCIL
RANDOLPH COUNTY BOARD OF COMMISSIONERS
1909 RANDOLPH COUNTY HISTORIC COURTHOUSE MEETING ROOM
145-C WORTH STREET, ASHEBORO, NORTH CAROLINA
MONDAY, AUGUST 14, 2017
3:00 p.m.

This being the time and place for a joint meeting of the Asheboro City Council and the Randolph County Board of Commissioners, a meeting was held with the following elected officials and staff members from the City of Asheboro present:

- | | |
|-------------------|-----------------------------|
| David H. Smith |) – Mayor Presiding |
| Clark R. Bell |) |
| Edward J. Burks |) |
| Linda H. Carter |) |
| Walker B. Moffitt |) – Council Members Present |
| Jane H. Redding |) |
| Katie L. Snuggs |) |
| Charles A. Swiers |) |
- John N. Ogburn, III, City Manager
Timothy Edward Cockman, Deputy Fire Chief
Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jeffrey C. Sugg, City Attorney

In addition to the above-referenced city officials and staff members, the following members of the Randolph County Board of Commissioners were present: Chairman David Allen, Vice-Chairman Darrell Frye, Stan Haywood, Kenny Kidd, and Maxton McDowell. The following county staff members were also present: Hal

Johnson, County Manager; Amanda Varner, Clerk to the Board; Dana Crisco, Deputy Clerk to the Board; Ben Morgan, County Attorney; and Aimee Scotton, Associate County Attorney.

After Chairman Allen and Mayor Smith called the meeting to order and opened the public hearing on behalf of the respective governing boards, Kevin Franklin, Vice President of the Randolph County Economic Development Corporation, was recognized so that he could discuss the details of the proposed economic development incentives agreement with Fibertex Personal Care Corporation. A representative of the company, Daniel Lee Ellingson, also addressed the governing board in order to express the company's desire to enter into the proposed economic development project with, not only the state, but the county and the city as well.

The terms of the proposal outlined by Mr. Franklin for the local economic incentives agreement are contained within the resolution that is printed below.

During the public hearing, the following individuals were recognized and presented comments as well as questions to the elected officials: Faye Cox, Charles Crickmore, and Tim Greene.

When it became apparent that no other speakers wanted to be heard during the public hearing, Chairman Allen inquired of the Board of Commissioners as to what action the Board Members would like to take. After discussing the value of the investment and the associated job creation, the Board of Commissioners adopted a resolution that followed Mr. Franklin's recommendation.

Subsequently, upon motion by Mr. Bell and seconded by Mr. Burks, council voted unanimously to adopt the following resolution.

RESOLUTION NUMBER 24 RES 8-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AUTHORIZATION FOR THE CITY OF ASHEBORO TO ENTER INTO AN
ECONOMIC DEVELOPMENT INCENTIVES CONTRACT**

WHEREAS, Section 158-7.1 of the North Carolina General Statutes authorizes a city to undertake an economic development project by extending assistance to a company in order to cause the company to locate or expand its operations within the city; and

WHEREAS, the Asheboro City Council, in conjunction with the Randolph County Board of Commissioners, held a properly advertised public hearing on August 14, 2017, to consider whether to participate in an economic development project that will result in the City of Asheboro (the "City"), the County of Randolph (the "County"), and Fibertex Personal Care Corporation, and all related entities, (the "Company") approving an economic development incentives package whereby the City and the County each contribute up to one million fifty thousand and no hundredths dollars (\$1,050,000.00) for a total expenditure of up to two million one hundred thousand and no hundredths dollars (\$2,100,000.00) to or on behalf of the Company to offset the costs of the Company's development of a non-woven textile production facility in the City of Asheboro, Randolph County, North Carolina; and

WHEREAS, said incentives shall be granted pursuant to an economic development incentives contract as provided in Section 3 of this Resolution, said contract to be inclusive of the local match requirements for any and all grant funding awarded to the project; and

WHEREAS, upon the completion by the Company of the proposed project, the Company will have generated new value/investment in real and personal property and equipment associated with the project in an amount equal to or in excess of one hundred fourteen million one hundred twenty-five thousand and no hundredths dollars (\$114,125,000.00) and created a minimum of 145 new full-time jobs in the City and County; and

WHEREAS, this economic development project will stimulate and stabilize the local economy, promote business in the City and County, and result in the creation of a significant number of jobs in the City and County; and

WHEREAS, the City has in its General Fund available revenues sufficient to fund this economic development project;

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

Section 1. The City is authorized to expend up to one million fifty thousand and no hundredths dollars (\$1,050,000.00) of City funds for the Fibertex economic development project.

Section 2. Of the appropriation outlined in Section 1 above, a portion will be used, in combination with equal contributions from the County of Randolph, as one-half of the required local

match(es) for any grants awarded to the project. More specifically, the first two years of incentive payments made pursuant to the contract referenced in Section 3 below will be dedicated to the provision of any required local match(es) for the construction and improvement of rail infrastructure.

Section 3. The remaining expenditures authorized in Section 1 above will be paid to the Company pursuant to a performance-based incentive contract. In addition to the standard terms found in contracts that the City routinely executes in the ordinary course of business, the economic development incentives contract entered into by and between the City, the County, and the Company must contain the following essential terms and conditions:

- a. The total payment made to or on behalf of the "Company," inclusive of the local match(es) referred to in Section 2 above, under this contract shall not exceed two million one hundred thousand and no hundredths dollars (\$2,100,000.00).
- b. Fifty-percent of the contract amount will be paid by the City, and the other fifty-percent of the contract amount will be paid by the County.
- c. The contract amount will be paid over a period of seven years to coincide with the Company's satisfactory completion of certain performance requirements. The said performance requirements include, but are not limited to, the following:
 - i. The Company must deliver to the City and the County written certification that the actual value of new investment by the Company in real and personal property and equipment in connection with this project equals or exceeds one hundred fourteen million one hundred twenty-five thousand and no hundredths dollars (\$114,125,000.00). The written certification of the actual value of the new investment shall further certify that said new investment is located within the corporate limits of the City of Asheboro, Randolph County; and
 - ii. The Company must provide Employment Security Reports to the City and the County evidencing the creation of 145 new full-time jobs located in the City of Asheboro, Randolph County.
- d. The contract must provide the City and the County with a means of recouping a portion of the contract amount if the Company's facilities do not remain in full operation, maintaining the newly created jobs referenced above, for a period of seven years immediately following the date on which the final installment of the contract amount is paid to the Company.
- e. If the Company does not remain in full operation during this 7-year period, a portion of the incentive money must be returned. The amount to be returned shall decrease on a pro-rated amount for each year of said period that the company remains in full operation in the City and County. Any amounts returned by the company in this manner shall be divided equally between the City and the County.

Section 4. The Mayor of the City of Asheboro is hereby authorized to execute on behalf of the City of Asheboro a contract drafted in accordance with the provisions of this Resolution and any other documents necessary for the implementation of this economic development project.

Section 5. Participation by the City in this economic development project is expressly contingent upon equal participation by the County of Randolph.

This Resolution was adopted by the Asheboro City Council in open session during a special meeting held on the 14th day of August, 2017.

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

ATTEST:

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

There being no further business, the meeting was adjourned at 3:22 p.m.

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

David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on July 10, 2017

The Asheboro ABC Board met on July 10, 2017, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Members Steve Knight and Bob Morrison, and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

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

The Board reviewed and there being no objection, approved the minutes of the June 5, 2017, Board meeting.

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

The on-line banking issues encountered since Community One Bank was purchased by Capital Bank have been resolved.

Randolph Community College returned \$822 in unused grant funds. The funds will be redistributed to future applicants.

Grant notices for available funds will be made public by mid-July with applications due by July 31. The Board will review applications at the August 7, 2017, Board meeting.

An administrative action taken by the ABC Commission against an ABC permitted business in Asheboro was discussed.

The store's large sign at the intersection of South Fayetteville and Lanier was vandalized. A police report was made and suspects have been identified. Repair costs total \$1,883.20.

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

1. Asheboro ABC sales statistics comparing:
 - June 2017 sales with the previous month indicate:
 - An overall -2.3% change (all sales and tax collections)
 - June 2017 sales with sales from the same month last year indicate:
 - Retail Sales +2.2% (\$244,853.00)
 - Mixed Beverage Sales: -15.3% (\$27,041.10)
 - Sales Tax Collections: +2.2% (\$17,158.24)
 - Overall Collections: +.3% (\$289,052.34)

- June 2017 bottle sales with bottle sales from the same month last year indicate:

- Retail Bottle Sales: +6.4%
- Mixed Beverage Bottle Sales: -10.9%
- Overall Bottle Sales: +5.3%

The next regular Asheboro ABC Board meeting will be held Monday, August 7, 2017, at 5:30 p.m.

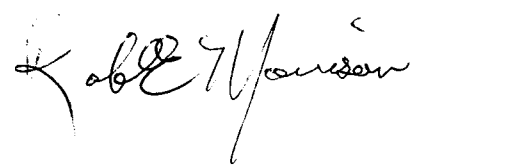
There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board

8-7-17


GM





Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on August 7, 2017

The Asheboro ABC Board met on August 7, 2017, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Members Steve Knight and Bob Morrison, and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

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

The Board reviewed and there being no objection, approved the minutes of the July 10, 2017, Board meeting.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses). Upon motion by Steve Knight, the Board approved making an additional \$25,000 distribution to the City of Asheboro from FY 2017-18 funds.

Grant Notices for 2nd and 3rd Quarter 2017 grant funds were made public during the month of July 2017 with applications due by August 4, 2017. The Board received grant applications from the Asheboro Shelter of Hope and Randolph Fellowship Home. After reviewing the applications, the Board directed the GM obtain additional information to assist the Board in making its award decision. Upon motion by the Chair, the Board agreed to postpone making any award until its September 5, 2017, meeting.

The Board discussed current grant application procedures. Upon motion by Bob Morrison, the Board approved adding a requirement that grant applications be signed by the applying entity's chief executive officer and board chair.

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

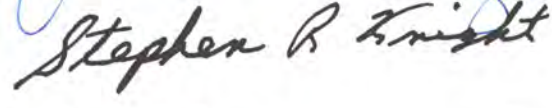
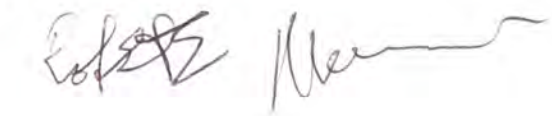
1. Asheboro ABC sales statistics comparing:
 - July 2017 sales with the previous month indicate:
 - An overall -7.7% change (all sales and tax collections)
 - July 2017 sales with sales from the same month last year indicate:
 - Retail Sales -6.6% (\$228,384.40)
 - Mixed Beverage Sales: -20% (\$22,473.98)
 - Sales Tax Collections: -6.6% (\$16,004.08)
 - Overall Collections: -7.87% (\$266,862.46)

- July 2017 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: +.5%
 - Mixed Beverage Bottle Sales: -15.3%
 - Overall Bottle Sales: -0.4%

The next regular Asheboro ABC Board meeting will be held Tuesday, September 5, 2017, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 9-5-17 
GM

The North Carolina Department of Commerce ("Commerce"), an agency of the State of North Carolina ("State"), enters into this Downtown Revitalization Grant Agreement ("Grant Agreement") with the **City of Asheboro** (the "Governmental Unit" or "Grantee" and, together with Commerce, the "Parties"), a local governmental unit.

WHEREAS, N.C. S.L. 2017-57 § 15.8(a) (the "Authorizing Legislation") authorized the awarding of Downtown Revitalization Grants or ("Downtown Revitalization Grant") to provide grants to certain municipal governments to encourage downtown revitalization in eligible communities; and

WHEREAS, Commerce, through its Rural Economic Development Division, administers the **Downtown Revitalization Grants**; and

WHEREAS, the Governmental Unit submitted a proposal and supporting materials (together, "Proposal") to Commerce for a grant (the "Grant") to fund a project (the "Project") as described in Grantee Proposal (Exhibit A).

NOW, THEREFORE, in consideration of the mutual promises and such other valuable consideration as set out herein, the Parties mutually agree to the following terms and conditions:

1. Grant Agreement Documents.

This Grant Agreement consists of the following documents:

- (a). This Grant Agreement, including all documents incorporated by reference herein.
- (b). Grantee Proposal (Exhibit A).
- (c). Sample Progress/Final Report (Exhibit B).
- (d). Payment Request Form (Exhibit C)
- (d). Iran Divestment Act Certification (Exhibit D-1).
- (e). Iran Divestment Act Certification (Exhibit D-2).

2. Changes in the Project or Other Conditions.

- (a). The Governmental Unit shall immediately notify Commerce of any change in conditions or local law, or any other event, which may significantly affect its ability to oversee, administer or perform this Grant Agreement or the Project. In its sole discretion, Commerce may deem such a change in conditions, local law or other event to constitute a Project Change.

3. Term of Grant Agreement.

The effective period of this Grant Agreement shall commence on **7/1/2017** ("Effective Date") and shall terminate on **7/1/2019** unless terminated on an earlier date under the terms of this Grant Agreement (either one of which dates shall constitute the "Termination Date") or unless extended for an express term in writing by Commerce.

4. Funding.

Commerce grants to the Governmental Unit an amount not to exceed **\$100,000.00** for expenditures directly relating to the Project. The Governmental Unit hereby represents and warrants that all Grant funds shall be utilized exclusively for the purpose of the Project and

consistent with this Grant Agreement, the Authorizing Legislation and all other applicable laws, rules, regulations and requirements. The Governmental Unit shall not make or approve of any improper expenditure of Grant funds, including any expenditure of Grant funds for salary or wages for employees of the grantee organization, and food or refreshment expenses.

5. Independent Status of the Governmental Unit.

- (a). The Governmental Unit is an entity independent from Commerce and the State. The Grant Agreement, the Project and any actions taken pursuant to them shall not be deemed to create a partnership or joint venture between or among the Governmental Unit, Commerce, the State or any third party. Nor shall the Grant Agreement or the Project be construed to make the Governmental Unit (including its employees, agents or contractors) or any third party into employees, agents, members or officials of Commerce or the State. Neither the Governmental Unit (including its employees, agents or contractors) nor any third party shall have the ability to bind Commerce or the State to any agreement for payment of goods or services or represent to any person that they have such ability.
- (b). The Governmental Unit shall be responsible for payment of all of its expenses, including rent, office expenses and all forms of compensation to its employees, agents and contractors. The Governmental Unit shall provide worker's compensation insurance to the extent required for its operations and shall accept full responsibility for payments of unemployment tax or compensation, social security, income taxes and any other charges, taxes or payroll deductions required by law in connection with its operations, for itself and its employees, agents and contractors who are performing work pursuant to this Grant Agreement. All expenses incurred by the Governmental Unit are its sole responsibility, and neither Commerce nor the State shall be liable for the payment of any obligations incurred in the performance of the Project.

6. Method of Payment.

Commerce shall endeavor to pay the Grant funds to the Governmental Unit within 30 calendar days of actual receipt of this Grant Agreement executed by Governmental Unit and the satisfaction of all other conditions precedent to payment of grant funds to Governmental Unit.

Funds may only be used in accordance with this Grant Agreement and the uses set forth in the Authorizing Legislation. Commerce may request, and the Governmental Unit must produce, any information from the Governmental Unit justifying the use of the Grant funds. The submission of any reports required by Exhibit B and Paragraph 8 below, or any requests for reimbursement required by this Paragraph or Exhibit B, representing that any work on the Project has been performed shall constitute a certification that the work represented has actually been performed.

7. Project Records.

- (a). The Governmental Unit shall maintain full, accurate and verifiable financial records, supporting documents and all other pertinent data for the Project in such a manner as to clearly identify and document the expenditure of the State funds provided under this Grant Agreement separate from accounts for any separate awards, monetary contributions or other revenue sources for this Project.
- (b). The Governmental Unit shall retain all financial records, supporting documents and all other pertinent records related to the Project for a period of five (5) years from the date of the last disbursement of Grant funds or the Termination Date, whichever is later. In the

event such records are audited, all Project records shall be retained beyond the five-year period until the audit is concluded and any and all audit findings have been resolved.

8. Monitoring, Reports and Auditing.

- (a). The Governmental Unit agrees to ensure compliance and provide its assistance with such monitoring and auditing requirements as the State may request, including following the Termination Date of this Grant Agreement. Additionally, the Governmental Unit shall regularly monitor all performance under Grant-supported activities to ensure that time schedules are being met and other performance goals are being achieved. Further, the Grantee, or designated agent, shall maintain records and accounts that properly document and account for the application of all Grant funds for a minimum of five (5) years after the date of the last disbursement or the Termination Date, whichever is later.
- (b). The Governmental Unit shall furnish Commerce a detailed written final report within 30 days of the Termination Date. If the Termination Date is extended a final report shall be furnished within 30 days of the new Termination Date. The Governmental Unit shall furnish detailed written progress reports as otherwise requested by Commerce within 30 days of the request from Commerce. Such progress and final reports should describe the progress made by the Governmental Unit toward achieving the requirements and purpose(s) of the Project, and shall include detailed financial documentation proving funds were appropriately expended. Such descriptions should include the successes and problems encountered during the reporting period. In Commerce's sole discretion, failure to submit a required report by the scheduled submission date or submission of an inadequate report will trigger Repayment Requirements addressed in Paragraph 12(b) of this Grant Agreement.
- (c). The Governmental Unit acknowledges and agrees that, with regard to the Grant funds, it will be subject to the audit and reporting requirements prescribed by N.C.G.S §159-34, Local Government Finance Act - Annual Independent Audit; rules and regulations. Such audit and reporting requirements may vary depending upon the amount and source of Grant funding received by the Governmental Unit and are subject to change from time to time.
- (d). The Governmental Unit grants the State and any of its related agencies, commissions or departments (including, without limitation, Commerce, the North Carolina State Auditor and the North Carolina Office of State Budget and Management) and any of their authorized representatives, at all reasonable times and as often as necessary (including after the Termination Date), access to and the right to inspect, copy, monitor, and examine all of the books, papers, records and other documents relating to the Grant Agreement or the Project. Likewise, the Governmental Unit shall ensure that any third party it employs or contracts with to work on the Project provides the same access. In addition, the Governmental Unit agrees to comply at any time, including after the Termination Date, with any requests by the State (including, without limitation, Commerce) for other financial and organizational materials to permit the State to comply with its fiscal monitoring responsibilities or to evaluate the short- and long-range impact of its programs.

9. Termination; Availability of Funds.

- (a). If the Governmental Unit fails to fulfill in a timely and proper manner its obligations or violates any of the covenants or stipulations under this Grant Agreement, the Governmental Unit agrees that Commerce has the right to terminate this Grant Agreement by giving the Governmental Unit written notice specifying the Termination Date, which Commerce may determine in its sole discretion. Upon such termination, Commerce shall

have no responsibility to make additional Grant payments. Upon such termination, the Governmental Unit shall not expend any Grant funds without Commerce's express written authorization and shall return all unspent Grant funds to Commerce upon demand.

- (b). The obligations of Commerce to pay any amounts under this Grant Agreement are contingent upon the availability and continuation of funds for such purpose. If funds for the Grant become unavailable, the Governmental Unit agrees that Commerce has the right to terminate this Grant Agreement by giving written notice specifying the Termination Date, which Commerce shall determine in its sole discretion. Upon such termination, the State shall have no responsibility to make additional Grant payments. Further, upon such termination, the Governmental Unit shall not expend any Grant funds without Commerce's express written authorization and shall return all unspent Grant funds to Commerce upon demand.

10. Liabilities and Loss.

The Governmental Unit hereby agrees to release, indemnify and hold harmless the State (including, without limitation, Commerce), and their respective members, officers, directors, employees, agents and attorneys (together, the "Indemnified Parties"), from any claims of any third party arising out of any act or omission of the Governmental Unit or any third party in connection with the performance of this Grant Agreement or the Project, and for all losses arising from their implementation. Without limiting the foregoing, the Governmental Unit hereby releases the Indemnified Parties from, and agrees that such Indemnified Parties are not liable for, and agrees to indemnify and hold harmless the Indemnified Parties against, any and all liability or loss, cost or expense, including, without limitation, reasonable attorneys' fees, fines, penalties and civil judgments, resulting from or arising out of or in connection with or pertaining to, any loss or damage to property or any injury to or death of any person occurring in connection with the Project, or resulting from any defect in the fixtures, machinery, equipment or other property used in connection with the Project or arising out of, pertaining to, or having any connection with, the Project or the financing thereof (whether arising out of acts, omissions, or negligence of the Governmental Unit or of any third party), including any claims and losses accruing to or resulting from any and all subcontractors, material men, laborers and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the Project.

11. Governmental Unit Representations and Warranties.

The Governmental Unit hereby represents and warrants that:

- (a). The execution and delivery of this Grant Agreement have been duly authorized by all necessary Governmental Unit action and are not in contravention of law or in contravention of the provisions of any indenture agreement or undertaking to which the Governmental Unit is a party or by which it is bound.
- (b). There is no action, suit proceeding, or investigation at law or in equity or before any court, public board or body pending, or to the knowledge of the Governmental Unit, threatened against or affecting it that could or might adversely affect the Project or any of the transactions contemplated by this Grant Agreement or the validity or enforceability of this Grant Agreement or the abilities of the Governmental Unit to discharge its obligations under this Grant Agreement. If it is subsequently found that an action, suit, proceeding, or investigation did or could threaten or affect the development of the Project, Commerce can, in its discretion, terminate the Grant Agreement upon notice and require the

Governmental Unit to repay to Commerce the entire amount of the Grant.

- (c). No consent or approval is necessary from any governmental authority as a condition to the execution and delivery of this Grant Agreement by the Governmental Unit or the performance of any of its obligations hereunder, or all such requisite governmental consents or approvals have been obtained. The Governmental Unit shall provide Commerce with evidence of the existence of any such necessary consents or approvals at the time of the execution of this Grant Agreement.
- (d). The Governmental Unit is solvent.

12. Additional Repayment Requirements and Remedies.

- (a). The repayment requirements and remedies addressed in this Paragraph 12 are in addition to those repayment requirements and other remedies set forth elsewhere in this Grant Agreement, including the requirements to repay unspent Grant funds. No remedy conferred or reserved by or to the State is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy provided for in this Grant Agreement, or now or hereinafter existing at law, in equity, or by statute, and any such right or power may be exercised from time to time and as often as may be deemed expedient.
- (b). If there is a breach of any of the requirements, covenants or agreements in this Grant Agreement (including, without limitation, any reporting requirements), or if there are any representations or warranties which are untrue as to a material fact in this Grant Agreement or in relation to the Project (including the performance thereof), the Governmental Unit agrees that Commerce may require repayment from the Governmental Unit of an amount of Grant funds to be determined in Commerce's sole discretion but not to exceed the amount of Grant funds the Governmental Unit has already received under this Grant Agreement.

13. No Waiver by the State.

Failure of the State (including, without limitation, Commerce) at any time to require performance of any term or provision of this Grant Agreement shall in no manner affect the rights of the State at a later date to enforce the same or to enforce any future compliance with or performance of any of the terms or provisions hereof. No waiver of the State of any condition or the breach of any term, provision or representation contained in this Grant Agreement, whether by conduct or otherwise, in any one or more instances, shall be deemed to be or construed as a further or continuing waiver of any such condition or of the breach of that or any other term, provision or representation.

14. Waiver of Objections to Timeliness of Legal Action.

The Governmental Unit knowingly waives any objections it has or may have to timeliness of any legal action (including any administrative petition or civil action) by the State (including, without limitation, Commerce) to enforce its rights under this Grant Agreement. This waiver includes any objections the Governmental Unit may possess based on the statutes of limitations or repose and the doctrines of estoppel or laches.

15. Special Provisions and Conditions.

- (a). Non-discrimination. The Governmental Unit agrees not to discriminate by reason of age, race, religion, color, sex, national origin or disability related to the activities of this Grant Agreement.
- (b). Conflict of Interest. The Governmental Unit shall forward to Commerce along with the executed copies of this Grant Agreement a copy of its policy and any ordinance or resolution it has adopted addressing conflicts of interest that may arise involving the members of the Governmental Unit's governing body and/or any of its employees or officers involved in the Grant or the Project. Such policy, ordinance or resolution shall address situations in which any of these individuals may directly or indirectly benefit, other than through receipt of their normal compensation in their capacities as the Governmental Unit's employees, officers or members of its governing body, from the Grant or the Project, and shall include actions to be taken by the Governmental Unit or the individual, or both, to avoid conflicts of interest and the appearance of impropriety. Additionally, the Governmental Unit certifies that, as of the date it executes this Grant Agreement, no such individuals have such a conflict of interest or will directly or indirectly benefit, except in the capacities described above, from the Grant or Project. Throughout the duration of this Grant Agreement and the Project, the Governmental Unit has the duty to promptly inform Commerce of any such conflict of interest or direct or indirect benefit of which it becomes aware.
- (c). Compliance with Laws. The Governmental Unit shall at all times observe and comply with all laws, regulations, codes, rules, ordinances and other requirements (together, "Laws") of the state, federal and local governments which may in any manner affect the performance of the Grant Agreement or the Project.
- (d). Non-Assignability. The Governmental Unit shall not assign or transfer any interest in the Agreement without the prior written consent of Commerce; provided, however, that claims for money due to Governmental Unit from Commerce under this Grant Agreement may be assigned to any commercial bank or other financial institution without such approval.

16. Notice.

All notices required or permitted to be delivered hereunder and all communications in respect hereof shall be in writing and shall be deemed given when personally delivered or when deposited in the United States mails, certified, return receipt requested, first class, postage prepaid and addressed as follows:

If to the Rural Authority or Commerce: Attn: **Melody Adams**
North Carolina Department of Commerce
Rural Economic Development Division
301 North Wilmington Street
4346 Mail Service Center
Raleigh, North Carolina 27699-4346

If to the Governmental Unit: Attn: **Mr. John Ogburn, III**
City of Asheboro
PO Box 1106
Asheboro, NC 27204-1106

or addressed to such other address or to the attention of such other individual as Commerce or the Governmental Unit shall have specified in a notice delivered pursuant to this subsection.

17. Entire Agreement.

This Grant Agreement supersedes all prior agreements between Commerce and the Governmental Unit with regard to the Project and expresses their entire understanding with respect to the transactions contemplated herein, and shall not be amended, modified or altered except pursuant to a writing signed by both Commerce and the Governmental Unit.

18. Execution.

This Grant Agreement may be executed in one or more counterparts, each of which, when executed, shall be deemed an original, and such counterparts, together, shall constitute one and the same Grant Agreement which shall be sufficiently evidenced by one of such original counterparts.

19. Construction.

This Grant Agreement shall be construed and governed by the laws of the State of North Carolina.

20. Severability.

Each provision of this Grant Agreement is intended to be severable and, if any provision of this Grant Agreement is held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect or impair any other provision of this Grant Agreement, but this Grant Agreement shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.

Rural Economic Development Grant Agreement
Revitalization and Economic Development

2018-003-1257-1534

21. Acceptance.

If the Governmental Unit agrees to the Grant conditions as stated, please return the executed documents specified in Paragraph 1. This Grant may be withdrawn if Commerce has not received such documents within ten (10) days from the date of the cover letter from Commerce to the Governmental accompanying this Grant Agreement and its Exhibits.

IN WITNESSETH WHEREOF, the parties hereto have executed this Grant Agreement as of the date first above written.

City of Asheboro

Signature: _____ [SEAL]

Printed Name: _____

Title: _____

Date: _____

North Carolina Department of Commerce

Signature:  _____ [SEAL]

Printed Name: Napoleon Wallace

Title: Assistant Secretary for Rural Economic Development

Date: 8/24/17

2017-2018 Downtown Revitalization/Economic Development Proposal Form

Local Government Information

Legal Name of Local Government: City of Asheboro County: Randolph Tier # 2
Name of Chief Elected Official: David H. Smith Title: Mayor
Mailing Address: PO Box 1106 Street Address: 146 N. Church St.
City: Asheboro State: NC Zip: 27203
Primary Telephone(s): 336-626-1201 x 201 Fax: 336-626-1218
Email: mayor@ci.asheboro.nc.us Federal Tax ID #: 56-6001167

Local Government Project Contact:

Name: Trevor Nuttall Title: Community Development Director
Primary Telephone: 336-626-1201 x 223 Email: tnuttall@ci.asheboro.nc.us

Grant Administrator (if applicable) N/A
Mailing Address: _____ Street Address: _____
City: _____ State: _____ Zip: _____
Name: _____ Title: _____
Primary Telephone: _____ Fax: _____
Email: _____ Federal Tax ID #: _____

Community Information

- | | | Check One |
|---|--|--|
| | | Yes No |
| 1 | Is your community designated by the Department of Commerce as a NC Main Street community? | ☐ ☒ |
| 2 | Is your community designated by the Department of Commerce as a NC Small Town Main Street community? | ☐ ☒ |
| 3 | Is your community receiving downtown strategic economic development planning services through the NC Main Street & Rural Planning Center's Downtown Associate Community program? | ☒ ☐ |
| 4 | Has your community received strategic economic development planning services through the NC Main Street & Rural Planning Center's Rural Planning program in the last 3 years? | ☐ ☒ |
| 5 | Would you like for the staff at the Department of Commerce, NC Main Street & Rural Planning Center to contact you regarding strategic economic development planning services? | ☐ ☒ |
| If yes, please provide the contact information for the person to contact: | | |
| | Name: _____ | Title: _____ |
| | Phone: _____ | Email: _____ |

Project Information

- 1 Provide a description of the downtown revitalization/economic development activities to be funded by the grant along with the estimated cost for each activity.

The City of Asheboro is committed to renovating a 1940's era recreational center formerly owned by the Acme-McCrary hosiery mills and built as an employee fitness center following World War II. In May, 2017, the company transferred the property to the City of Asheboro to ensure its long-term viability and rehabilitative work started almost immediately. The city plans to use this funding towards replacing the roof which has a cost of \$190,000, update heating and cooling systems at a cost of \$150,000, install new flooring in much of the facility for \$150,000, and improve accessibility with new compliant ramps and an elevator system for \$125,000.

2. Provide a description of the proposed outcomes of the downtown revitalization/economic development project/activity.
 While built for employees and their families in 1949, thanks to the generosity of the Acme-McCrary corporation the recreation center was widely used by the community from the beginning. As a result of the 2017 acquisition of Acme-McCrary manufacturing assets by MAS Capital (who will invest up to \$20 million and maintain a strong presence in Aseboro), Acme-McCrary was in a position to convey the property to the city with the hope that citizens will continue to benefit from the facility. The facility ultimately will house a refurbished gymnasium, indoor swimming pool, fitness rooms, demonstration kitchen and flex space.
3. Provide a timeline for the implementation of the downtown revitalization/economic development project/activity.
 The city intends to have the facility renovated adequately for select public activities next year, with the full slate of upfits to be complete within 24 months. Roof work should commence in the next few weeks and will be completed well before October 2018. Replacement flooring and plumbing and HVAC rough-ins should begin early next year and be completed by the end of 2018.
4. Include photos of the area where the project/activity will take place and provide a description of the photos below.
 1. Exterior photos
 2. Main lobby
 3. Gymnasium
 4. Kitchen
 5. Classroom and weightroom
 6. Swimming pool

Applicant Certifications

The attached statements and exhibits are hereby made part of this application, and the undersigned representative of the applicant certifies that the information in this application and the attached statements and exhibits are true, correct, and complete to the best of the signatory's knowledge and belief. The signatory further certifies:

1. as Authorized Representative, the signatory has been authorized to file this application;
2. that the governing body or agrees that if a grant is awarded, the applicant will provide proper and timely submittal of all documentation requested by the Grantor Agency;
3. that the applicant has substantially complied with or will comply with all federal, state, and local laws, rules, regulations, and ordinances as applicable to this project; and
4. that as of the date listed below, the applicant is not listed on the Final Divestment List created by the State Treasurer pursuant to N C G S 143-6A-4. This list, along with additional information about the Iran Divestment Act, is available on the Treasurer's Office site: <https://www.nctreasurer.com/inside-the-department/OpenGovernment/Pages/Iran-Divestment-Act-Resources.aspx>.

Trevor Nuttall

Digitally signed by Trevor Nuttall
 DN: cn=Trevor Nuttall, o=City of Aseboro,
 ou=Community Development Division,
 email=t.nuttall@ci.aseboro.nc.us, c=US
 Date: 2017.08.18 10:47:45 -0400

 Signature of Chief Elected Official or Authorized Representative

John N. Ogburn, III
 Typed Name

 City Manager
 Typed Title

August 17, 2017
 Date

Complete proposals should be submitted no later than September 15, 2017 by one of the follow delivery options:

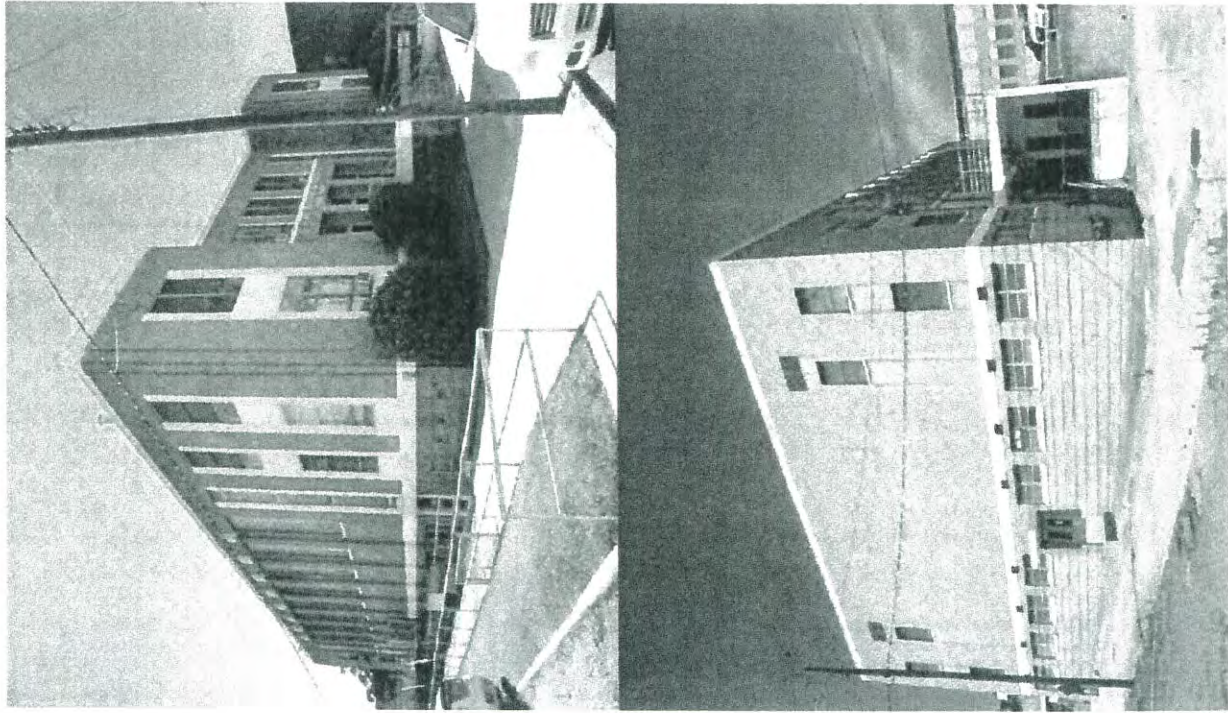
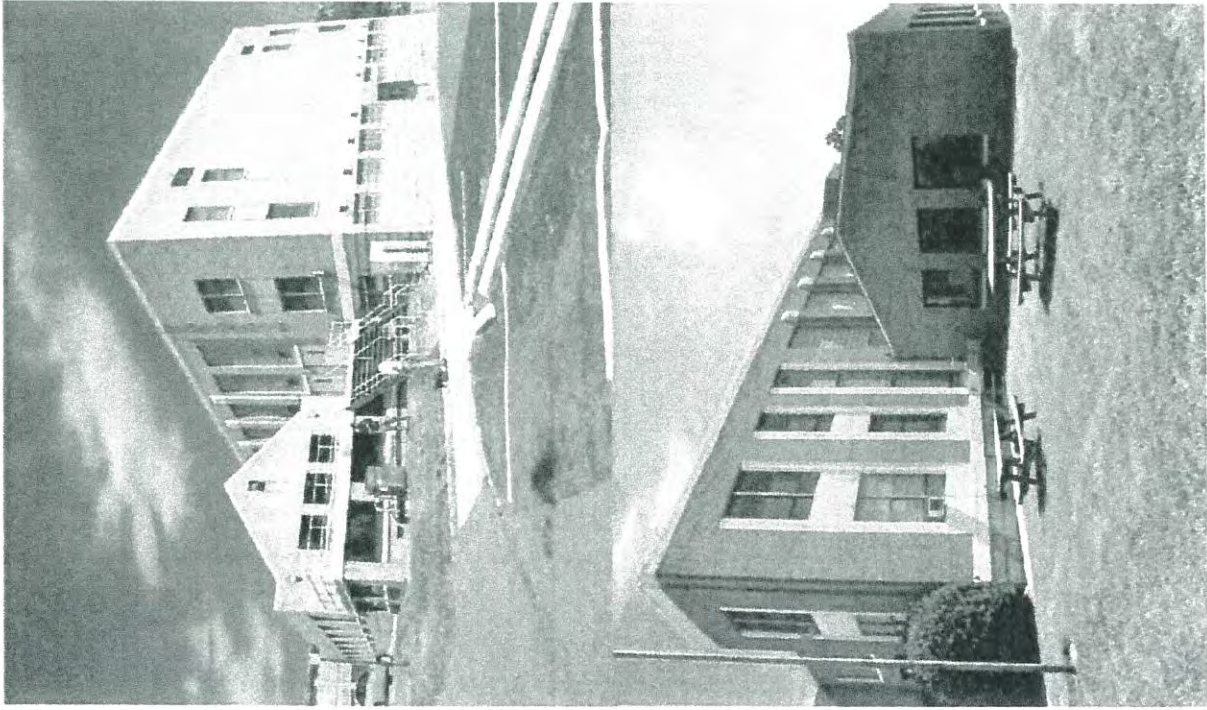
Via e-mail as a signed PDF to: rgpreports@nccommerce.com

Or

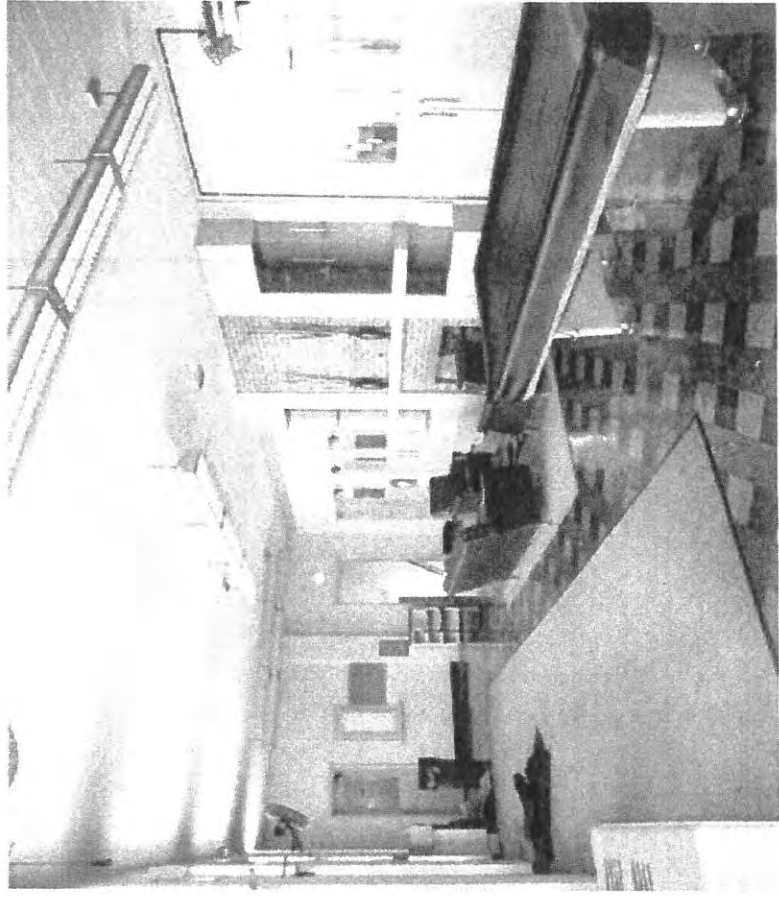
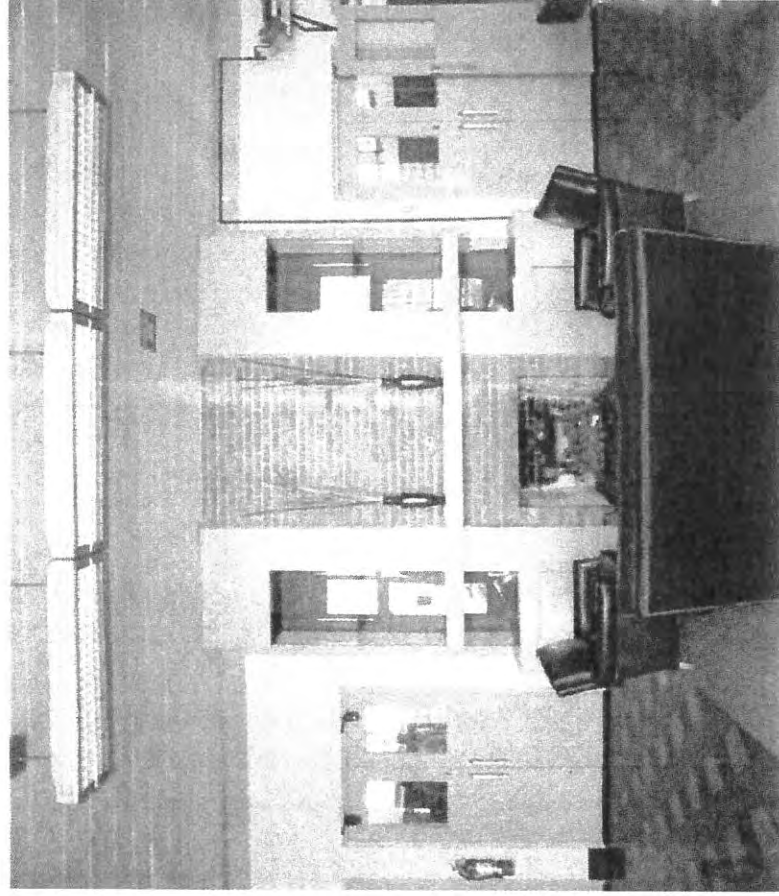
Via postal or overnight delivery to:

Melody Adams, Director, Rural Grant Programs
 North Carolina Department of Commerce, Rural Economic Development Division
 301 N. Wilmington Street (For Overnight Delivery Services)
 4346 Mail Service Center (For US Postal Service)
 Raleigh, NC 27699

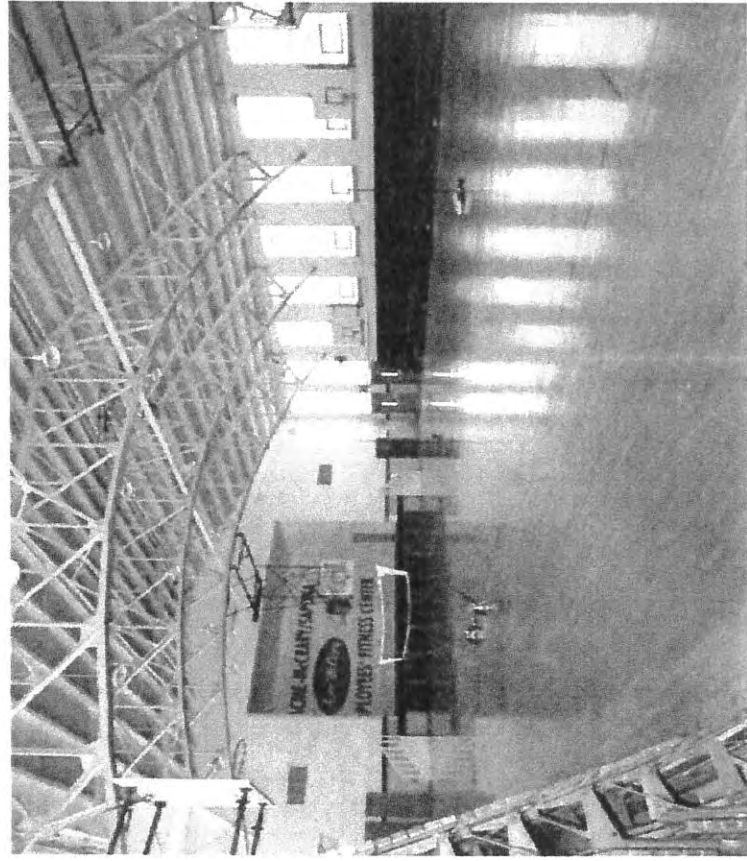
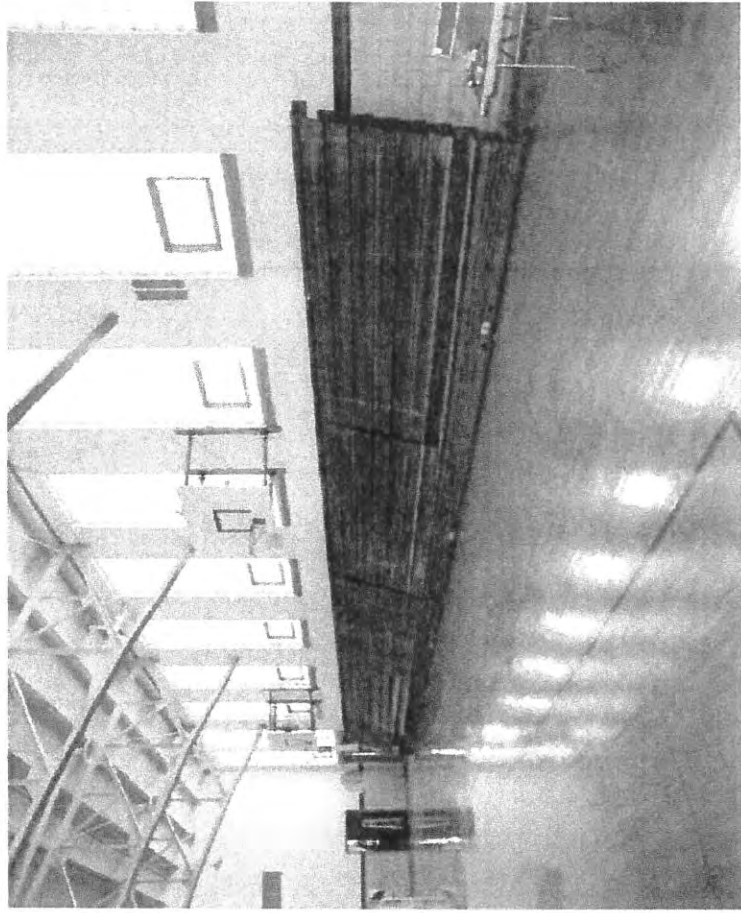
Exterior
photos

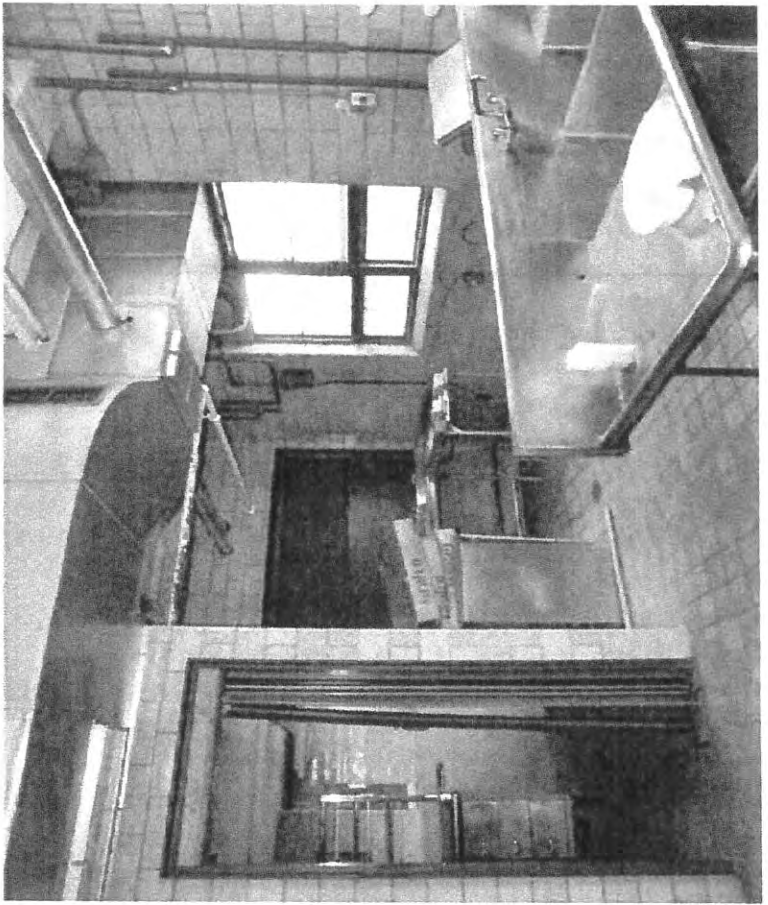
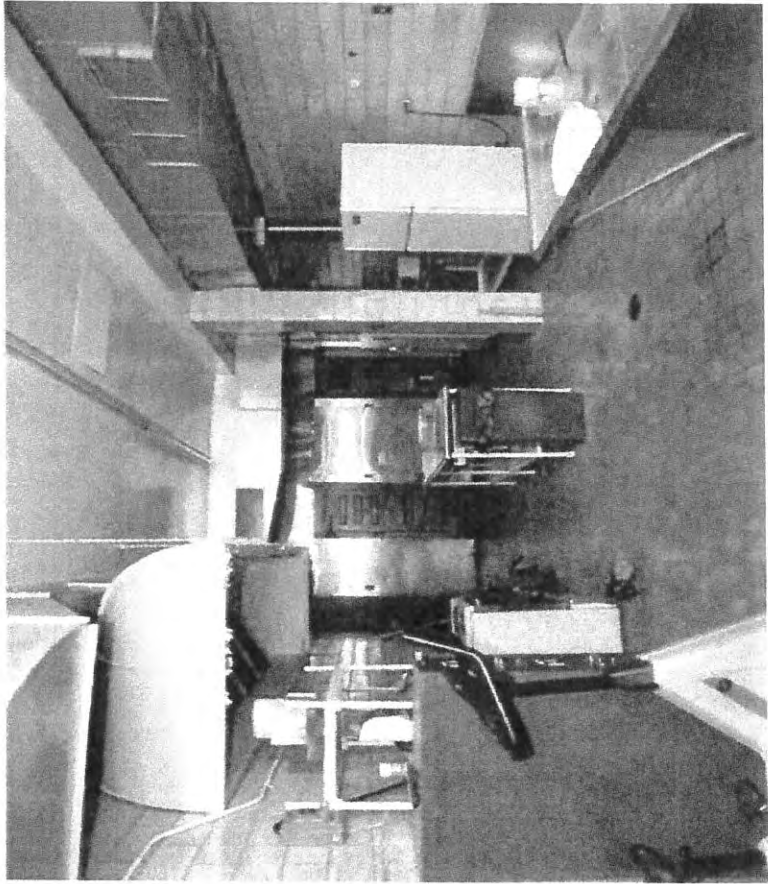


Main Lobby



Gymnasium

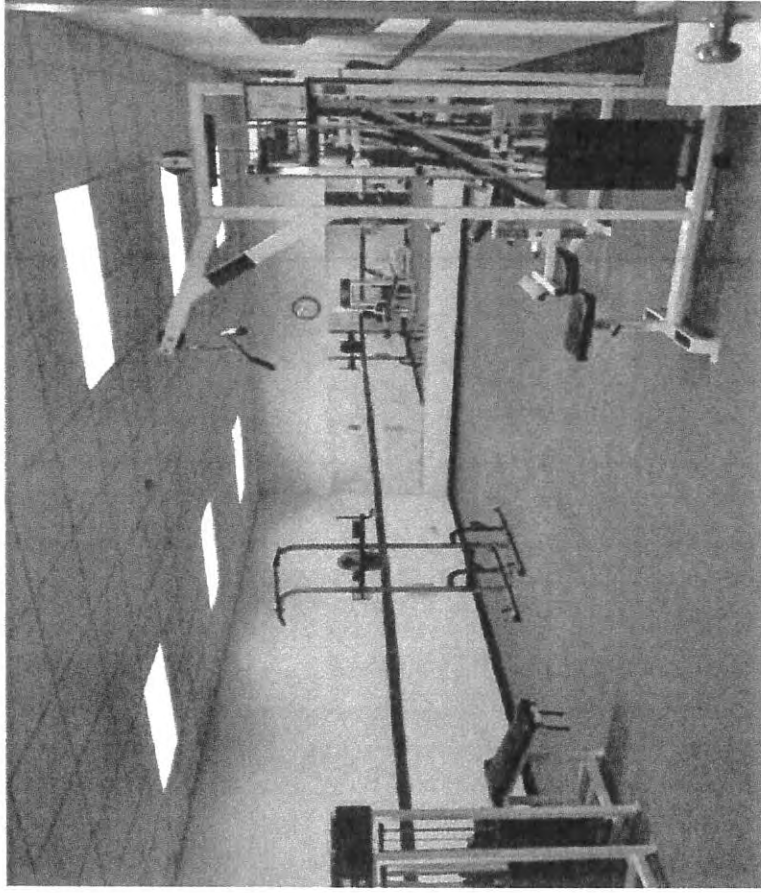
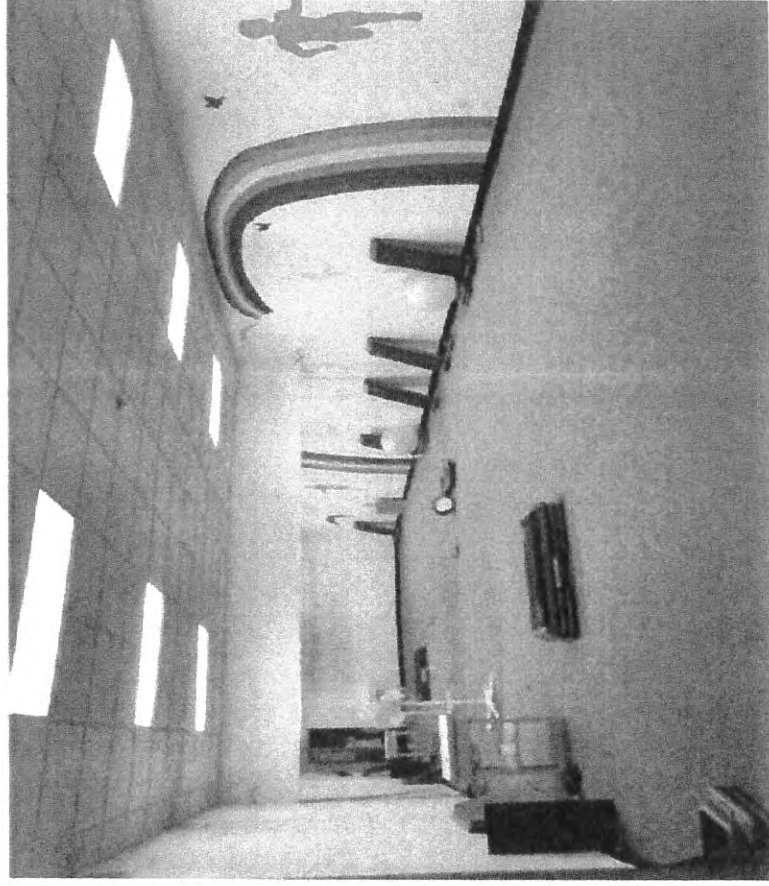




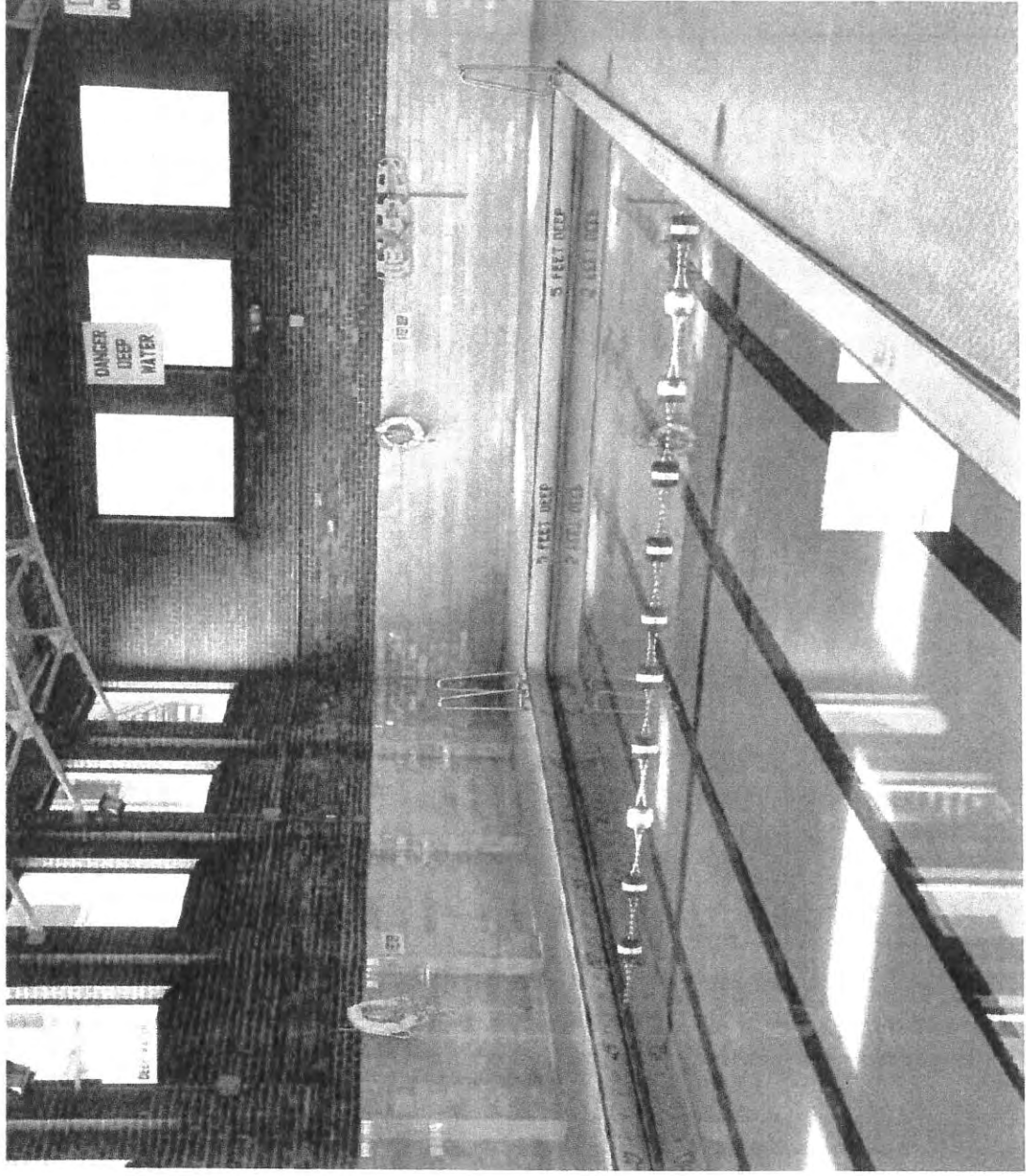
Kitchen



Classroom and Weight-room



Pool



North Carolina Department of Commerce
Rural Economic Development Division
Rural Grant Programs

Downtown Revitalization and Economic Development Progress and Final Report Form

☒ Progress Report

☐ Final Report

GRANTEE INFORMATION (to be completed by Grantee)

Reporting Period

From: _____
(date)

To: _____
(date)

Contract Information

Contract Ref# 2018-003-1257-1534

Grantee Name: City of Asheboro Project Title: Downtown Revitalization

Project Contact Completing this Form: _____ Title: _____

Primary Telephone: _____ Email: _____

PROJECT SUMMARY

1) Please provide a detailed description of the project progress to date. 2) Provide a detailed list of expenditures including the item and cost. 3). Attach copies of invoices/receipts for each expenditure paid with grant funds.

SIGNATURE OF CHIEF ELECTED OFFICIAL/AUTHORIZED REPRESENTATIVE

Date

TYPED NAME AND TITLE

Grant Recipient:	City of Asheboro
Grant/Contract Number:	2018-003-1257-1534
Grant Award Amount:	\$100,000.00
Project Type:	Other

Request Number: 1
Request Amount: \$1
Termination Date: 7/

(Please sign and return with contract documents)

[illegible]

Local Government Certification

Name of Entity: _____

Address of Entity: _____

**IRAN DIVESTMENT ACT CERTIFICATION
REQUIRED BY N.C.G.S. 147-86.59**

As of the date listed below, the entity listed above is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 147-86.58.

The undersigned hereby certifies that he or she is authorized by the entity listed above to make the foregoing statement.

Signature

Date

Printed Name

Title

Notes to persons signing this form:

N.C.G.S. 143C-6A-5(a) requires this certification for bids or contracts with the State of North Carolina, a North Carolina Local government, or any other political subdivision of the State of North Carolina. The certification is required at the following times:

- When a bid is submitted
- When a contract is entered into (if the certification was not already made when the vendor made its bid)
- When a contract is renewed or assigned

N.C.G.S. 143-6A-5(b) requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List.

The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

Property Owner Certification

Name of Entity: _____

Address of Entity: _____

**IRAN DIVESTMENT ACT CERTIFICATION
REQUIRED BY N.C.G.S. 147-86.59**

As of the date listed below, the entity listed above is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 147-86.58.

The undersigned hereby certifies that he or she is authorized by the entity listed above to make the foregoing statement.

Signature

Date

Printed Name

Title

Notes to persons signing this form:

N.C.G.S. 143C-6A-5(a) requires this certification for bids or contracts with the State of North Carolina, a North Carolina Local government, or any other political subdivision of the State of North Carolina. The certification is required at the following times:

- When a bid is submitted
- When a contract is entered into (if the certification was not already made when the vendor made its bid)
- When a contract is renewed or assigned

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The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

Item 3 (J)

CITY OF ASHEBORO NORTH CAROLINA

APPLICATION FOR PARADE PERMIT

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

Contact Name: Qua Wood
Address: 1016 Redwood Dr. Asheboro NC 27205
Phone: 336-625-9352 E-mail: quawood@gmail.com

Organization: Mid-State Tractor Heritage Association
Address: P.O. Box 2447 Asheboro NC 27204
Phone: 336-625-9352 336-963-2143

Date of Parade: Oct. 14, 2017 Start Time: 10:00 End Time: 11:30
Rain Date: Nov 4, 2017
Number of Persons: 300 to 500 Number of Vehicles: 100 (hopefully)

Streets Involved: all of Hoover, Davis, part of Church/Sunset/Fayetteville
Special officials and/or guests: not know @ this time & Academy

Insurance Company & Policy Number: Ene Ins. Exchange Pol # Q314600645 Waiver/Release
Any additional Information: We need Hoover & Davis Streets closed at Form signed
7:00 am on 10-14-17 for registration By Particip.

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

Signature of Authorized Representative: Qua S. Wood

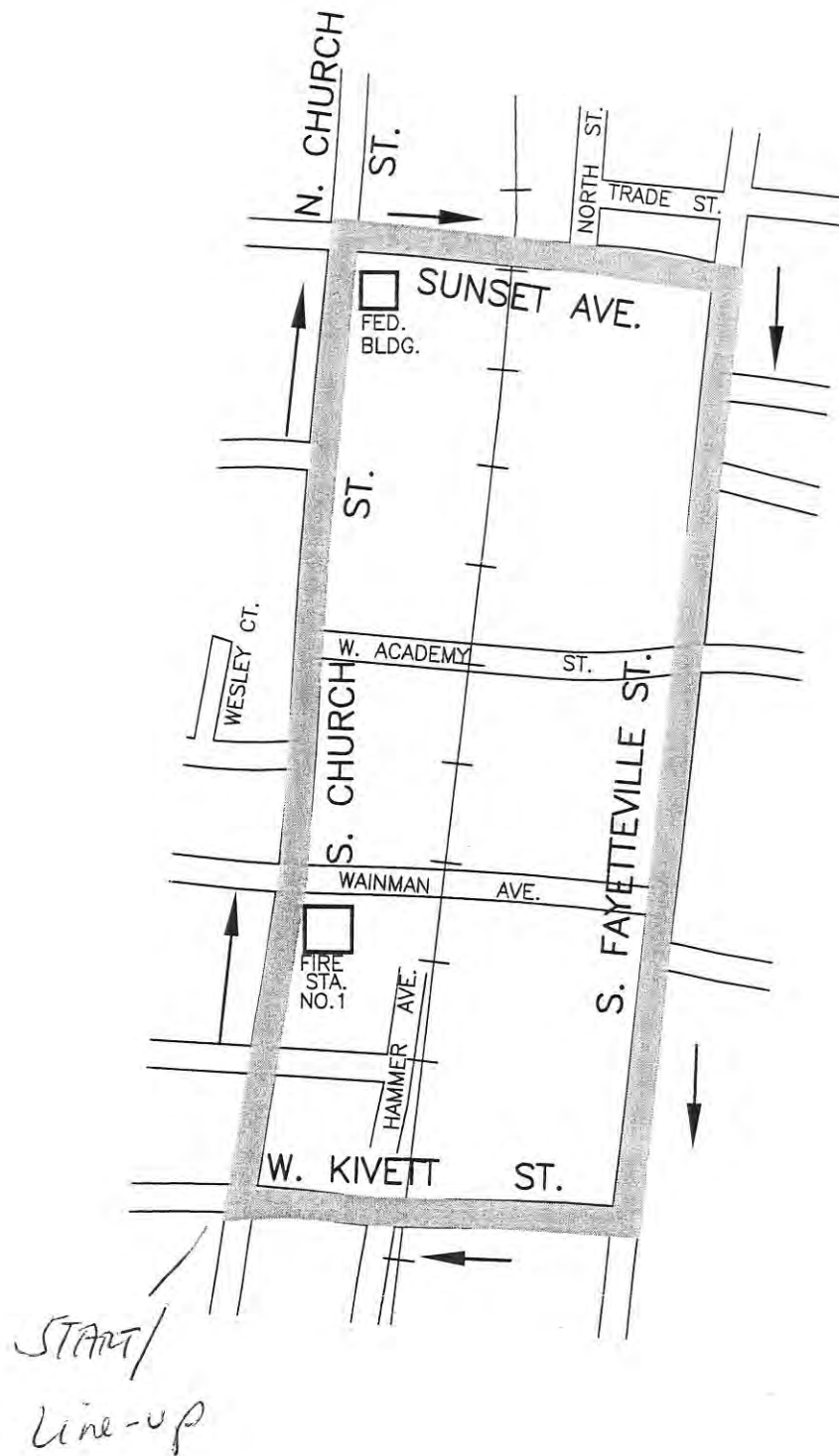
Thanks!!

Internal Use Only

Police Department Recommendation: [Signature]

City of Asheboro Approval By: [Signature]

Date: _____



Downtown Parade Route 2017

May, 2004

Scale 1" = 400'

Drawing By City of Asheboro Engineering Dept.

ORDINANCE TO AMEND THE GENERAL FUND
FY 2017-2018

Item 3 (K)

WHEREAS, The Asheboro ABC Board has approved a special distribution of \$25,000 to the City of Asheboro, and;

WHEREAS, there is a need to update the security surveillance system at the Asheboro Regional Airport at an estimated cost of \$14,000 and fencing improvements estimated at \$11,000, and;

WHEREAS, the Asheboro Police Department has requested an additional allocation of \$33,418 for mobile radios for the new vehicles approved in the 2017-2018 budget, \$4100 for a DCU Camper Shell, and an additional \$4008 due to state contract price changes on the two 2017 Ford F150 vehicles approved in the budget, and;

WHEREAS, the Asheboro Police Department has requested to relocate its Vice Unit office which will require an additional allocation of \$15,200 for rent costs in 2017-2018, and;

WHEREAS, the Asheboro Fire Department was approved to purchase turnout gear in the 2016-2017 fiscal year but the gear was not received to be expensed in that fiscal year and as a result needs to be added to the 2017-2018 fiscal year budget, and;

WHEREAS, the City of Asheboro would like to continue utilizing the professional services of The Franklin Partnership to assist us in finding funding for the Asheboro Regional Airport New Terminal at their negotiated contract rate of \$4250 per month, \$51,000 for 2017-2018, and;

WHEREAS, the City of Asheboro would like to acquire a 900 linear ft long by 50 ft wide right of way located at New Century drive for an acquisition cost of \$30,000, and;

WHEREAS, the revenues and anticipated expenses have changed, and;

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

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

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
10-320-0000	ABC Board Contribution	\$25,000
10-385-0100	Proceeds from Lease Purchase	1,759
10-399-0000	Fund Balance Allocation	163,967
	Increase	\$190,726

ORDINANCE TO AMEND THE GENERAL FUND
FY 2017-2018

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
10-650-4500	Contracted Services	\$25,000
10-650-0400	Professional Services –Airport	\$51,000
10-510-7400	Capital Outlay	8,108
10-510-3500	Small Equipment	33,418
10-510-2100	Office Rental- Vice	15,200
10-530-3600	Uniforms and Accessories- Fire	28,000
10-565-7100	Capital Outlay- Land	\$30,000
	Increase	<u>\$190,726</u>

Adopted this the 14th day of September 2017.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND THE WATER AND SEWER FUND
FY 2017-2018

Item 3 (L)

WHEREAS, the City of Asheboro has an opportunity to purchase a 3.752 acre parcel of land, PIN 7741769361, which is located adjacent to, and east of, the assemblage of parcels surrounding City Reservoirs 1, 2, & 3, also known as Lake Ross, McCrary and Bunch, and;

WHEREAS, the negotiated price of this parcel is its current tax value of \$19,500, and;

WHEREAS, the estimated closing costs associated with this transaction are estimated at \$800 and;

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

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

That the following revenue line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase Amount</u>
30-299-0000	Retained Earnings Allocation	20,300

That the following expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase Amount</u>
30-820-7200	Purchase of Land	20,300

Adopted this the 14th day of September 2017.

ATTEST:

David H. Smith, Mayor

Holly H. Doerr, CMC, NCCMC, City Clerk



SUB-17-02: Subdivision Preliminary Plat review for Robins Nest, Phase 2

(West side of Gold Hill Road, northern terminus of current Robins Nest Dr.)

Staff Report

SUBDIVISION STAFF REPORT
Preliminary Plat

CASE # SUB-17-02

Date 9-11-17 PB
9-14-17 CC

GENERAL INFORMATION

Subdivision Name Robins Nest Phase 2
Requested Action Subdivision Preliminary Plat
Applicant McDowell Timber Company
Address 1296 Old Humble Mill Rd.
Phone 336-302-9225
Location west side of Gold Hill Road (north of East. Allred Street)

PARCEL INFORMATION

PIN 7762658808, 7762750195, 7762751483, 7762752727, 7762754678

Size 27.51 acres +/- **Number of Lots** 43

Existing Zoning R10 **Average Lot Size** 25,053 sq. ft +/-.

Existing Land Use Undeveloped

Surrounding Land Use

North Medium-density residential **East** Medium-density res/commercial/ind.

South Medium-density residential **West** Medium-density residential

LAND DEVELOPMENT PLAN

Growth Strategy Map Primary Growth

Proposed Land Use Map Neighborhood Residential

Small Area Plan Map East and Northeast (property is in both)

Identified Activity Center? No

Development Issues

1. The property is located in the city limits. City services are available to the property.
2. The proposal is for a conventional residential subdivision.
3. Single-family and two-family dwellings are permitted in the R10 zoning district if lot size requirements are met.
4. A portion of the property is located in a Special Hazard Flood Area.
5. Two existing entrances serve the development from the existing Phase 1.

SUBDIVISION STAFF REPORT
Preliminary Plat

DEPARTMENT COMMENTS

Engineering Plat corrections and comments pending as of 9-6-17.

Public Works Comments are pending as of 9-6-17.

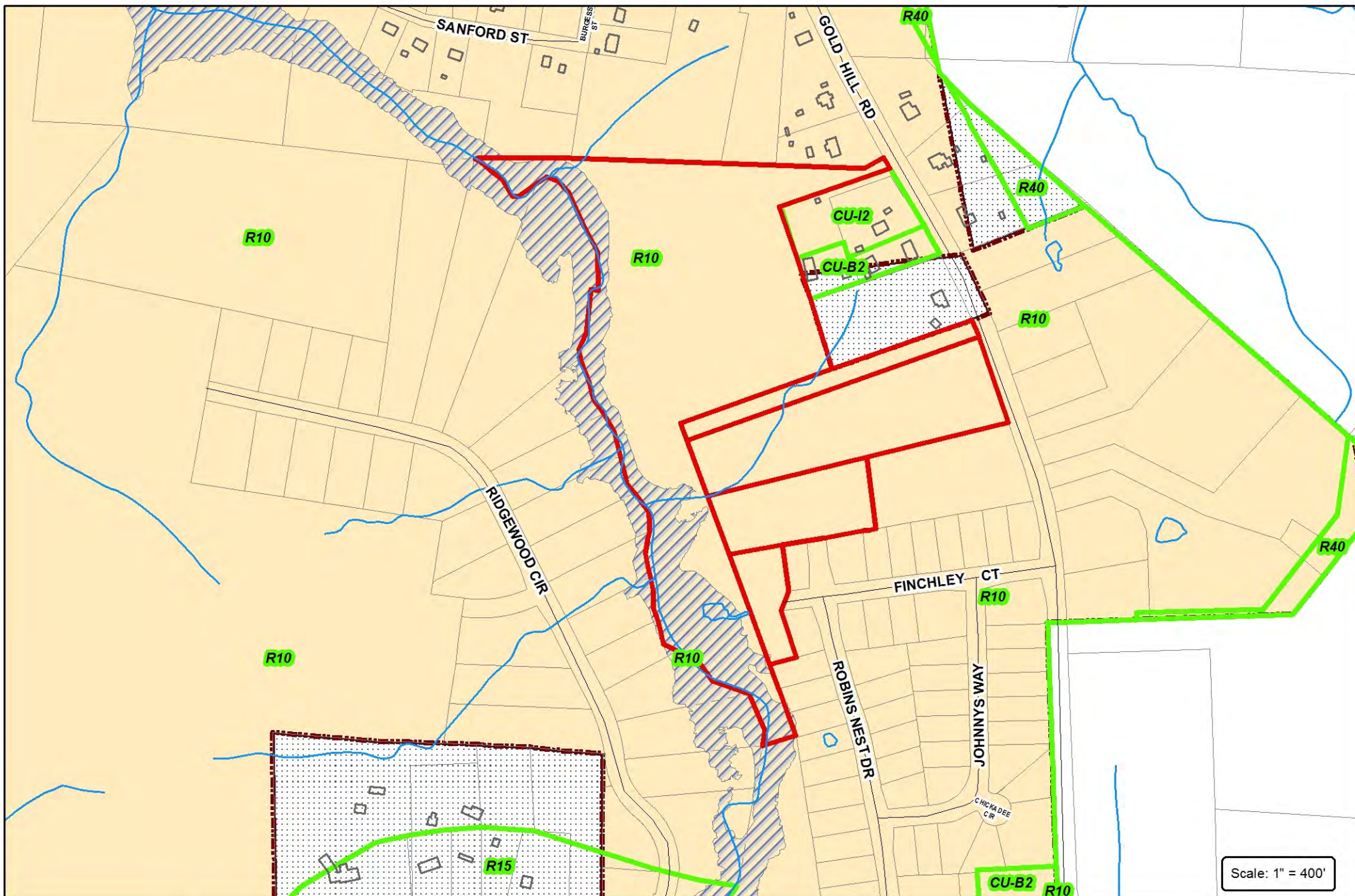
Planning Plat corrections and comments pending as of 9-6-17.

The right-of-way of the cul-de-sac on Robins Nest Drive extends to the boundary of the adjoining property to the north to allow a future connection if the adjoining property is developed.

Other Hydrant locations must be coordinated with Fire Department. As of 9-6-17, the Fire Department is reviewing the location of fire hydrants.

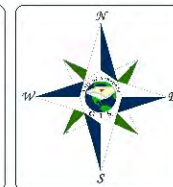
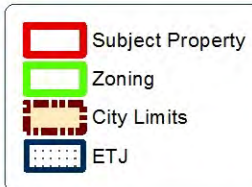
Staff Recommendation Staff's recommendation is pending receipt of further information concerning these comments.

Planning Board Recommendation The Planning Board will consider the request during its September 11, 2017 meeting. A recommendation will be available after that time.

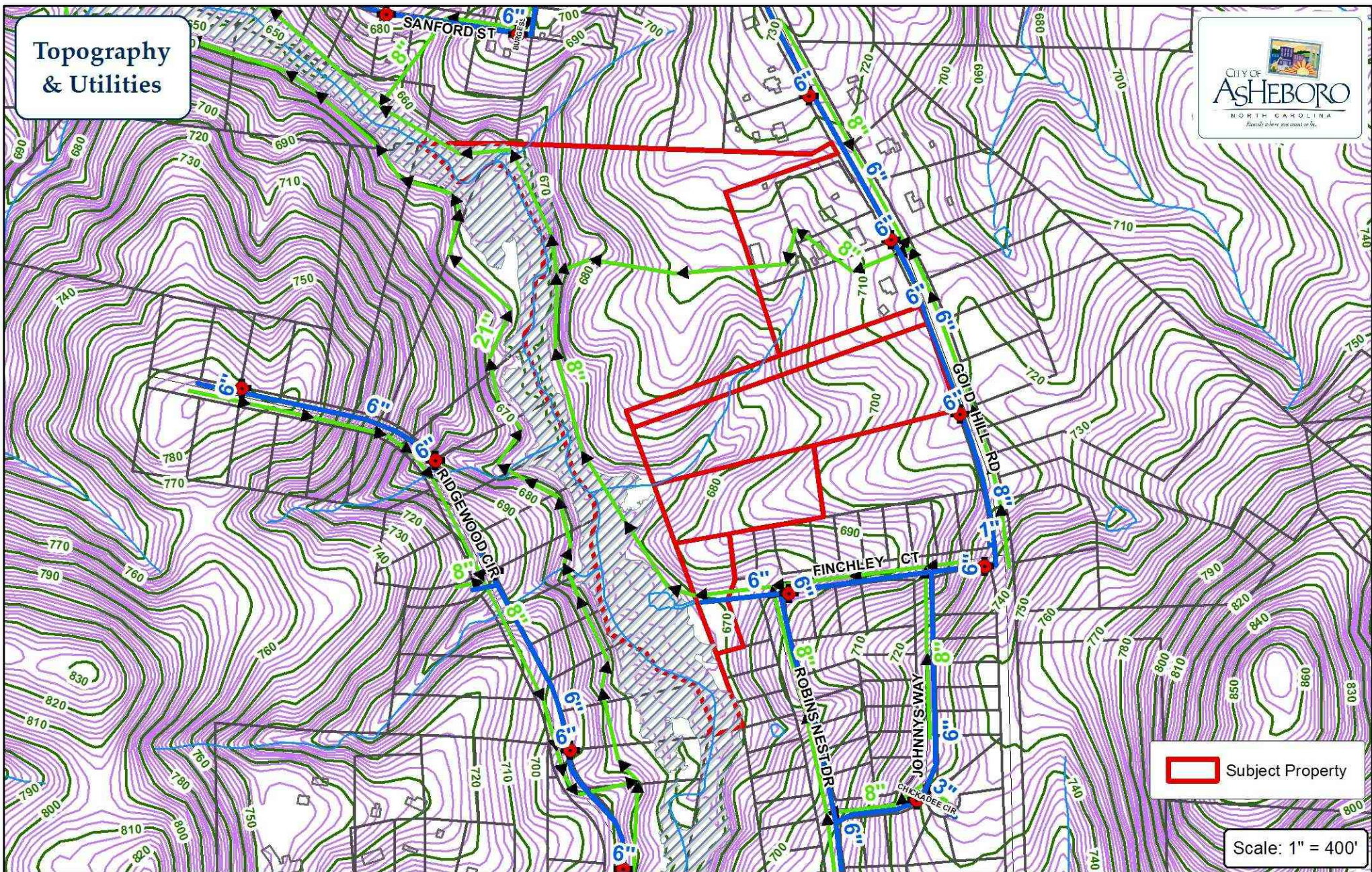


City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-17-02

Parcel: 7762658808, 7762750195, 7762751483, 7762752727 & 7762754678



Topography & Utilities



- | | |
|---|--|
|  Water Main |  Fire Hydrant |
|  Sewer Main |  Pump Station |
|  Force Main | |

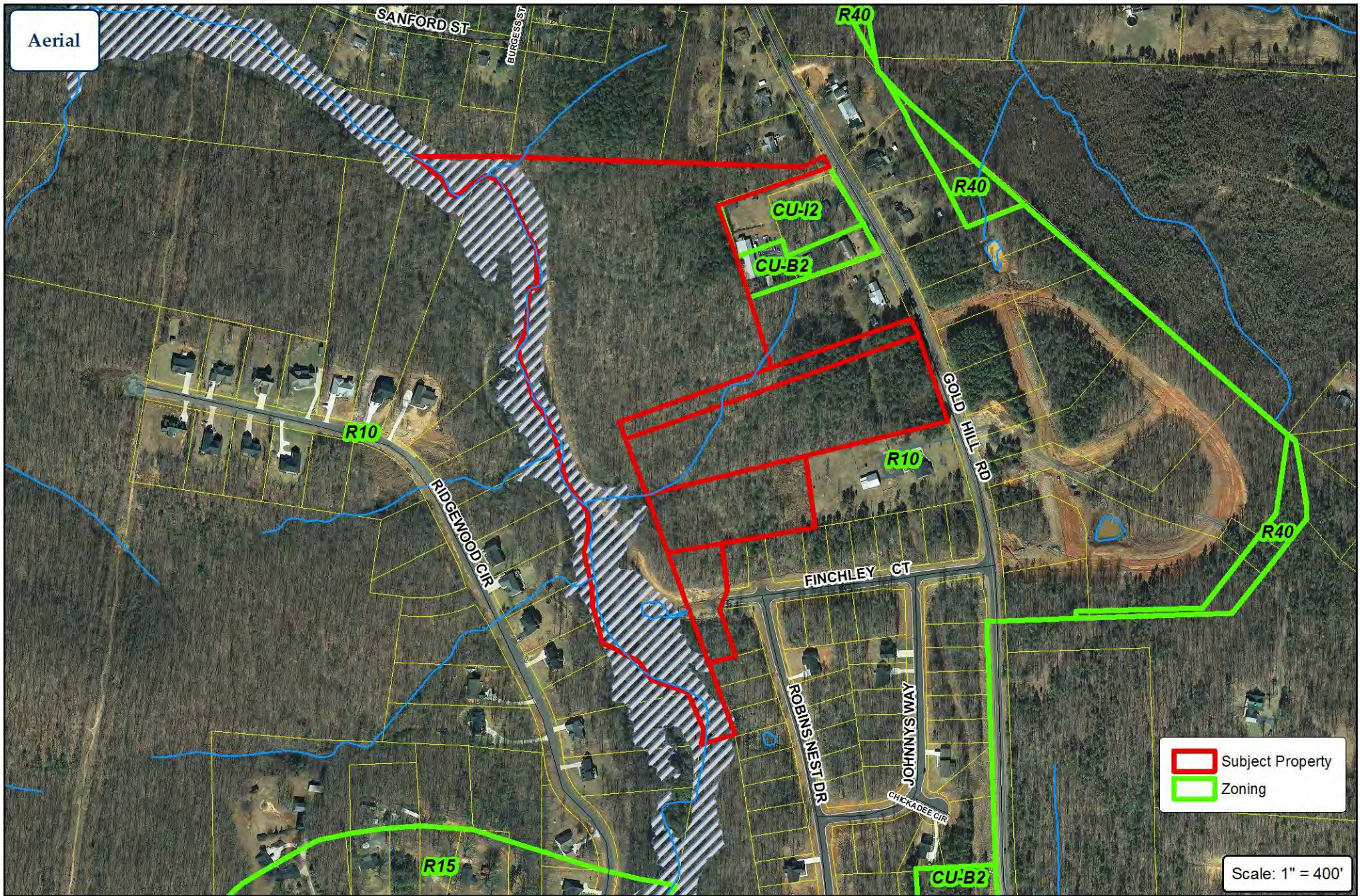
City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-17-02

Parcel: 7762658808, 7762750195, 7762751483,
7762752727 & 7762754678

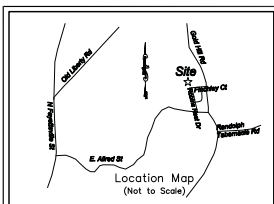


Aerial



City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-17-02

Parcel: 7762658808, 7762750195, 7762751483, 7762752727 & 7762754678



- Property Line
Computed Property Line
Right of Way Line
Easement Line
Tie Lines
Old Plot Book Line
Existing Iron Rod/Pipe
NIP
Point Not Set/Computed Point

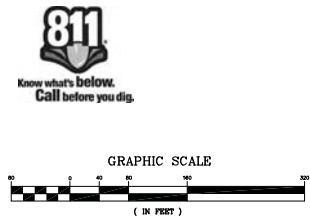
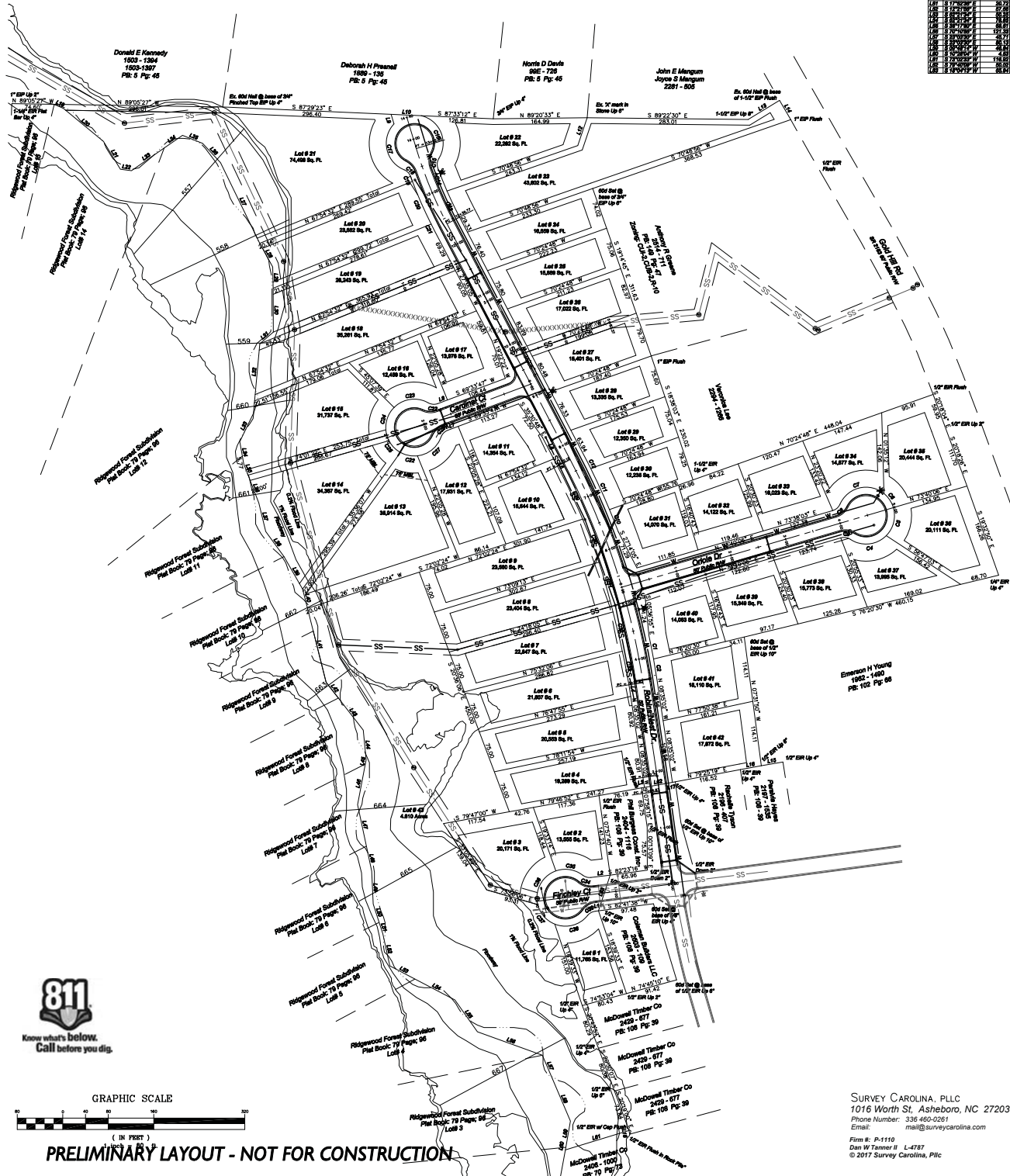
Property Information

1. All property in this subdivision is currently zoned R-10
2. All Adjacent property within 50' is zoned R-10 unless otherwise noted.
3. Total Area: 27.51 Acres
4. Area Within Road R/W: 2.78 Acres
5. Total Number of Lots: 43
6. Average lot Size: 25,063 sq. ft.
7. Linear Ft. of Road R/W: 1,966.87 ft.

Notes:

1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. Deeds and plats referenced (Randolph Co. registry):
Deeds:
DB 2406 PG 1000
Plats:
PB 70 PG 73
PB 79 PG 74
7. Randolph County Tax PIN: 7762658808
7762752727
7762754678
7762751483
7762750195

Lot #	Area (Ac.)	Area (Sq. Ft.)	Owner
Lot # 1	1.00	10,890	Donald E Kennedy
Lot # 2	1.00	10,890	Donald E Kennedy
Lot # 3	1.00	10,890	Donald E Kennedy
Lot # 4	1.00	10,890	Donald E Kennedy
Lot # 5	1.00	10,890	Donald E Kennedy
Lot # 6	1.00	10,890	Donald E Kennedy
Lot # 7	1.00	10,890	Donald E Kennedy
Lot # 8	1.00	10,890	Donald E Kennedy
Lot # 9	1.00	10,890	Donald E Kennedy
Lot # 10	1.00	10,890	Donald E Kennedy
Lot # 11	1.00	10,890	Donald E Kennedy
Lot # 12	1.00	10,890	Donald E Kennedy
Lot # 13	1.00	10,890	Donald E Kennedy
Lot # 14	1.00	10,890	Donald E Kennedy
Lot # 15	1.00	10,890	Donald E Kennedy
Lot # 16	1.00	10,890	Donald E Kennedy
Lot # 17	1.00	10,890	Donald E Kennedy
Lot # 18	1.00	10,890	Donald E Kennedy
Lot # 19	1.00	10,890	Donald E Kennedy
Lot # 20	1.00	10,890	Donald E Kennedy
Lot # 21	1.00	10,890	Donald E Kennedy
Lot # 22	1.00	10,890	Donald E Kennedy
Lot # 23	1.00	10,890	Donald E Kennedy
Lot # 24	1.00	10,890	Donald E Kennedy
Lot # 25	1.00	10,890	Donald E Kennedy
Lot # 26	1.00	10,890	Donald E Kennedy
Lot # 27	1.00	10,890	Donald E Kennedy
Lot # 28	1.00	10,890	Donald E Kennedy
Lot # 29	1.00	10,890	Donald E Kennedy
Lot # 30	1.00	10,890	Donald E Kennedy
Lot # 31	1.00	10,890	Donald E Kennedy
Lot # 32	1.00	10,890	Donald E Kennedy
Lot # 33	1.00	10,890	Donald E Kennedy
Lot # 34	1.00	10,890	Donald E Kennedy
Lot # 35	1.00	10,890	Donald E Kennedy
Lot # 36	1.00	10,890	Donald E Kennedy
Lot # 37	1.00	10,890	Donald E Kennedy
Lot # 38	1.00	10,890	Donald E Kennedy
Lot # 39	1.00	10,890	Donald E Kennedy
Lot # 40	1.00	10,890	Donald E Kennedy
Lot # 41	1.00	10,890	Donald E Kennedy
Lot # 42	1.00	10,890	Donald E Kennedy
Lot # 43	1.00	10,890	Donald E Kennedy



PRELIMINARY LAYOUT - NOT FOR CONSTRUCTION

SURVEY CAROLINA, PLLC
1016 Worth St, Asheville, NC 27203
Phone Number: 336 460-0261
Email: mail@surveycarolina.com
Firm #: P-1110
Dan W Tanner II L-4787
© 2017 Survey Carolina, PLLC

Scale: AS NOTED Date: SEPT. 2017 Drawn By: JCP Checked By: HNSJ Job No: E-4267	ROBINS NEST DRIVE EXTENSION ROAD DESIGN - PLAN / PROFILE ROBINS NEST - PHASE II ROBINS NEST DRIVE ASHEBORO - RANDOLPH COUNTY - NORTH CAROLINA	No. Date: Description: By:	Survey Engineering Associates, PLLC Engineering - Land Planning - Consulting PO Box 946 Asheboro, NC 27204 Phone: 336-528-0922 / Fax 336-528-0922 Email: nash@asheboro.com	SEA PRELIMINARY LAND SURVEY
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Summey Engineering Associates, PLLC
Engineering – Land Planning - Consulting
PO Box 968
Asheboro, NC 27204
Phone: 336-328-0902 • Fax: 336-328-0922

September 12, 2017

Re: Industrial Rail Spur Tracks
City of Asheboro
Technimark CDBG Project
Non-Responsive Bid
SEA Job No. E-3501

Mr. John Ogburn, III, City Manager
City of Asheboro
146 N. Church Street
Asheboro, NC 27203

Dear Ogburn:

On Thursday, September 7, 2017, formal bids were received for the Industrial Rail Spur Tracks – City of Asheboro – Technimark CDBG Project. A total of Three (3) bids were received. We have reviewed each bid and have attached a certified tabulation of each bid for your information. Summaries of the three (3) bids are as follows:

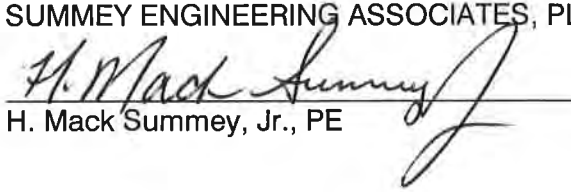
<u>Contractor</u>	<u>Bid Total</u>
1. Civil Works Contracting, LLC (Non-Responsive Bid)	\$ 769,940.00
2. Zoladz Construction Co., Inc.	\$ 833,950.00
3. HGnS, Inc. dba Dirtworks of The Carolinas	\$ 543,650.00

During the review of the bids it was determined that Civil Works Contracting, LLC did not submit the required 5% Bid Bond resulting in a non-responsive bid. Due to this error, we recommend rebidding the project in order to meet the states criteria of needing three (3) responsive bids for consideration.

We have included for your file, copies of all pertinent bid information for this project. If you have any questions, or need additional information, please do not hesitate to call.

Very truly yours,

SUMMEY ENGINEERING ASSOCIATES, PLLC


H. Mack Summey, Jr., PE

cc: File

Industrial Rail Spur Tracks
City of Asheboro
Technimark CDBG Project

HGnS, Inc. dba Dirtworks of the Carolinas
410 Arbor Drive
Lexington, NC 27292

Zoladz Construction Co., Inc
13600 Railroad Street, PO Box 157
Alden, NC 14004

Civil Works Contracting, LLC
3329 Wrightsville Ave., Suite C
Wilmington, NC 28403

DESCRIPTION	Quantity	Unit	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
1 All Site work including Staking, Clearing, Grading, Erosion Control, Sub-ballast & Storm Drainage	1	Lump Sum	\$ 242,000.00	\$ 242,000.00	\$ 364,200.00	\$ 364,200.00	\$ 311,755.00	\$ 311,755.00
New Ballasted Track Construction (Ballast, ties, plates, rail, anchors, bars, bolts, etc..)	1	Lump Sum	\$ 150,000.00	\$ 150,000.00	\$ 176,000.00	\$ 176,000.00	\$ 157,780.00	\$ 157,780.00
Earth Mound	2	Ea.	\$ 500.00	\$ 1,000.00	\$ 4,700.00	\$ 9,400.00	\$ 2,650.00	\$ 5,300.00
'10 Turnout	1	Ea.	\$ 47,500.00	\$ 47,500.00	\$ 85,600.00	\$ 85,600.00	\$ 49,030.00	\$ 49,030.00
NS Flagman (days x rate/day)	45	Days	\$ 1,250.00	\$ 56,250.00	\$ 1,230.00	\$ 55,350.00	\$ 1,500.00	\$ 67,500.00
Mobilization/Demobilization (Max. 3% of Bid)	1	Ea.	\$ 11,000.00	\$ 11,000.00	\$ 25,000.00	\$ 25,000.00	\$ 22,000.00	\$ 22,000.00
Unsuitable Soil (excavate & dispose & replace with Engineered Fill)	500	CY	\$ 25.00	\$ 12,500.00	\$ 90.00	\$ 45,000.00	\$ 38.85	\$ 19,425.00
ABC Stone as directed by Engineer	200	Ton	\$ 37.00	\$ 7,400.00	\$ 67.00	\$ 13,400.00	\$ 49.50	\$ 9,900.00
Misc (Surveying, Fees, permits overhead, etc.)	1	Lump Sum	\$ 16,000.00	\$ 16,000.00	\$ 60,000.00	\$ 60,000.00	\$ 127,250.00	\$ 127,250.00
Subtotal-			Subtotal	\$ 543,650.00	Subtotal	\$ 833,950.00	Subtotal	\$ 769,940.00
Alternate Bid - Furnish & Install WA-Type Bumpers	2	Lump Sum	\$ 2,250.00	\$ 4,500.00	\$ 8,500.00	\$ 17,000.00	\$ 6,900.00	\$ 13,800.00
GRAND TOTAL				\$ 543,650.00		\$ 833,950.00		\$ 769,940.00

*Bid Non-Responsive

THIS IS TO CERTIFY THAT THIS TABULATION IS A TRUE AND ACCURATE REPRESENTATION OF THE BIDS SUBMITTED ON THE 7TH DAY OF SEPTEMBER, 2017.

SUMMEY ENGINEERING ASSOCIATES, PLLC

BY: H. Mack Summey, Jr. 9-11-17
H. Mack Summey, Jr., PE Date





PIEDMONT TRIAD REGIONAL COUNCIL

1398 CARROLLTON CROSSING DRIVE
KERNERSVILLE, NC 27284

(336) 904-0300

MATTHEW L. DOLGE • EXECUTIVE DIRECTOR

August 28, 2017

Mr. John N. Ogburn III, City Manager
146 N. Church St
PO Box 1106
Asheboro, NC 27204

Dear Mr. Ogburn:

Thank you for asking the Piedmont Triad Regional Council (PTRC) to provide this proposal for assisting the City of Asheboro in grant administration support. This support proposal outlines PTRC's experience and qualifications to assist with Asheboro's needs.

The PTRC has acted as a contractor and grant administrator for counties to receive state and federal funding since 1968. These services were focused in Stokes, Surry, Yadkin, Forsyth, Davidson and Davie, counties. The merger of NWPCOG and PTCOG in 2011 positioned PTRC to serve all twelve counties with grant and housing services.

The PTRC is a grantee and administrator for multiple complex state and federally funded programs including CDBG, NCHFA and economic development related programs.

Recent Grant Programs within the PTRC boundaries:

- Completed Asheboro NCHFA Urgent Repair Grant 2015-2016
- Deep River Trail Task Force
- Stormwater SMART Education Programming
- CDBG Funded Triad Tomorrow Grants for Surry and Montgomery Counties
- 2012 CDBG Scattered Site Rehab Randolph County
- 2012 CDBG Scattered Site Rehab Davidson County
- 2011 CDBG-Recovery Grant Mebane
- 2011 CDBG Scattered Site Rehab Surry County
- EDA/GoldenLEAF Revolving Loan Program
- Grantee/Administer for housing rehab grants in 9 of 12 counties, including current NCHFA funded Randolph County Essential Single Family Rehab.
- Section 8 Voucher program - Surry, Stokes, Yadkin, Davie
- HOME Program administration - Surry, Stokes, Yadkin, Davie

PTRC has 30 plus years of HUD and related federal/state oversight experience, which includes CDBG entitlement grant experience, including the HOME Program and OMB compliance responsibility. The PTRC construction management staff has over 25 years of construction management and grant management experience in HOME and CDBG rehabilitation/new construction programs.

The PTRC also provides technical, construction management, and administrative support to local and county grantees who receive federal funding from HUD. The PTRC prepares documents for submission to HUD such as the annual consolidated plan, performance reports, environmental review records, and analysis of impediments to fair housing. This work is completed on a regional level. PTRC has existing relationships with the Greensboro HUD State office, NC Commerce and NCDOT.

Preparation of Grant Documents

- Consolidated Plans
- Annual Action Plans
- Environmental Review Records/EA
- Grant Performance Reports
- Analysis of Impediments to Fair Housing (the Piedmont Together Regional AI)
- Preparation of funding applications
- Procurement of general contractor and engineering services
- Bid Documentation Preparation
- Progress Payment Management
- Application Development

Technical Support

- Policy and Regulatory Research and Review
- Program Guidelines
- Underwriting CDBG Economic Development Activities
- Sub recipient Agreements
- Construction management
- Economic Development
- Community Housing Development Organization Services
- Sub recipient Monitoring Strategies
- Funding HOME Rental Housing Activities and Monitoring long term compliance
- Advertising and Public Hearings
- Labor Standards Davis-Bacon Compliance and Reporting

Proposed Scope of Work

1. Coordinate with and respond to requests from funding agencies and local government pertaining to funding requirements, application needs, etc.
2. Ensure public hearings and advertising requirements are satisfied for grant submissions.
3. Review existing policies to ensure grant compliance and develop new policies that are required as part of the grant contracting process.
4. Assist with procurement of engineering services for the Environmental Review, Engineer's Report and final cost estimate and following award, procurement of engineering services for final plan development, bid document, preparation, advertisement, review, and construction administration.
5. Development of any grant applications and assist with financial reporting and documentation to ensure grant requirements are satisfied following award.
6. Provide the contracted engineer managing the project with administrative support including assistance with ensuring appropriate WBE/MBE solicitations, Davis Bacon wages, and other federal and state record-keeping/reporting requirements.
7. Provide regular written and in person update through the project development and roll out.

The proposed cost of services is \$1,800 per month based on an average of 24 hours a month at \$75 an hour anticipated September 2017 through September 2021 or until project completion and grant close-out. An additional cost for the Environmental Assessment (EA) and associated wetland delineation will be a lump sum of \$7,500, which will be completed by a qualified firm. The proposed costs are to be reconciled and adjusted quarterly as necessary.

Thank you for this opportunity to provide service to your local government. If you have any questions, please do not hesitate to give me a call at (336) 904-0300. If agreeable to the terms, please sign and return a copy of this contract letter.

Sincerely,



Matthew Dolge, Executive Director

John N. Ogburn III
Asheboro City Manager

Date

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

Deborah P. Reaves
Finance Director

Date

Iran Divestment Act Certification. Contractor certifies, in compliance with N.C. Gen. Stat. § 147-86.59, that (i) the Contractor is not listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C. Gen. Stat. § 147-86.58, and that (ii) the Contractor will not utilize any subcontractor identified on the Final Divestment List to perform work under this Purchase Order. The Final Divestment List can be found on the North Carolina State Treasurer's website with resources related to the Iran Divestment Act. The Final Divestment List should be updated every 180 days.



Matthew Dolge, Executive Director