AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, DECEMBER 10, 2020, 7:00 PM

1. Call to order.

2. Silent prayer and pledge of allegiance.

3. Public comment period.

4. City of Asheboro United Way Campaign update by Campaign Co-Chairs Kristen Terry and John Evans.

5. Consent agenda:

   (a) Approval of the meeting minutes for the regular city council meeting on November 5, 2020.

   (b) Approval of the meeting minutes for the special city council meeting on December 3, 2020.

   (c) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for October 7, 2020, including the FY 2019-2020 annual audit.

   (d) Approval of an ordinance setting the Asheboro City Council's schedule for regular meetings during the 2021 calendar year.

   (e) Approval of the planning department's request to schedule and advertise for January 7, 2021, a quasi-judicial hearing on an application to rezone a portion of property at 124 Woodcrest Drive (Randolph County Parcel Identification Number 7752905855) from R10 to CU-I2 zoning and to obtain a conditional use permit authorizing a warehouse and wholesale distribution.

   (f) Approval of a resolution honoring Master Police Officer Kevin P. Ingold by awarding to him the service side arm he carried at the time of his retirement.

   (g) Approval of a resolution honoring Fire Battalion Chief C. Brian Lewis by awarding to him his helmet and other uniform items issued to him at the time of his retirement.

6. Assistant Community Development Director John Evans will introduce the following items from the community development division:

   (a) Quasi-Judicial Hearing: An application (RZ-CUP-20-11) to rezone property (Randolph County Parcel Identification Number 7750202309) at 881 Curry Drive from CU-B2 to CU-I1 zoning and to obtain a conditional use permit authorizing a motor vehicle repair-major land use.

   (b) SUB-17-02: Final Plat Certification for Robins Nest, Phase 2, Section 2.

   (c) Public Hearing: Consideration of a resolution adopting the Davidson Randolph Regional Hazard Mitigation Plan.

7. City Engineer Michael Leonard, PE will present for consideration a petition received from Omar Zamudio requesting the contiguous annexation of a parcel of land (Randolph County Parcel Identification Number 7750149570) at 930 Sherwood Avenue.

   (a) Public hearing

   (b) Legislative action on the annexation ordinance

8. City Attorney Jeff Sugg will present for consideration a resolution adopting the city's Title VI Implementation Plan to prohibit discrimination in programs, services, and activities.

9. City Attorney Jeff Sugg will present for a first reading and vote a construction and demolition debris landfill franchise ordinance requested by Asheboro Land Development, LLC.

10. City Manager John Ogburn will update the council on Hurricane Florence (September 2018) and Hurricane Michael (October 2018) FEMA funding and as a result request the rejection by the council of the bids received for the Lake Lucas Marina Dock Repairs Project.

11. City Manager John Ogburn will update the council on proposed improvements to existing hangars at the Asheboro Regional Airport.

12. Mayor Smith will lead informal council discussion and adjournment.

SPECIAL MEETING NOTICE
CITY COUNCIL OF THE CITY OF ASHEBORO

MEETING DATE:	**THURSDAY, DECEMBER 3, 2020**
MEETING TIME:	**6:00 PM**
LOCATION:	**COUNCIL CHAMBER ON THE 2ND FLOOR OF ASHEBORO CITY HALL, 146 NORTH CHURCH STREET, ASHEBORO, NORTH CAROLINA 27203**

At 6:00 p.m. on Thursday, December 3, 2020, the Asheboro City Council will convene for a special meeting in the council chamber located on the 2nd floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203. The purpose of this meeting is to discuss the dramatic rise in COVID-19 infections and the resulting impact on city operations.

The city manager will provide the governing board with the latest pandemic related information that he has received. In response to this information, the governing board may adopt a resolution expressing support for best practices to mitigate the threat posed by the current public health crisis.

Anyone who wishes to attend this special meeting of the Asheboro City Council is welcomed.

This special meeting notice has been issued as of 4:30 p.m. on the 1st day of December, 2020.

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

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SPECIAL MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, DECEMBER 3, 2020
6:00 PM

This being the time and place for a special meeting of the Asheboro City Council, a meeting was held with the following elected city officials and city management team members either physically present in the meeting room or participating by telephone conference call:

David H. Smith	) – Mayor Presiding and Physically Present
Edward J. Burks	)
Walker B. Moffitt	) – Council Members Physically Present
Jane H. Redding	)
Charles A. Swiers	)
Linda H. Carter	) – Council Members Present by Telephone Conference Call
Katie L. Snuggs	)
Clark R. Bell	) – Council Member Absent

City Manager John N. Ogburn, III – Present by Telephone Conference Call
Assistant Community Development Director John L. Evans – Physically Present
City Attorney Jeffrey C. Sugg – Physically Present
Deputy City Clerk Tammy M. Williams – Physically Present

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows. The number of elected officials, city employees, and private citizens physically present in the council chamber at any point in time was limited in order to comply with the applicable executive orders, specifically including physical distancing guidance, during the current public health emergency. During the single vote held during the meeting, specific inquiries were made by Mayor Smith to ensure that Council Member Carter and Council Member Snuggs, who were participating by telephone conference call, were on the line and able to cast their votes.

2. City Manager John N. Ogburn, III led a discussion focused on the impact of the novel coronavirus on the city government and the community it serves.

As part of his presentation, Mr. Ogburn used a slide show that was advanced by Assistant Community Development Director John Evans while the city manager spoke by means of the conference call that was audible throughout the council chamber. During his presentation, Mr. Ogburn discussed the threat posed by the global pandemic to the following areas:

1. Public Health
2. Rural North Carolina
3. Local Economy
4. Local Health Care Systems

Mr. Ogburn presented the following statistics provided by the CDC, NCDHHS, and Randolph County Public Health as of December 1, 2020:

1. Confirmed cases in the United States – 13,864,537
2. Confirmed deaths in the United States – 273,912
3. Confirmed cases in North Carolina – 368,615
4. Confirmed deaths in North Carolina – 5,322
5. Confirmed cases in Randolph County – 5,489
6. Confirmed deaths in Randolph County – 87

Randolph County has been upgraded to code red as defined by the NCDHHS. The increase in new cases is believed to be driven by community spread and not from congregate living settings like nursing homes or jail.

Mr. Ogburn reported that Rebekah McGee, Executive Director of Downtown Asheboro, Inc., has polled the city's downtown merchants and approximately 1/3 of merchants could survive another mandated government shutdown, 1/3 of the merchants would attempt to stay open but unsure if they could continue, and 1/3 of the merchants would have to permanently close.

If the Piedmont Triad area and Randolph Health systems become overwhelmed, critical ill patients may be faced with difficult healthcare decisions. Critically ill patients are being transferred to Cone Health which has been at or near capacity recently, and patients have had to be transferred to other larger healthcare systems.

Mr. Ogburn also discussed the organizational changes made by members of the city management to meet the challenges posed by the public health crisis. Asheboro Fire Department Station 1 has been divided into 2 distinct sections. Sleeping quarters and training are organized to minimize potential exposures, and the employees are not eating meals together.

The Asheboro Police Department is striving to maintain physical distancing between officers on different shifts and vigilance is maintained in order to promote effective use of face coverings across the spectrum of situations encountered by the officers during a shift.

Safety Manager Steve Paye is working diligently with the facilities maintenance department to resupply vehicles and offices with personal protective equipment. Access to city offices is restricted so as to encourage limited entry. Employees are reminded of the importance of wearing a face covering, maintaining social/physical distancing, and working in separate areas as much as possible.

Likewise, the indoor City Recreation facilities are observing limited hours and requiring face coverings to be worn.

As part of his presentation, the city manager encouraged the city council to adopt a resolution in support of a municipal/county joint statement signed on December 2, 2020. Mayor Smith joined in this request and asked the council to take immediate action on the resolution.

Council Member Redding moved, and Council Member Swiers seconded the motion, to approve/adopt the following resolution. Council Members Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the resolution was approved/adopted unanimously.

RESOLUTION NUMBER 30 RES 12-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION IN SUPPORT OF THE MUNICIPAL/COUNTY JOINT STATEMENT SIGNED DECEMBER 2, 2020

WHEREAS, the Novel Coronavirus pandemic is spreading exponentially through our nation, state, Randolph County and its municipalities; and

WHEREAS, Randolph County currently has had 5,489 confirmed cases of the Novel Coronavirus; as of December 1, 2020; and

WHEREAS, 87 Randolph County families have suffered the loss of loved ones due to the Novel Coronavirus; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asheboro expresses its support of the Municipal/County Joint Statement adopted December 2, 2020 and urges our citizens to practice the safety measures recommended by public health professionals and take action to prevent the spread of the Novel Coronavirus and to protect yourself, your loved ones, and your community by observing the 3W's and avoiding the 3 C's:

WEAR (a cloth face covering over your mouth and nose anytime you exit your home)
WASH (your hands often or use hand sanitizer when soap and water are not accessible)
WAIT (at least 6 feet apart from anyone outside your immediate family) and,

Crowded places (where many people are nearby or in close proximity to each other)
Close-contact settings (where people have close-range conversations)
Confined and enclosed spaces (with poor ventilation)

This Resolution was adopted by the Asheboro City Council in open session during a special meeting held on December 3, 2020.

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

ATTEST:

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

3. To conclude the meeting, Mayor Smith led a council discussion focused on encouraging individuals to take positive actions in any way that each of us can to combat the threat posed by the public health emergency.

Mayor Smith and the council members were united in their desire for the city and its officers and employees to continue to take the actions needed to adapt and to continue to deliver public services while promoting responsible personal behavior that will help to slow the spread of the virus until vaccinations can occur on a large enough scale to bring about a form of normalcy. The meeting concluded with an emphasis on the importance of practicing the 3 W's (wash hands frequently, wait 6 feet apart, and wear a face covering), receiving the vaccine when available, keeping a positive attitude, and staying in touch with family and friends.

4. Adjournment.

There being no further business to transact, the meeting was adjourned at 7:18 p.m.

Tammy M. Williams, Deputy City Clerk	**David H. Smith, Mayor**

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on October 7, 2020

The Asheboro ABC Board met on Monday, October 7, 2020, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. Present at the Board office were Board Member Steve Knight, Board Member Bob Morrison, and General Manager Rodney Johnson (GM). The Chair attended via telephone. A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

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

Board Minutes from the September 8, 2020, meeting were reviewed and approved by the Board. The Chair directed the GM to sign the minutes for her.

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

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

Since March 23, 2020, all employees working the sales floor and registers have received an additional $2.00 per hours COVID-19 Hazard Pay. Upon motion by the Chair, the Board approved extending the pay through October 31, 2020.

Upon motion of Bob Morrison, the Board approved going into a closed session to discuss a personnel matter as permitted by § 143-318.11(a)(6).

Upon returning from the closed session, the Board reviewed and accepted the Asheboro ABC Board Audited Financial Statements completed by Durham Lewis CPA, PLLC (attached hereto and incorporated herein by reference).

The Board has an ABC Law Enforcement Services Contract with the Asheboro Police Department (APD). Part of the contract requires APD monitor compliance with laws relating to the underage purchase of alcoholic beverages by using an underage operative to attempt the purchase of alcoholic beverages. Because of COVID-19 and the Governor's Executive Order prohibiting anyone from entering a business without a face covering, APD asked if the Board wants the contract provision enforced. The GM suggested to APD that they wait until the matter could be discussed by the Board. After discussion, Steve Knight moved to postpone a decision until the Board's November meeting and the motion was unanimously approved. The Board further directed the GM contact the State ABC Commission for their input on the matter and report back at the November meeting.

The City Council of the City of Asheboro reappointed Steve Knight to three-year term as a member of the Asheboro ABC Board. The term was effective beginning August 12, 2020.

The GM is eligible for a maximum 5% merit raise effective October 15. Upon motion by Steve Knight, the Board approved a 5% merit plus a one-time $3500 COVID-19 bonus.

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

1. Asheboro ABC sales statistics comparing:

    - September 2020 sales with the previous month indicate:
        - An overall -5% change (all sales and tax collections)

    - September 2020 sales with sales from the same month last year indicate:
        - Retail Sales +40%
        - Mixed Beverage Sales: +2%
        - Sales Tax Collections: +40%
        - Overall Collections: +35.43%

    - September 2020 bottle sales with bottle sales from the same month last year indicate:

        - Retail Bottle Sales: +22.6%
        - Mixed Beverage Bottle Sales: +1.3%
        - Overall Bottle Sales: +21.3%

The next regular Asheboro ABC Board meeting will be held Tuesday, November 2, 2020, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 11-2-20 RJ
GM

Stephen R Knight
Robert E Morrison
J Brooke Strickland by RJohnson

ASHEBORO BOARD
OF ALCOHOLIC BEVERAGE CONTROL
ASHEBORO, NORTH CAROLINA

AUDITED FINANCIAL STATEMENTS

JUNE 30, 2020 and 2019

Board of Directors

Chairman
Brooke Schmidly

Board Member
Stephen Knight

Board Member
Robert Morrison

Finance Officer
Rodney Johnson

Prepared By
DURHAM LEWIS CPA, PLLC
ROCKINGHAM, NORTH CAROLINA

Asheboro Board of Alcoholic Beverage Control

(A component unit of The City of Asheboro)

Table of Contents

June 30, 2020 and 2019

Durham Lewis CPA, PLLC

PO Box 128
230 South Lawrence Street
Rockingham, NC 28379
Phone: 910-997-3195
Fax: 910-997-3199

Independent Auditor's Report

Board of Directors
Asheboro Board of Alcoholic Beverage Control
Asheboro, NC

Report on the Financial Statements

We have audited the accompanying financial statements of the Asheboro Board of Alcoholic Beverage Control, a component unit of the City of Asheboro, which comprise the Statements of Net Position as of June 30, 2020 and 2019 and the related Statements of Revenues, Expenses, and Changes in Net Position, and Statements of Cash Flows for the years then ended and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Member of
NC Association Of CPAs
American Institute of CPAs

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Asheboro Board of Alcoholic Beverage Control as of June 30, 2020 and 2019, and the respective changes in financial position, and where applicable, cash flows thereof for the years ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis and Schedule of Proportionate Share of Net Pension Liability (Asset) and Schedule of Board Contributions to Retirement Plan for the last six years as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted principally of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audits were conducted for the purpose of forming opinions on the financial statements as a whole. The Schedules of Store Expenses, Administrative Expenses, Warehouse Expenses, Distributions of Profits, and Schedule of Revenues and Expenditures – Budget and Actual are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The Schedules of Store Expenses, Administrative Expenses, Warehouse Expenses, Distributions of Profits, and Schedule of Revenues and Expenditures – Budget and Actual are the responsibility of management and were derived from and related directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the financial statements taken as a whole.

Durham Lewis CPA

Durham Lewis CPA, PLLC
Rockingham, North Carolina
September 09, 2020

Management's Discussion and Analysis

This section of the Asheboro Board of Alcoholic Beverage Control (*the Board*) financial report represents our discussion and analysis of the financial performance of the Board for the year ended June 30, 2020. This information should be read in conjunction with the audited financial statements included in this report.

Financial Highlights

- Working capital was approximately $448,739.
- A total of $415,000 in distributions was made by the Board to the City of Asheboro during the year.

Overview of the Financial Statements

The audited financial statements of the Board consist of 3 components. They are as follows:

- *Management's Discussion and Analysis*
- *Basic Financial Statements*
- *Additional Information Required by the ABC Commission*

The *Basic Financial Statements* are prepared using the full accrual basis of accounting. They consist of three statements. The first statement is the **Statement of Net Position.** Assets and liabilities are classified between current and long-term. This statement provides a summary of the Board's investment in assets and obligations to creditors. Liquidity and financial flexibility can be evaluated using the information contained in this statement.

The next statement is the **Statement of Revenues, Expenses, and Changes in Net Position**. This statement is used in evaluating whether the Board has recovered all of its costs through sales. Its information is used in determining credit worthiness.

The final required statement is the **Statement of Cash Flows.** This statement reports cash inflows and outflows in the following categories: operating, investing, and financing activities. Based on this data, the user can determine the sources of cash, the uses of cash, and the change in cash.

The notes to the financial statements provide more detailed information and should be read in conjunction with the statements.

The ABC Commission requires some schedules in addition to the information required by generally accepted accounting principles. They include the **Schedule of Store Expenses, Schedule of Administrative Expenses, Schedule of Warehouse Expenses, Schedule of Distributions of Profits,** and the **Schedule of Revenues and Expenditures – Budget and Actual.**

Financial Analysis of the Board

Net position is an indicator of the fiscal health of the Board. Assets exceeded liabilities by $679,454 in 2020. The largest components of net position were cash and inventory. Together they totaled in excess of 100% of the total net position.

Following is a summary of the Statement of Net Position:

Table 1
Condensed Statements of Net Position

	2020	2019	2018	$ Change	% Change
Current assets	$ 1,004,648	$ 970,316	$ 743,470	$ 34,332	4%
Non-current assets	26,734	27,475	41,794	(741)	-3%
Total assets	$ 1,031,382	$ 997,791	$ 785,264	$ 33,591	3%
Deferred outflows of resources	$ (2,489)	$ 20,337	$ 24,437	$ (22,826)	-112%
Current liabilities	$ 279,024	$ 300,703	$ 114,882	$ (21,679)	-7%
Non-current liabilities	66,820	56,925	39,464	9,895	17%
Total liabilities	$ 345,844	$ 357,628	$ 154,346	$ (11,784)	-3%
Deferred inflows of resources	$ 3,595	$ 3,595	$ 3,595	$ -	0%
Net invested in capital assets	$ 26,624	$ 27,365	$ 41,794	$ (741)	-3%
Restricted net position	126,495	107,447	99,595	19,048	18%
Reserved for capital improvement	246,505	204,384	162,087	42,121	21%
Unrestricted net position	279,830	317,709	348,284	(37,879)	-12%
Total net position	$ 679,454	$ 656,905	$ 651,760	$ 22,549	3%

Net position remained materially constant with an increase of 3% from the prior year

Income from operations increased by 22% from the prior year due to the effect of the Covid Pandemic.

Following is a summary of the changes in net position:

Table 2
Condensed Statements of Revenues, Expenses, and Changes in Net Position

	2020	2019	2018	$ Change	% Change
Operating revenues	$ 4,284,232	$ 3,641,626	$ 3,376,600	$ 642,606	18%
Less: Taxes on gross sales	982,456	840,527	776,826	141,929	17%
Net sales	$ 3,301,776	$ 2,801,099	$ 2,599,774	$ 500,677	18%
Cost of sales	2,240,084	1,873,868	1,746,670	366,216	20%
Gross profit	$ 1,061,692	$ 927,231	$ 853,104	$ 134,461	15%
Less: Operating expenses	583,186	534,913	535,869	48,273	9%
Income from operations	$ 478,506	$ 392,318	$ 317,235	$ 86,188	22%
Non-operating revenue and expences	2,121	2,297	1,246	(176)	-8%
Loss on disposal of assets	-	(598)	-	598	0%
Change in net position before distributions	$ 480,627	$ 394,017	$ 318,481	$ 86,610	22%
Distributions	458,078	388,872	355,167	69,206	18%
Change in net position	$ 22,549	$ 5,145	$ (36,686)	$ 17,404	338%
Net position, beginning	656,905	651,760	688,446	5,145	1%
Net position, ending	$ 679,454	$ 656,905	$ 651,760	$ 22,549	3%

	2020	2019	2018	$ Change	% Change
Retail Liquor Sales	$ 3,895,713	$ 3,197,438	$ 3,012,692	$ 698,275	22%
Mixed Beverage Sales	374,592	435,952	352,703	(61,360)	-14%
Retail Wine Sales	13,927	8,236	11,205	5,691	69%
Total Sales	$ 4,284,232	$ 3,641,626	$ 3,376,600	$ 642,606	18%

Capital Asset and Debt Administration

Capital Assets

Investment in capital assets as of June 30, 2020 totals $26,624 (net of accumulated depreciation).

Table 3
Summary of Changes in Capital Assets (net of depreciation)

	2020	2019	2018	$ Change	% Change
Leasehold Improvement	$ -	$ -	$ 26	-	0.00%
Equipment	26,624	27,635	41,658	(1,011)	-3.66%
Total	$ 26,624	$ 27,635	$ 41,684	$ (1,011)	-3.66%

Economic Factors

The effects of the Covid virus accounted for the increase in sales.

Requests for Information

This report is intended to provide a summary of the financial condition of the Board. Questions or requests for additional information should be addressed to:

Rodney Johnson, Finance Officer
Asheboro Board of Alcoholic Beverage Control
700 S. Fayetteville Street
Asheboro, NC 27203

Asheboro Board of Alcoholic Beverage Control
(A component unit of the City of Asheboro)
Statements of Net Position
as of June 30, 2020
and June 30, 2019

	2020	2019
ASSETS		
CURRENT ASSETS		
Cash	$ 416,945	$ 395,441
Investments	246,505	204,384
Inventories	332,497	363,251
Prepaid Expenses	8,701	7,240
Total Current Assets	$ 1,004,648	$ 970,316
NON-CURRENT ASSETS		
Property Plant and Equipment (net of accumulated depreciation)	$ 26,624	$ 27,365
Utility Deposits	110	110
Total Non-Current Assets	$ 26,734	$ 27,475
TOTAL ASSETS	$ 1,031,382	$ 997,791
DEFERRED OUTFLOWS OF RESOURCES		
Deferred Outflows of Pension Plan Resources	$ (2,489)	$ 20,337
Total Deferred Outflows of Resources	$ (2,489)	$ 20,337
LIABILITIES		
CURRENT LIABILITIES		
Accounts Payable	$ 234,432	$ 251,905
Accrued Liabilities	34,729	38,505
Distributions Payable	9,863	10,293
Total Current Liabilities	$ 279,024	$ 300,703
NON-CURRENT LIABILITIES		
Net Pension Liability	$ 66,820	$ 56,925
Total Liabilities	$ 345,844	$ 357,628
DEFERRED INFLOWS OF RESOURCES		
Deferred Inflows of Pension Resources	$ 3,595	$ 3,595
Total Deferred Inflows of Resources	$ 3,595	$ 3,595
NET POSITION		
Net Investment in Capital Assets	$ 26,624	$ 27,365
Restricted for Working Capital	126,495	107,447
Reserve for Capital Improvement	246,505	204,384
Unrestricted	279,830	317,709
Total Net Position	$ 679,454	$ 656,905

The accompanying notes are an integral part of the financial statements.

Asheboro Board of Alcoholic Beverage Control
(A component unit of the City of Asheboro)
Statements of Revenues, Expenses, and Changes in Net Position
For the Years Ended June 30, 2020
and June 30, 2019

		2020		2019
OPERATING REVENUE				
Liquor Sales - Regular	$	3,895,713	$	3,197,438
Mixed Beverage Sales		374,592		435,952
Wine Sales		13,927		8,236
Total Gross Sales	$	4,284,232	$	3,641,626
DEDUCT TAXES ON GROSS SALES				
State Excise Tax	$	932,619	$	786,531
Mixed Beverage Tax - NCDOR		32,696		37,973
Mixed Beverage Tax - NCDHHS		3,269		3,797
Rehabilitation Tax (Bottle)		12,843		11,456
Sales & Use Tax Wine		1,029		770
Total Taxes	$	982,456	$	840,527
NET SALES	$	3,301,776	$	2,801,099
DEDUCT COST OF SALES				
Cost of Liquor Sold	$	2,229,698	$	1,865,432
Cost of Wine Sold		10,386		8,436
Total Cost of Sales	$	2,240,084	$	1,873,868
GROSS PROFIT ON SALES	$	1,061,692	$	927,231
DEDUCT OPERATING EXPENSES				
Store Expenses	$	518,911	$	463,384
Warehouse & Delivery Expenses		34,925		35,271
Administrative Expenses		17,296		17,384
Depreciation Expense		12,054		18,874
Total Operating Expenses	$	583,186	$	534,913
INCOME FROM OPERATIONS	$	478,506	$	392,318
Non-operating Revenues (Expenses)				
Interest Income	$	2,121	$	2,297
Loss on Disposal of Fixed Assets		-		(598)
Total non-operating revenue (expenses)	$	2,121	$	1,699
CHANGE IN NET POSITION BEFORE DISTRIBUTIONS	$	480,627	$	394,017
DEDUCT DISTRIBUTIONS				
Law Enforcement	$	17,949	$	14,530
Alcohol Education & Rehab		25,129		20,342
Change in Net Position Before Profit Distributions	$	437,549	$	359,145
Profit Distributions - City of Asheboro		415,000		354,000
CHANGE IN NET POSITION	$	22,549	$	5,145
NET POSITION - JULY 01		656,905		651,760
NET POSITION - JUNE 30	$	679,454	$	656,905

The accompanying notes are an integral part of the financial statements.

Asheboro Board of Alcoholic Beverage Control
(A component unit of the City of Asheboro)
Statements of Cash Flows
For the Years Ended June 30, 2020
and June 30, 2019

		2020		2019
CASH FLOWS FROM OPERATING ACTIVITIES				
Cash received from customers	$	4,284,232	$	3,641,626
Cash payments to suppliers for goods & services		(2,250,375)		(1,738,574)
Cash payments to employees for services		(328,720)		(300,584)
Cash payments for operating expenses		(217,632)		(190,385)
Cash payments for taxes		(956,181)		(841,054)
Net Cash Provided By Operating Activities	$	531,324	$	571,029
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES				
Acquisition of capital assets	$	(11,313)	$	(5,153)
Net Cash (Used) by Capital and Related Financing Activities	$	(11,313)	$	(5,153)
CASH FLOWS FROM NON-CAPITAL FINANCING ACTIVITIES				
Law enforcement & alcohol education distributions	$	(43,508)	$	(30,617)
Profit distributions to City of Asheboro		(415,000)		(354,000)
Net Cash (Used) by Non-Capital Financing Activities	$	(458,508)	$	(384,617)
CASH FLOWS FROM INVESTING ACTIVITIES				
Interest earned on investments	$	2,121	$	2,297
Net Cash Provided by Investing Activities	$	2,121	$	2,297
NET INCREASE IN CASH	$	63,624	$	183,556
CASH - Beginning of Year		599,825		416,269
CASH - End of Year	$	663,449	$	599,825

Reconciliation of Net Income from Operations to Net Cash Provided by Operating Activities

		2020		2019
Net Income from Operations	$	478,506	$	392,318
Adjustments to reconcile income from operations to net cash provided by operating activities				
Depreciation		12,054		18,874
Pension expense		32,721		21,561
Changes in Assets and Liabilities				
(Increase) Decrease in inventory		30,755		(43,206)
(Increase) Decrease in prepaid expenses		(1,462)		(60)
Increase (Decrease) in accounts payable		(43,749)		179,037
Increase (Decrease) in payroll taxes payable		-		(933)
Increase (Decrease) in accrued liabilities		(3,776)		3,438
Increase (Decrease) in liquor taxes payable		26,275		-
Net Cash Provided by Operating Activities	$	531,324	$	571,029

The accompanying notes are an integral part of the financial statements.

Note 1. Summary of Significant Accounting Policies

A. Principles Used in Determining the Scope of the Entity for Financial Reporting

The Asheboro Board of Alcoholic Beverage Control (the Board), a component unit of the City of Asheboro, is a corporate body with powers outlined by General Statutes [Chapter 18B-701]. The governing body of the City of Asheboro appoints the members of the Board.

The Board is required by State Statute to distribute its surpluses to the general fund of Asheboro, which represents a benefit to the City. Therefore, the Board is reported as a discretely presented component unit in the City's financial statements.

B. Organizational History

The Board was organized after a city-wide election held July 29, 2008. The Asheboro City Council appointed three individuals to serve on the Board with terms of three years, two years, and one year. The Asheboro ABC Store opened for business November 18, 2008.

C. Basis of Presentation

All activities of the Board are accounted for within a single proprietary (enterprise) fund. Proprietary funds are used to account for operations that are (a) financed and operated in a manner similar to private business enterprises where the intent of the governing body is that the cost of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that the periodic determination of revenues earned, expenses incurred, and/or the change in net position is appropriate for capital maintenance, public policy, management control, accountability, or other purposes.

D. Basis of Accounting

The financial statements have been prepared on the accrual basis of accounting. All sales are made for cash (or bank card) and recorded at the time of sale; revenues are recorded when earned, expenses are recognized when incurred. As permitted, the Board has elected to apply only applicable FASB Statements and Interpretations issued before November 30, 1989, in its proprietary operation, unless those pronouncements conflict with or contradict GASB pronouncements.

E. Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make certain estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the Statement of Net Position date, and reported amounts of revenues and expenses during the reporting period. Estimates are used to determine depreciation expense, the allowance for doubtful accounts and certain claims and judgment liabilities, among other accounts. Actual results may differ from those estimates.

F. Pensions

For purposes of measuring the net pension asset, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Local Governmental Employees' Retirement System (LGERS) and additions to/deductions from LGERS' fiduciary net position have been determined on the same basis as they are reported by LGERS. For this purpose, plan and member contributions are recognized in the period in which the contributions are due. The Board's employer contributions are recognized when due and the Board has a legal requirement to provide the contributions. Benefits and refunds are recognized when due and payable in accordance with the terms of LGERS. Investments are reported at fair value.

G. Assets, Liabilities, and Net Position

(1) Deposits

All deposits of the Board are made in board-designated official depositories and are collateralized as required by State law [G.S. 159-31]. The Board may designate, as an official depository, any bank or savings association whose principal office is located in North Carolina. Also, the Board may establish Time deposit accounts such as NOW and SuperNOW accounts, money market accounts, and certificates of deposit.

All the Board's deposits are either insured or collateralized by using one of two methods. Under the Dedicated Method, all deposits that exceed the federal depository insurance coverage level are collateralized with securities held by the Board's agent in the Board's name. Under the Pooling Method, which is a collateral pool, all uninsured deposits are collateralized with securities held by the State Treasurer's agent in the name of the State Treasurer. Since the State Treasurer is acting in a fiduciary capacity for the Board, these deposits are considered to be held by the Board agent in the Board's name. The amount of the pledged collateral is based on an approved averaging method for non-interest bearing deposits and the actual current balance for interest bearing deposits. Depositories using the Pooling Method report to the State Treasurer the adequacy of their pooled collateral covering uninsured deposits. The State Treasurer does not confirm this information with the Board or the escrow agent. Because of the inability to measure the exact amount of collateral pledged for the Board under the Pooling Method, the potential exists for under collateralization, and this risk may increase in periods of high cash flows. However, the State Treasurer of North Carolina enforces strict standards of financial stability for each depository that collateralizes public deposits under the Pooling Method.

At June 30, 2020 and 2019, the Board's deposits had carrying amounts of $657,853 and $595,103 and bank balances of $649,969 and $554,529 respectively. The bank balance was covered by federal depository insurance on the first $250,000 with the remainder covered by the Pooling Method.

(2) Investments

State law [G.S. 159-30(c)] authorizes the Board to invest in obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States; obligations of the State of North Carolina; bonds and notes of any North Carolina local government or public authority; obligations of certain non-guaranteed federal agencies; certain high quality issues of commercial paper and banker's acceptances; and the North Carolina Capital Management Trust (NCCMT), an SEC registered (2a-7) money market mutual fund.

The Board's money market investments that have a remaining maturity at the time of purchase of one year or less and non-participating interest earnings and investment contracts are reported at amortized cost.

(3) Cash and Cash Equivalents

For purposes of the Statement of Cash Flows, the Board considers all highly liquid investments (including restricted assets) with a maturity of three months or less when purchased to be cash equivalents.

(4) Accounts Receivable

All retail transactions are point of sale and the Board does not sell any items on credit. Claims receivable is the amount of breakage incurred by the store but still unreimbursed by the distiller.

(5) Inventories

Inventories are valued at the lower of cost (FIFO) or market.

(6) Property Plant and Equipment

Property and equipment are stated at cost and are being depreciated over their useful lives on a straight-line basis as follows:

		Beginning Balances		Increases		Decreases		Ending Balances
Capital assets being depreciated								
Leasehold Improvements	$	620	$	-	$	-	$	620
Equipment		226,927		11,313		26,276		211,964
Total capital assets being depreciated	$	227,547	$	11,313	$	26,276	$	212,584
Less accumulated depreciation for:								
Leasehold Improvements	$	620	$	-	$	-	$	620
Equipment		199,561		12,054		26,276		185,338
Total accumulated depreciation	$	200,181	$	12,054	$	26,276	$	185,958
Capital Assets, net	$	27,365					$	26,624

When an asset is disposed of, the cost of the asset and the related accumulated depreciation are removed from the books. Any gain or loss on disposition is reflected in the earnings for the period.

(7) Net Position

Net position consists of the following:

a. Restricted for law enforcement – this applies only when the Board employs its own ABC officer.
b. Restricted for capital improvements – State law [G.S. 18B-805 (d)] requires approval of the appointing authority to establish this account. The Board has received approval from the Asheboro City Council to establish an account to accumulate funds for future capital projects. At June 30, 2020, this account had a balance of $246,505.
c. Restricted for working capital – North Carolina Alcoholic Beverage Control Commission Rule [.0902] defines working capital as the total of cash, investments, and inventory less all unsecured liabilities. An ABC Board shall set its working capital requirements at not less than two weeks' average gross sales of the last fiscal year nor greater than three months' average gross sales of the last fiscal year. Average gross sales means gross receipts from the sale of alcoholic beverages less distributions required by State law [G.S. 18B-805 (b) (2), (3) and (4)].

d. Net Invested in capital assets – this component of net position consists of capital assets, including any restricted capital assets, net of accumulated depreciation and reduced by the outstanding balances of any borrowings that are attributable to the acquisition, construction, or improvement of those assets. If there are significant unspent related debt proceeds at year-end, the portion of the debt attributable to the unspent proceeds is not included in the calculation of invested in net capital assets. Rather, that portion of the debt is included in the same assets component as the unspent proceeds.

e. Unrestricted net position – this component of net position consists of net position which does not meet the definition of restricted or net investment in capital assets debt.

Note 2. Stewardship, Compliance and Accountability

Compliance with N.C. General Statutes

A. The Asheboro ABC Board was in compliance with the General Statutes of North Carolina at June 30, 2020.

Note 3. Detail Notes on All Funds

Pension Plan Obligations

A. Local Government Employees' Retirement System

Plan Description. Local Government Employees' Retirement System. The Board contributes to the statewide Local Government Employees' Retirement System (LGERS), a cost sharing multiple-employer defined benefit pension plan administered by the State of North Carolina. LGERS provides retirement and disability benefits to plan members and beneficiaries. Article 3 of G.S. Chapter 128 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly. The Local Government Employees' Retirement System is included in the Comprehensive Annual Financial Report (CAFR) for the state of North Carolina. The State's CAFR includes financial statements and required supplementary information for LGERS. That report may be obtained by writing the office of the State Controller, 1410 Mail Service Center, Raleigh, NC 27699-1410, or by calling (919) 981-5454, or at www.osc.nc.gov.

Benefits Provided. LGERS provides retirement and survivor benefits. Retirement benefits are determined as 1.85% of the member's average final compensation times the member's years of creditable service. A member's average final compensation is calculated as the average of a member's four highest consecutive years of compensation. Plan members are eligible to retire with full retirement benefits at age 65 with five years of creditable service, at age 60 with 25 years of creditable service, or at any age with 30 years of creditable service. Plan members are eligible to retire with partial retirement benefits at age 50 with 20 years of creditable service or at age 60 with five years of creditable service. Survivor benefits are available to eligible beneficiaries of members who die while in active service or within 180 days of their last day of service and who have either completed 20 years of creditable service regardless of age or have completed five years of service and have reached age 60. Eligible beneficiaries may elect to receive a monthly Survivor's Alternate benefit for life or a return of the member's contributions.

The plan does not provide for automatic post-retirement benefit increases. Increases are contingent upon actuarial gains of the plan.

Contributions. Contribution provisions are established by General Statute 128-30 and may be amended only by the North Carolina General Assembly. The Board employees are required to contribute 6% of their compensation. Employer contributions are actuarially determined and set annually by the LGERS Board of Trustees. The Board's contractually required contribution rate for the year ended June 30, 2020, was 9.95% for general employees, actuarially determined as an amount that, when combined with employee contributions, is expected to finance the costs of benefits earned by employees during the year. Contributions to the pension plan from the Board were $23,260 for the year ended June 30, 2020.

Refunds of Contributions. Board employees, who have terminated service as a contributing member of LGERS, may file an application for a refund of their contributions. By state law, refunds to members with at least five years of creditable service include 4% interest. State law requires a 60 day waiting period after service termination before the refund may be paid. The acceptance of a refund payment cancels the individual's right to employer contributions or any other benefit provided by LGERS.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At June 30, 2020, the Board reported a liability of $56,530 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2019. The total pension liability used to calculate the net pension asset was determined by an actuarial valuation as of December 31, 2018. The total pension liability was then rolled forward to the measurement date of June 30, 2019 utilizing update procedures incorporating the actuarial assumptions. The Board's proportion of the net pension asset was based on a projection of the Board's long-term share of future payroll covered by the pension plan, relative to the projected future payroll covered by the pension plan of all participating LGERS employers, actuarially determined. At June 30, 2020, the Board's proportion was .207%, which was a decrease of .016% from its proportion measured as of June 30, 2019.

For the year ended June 30, 2020, the Board recognized pension expense of $55,981. At June 30, 2020, the Board reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources		Deferred Inflows of Resources	
Differences between expected and actual experience	$	9,679	$	-
Changes of assumptions		9,213		-
Net difference between projected and actual earnings on pension plan investments		1,379		-
Changes in proportion and differences between contributions and proportionate share of contributions		14,896		-
The Board's contributions subsequent to the measurement date		23,260		-
Total	$	58,427	$	-

$23,260 reported as deferred outflows or resources related to pensions resulting from Board contributions subsequent to the measurement date will be recognized as an increase of the net pension asset in the year ended June 30, 2021. Other amounts reported as deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year ended June 30:			
	2020	$	15,569
	2021		8,071
	2022		8,437
	2023		3,091
	2024		-
Thereafter			-
Total		$	35,168

Actuarial Assumptions. The total pension liability in the December 31, 2018 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	3.0 percent
Salary increases	3.50 to 8.10 percent, including inflation and productivity factor
Investment rate of return	7.00 percent, net of pension plan investment expense, including inflation

The plan currently uses mortality tables that vary by age, gender, employee group (i.e. general, law enforcement officers) and health status (i.e. disabled and healthy). The current mortality rates are based on published tables and based on studies that cover significant portions of the U.S. population. The healthy mortality rates also contain a provision to reflect future mortality improvements.

The actuarial assumptions used in the December 31, 2018 valuation were based on the results of an actuarial experience study for the period January 1, 2014 through December 31, 2018.

Future ad hoc COLA amounts are not considered to be substantively automatic and are therefore not included in the measurement.

The projected long-term investment returns and inflation assumptions are developed through review of current and historical capital markets data, sell-side investment research, consultant whitepapers, and historical performance of investment strategies. Fixed income return projections reflect current yields across the U.S. Treasury yield curve and market expectations of forward yields projected and interpolated for multiple tenors and over multiple year horizons. Global public equity return projections are established through analysis of the equity risk premium and the fixed income return projections. Other asset categories and strategies' return projections reflect the foregoing and historical data analysis. These projections are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class as of June 30, 2019 are summarized in the following table:

Asset Class	**Target Allocation**	**Long - Term Expected Real Rate of Return**
Fixed Income	29.00%	1.40%
Global Equity	42.00%	5.30%
Real Estate	8.00%	4.30%
Alternatives	8.00%	8.90%
Credit	7.00%	6.00%
Inflation protection	6.00%	4.00%
Total	100.00%	

The information above is based on 30-year expectations developed with the consulting actuary for the 2018 asset liability and investment policy study for the North Carolina Retirement systems, including LGERS. The long-term nominal rates of return underlying the real rates of return are arithmetic annualized figures. The real rates of return are calculated from nominal rates by multiplicatively subtracting a long-term inflation assumption of 3.00%. All rates of return and inflation are annualized.

Discount rate. The discount rate used to measure the total pension liability was 7.00%. The projection of cash flows used to determine the discount rate assumed that contributions from plan members will be made at the current contribution rate and that contributions from employers will be made at statutorily required rates, actuarially determined. Based on these assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of the current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the Board's proportionate share of the net pension asset to changes in the discount rate. The following presents the Board's proportionate share of the net pension liability calculated using the discount rate of 7.00%, as well as what the Board's proportionate share of the net pension asset or net pension liability would be if it were calculated using a discount rate that is one percentage lower (6.00 percent) or one percentage point higher (8.00 percent) than the current rate:

	1% Decrease (6.20%)	Discount Rate (7.00%)	1% Increase (8.00%)
The Board's proportionate share of the net pension liability (asset)	$ 129,295	$ 56,530	$ (3,952)

Pension plan fiduciary net position. Detailed information about the pension plan's fiduciary net position is available in the separately issued Comprehensive Annual Financial Report (CAFR) for the State of North Carolina.

Note 4. Leases

The Board has an operating lease for its single facility at 700 South Fayetteville Street, Asheboro, NC. The lease is a 10-year lease expiring December 30, 2023.

Lease Payment Schedule:		
FYE June 30, 2021	$	64,800
FYE June 30, 2022	$	64,800
FYE June 30, 2023	$	64,800
FYE June 30, 2024	$	32,400
FYE June 30, 2025	$	-
Thereafter	$	-

The Lessor is responsible for building insurance and property taxes. The table above is a summary of the lease obligations of the Board according to the lease that was in place on June 30, 2020.

Note 5. Related Party Transactions

There were no related party transactions for the fiscal year ended June 30, 2020.

Note 6. Vacation and Sick Leave Compensation

The Board's policy is to give full-time employees paid vacation days ranging from six days per year to twenty one days per year depending on length of employment. The amount of accrued vacation at year end was $20,221.

Employees are not limited in the amount of sick leave that can be accumulated. Sick leave does not vest but unused sick leave accumulated at the time of retirement may be used in the determination of length of service for retirement benefit purposes. Since the Board has no obligation for accumulation of sick leave until it is actually taken, no accrual for sick leave has been made.

Note 7. Debt

The Board had no debt as of June 30, 2020.

Note 8. Distributions of Income

NC General Statute 18B-805 (e) requires that the entire net income, after deducting amounts required for law enforcement and alcohol education and retaining proper working capital, be paid quarterly to the appropriate local government entity. The distributions paid and accrued by the Asheboro ABC Board for the year ended June 30, 2020 totaled $415,000. Profit distributions of $2,882,500 have been made since the Board's inception.

Note 9. Law Enforcement and Alcohol Education Expenses

The Board is required by law to expend at least 5% of its profits for law enforcement and 7% of its profits for the treatment of alcoholism or substance abuse, or for research or education on alcohol or substance abuse. Profits are defined by law for these calculations as income before law enforcement and education expenses, less 3 ½% markup provided in G.S. 18B-804 (b) (5) and the bottle charge provided for in G.S. 18B-804 (b) (6b). The following schedule summarizes the Board's expenditures for these items during 2020:

Income before required distributions	$	480,627
Less 3 1/2% tax & bottle charge		121,643
Profit subject to expense percentages	$	358,984
Law Enforcement Expenditures	$	17,949
Actual % of Profit		5%
Provision for Alcoholic Education & Rehabilitation	$	25,129
Actual % of Profit		7%

Note 10. Disbursement of Taxes Included in Selling Price

A state excise tax, at the rate of 30% on the retail (net sales) price is charged monthly on liquor sales (excluding wine sales).

Transactions for this account for the years are summarized as follows:

	2020		2019	
Taxes payable – beginning of year	$	62,405	$	61,410
Taxes collected during the year		932,619		786,530
Taxes remitted to the Department of Revenue		905,891		785,535
Taxes payable – end of year	$	89,133	$	62,405

The excise tax is computed in accordance with G.S. 18B-805 (i).

The accrued North Carolina excise tax at June 30, 2020 was remitted to the North Carolina Department of Revenue on July 14, 2020.

A bottle charge of one cent on each bottle containing 50 milliliters or less and five cents on each bottle containing more than 50 milliliters is collected and distributed monthly to the county commissioners for alcohol education and rehabilitation. For the year ended June 30, 2020, payments to the county were based on the following bottle sales:

Regular Bottles	212,881	@.05	$	10,644
Mixed Beverage Bottles	16,612	@.05		831
Miniature Bottles	136,823	@.01		1,368
Total payment for the year ended June 30, 2020			$	12,843

A "mixed beverage tax" at the rate of $20.00 per 4 liters is charged on the sale of liquor to be resold as mixed beverages. One-half of the mixed beverage tax is submitted monthly to the North Carolina Department of Revenue. Five percent of the mixed beverage tax is submitted monthly to the NC Department of Health and Human Services.

The mixed beverage taxes for the years ended June 30, 2020 and 2019 was:

	2020	2019
NC Department of Revenue (50%)	$ 32,696	$ 37,968
NC Department of Health and Human Services (5%)	3,269	3,797
Profit Retained (45%)	29,423	34,172
Total	$ 65,388	$ 75,937

At June 30, taxes payable were:

	2020	2019
NC Department of Revenue - Excise Tax	$ 89,133	$ 62,382
NC Department of Revenue - Mixed Beverage Tax	3,030	3,209
NC Department of Health and Human Services - Mixed Beverage	303	320
Randolph County - Bottle Tax	1,177	930
Total	$ 93,643	$ 66,841

Note 11. Surcharge Collected

The total amount of surcharge collected for the fiscal year was $29,292. The bailment surcharge rate was $1.15 per case for the year.

Note 12. Liquor Sales Tax

The total amount of sales tax collected by the Board and remitted to the Department of Revenue for the fiscal year was $272,456. The current sales tax rate is 7%.

Note 13. Retail Outlets

The Asheboro Board of Alcoholic Beverage Control operated with one retail outlet:

Asheboro, North Carolina	
Gross Sales	$4,284,232
Change in Net Position	$ 22,549

Note 14. Working Capital

The Board is required by the Alcoholic Beverage Control Commission rule [.0902] to set its working capital requirements at not less than two weeks average gross sales of the last fiscal year. (Gross sales are gross receipts from the sale of alcoholic beverages less distributions as defined in G.S. 18B-805(b)(2), (3), and (4)).

The Board's position on this requirement is as follows:

Minimum Amount	$	126,495
Maximum Amount	$	822,220
Actual Amount	$	448,739

The Board has met the minimum amount of working capital.

Note 15. Breakage Expense

Breakage expense absorbed by the Board for the year was $0.

Note 16. Subsequent Events

Subsequent events have been evaluated through September 09, 2020, which is the date the financial statements were available to be issued.

Note 17. Risk Management

The Board is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Board has property, general liability, liquor legal liability insurance and worker's compensation coverage and employee health coverage.

There have been no significant reductions in insurance coverage from coverage in the prior year and settled claims have not exceeded coverage in any of the past three fiscal years.

In accordance with G.S. 18B-700(i), each Board member is bonded in the amount of $50,000 secured by a corporate surety.

In accordance with G.S. 18B-803(b) and (c), the store manager(s) is bonded for $50,000. All other employees who have access to funds are bonded under a blanket bond for $50,000.

SUPPLEMENTARY INFORMATION

Asheboro Board of Alcoholic Beverage Control
Schedule of Proportionate Share of Net Pension Liability (Asset)
Required Supplementary Information
For the Last Seven Years*

Local Government Employees' Retirement System

	2020	2019	2018	2017	2016	2015	2014
Board's proportion of the net pension liability (asset)(%)	0.00207%	0.00223%	0.00232%	0.00192%	0.00227%	0.03000%	0.02980%
Board's proportion of the net pension liability (asset)($)	$ 56,530	$ 52,903	$ 35,443	$ 40,749	$ 10,188	$ (12,680)	$ 20,492
Board's covered - employee payroll	$259,885	$ 261,712	$ 252,102	$ 238,323	$ 198,556	$ 186,305	$ 170,640
Board's proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	21.75%	20.21%	14.06%	17.10%	5.13%	-6.81%	12.01%
Plan fiduciary net position as a percentage of the total pension liability**	90.86%	91.63%	94.18%	91.47%	98.09%	102.64%	94.35%

* The amounts presented for each fiscal year were determined as of the prior year ending June 30.

**This will be the same percentage for all participant employers in the LGERS plan.

See Auditor's Report

Asheboro Board of Alcoholic Beverage Control
Schedule of Boards Contribution to Retirement Plan
Required Supplementary Information
For the Last Seven Years

Local Government Employees' Retirement System

	2020	2019	2018	2017	2016	2015	2014
Contractually required contribution	$ 23,260	$ 20,283	$ 18,908	$ 17,248	$ 13,153	$ 13,172	$ 12,064
Contributions in relation to the contractually required contribution	$ 23,260	$ 20,283	$ 18,908	$ 17,248	$ 13,153	$ 13,172	$ 12,064
Contribution deficiency (excess)	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Board's covered - employee payroll	$ 259,885	$ 261,712	$ 252,102	$ 238,323	$ 198,556	$ 186,305	$ 170,640
Contributions as a percentage of covered-employee payroll	8.95%	7.75%	7.50%	7.24%	6.62%	7.07%	7.07%

See Auditor's Report

Asheboro Board of Alcoholic Beverage Control
Schedule of Store Expenses
For the Years Ended June 30, 2020
and June 30, 2019

	2020	2019
Salaries & Wages	$ 324,944	$ 304,022
Payroll Tax	25,588	23,269
Group Insurance	1,521	1,716
Retirement	55,981	41,845
Data Processing	5,878	2,305
Utilities	2,526	2,871
Repairs & Maint - Bldg	518	-
Repairs & Maint - Equip	4,170	31
Janitorial Service	673	520
Store Supplies	9,063	6,063
Insurance - General	12,101	12,453
Bank Card Fees	42,634	35,228
Rent	32,400	32,400
Drug Testing Expense	764	530
Training	150	131
Total Store Expenses	$ 518,911	$ 463,384

Asheboro Board of Alcoholic Beverage Control
Schedule of Administrative Expenses
For the Years Ended June 30, 2020
and June 30, 2019

	2020	2019
Telephone	$ 1,750	$ 1,633
Board Members' Fees	3,300	3,400
Office Supplies	1,726	741
Dues & Subscriptions	288	316
Internet Services	2,857	2,781
Postage	330	260
Maintenance Agreements	1,498	1,423
Bank Service Charges	742	854
Professional Fees	4,700	4,600
Travel	84	-
Alarm Service	21	1,376
Total Administrative Expenses	$ 17,296	$ 17,384

Asheboro Board of Alcoholic Beverage Control
Schedule of Warehouse Expenses
For the Years Ended June 30, 2020
and June 30, 2019

	2020	2019
Utilities	$ 2,525	$ 2,871
Rent	32,400	32,400
Total Warehouse Expenses	$ 34,925	$ 35,271

Asheboro Board of Alcoholic Beverage Control
Schedule of Distributions of Profits
For the Year Ended June 30, 2020

Distribution	Recipient		Amount	Date of Distribution	Restrictions on Use
Law Enforcement					
	City of Asheboro		4,050	08/28/19	None
	City of Asheboro		3,000	11/12/19	None
	City of Asheboro		5,700	05/31/20	None
	City of Asheboro		5,100	05/31/20	None
Total paid during year		$	17,850		
Alcohol Education					
	Family Crisis Center	$	7,038	08/28/19	Funds are to be spent on qualified alcohol education programs
	Randolph Community College		(280)	11/07/19	Funds are to be spent on qualified alcohol education programs
	Randolph Community College		3,400	11/12/19	Funds are to be spent on qualified alcohol education programs
	Community Hope Alliance		3,800	03/12/20	Funds are to be spent on qualified alcohol education programs
	Randolph Community College		2,200	03/12/20	Funds are to be spent on qualified alcohol education programs
	Community Hope Alliance		2,360	05/31/20	Funds are to be spent on qualified alcohol education programs
	Randolph Community College		3,000	05/31/20	Funds are to be spent on qualified alcohol education programs
	Community Hope Alliance		4,140	05/31/20	Funds are to be spent on qualified alcohol education programs
Total paid during year		$	25,658		
Distributions to the City Of Asheboro					
	City of Asheboro	$	17,000	07/02/19	None
	City of Asheboro		18,000	08/02/19	None
	City of Asheboro		18,000	09/04/19	None
	City of Asheboro		18,000	10/03/19	None
	City of Asheboro		18,000	11/01/19	None
	City of Asheboro		18,000	12/02/19	None
	City of Asheboro		25,000	12/03/19	None
	City of Asheboro		18,000	01/07/20	None
	City of Asheboro		18,000	02/04/20	None
	City of Asheboro		18,000	03/04/20	None
	City of Asheboro		18,000	04/01/20	None
	City of Asheboro		18,000	05/01/20	None
	City of Asheboro		18,000	05/31/20	None
	City of Asheboro		175,000	06/04/20	None
Total paid during year		$	415,000		
Total Distributions Paid		$	458,508		

Reconciliation of amounts paid to amounts shown on Statement of Revenues, Expenses, and Changes in Net Position		Law Enforcement		Alcohol Education		Profit Distribution to Primary Government
Beginning overpayment (payable)	$	(4,059)	$	(6,234)	$	-
Paid duing year		17,850		25,658		415,000
Total payments	$	13,791	$	19,424	$	415,000
Required distribution for the year		17,949		25,129		415,000
Ending overpayment (payable)	$	(4,158)	$	(5,705)	$	-

Asheboro Board of Alcoholic Beverage Control
Schedule of Revenues and Expenditures – Budget and Actual
Year Ended June 30, 2020

	2020 Original Budget	2020 Amended Budget	2020 Actual	Variance Positive (Negative)
Revenues				
Operating Revenues:				
Sales	$ 3,521,650	$ 4,449,945	$ 4,284,232	$ (165,713)
Non-operating Revenues:				
Interest	50	50	2,121	2,071
Total Revenues	$ 3,521,700	$ 4,449,995	$ 4,286,353	$ (163,642)
Expenditures:				
Taxes based on revenue	$ 809,991	$ 1,023,499	$ 982,456	41,043
Cost of Goods Sold	1,845,370	2,330,017	2,240,084	89,933
Operating Expenses:				
Salaries and benefits	332,310	362,998	353,025	9,973
Payroll taxes	26,584	29,040	25,588	3,452
Rent	64,800	64,800	64,800	-
Utilities	15,180	15,000	9,679	5,321
Repairs & maintenance	5,000	5,000	6,859	(1,859)
Office and store supplies	8,980	9,000	10,789	(1,789)
Insurance - general & bonds	15,500	15,500	12,101	3,399
Travel and training	2,500	2,500	234	2,266
Professional fees	11,000	11,000	10,578	422
Dues and subscriptions	550	580	288	292
Bank fees and charges	39,000	48,900	42,634	6,266
Contingencies & Miscellaneous	7,920	4,000	1,836	2,164
Capital Outlay	20,003	10,000	11,313	(1,313)
Total Expenditures	$ 3,204,688	$ 3,931,834	$ 3,772,264	$ 159,570
Distributions				
Law enforcement	$ 15,236	$ 26,299	$ 17,949	$ 8,350
Alcohol education & rehab	20,776	35,862	25,129	10,733
City of Asheboro	241,000	416,000	415,000	1,000
Reserve for future facilities	40,000	40,000	40,000	-
Total	$ 317,012	$ 518,161	$ 498,078	$ 20,083
Total Expenditures & Distributions	$ 3,521,700	$ 4,449,995	$ 4,270,342	$ 179,653
Revenues over Expenditures and other Financing (Uses)	$ -	$ -	$ 16,011	$ 16,011
Reconciliation from budgetary basis (modified accrual) to full accrual:				
Reconciling items:				
Reserve for capital improvement			40,000	
Capital outlay			11,313	
Depreciation			(12,054)	
Retirement Expense			(32,721)	
Change in net position			$ 22,549	

ORDINANCE NUMBER ___________________

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE SETTING THE DATES FOR REGULAR MEETINGS OF THE ASHEBORO CITY COUNCIL DURING THE 2021 CALENDAR YEAR

WHEREAS, Section 31.04(A) of the Code of Asheboro provides that the "City Council shall hold a regular meeting on Thursday after the first Monday of each month;" and

WHEREAS, in an effort to avoid reasonably foreseeable scheduling conflicts with the Independence Day and Labor Day holidays, the Asheboro City Council has decided to reschedule its regular meetings in July 2021 and September 2021.

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

Section 1. During the 2021 calendar year, and subject to any notices to the contrary issued in accordance with the applicable laws and ordinances, regular meetings of the Asheboro City Council will begin at 7:00 p.m. on the dates listed herein and will be held in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

Section 2. Due to the Independence Day holiday, the regular meeting of the Asheboro City Council in July 2021 shall be held in the council chamber on the second floor of Asheboro City Hall, with a beginning time of 7:00 p.m., on July 15, 2021.

Section 3. Due to the Labor Day holiday, the regular meeting of the Asheboro City Council in September 2021 shall be held in the council chamber on the second floor of Asheboro City Hall, with a beginning time of 7:00 p.m., on September 16, 2021.

Section 4. For purposes of clarity, the schedule is as follows for regular meetings of the Asheboro City Council during the 2021 calendar year:

Month	**Meeting Date**
January	7th
February	4th

March	4^{th}
April	8^{th}
May	6^{th}
June	10^{th}
July	15^{th}
August	5^{th}
September	16^{th}
October	7^{th}
November	4^{th}
December	9^{th}

Section 5. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed to the extent that such ordinances conflict with the intent of the Asheboro City Council to hold its regular meetings in accordance with the schedule found in Section 4 of this Ordinance. With the exception of rescheduling the Asheboro City Council's regular meetings in July 2021 and in September 2021, the provisions of Section 31.04 of the Code of Asheboro remain in full force and effect.

Section 6. This Ordinance shall become effective upon adoption and shall sunset at midnight on December 31, 2021.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 10^{th} day of December, 2020.

____

David H. Smith, Mayor

ATTEST:

____

Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____________________

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AWARDING TO KEVIN P. INGOLD HIS SERVICE SIDE ARM UPON RETIREMENT FROM THE ASHEBORO POLICE DEPARTMENT

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens throughout the course of his Asheboro Police Department career, which began on January 4, 1993, Master Police Officer Kevin P. Ingold will begin his retirement from employment with the city effective January 1, 2021; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective January 1, 2021, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the city of $1.00, Kevin P. Ingold is to be awarded ownership of his city-issued service side arm (a Glock 9mm model 45 with serial no. BLKC 002 and three magazines) upon a determination by the police department command staff that Mr. Ingold is eligible under the applicable federal and state laws to receive, own, or possess a firearm.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of December, 2020.

____
David H. Smith, Mayor

ATTEST:

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

RESOLUTION NUMBER ________________

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION HONORING FIRE BATTALION CHIEF CHARLES BRIAN LEWIS UPON HIS RETIREMENT FROM THE ASHEBORO FIRE DEPARTMENT

WHEREAS, Charles Brian Lewis, who was promoted to the position of Fire Battalion Chief on October 1, 2016, has provided honorable, skilled, and dedicated service to the City of Asheboro and its citizens since the date of his initial employment with the Asheboro Fire Department on October 9, 1996; and

WHEREAS, Chief Lewis will begin his retirement from the City of Asheboro on January 1, 2021; and

WHEREAS, pursuant to and in accordance with Section 160A-294.1 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor this dedicated public servant by awarding to Chief Lewis, at a minimal monetary cost, the fire helmet most recently assigned to him by the city; and

WHEREAS, due to the extended use of his Class A uniform, badges, name plate, "serving since" attachment to the name plates, and sets of rank insignia collar pins that cannot be placed in the market place without posing a risk of allowing unauthorized individuals to hold themselves out as fire department officials and thereby pose a threat to public safety, the Asheboro City Council has concluded, consistent with Section 160A-266(d) of the North Carolina General Statutes, that the city's use of the listed items will end at the end of the day on December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, on behalf of the citizens of Asheboro, the governing board extends its sincere thanks and appreciation to Chief Lewis for his public service; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, in consideration and recognition of his dedicated service, Charles Brian Lewis is to be awarded, at less than fair market value, ownership of his city-issued fire helmet, inclusive of his helmet shield; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, in furtherance of this recognition of a valued public servant, the city staff is hereby directed to convey to Chief Lewis, on or after January 1, 2021, his Asheboro Fire Department helmet and shield for a purchase price of one dollar ($1.00); and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city staff is hereby directed to convey to Chief Lewis, on or after January 1, 2021, and without charge, his Class A uniform, badges (a quantity of two), name plates (a quantity of two), the “serving since” attachment to the name plates, and rank insignia collar pin sets (a quantity of two).

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of December, 2020.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

RZ-CUP-20-11: 881 Curry Drive

1. Rezone from CU-B2 Conditional Use General Commercial to CU-I1 Conditional Use Light Industrial

2. Conditional Use Permit for Motor Vehicle Repair (Major)

Planning Board Recommendation (for rezoning request) and staff reports

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-20-11** **Date** 11/2/2020

Applicant Amanda Hodierne SBT Real Estate Holdings, LLC

Legal Description

The property of Red Dirt, LLC, located at 881 Curry Drive, totaling approximately 5.56 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7750202309.

Requested Action Rezone from Conditional Use General Commercial (CU-B2) to Conditional Use Light Industrial (CU-I1)

Existing Zone Conditional Use General Commercial (CU-B2)

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-20-11**

Date 12/10/2020 City Council

General Information

Applicant Amanda Hodierne SBT Real Estate Holdings, LLC

Address 804 Green Valley Rd., Suite 200

City Greensboro NC 27408

Phone 336-609-5137

Location 881 Curry Drive

Requested Action Rezone from Conditional Use General Commercial (CU-B2) to Conditional Use Light Industrial (CU-I1)

Existing Zone CU-B2

Existing Land Use Eating establishment/restaurant (vacant)

Size 5.56 acres +/-

Pin # 7750202309

Applicant's Reasons as stated on application

See attached.

Surrounding Land Use

North Undeveloped Commercial

East I-73/I-74 & Office (USDA Office)

South Commercial

West Single-family residential/undeveloped

Zoning History See attached.

Legal Description

The property of Red Dirt, LLC, located at 881 Curry Drive, totaling approximately 5.56 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7750202309. ***Legal notices were mailed to adjoining property owners on Monday, November 23, 2020.***

Analysis

1. The property is within the city limits and receives city services. The site is sewered via a privately maintained pump station.
2. McDowell Road is a state-maintained minor thoroughfare. Lambert Drive is a state-maintained collector street that connects McDowell Road to US Hwy. 64. Curry Drive is a city-maintained Street that serves the subject property and adjoining commercial development. I-73/I-74 is an interstate freeway.
3. The previous use of the property was an eating establishment (K & W Cafeteria). This was originally developed as part of a commercial subdivision, which included the subject property.
4. There is a stream on the property. NCDEQ needs to be contacted prior to any land activity that impacts the stream or its banks.
5. The zoning ordinance describes the I1 zoning district as "to produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts."
6. The Land Development Plan Land Development Categories section describes the intent of an Employment Center as being "to integrate a mixture of commercial, office & institutional, industrial, and open space uses into the fabric of the community, with ample sidewalks, street trees, on-street parking, public amenities & open space."
7. Along with the rezoning, the applicant is also be requesting a Conditional Use Permit for Motor Vehicle Repair-Major.

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation	Employment Center
Small Area Plan	Southwest
Growth Strategy Map Designation	Primary Growth

LDP Goals/Policies Which Support Request

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

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

Checklist Item 5. The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

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

Checklist Item 10: Rezoning is consistent with Land Category Descriptions

Checklist Items 12: Property is located outside of watershed

LDP Goals/Policies Which Do Not Support Request

Checklist Item 14. Rezoning is not located on steep slopes (>20%) or rezoning (and the development intensity permitted with the proposed district) is unlikely to create additional problems due to steep slopes.

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

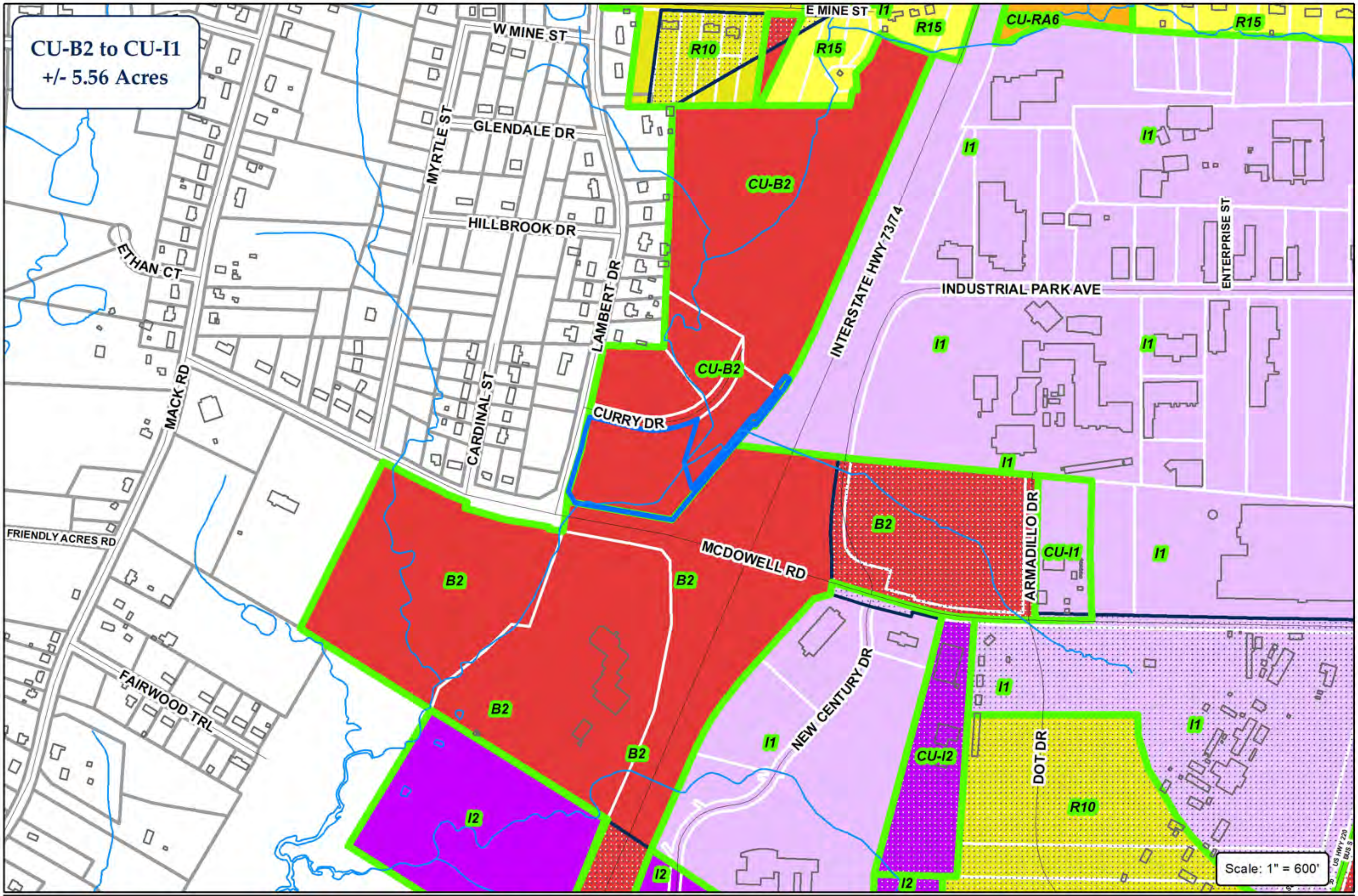
Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

The subject property is designated by the Land Development Plan as part of an employment center, which includes a mixture of complementary office, commercial, and industrial uses. The current uses of the adjoining commercial development also includes office and medical uses, with the potential for other commercial development on the undeveloped lots within the development. The Southwest Small Area Plan also indicates that employment centers are focused along interchanges of the I-73/I-74 corridor, which is easily accessible to this property with a signalized intersection.

While a general use industrial zoning designation may not be appropriate at this location, the conditional use district and permitting process can help ensure that any proposed use is not out of character with adjacent and nearby residential properties. In addition to a review of the proposed land use, the Conditional Use Permitting process offers a better opportunity for additional public input related to specific uses, site design, access, and other features emphasized by the "Employment Center" designation, such as landscaping and pedestrian connectivity, that may not be possible with a general district request.

Considering these factors, staff believes that the requested CU-I1 district is overall consist with the Land Development Plan and is therefore reasonable and in the public interest.

Recommendation In light of the above analysis, staff’s recommendation is to approve the request.



ETJ

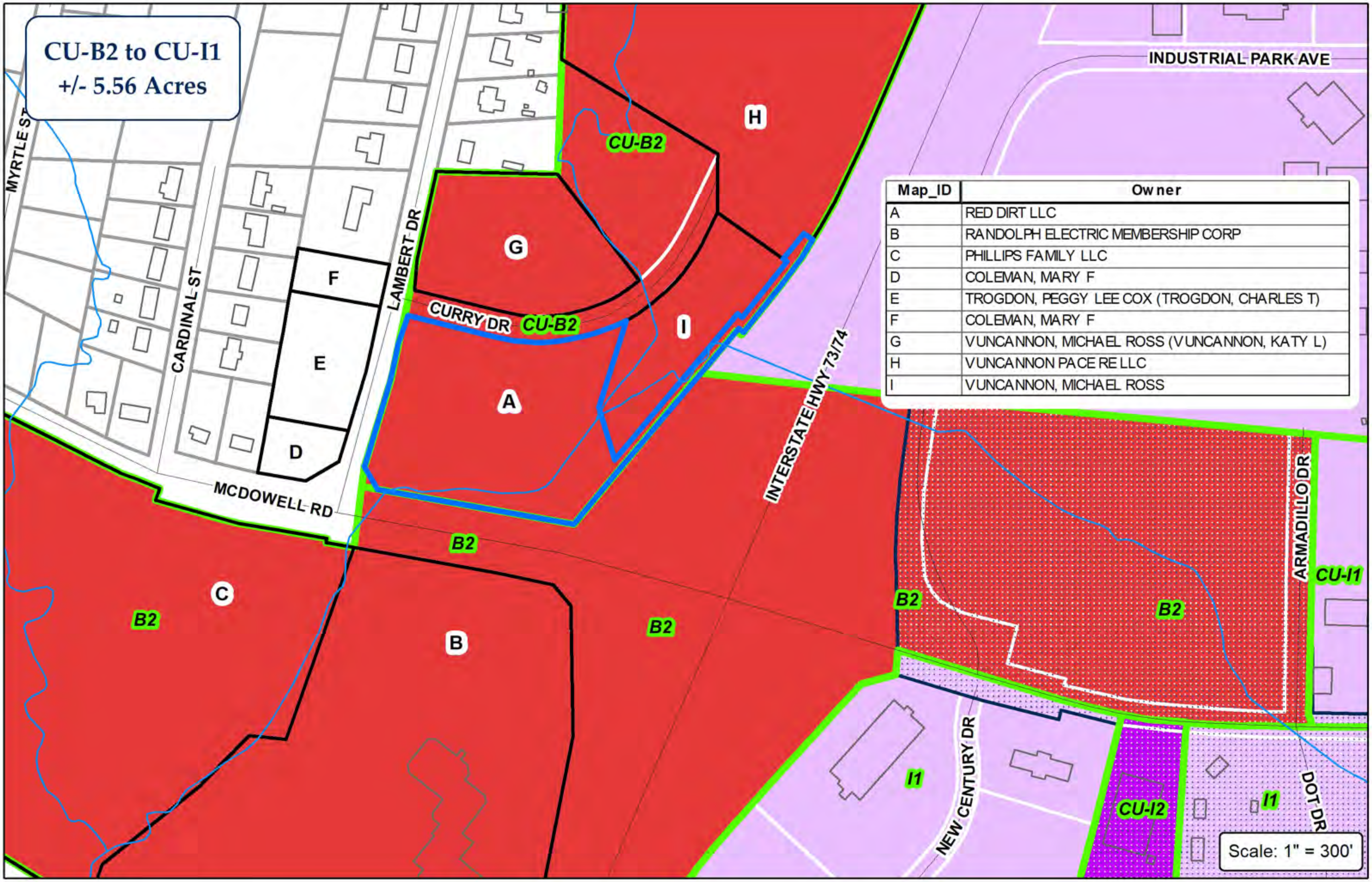
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-CUP-20-11

Parcel: 7750202309

Subject Property

Zoning



Map_ID	Owner
A	RED DIRT LLC
B	RANDOLPH ELECTRIC MEMBERSHIP CORP
C	PHILLIPS FAMILY LLC
D	COLEMAN, MARY F
E	TROGDON, PEGGY LEE COX (TROGDON, CHARLES T)
F	COLEMAN, MARY F
G	VUNCANNON, MICHAEL ROSS (VUNCANNON, KATY L)
H	VUNCANNON PACE RE LLC
I	VUNCANNON, MICHAEL ROSS

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

ETJ

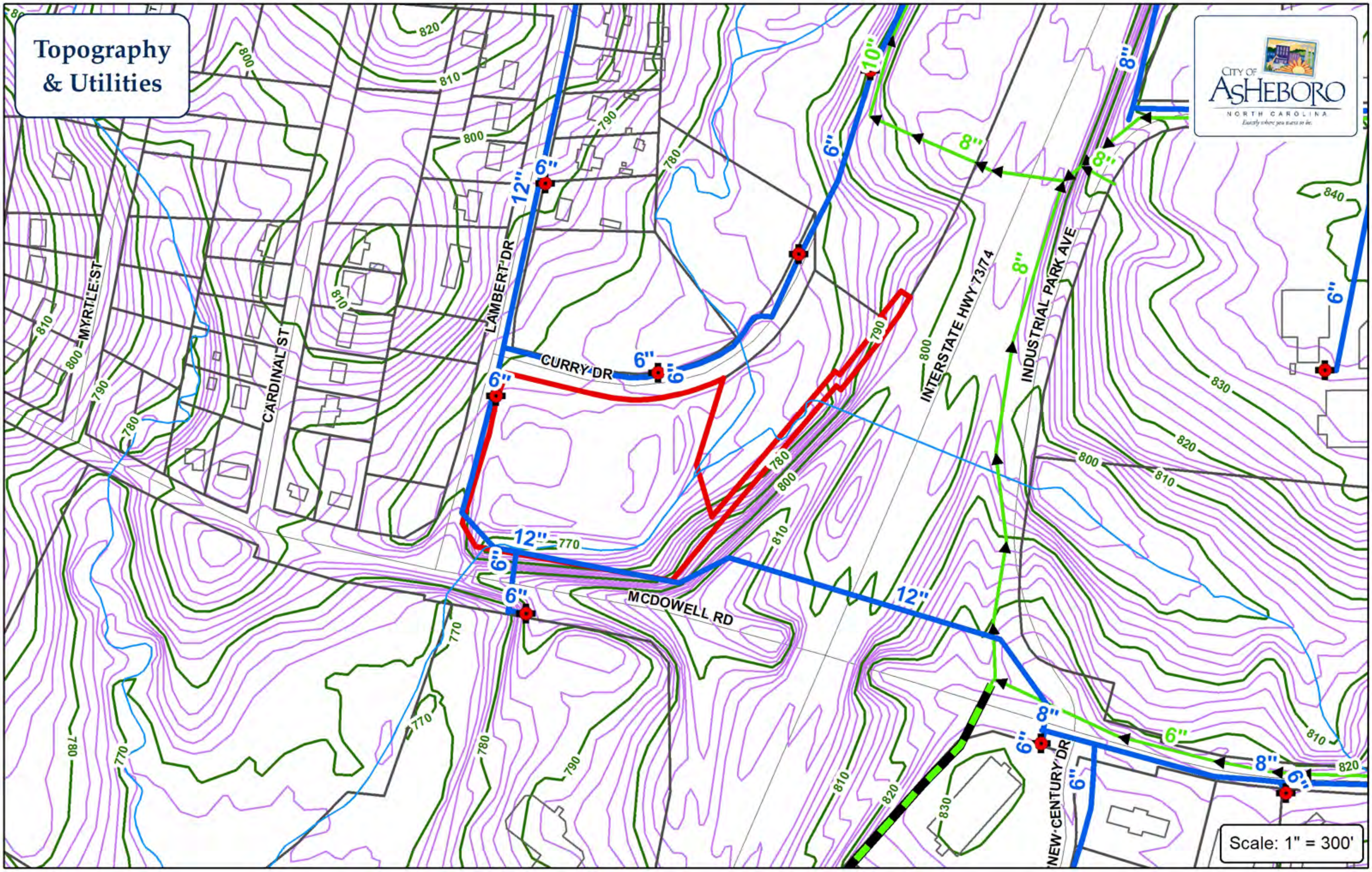
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-CUP-20-11

Parcel: 7750202309

Subject Property
Adjoining Properties
Zoning

Topography & Utilities

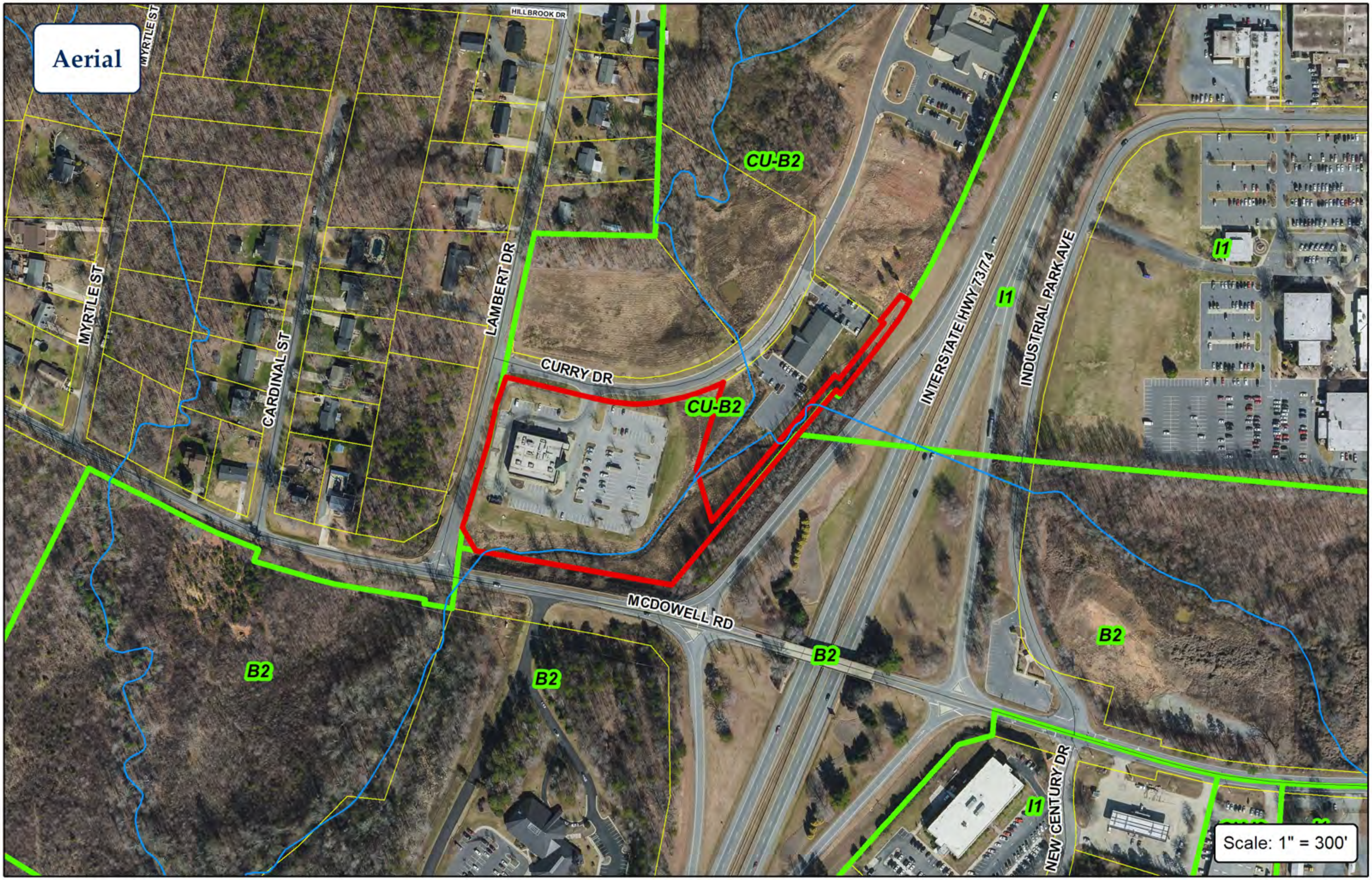


Water Main
Sewer Main
Force Main
Fire Hydrant
Pump Station
Subject Property

City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-CUP-20-11

Parcel: 7750202309



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

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-CUP-20-11

Parcel: 7750202309

Subject Property
Zoning

N W E S

History of Subject property

RZ-00-01*: Rezoning of property from R10 Medium-Density Residential/I1 Light Industrial /B2 General Commercial to B2 denied (7-8-1999).

RZ-CUP-00-12*: Rezoning from R10/I1/B2 to CU-B2 and Conditional Use Permit for Commercial Development approved (9-28-1999).

CUP-03-40: Amend Conditional Use Permit for a new ground sign at the K&W Cafeteria. Note that the current zoning ordinance no longer requires amending a conditional use permit for new sign(s) that meets requirements.

*Staff note: The requests also included additional parcels (Parcel Identification Numbers 7750206538, 7750218633, 7750202738, and 7750202738) along Curry Drive that are currently zoned CU-B2 and were included in the noted previous requests.

Conditional Use Permit Staff Report

CUP Case No. CUP-20-11

12-10-2020 City Council

General Information

Name Amanda Hodierne SBT Real Estate Holdings, LLC

Address 804 Green Valley Rd., Suite 200
Greensboro NC 27408

Phone 336-609-5137

Pin # 7750202309

Location 881 Curry Drive

RequestedAction: Conditional Use Permit for Motor Vehicle Repair Major

Existing Zone CU-B2

Existing Land Use Eating establishment/restaurant (vacant)

Size 5.56 acres +/-

Applicant's Reason as stated on application

SBT Real Estate Holdings, LLC has the subject property under contract to purchase with the intent of using the property for a vehicle repair and service facility. Under the City of Asheboro development regulations, this type of use is classified as Major Motor Vehicle Repair and requires a Conditional Use Permit.

Surrounding Land Use

North Undeveloped Commercial

East I-73/I-74 & Office (USDA Office)

South Commercial

West Single-family residential/undeveloped

Zoning History See attached.

Growth Strategy Map Primary Growth

Proposed L D P Map Employment Center

Legal Description

The property of Red Dirt, LLC, located at 881 Curry Drive, totaling approximately 5.56 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7750202309. ***Legal notices were mailed to adjoining property owners on Monday, November 23, 2020.***

Analysis

1. The applicant is requesting a conditional use permit for motor vehicle repair- major. Along with a conditional use permit, this also requires a rezoning, which has been applied for (specifically a CU-I1 Conditional Use Light Industrial district).
2. The proposal is to use the existing structure, plus add an addition to the side of the structure facing away from Lambert Drive. Six (6) work bays are proposed.
3. Major automobile repair is defined as "any automotive repairs or servicing not listed under Motor Vehicle Repair, Minor. Further, it is determined to be any structure in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles, or where in making repairs to motor vehicles the mechanical power employed in the operation of any machine or tool exceeds 3-HP or the total mechanical power provided or employed exceeds 15-HP." The definition of minor motor vehicle repair is attached for reference.
4. A second entrance from Curry Drive is proposed, which requires a driveway permit from the City of Asheboro. NCDOT has indicated that they will not require modifications or road improvements to any state-maintained roads leading up to the property.
5. The applicant is also proposing a sidewalk along Curry Drive in front of the property. While the zoning ordinance does not specifically require this due to the property being zoned industrial and only requiring sidewalks on thoroughfares that possess curb and gutter, the "Employment Center" designation does identify having "ample sidewalks" as part of the intent of an Employment Center. Elimination of the sidewalk would likely be considered a Permit modification and would require a new Conditional use Permit and rehearing by the Council.

LDP Conformity Issues

Staff Comments

Suggested Conditions

Draft conditions as of 12-4-2020

Staff Note: Conditions (A) through (C) have been offered by the applicant. Staff notes in red compare conditions of the existing Conditional Use Permit that applies to the zoning lot Parcel Identification Number 7750202309) with the proposed conditions:

(A) Hours of operation shall be limited to 7am to 7pm M –F and 7 am to 5 pm on Saturdays. **Staff note: The current CUP does not specify hours of operation.**

(B) Trash Pickup shall be limited to 8am to 5 pm M-F. **Staff Note: The times of trash pickup are identical to the current CUP condition with the additional condition that this not occur on Saturdays or Sundays.**

(C) Parking lot sweeping shall be limited to 7 am to 10 pm M- Saturday. **Staff Note: The times on Monday through Saturday are identical. The current CUP condition specifies that sweeping may occur on Sunday from 9:00 AM to 10:00 PM. Parking lot sweeping would not be allowed on Sundays under the proposal by the applicant.** City Staff has proposed adding the following conditions (as of 11-30-2020).

(D) The applicant may use existing vegetation as indicated on the site plan, however, if any required vegetation is removed, additional plantings will be required in compliance with the applicable landscaping provisions of the zoning ordinance.

(E) Prior to the issuance of a zoning compliance permit, the applicant shall obtain a City of Asheboro driveway permit

(F) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

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

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

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

Motor Vehicle Repair definitions in Asheboro Zoning Ordinance, Article 1100

Motor Vehicle Repair, Major

Any automotive repairs or servicing not listed under Motor Vehicle Repair, Minor. Further, it is determined to be any structure in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles, or where in making repairs to motor vehicles the mechanical power employed in the operation of any machine or tool exceeds 3-HP or the total mechanical power provided or employed exceeds 15-HP.

Motor Vehicle Repair, Minor

A. Sale and service of spark plugs, batteries, and distributor and ignition system parts.

B. Sales, service and repair of tires, but not recapping or regrooving.

C. Replacement of mufflers, tail pipes, water hose, fan belts, brake fluids, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearing, mirrors, and the like.

D. Radiator cleaning, flushing, and fluid replacement.

E. Greasing and lubrication.

F. Providing and repairing fuel pumps, oil pumps, and lines.

G. Minor adjustment and repair of carburetor.

H. Emergency repair of wiring.

I. Adjusting brakes and installing exchange brake shoes.

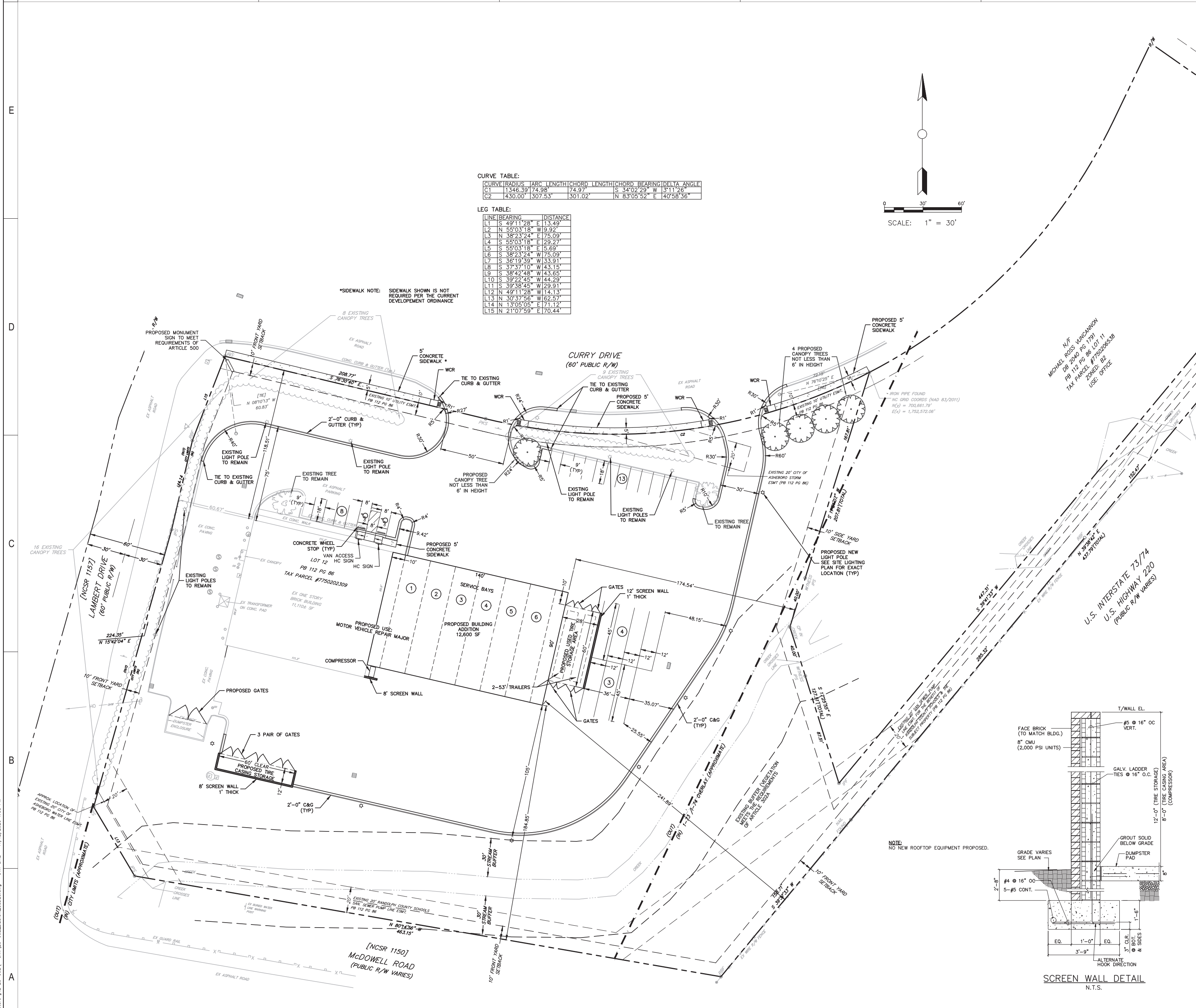
J. Minor motor adjustment not involving removal of the head or crankcase and grinding valves.

K. Wheel balancing.

L. Battery recharging.

M. Warranty maintenance and safety inspections.

N. Other minor servicing of a similar intensity to those listed above.



SCREEN WALL DETAIL
N.T.S.

CURVE TABLE:

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1346.39'	74.98'	74.97'	S 34°02'29" W	3°11'26"
C2	430.00'	307.53'	301.02'	N 83°05'52" E	40°58'36"

LEG TABLE:

LINE	BEARING	DISTANCE
L1	S 49°11'28" E	13.49'
L2	N 55°03'18" W	9.92'
L3	N 38°23'24" E	75.09'
L4	S 55°03'18" E	29.27'
L5	S 55°03'18" E	5.69'
L6	S 38°23'24" W	75.09'
L7	S 36°19'39" W	33.91'
L8	S 37°37'10" W	43.15'
L9	S 38°42'48" W	43.65'
L10	S 39°22'45" W	44.29'
L11	S 39°38'45" W	29.91'
L12	N 49°11'28" W	14.13'
L13	N 30°37'56" W	62.57'
L14	N 13°05'05" E	71.12'
L15	N 21°07'59" E	70.44'

SITE DATA

1. PROPERTY OWNER
   RED DIRT, LLC
   321 KIMBERLY DRIVE
   ASHEBORO, NC 27205
2. REID
   40075
3. PIN
   7750202309
4. REFERENCES
   DB 1845 PG. 2066
   PB 112 PG. 86
5. ADDRESS
   881 CURRY DRIVE
   ASHEBORO, NORTH CAROLINA
6. ZONING DISTRICT
   EXISTING: CU-I1
7. LAND USE:
   EXISTING: RESTAURANT
   PROPOSED: MOTOR VEHICLE REPAIR - MAJOR
8. TRACT SIZE
   EXISTING = 5.560 ACRES
   EXISTING BUA = 2.191 ACRES (39.41%)
   NET ADDITIONAL BUA = 0.45 ACRES (8.09%)
   TOTAL BUA = 2.641 ACRES (47.50%)
   DISTURBED AREA = 0.75 ACRES (13.49%)
9. RIVER BASIN: YADKIN – PEE DEE

NOTES

1. GEOMETRIC AND TOPOGRAPHIC DATA FROM SURVEY PREPARED BY SACKS SURVEYING AND MAPPING, PC, 3308-B EDGEFIELD ROAD, GREENSBORO, NC 27409 DATED OCTOBER 27, 2020.
2. THIS PROPERTY DOES NOT LIE WITHIN THE 100-YEAR OR OTHER SPECIAL HAZARD FLOOD ZONE PER COMMUNITY PANEL 3710775000J, EFFECTIVE JANUARY 2, 2008.
3. THE PROPERTY IS NOT LOCATED WITHIN A DESIGNATED WATER SUPPLY WATERSHED.
4. USE WILL MEET ALL REQUIREMENTS OF PERFORMANCE STANDARDS FOR INDUSTRIAL DISTRICTS, SECTION 316A.

ZONING DATA (CU-I1)

ITEM	CU-I1	ACTUAL
MIN. LOT SIZE	10,000 SF	242,194 SF
MIN. LOT WIDTH	75 FT	516 FT
MIN. SETBACKS		
FRONT(NORTH)	10 FT	FT
SIDE(EAST)	10 FT	FT
SIDE(WEST)	10 FT	60.67 FT
REAR(SOUTH)	10 FT	FT
MAX. BLDG. HGT.	45 FT	FT
MAX. FLOOR AREA RATIO	N/A	

PARKING

REQUIRED PARKING

MOTOR VEHICLE REPAIR – MAJOR: 3.0 SPACES PER BAY/WORK AREA PLUS 2.0 SPACES PER 3 EMPLOYEES PLUS 1 PER VEHICLE USED DIRECTLY IN CONDUCT OF SUCH USE

6 BAYS x 3.0 SPACES/BAY	18
14 EMPLOYEES X 2.0 SPACES/3 EMPLOYEES	10
0 SERVICE VEHICLES X 1/SERVICE VEHICLE	0
TOTAL SPACES REQUIRED =	28 SPACES

PARKING SPACES PROVIDED

REGULAR	26 SPACES
ACCESSIBLE	2 SPACES
TOTAL	28 SPACES

ZONING NOTES

1. THE SITE IS NOT LOCATED WITHIN THE LIMITS OF THE CENTER CITY PLANNING AREA. REQUIREMENTS IN ARTICLE 200A OF THE CITY OF ASHEBORO ZONING ORDINANCE.
2. EXISTING BUFFER MEETS REQUIREMENTS OF ARTICLE 302A OF THE CITY OF ASHEBORO ZONING ORDINANCE.
3. ALL GROUND MOUNTED AND ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM GROUND VIEW, AS SEEN FROM ANY STREET LOT LINE OF THE LOT PER THE REQUIREMENTS OF ARTICLE 306A OF THE CITY OF ASHEBORO ZONING ORDINANCE. GROUND MOUNTED EQUIPMENT SCREENING WILL BE ACHIEVED BY INSTALLATION OF A DECORATIVE WALL, DENSE EVERGREEN LANDSCAPING, OR A DECORATIVE FENCE. ROOF MOUNTED MECHANICAL EQUIPMENT SCREENING WILL BE ACHIEVED BY THE CONSTRUCTION OF A PARAPET WALL, FALSE FAÇADE, OR SIMILAR STRUCTURAL FEATURE.
4. THE EXISTING SOLID WASTE STORAGE AREA IS SCREENED ON THREE SIDES BY AN EXISTING MASONRY WALL. GATES WILL BE ADDED TO BRING THE SOLID WASTE STORAGE AREA INTO COMPLIANCE WITH ARTICLE 307A OF THE CITY OF ASHEBORO ZONING ORDINANCE.
5. EXISTING LANDSCAPING MEETS THE REQUIREMENTS OF ARTICLE 308A OF THE CITY OF ASHEBORO ZONING ORDINANCE.
6. EXISTING AND PROPOSED DRIVES AND PARKING AREAS SHALL BE PREDOMINANTLY ASPHALT PAVING WITH CONCRETE CURB AND GUTTER. THERE IS A SMALL AREA OF EXISTING CONCRETE PAVEMENT ON THE WEST SIDE OF THE SITE.
7. THE PROPOSED SITE USE AND DEVELOPMENT ARE CONSISTANT WITH ARTICLE 316A PERFORMANCE STANDARDS FOR INDUSTRIAL DISTRICTS OF THE CITY OF ASHEBORO ZONING ORDINANCE. EXISTING SITE LIGHTING AND ANY PROPOSED ADDITIONAL SITE LIGHTING WILL MEET REQUIREMENTS OF ARTICLE 316A.B.1.

LANDSCAPE YARD TABLE					
PLANTING YARD	TYPE	LENGTH (FT.)	CANOPY TREE REQ'D/PROVIDED	UNDERSTORY TREE	SHRUBS
NORTH	STREETYARD	410	21/21	---	---
SOUTH (SEE NOTE)	STREETYARD	460	0/0	---	
EAST	N/A	---	---	---	---
WEST	STREETYARD	320	16/16	---	---

NOTE: EXTING TREES AND STREAM BUFFER TO REMAIN IN LIEU OF REQUIRED STREETYARD.

triaddesigngroup
Architecture | Engineering | Interior Design

Triad Design Group, P.C.
4807-C Koger Boulevard
Greensboro, NC 27407
Telephone 336-218-8282
Facsimile 336-218-8010
www.triad-designgroup.com
NC Architecture Reg. 50709
NC Engineering Lic. C-1108

TRIAD DESIGN GROUP, P.C. CORPORATE SEAL NORTH CAROLINA 1994

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL L. ALLAN HILL

NOVEMBER 12, 2020

PROFESSIONAL OF RECORD:
L. ALLAN HILL, P.E.

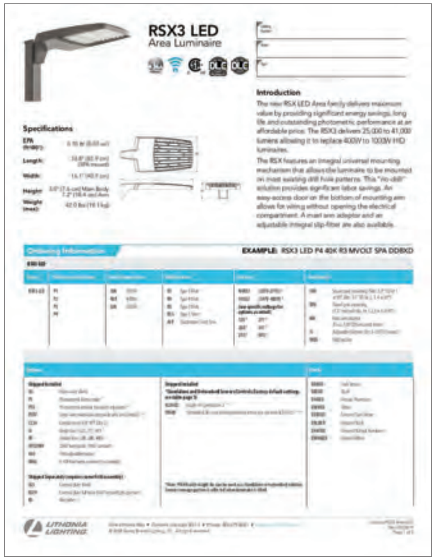
THOMAS TIRE
COMMERCIAL STORE 12
881 Curry Drive
Asheboro, North Carolina 27205

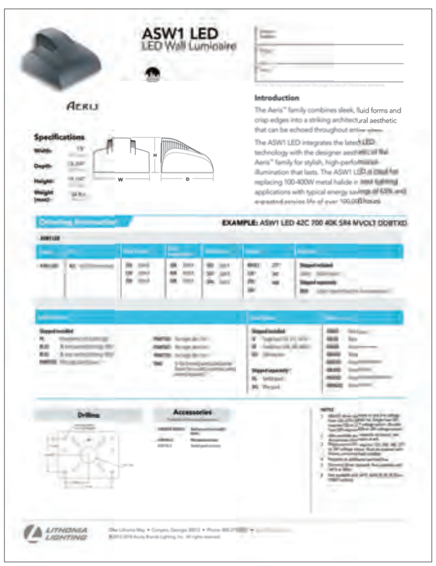
SUBMITTALS:
DATE DESCRIPTION

REVISIONS:
NO DATE DESCRIPTION

SHEET TITLE:
SITE PLAN

Date:	OCTOBER 2020
Drawn:	Check: XXX
Job Number:	20-062
Sheet:	C1.1



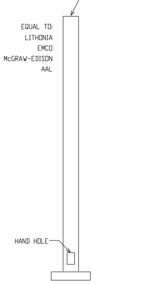


Luminaire Locations										
		Location						Aim		
No.	Label	X	Y	Z	MH	Orientation	Tilt	X	Y	Z
1	A	-150.35	193.05	20.00	20.00	106.14	0.00	-149.20	192.72	0.00
2	A	-128.05	290.34	20.00	20.00	108.38	0.00	-126.92	289.97	0.00
3	A	-63.76	358.42	20.00	20.00	178.49	0.00	-63.73	357.23	0.00
4	A	1.28	343.67	20.00	20.00	192.32	0.00	1.03	342.51	0.00
5	A	154.35	343.11	20.00	20.00	194.69	0.00	154.05	341.96	0.00
7	A	251.02	317.93	20.00	20.00	190.60	0.00	250.80	316.76	0.00
8	A	321.50	302.84	20.00	20.00	277.49	0.00	320.33	303.00	0.00
9	A	292.58	191.75	20.00	20.00	294.31	0.00	291.50	192.24	0.00
10	A	225.09	84.56	20.00	20.00	303.03	0.00	224.09	85.21	0.00
11	A	124.74	34.58	20.00	20.00	9.01	0.00	124.93	35.76	0.00
12	A	9.76	58.15	20.00	20.00	11.72	0.00	10.00	59.31	0.00
14	A	-102.42	120.98	20.00	20.00	48.19	0.00	-101.54	121.77	0.00
15	A	59.04	342.79	20.00	20.00	162.18	0.00	59.40	341.65	0.00
1	B	-40.17	274.49	20.00	20.00	12.35	0.00	-40.08	274.90	0.00
2	B	12.22	262.40	20.00	20.00	12.77	0.00	12.31	262.81	0.00
3	B	83.00	246.03	20.00	20.00	10.98	0.00	83.08	246.44	0.00
4	B	141.56	232.30	20.00	20.00	12.61	0.00	141.65	232.71	0.00
5	B	-76.84	180.36	20.00	20.00	193.44	0.00	-76.94	179.95	0.00
6	B	-14.28	165.39	20.00	20.00	190.89	0.00	-14.36	164.97	0.00
7	B	63.04	157.02	20.00	20.00	194.41	0.00	62.93	156.60	0.00
8	B	120.97	143.14	20.00	20.00	191.82	0.00	120.88	142.72	0.00
9	B	170.09	218.89	20.00	20.00	103.82	0.00	170.51	218.78	0.00
10	B	152.71	147.65	20.00	20.00	103.82	0.00	153.12	147.55	0.00

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Boundary Line	+	0.1 fc	1.5 fc	0.0 fc	N/A	N/A
Parking Lot	+	3.0 fc	11.3 fc	0.2 fc	56.5:1	15.0:1

Schedule											
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
	A	13	Lithonia Lighting	RSX3 LED P1 40K R4 HS	RSX Area Fixture Size 3 P1 Lumen Package 4000K CCT Type R4 Distribution with HS Shield		1	RSX3_LED_P1_40K_R4__HS.ies	19534	0.95	194.708
	B	10	Lithonia Lighting	ASW1 LED 42C 700 40K SR4 MVOLT	ASW1 WALL LIGHT 42 LEDs 700 mA DRIVE CURRENT 40K COLOR TEMP TYPE 4 DISTRIBUTION	ASSM SAMSUNG HLM LIGHT ENGINE	1	ASW1_LED_42C_700_40K_SR4_MVOLT.ies	8475	1	98

20' 5" SQUARE STEEL POLE,
POLES WITH HANDHOLE & BASE COVER;
PROVIDE POLES FOR 100 MPH WINDLOAD & (1)
HEAD; DARK BRONZE FINISH;
PROVIDE PAINTED BASE COVERS.
SUBMITTALS AND FINISH SAMPLE

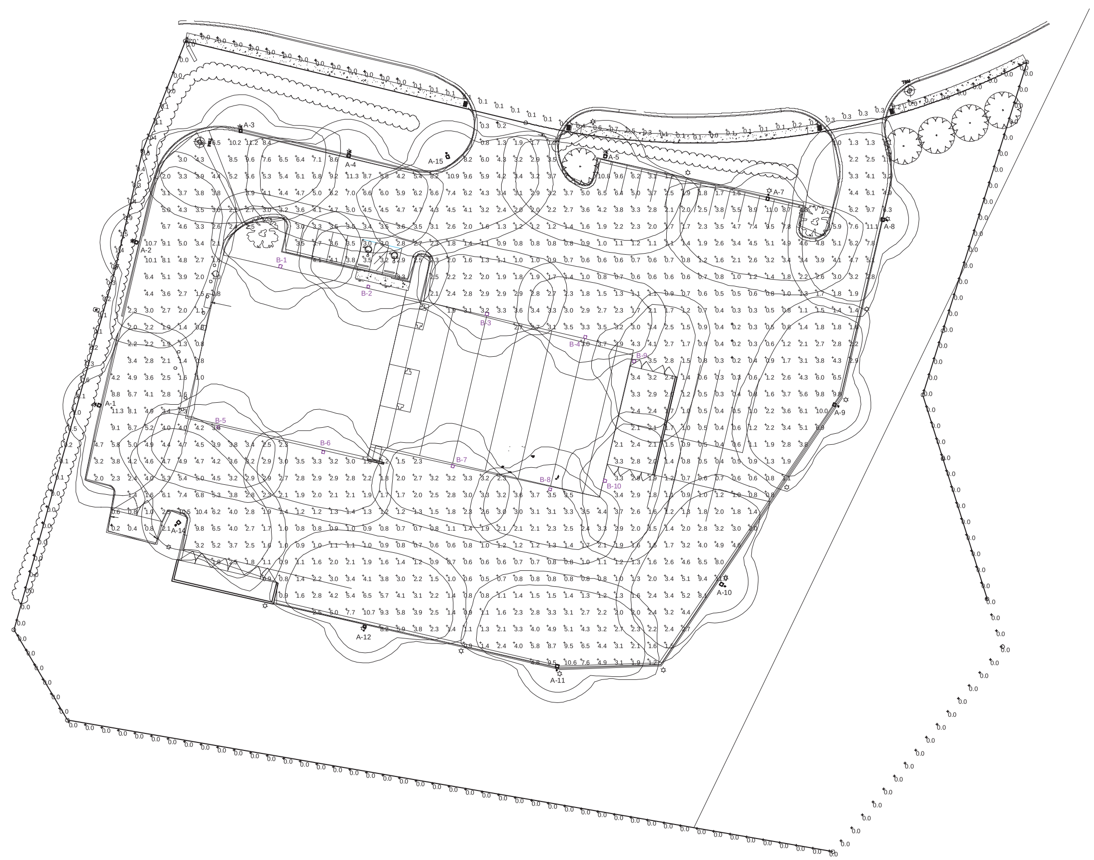


POLE DETAIL

NO SCALE

KEYED PLAN NOTES

1. LUMINAIRES SHOWN THAT ARE CLOSE TO PROPERTY LINE SHOWN WITH HOUSE SIDE SHIELD INSTALLED.
2. FIRST RING REPRESENTS 1 FC AND SECOND RING REPRESENTS .5 FC. WITH FULL CUT OFF FIXTURES, THE DISTRIBUTION OF LIGHTS DROPS VERY QUICKLY FROM THE .5 FC RING. TYPICAL OF ALL.



SITE LIGHTING PHOTOMETRIC PLAN

SCALE 1" = 30'-0"

SEALS

NORTH CAROLINA PROFESSIONAL SEAL 029461 ENGINEER CHARLES B. LACKEY 11/11/20

GREENSBORO ENGINEERING PLLC SEAL REGISTERED P-0385 ENGINEERING CORPORATION GREENSBORO, NC

GREENSBORO ENGINEERING PLLC
1848 BANKING STREET, GREENSBORO NC 27408
PHONE 336 275-6360 FAX 336 275-1996
www.gsoengineering.com

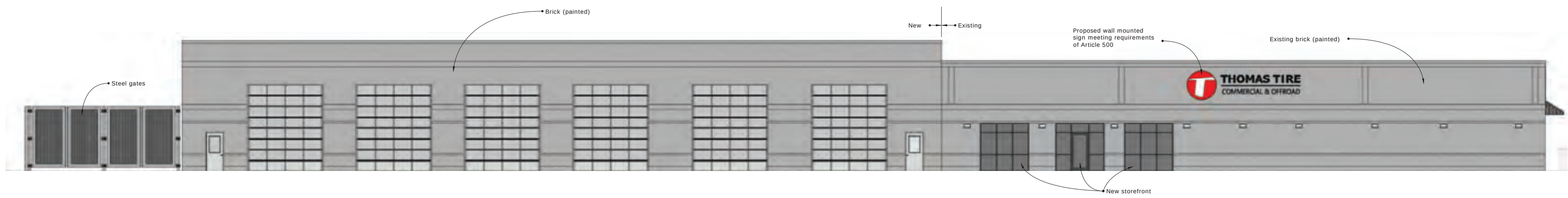
DESIGNED FOR
JH BATTEN, INC.
4880 HARLEY DRIVE
WALKERTOWN, NC 27051
PHONE 336 595-8917

THOMAS TIRE
COMMERCIAL STORE 12
881 CURRY DRIVE
ASHEBORO, N.C.

REVISIONS

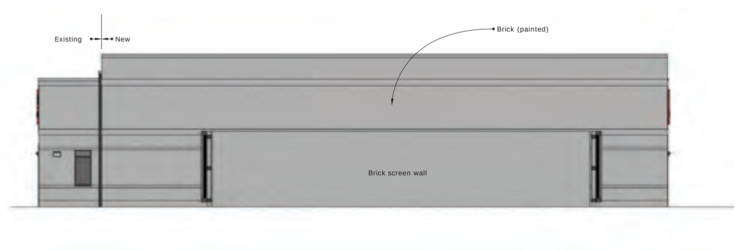
ELECTRICAL-
SITE LIGHTING
PHOTOMETRIC PLAN;
NOTES & DETAILS

DATE	NOV. 11, 2020
DRAWN BY	CBL
CHECKED BY	CBL
PROJECT NUMBER	20-225
SHEET NUMBER	PH01

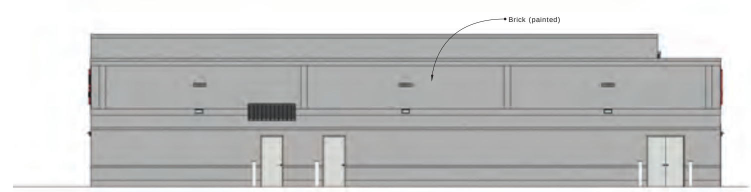


North Elevation
1/8" = 1-0'

South Elevation
1/8" = 1-0'



East Elevation
1/8" = 1-0'



West Elevation (Existing)
1/8" = 1-0'

JH BATTEN, INC
DESIGN BUILDER
11/11/2020
Elevations 1


THOMAS TIRE


THOMAS TIRE

CITY OF
ASHEBORO
PLANNING & ZONING

Application for Conditional Use Permit

APPLICATION FEE

A $350 filing fee is required.

APPLICATION INSTRUCTIONS:

The Conditional Use Permitting process can be complex. It is highly recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

REQUIRED APPLICATION CONTENTS

1) A legal description/deed reference of such land.
2) Two (2) draft copies of a site plan drawn to scale that has will be reviewed by staff for conformity with zoning ordinance requirements, with revisions due as noted below. Once the applicant submits the final draft is submitted by the site plan cutoff date, staff will also require six (6) copies of the site plan to be submitted. See page 2 for required site plan information.

The application is to be filed with the Zoning Administrator by 5:00 pm on the day which is at least 55 days prior to the City Council meeting at which the request will be considered. No changes may be made to any site plan fifteen (15) days prior to a City Council hearing. At no time shall the city council hear more than five (5) cases per month. If five applications have been received prior to the cut-off date, the request will be heard the following month. Site plans must conform to the ordinance by the site plan cutoff date. No revisions to site plans can be accepted after 15 days prior to the scheduled City Council meeting. Failure to submit a conforming site plan by the cutoff date will result in the case being delayed.

In addition to staff's notification of the request to adjoining property owners, it is recommended that the applicant also notify adjoining property owners of the request. A template of the notification is in this application and staff can assist the applicant with creating the list of property owners to be notified of the request.

MEETING INFORMATION* Dates are subject to final Council approval on 12-5-19

Application Deadline	*SITE PLAN CUTOFF*	*City Council Meeting*
December 13, 2019	January 22, 2020	Thursday, February 6, 2020
January 10, 2020	February 19, 2020	Thursday, March 5, 2020
February 14, 2020	March 25, 2020	Thursday, April 9, 2020
March 13, 2020	April 22, 2020	Thursday, May 7, 2020
April 10, 2020	May 20, 2020	Thursday, June 4, 2020
May 15, 2020	June 24, 2020	Thursday, July 9, 2020
June 12, 2020	July 22, 2020	Thursday, August 6, 2020
July 24, 2020	September 2, 2020	Thursday, September 17, 2020
August 14, 2020	September 23, 2020	Thursday, October 8, 2020
September 11, 2020	October 21, 2020	Thursday, November 5, 2020
October 16, 2020	November 25, 2020	Thursday, December 10, 2020
*Confirm application deadline with staff	*Confirm site plan deadline with staff.	*January, 2021: Confirm meeting date with staff

APPLICANT INFORMATION

Applicant Amanda Hodierne on behalf of SBT Real Estate Holdings, LLC *Applicant's Phone #* 336-609-5137

Applicant's Address 804 Green Valley Road, Suite 200

Greensboro, NC 27408

Applicant email address amanda@isaacsonsheridan.com

PROPERTY INFORMATION

Property Owner's Name Red Dirt, L.L.C.

Location of Property 881 Curry Drive *Property Size (ac. or s.f.)* 5.560 acres

Randolph County Property Identification Number (PIN#) 7750202309

Current Zoning District CU B-2

Date Property Title Acquired November 20, 2003 *Deed Book* 1845 *Page* 2066

Subdivision Vuncannon Properties *Section* n/a *Lot #* 12

Plat Book 87 *Page* 17

CONDITIONAL USE PERMIT INFORMATION

Application is hereby made to the City of Asheboro for a Conditional Use Permit for the following purpose:

SBT Real Estate Holdings, LLC has the subject property under contract to purchase with the intent of using the property for a vehicle repair and service facility. Under the City of Asheboro development regulations, this type of use is classified as Major Motor Vehicle Repair and requires a Conditional Use Permit.

CITY OF ASHEBORO

Application for Conditional Use Permit

BASIC INFORMATION

The granting of a Conditional Use Permit is a quasi-judicial process requiring sworn testimony. The testimony given should be directed at providing evidence that supports the application. Such evidence shall address the following four items. Failure to address these items will result in the delay or denial of your request.

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.

The City Council shall make these general findings based upon substantial evidence contained in the proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans, and the like to support the application for a Conditional Use Permit.

I have read and received a copy of the above information regarding the testimony and the evidence required at the public hearing for the Conditional Use Permit for which I have made an application. I understand my responsibilities in this matter. I have also received the opinion of the North Carolina Bar Association regarding legal representation in quasi-judicial proceedings.

Applicant: Amanda P. Wood

Date: October 15, 2020

Received by staff: 10-15-2020 John Evans

146 N. Church St., Asheboro, NC 27203
Telephone: (336) 626-1201; Fax: (336) 626-1218; www.asheboronc.gov

CONDITIONAL USE PERMIT REQUIRED SITE PLAN INFORMATION

1) Actual shape, location, and dimensions of the lot
2) For new construction, building elevations of all exterior facades at a minimum scale of 1/8" = 1'
3) The shape, size, and location of any existing buildings and all buildings or structures to be erected, altered, moved
4) The existing and intended use of the lot and all structures on the lot
5) Location and size of any required buffers and/or screens (Article 200A and/or 300A)
6) Location and type of mechanical equipment screening (Section 306A)
7) Location, access, and screening of central solid waste facility (Section 307A)
8) Location and dimension of off-street parking indicating compliance with parking setbacks and loading spaces (Articles 300A and 400)
9) Grade separation of building and parking areas (Section 409)
10) Paving material for parking lots (Section 409)
11) Location of curb cuts: only 1 permitted if lot width is less than 120' (Section 408)
12) Driveway permit approval information by NCDOT or the City of Asheboro
13) Front yard landscaping or street planting (Articles 200A or Section 308A)
14) Location, type, size, and height of all signs (Article 500)
15) Notation certifying compliance with relevant Performance Standards (Article 300A) and a lighting plan demonstrating such compliance
16) Location of any flood zones if applicable (Article 700)
17) Watershed information if applicable (Article 300B)
18) If site disturbance is in excess of 1 acre, a soil and erosion control plan is required. The applicant shall submit the plan to NCDEQ Division of Energy, Mineral and Land Resources, located at 450 Hanes Mill Rd. Suite 300, Winston Salem, NC 27106.
19) Sidewalk construction if applicable (Section 322A)

Please note that specific uses may also be subject to supplemental regulations.

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a Conditional Use Permit rests with the applicant.

No application for a Conditional Use Permit will be advertised for public hearing until the Planning and Zoning Department has received materials. If all required materials are not received prior to the specified deadlines, this will result in delays in the case being heard.

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

Applicant Signature

Amanda P. Hod

Printed Name of Authorized Signatory (if different from Applicant)

Amanda Hodierne

Position/Relationship of Authorized Signatory to Applicant

Attorney

Owner Signature (if different than Applicant)

Michael R. Vuncannon

Owner Address

321 Kimberly Drive

Asheboro, NC 27205

Telephone Number

336-430-0263

Printed Name of Authorized Signatory (if different from Owner)

Michael R. Vuncannon - Manager

Position/Relationship of Authorized Signatory to Owner

Manager

STAFF USE

Received by: John Evans ***Date:*** 10-15-2020 ***Case Number:*** TBD

Application for Zoning Ordinance/Map Amendment

APPLICANT INFORMATION

Applicant Amanda Hodierne on behalf of SBT Real Estate Holdings, LLC

Applicant's Phone # 336-609-5137

Applicant's Address 804 Green Valley Road, Suite 200

Greensboro, NC 27408

Applicant Email Address amanda@isaacsonsheridan.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Red Dirt, L.L.C.

Location of Property 881 Curry Drive

Property Size (ac. or s.f.) 5.56 acres

Randolph County Property Identification Number (PIN#) 7750202309

Current Zoning District CU B-2

Requested Zoning District CU I-1

Date Property Title Acquired November 20, 2003

Deed Book 1845 Page 2066

Subdivision Vuncannon Properties Section n/a Lot # 12

Plat Book 87 Page 17

ORDINANCE AMENDMENT INFORMATION

Section 1011.2 of the Asheboro Zoning Ordinance requires the applicant to answer the following questions. The application may not be accepted unless all questions are completed.

1. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

Please See Attached.

2. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

Please See Attached.

3. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

Please See Attached.

4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

Please See Attached.

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Applicant Signature

Amanda B. Hod

Printed Name of Authorized Signatory (if different from Applicant)

Amanda Hodierne

Position/Relationship of Authorized Signatory to Applicant

Attorney

Owner Signature (if different than Applicant)

Michael R. Vancannon

Owner Address

321 Kimberly Drive

Asheboro, NC 27205

Telephone Number

336-430-0263

Printed Name of Authorized Signatory (if different from Owner)

Michael R. Vancannon - Manager

Position/Relationship of Authorized Signatory to Owner

Manager

STAFF USE

Received by: John Evans ***Date:*** 10-15-2020 ***Case Number:*** TBD

ATTACHMENT TO REZONING APPLICATION

FOR 881 CURRY DRIVE

1. **Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.**

   No, current ordinance error is not the reason for this rezoning request.

2. **What are the changed conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.**

   This property is situated at the corner of a heavily used interchange on Interstate 73. Accordingly, it is situated prominently on a major travel corridor for the citizens of Asheboro and is convenient and efficiently accessed for those traveling from in town or out of town. As such, it is well suited to be the site of a destination user that serves the needs of many customers. By placing this type of use along major thoroughfares and travel corridors, the City practices sound planning principles of maintaining orderly development with efficient traffic patterns. That is exactly the type of use that is the basis for this application. Furthermore, by coming forward with a proposal via the Conditional Use process, the surrounding area and the City can be assured that the proposed development will be in keeping with the community and meet all the standards of the applicable development ordinances.

3. **In what manner will the proposed amendment carry out the intent of the Land Development Plan?**

   The Land Development Plan Proposed Use Map designates this property, and the area at large, as Employment Center with the guiding text stating these areas should integrate a mixture of commercial, office and institutional, industrial and open space uses around major interchanges. The applicant's intended use of this property fits right into that goal by providing a destination level, soft-industrial use right off a major interchange of Interstate 73 that will employ over twenty people on a full time basis. The area already has a major institutional use with the hospital across the interstate and contains many supporting offices and other medical uses like nursing homes. Adding a different type of use to this Employment Center will not only offer a different type of job in this center but will provide another layer to the uses available here in order to help flesh out a fully thriving Employment Center.

4. **Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?**
   - The applicant's plan for this property is to make an adaptive reuse of the existing large and empty restaurant building on the site. This request is to make productive use of an existing improvement that would otherwise sit vacant and be of negative value to the community. If approved, this property can be revitalized into a safe and attractive use that serves the needs of the businesses and individuals of Asheboro.

- If this request is successful, the occupying business will be a long standing corporate citizen of Asheboro; Thomas Tire has served the needs of Asheboro businesses and citizens for decades and has invested significantly in the City. The City can expect another high quality and well maintained property at this location with this request.

CITY OF ASHEBORO
NORTH CAROLINA

SUB-17-02: Robins Nest, Phase 2, Section 2
Final Plat

Staff Report

SUBDIVISION STAFF REPORT
Final Plat

CASE # SUB-17-02 **Date** 12-10-2020 City Council

GENERAL INFORMATION

Subdivision Name	Robins Nest Phase 2, Section 2
Requested Action	Subdivision Final Plat
Applicant	Davidson Land Development, LLC
Address	896 Shiptontown Rd., Lexington, NC 27292
Phone	
Location	End of Finchley Court, west of Gold Hill Road

PARCEL INFORMATION

PIN	7762751483, 7762754678, and 7762668154, and 7762752727		
Size	9.173 acres +/-	**Number of Lots**	19
Existing Zoning	R10	**Average Lot Size**	17,981 SF +/-
Existing Land Use	Undeveloped with infrastructure (streets, utilities) under construction		
Surrounding Land Use			
North	Future Ph. 3 of Robins Nest	**East**	Medium-density residential
South	Medium-density residential	**West**	Low-Medium Density Residential

LAND DEVELOPMENT PLAN

Growth Strategy Map	Primary Growth
Proposed Land Use Map	Neighborhood Residential
Small Area Plan Map	East
Identified Activity Center?	No

Development Issues

1. The property is located in the city limits. City services are available.
2. The proposal is for the extension of an existing conventional residential subdivision, Robins Nest, Phase 2, Section 2.
3. Single-family and two-family dwellings are permitted in the R10 zoning district if lot size requirements are met.
4. Two existing entrances serve the development from the existing Phase 1.
5. This section of Robins Nest Phase 2, includes the extension of Robins Nest Drive, plus the addition of a new public street, Oriole Court, ending in a cul de sac. City-maintained streets are proposed to be extended 1,055.5 linear feet.
6. Future phases defined as a major subdivision (extension of public right-of-ways, publicly maintained water, or publicly maintained sewer) will be reviewed under the major subdivision process at a later date.

SUBDIVISION STAFF REPORT
Final Plat

DEPARTMENT COMMENTS

Engineering

Plat corrections are pending as of 12-4-2020.

Public Works

Plat corrections are pending as of 12-4-2020.

Planning

Plat corrections are pending as of 12-4-2020. Other comments include:
1. Uncompleted improvements must be guaranteed in strict compliance with the Subdivision Ordinance.
2. A written one year warranty against improvement defects has been provided by the developer.
3. Robins Nest Drive currently extends approximately 240 ft. north of Oriole Drive without a temporary turnaround shown on the current plan. Fire and Public Works departments have reviewed this plan and determined this is an acceptable configuration due to the proximity of the terminus of Oriole Dr. and the expectation that the next phase likely will be platted promptly.

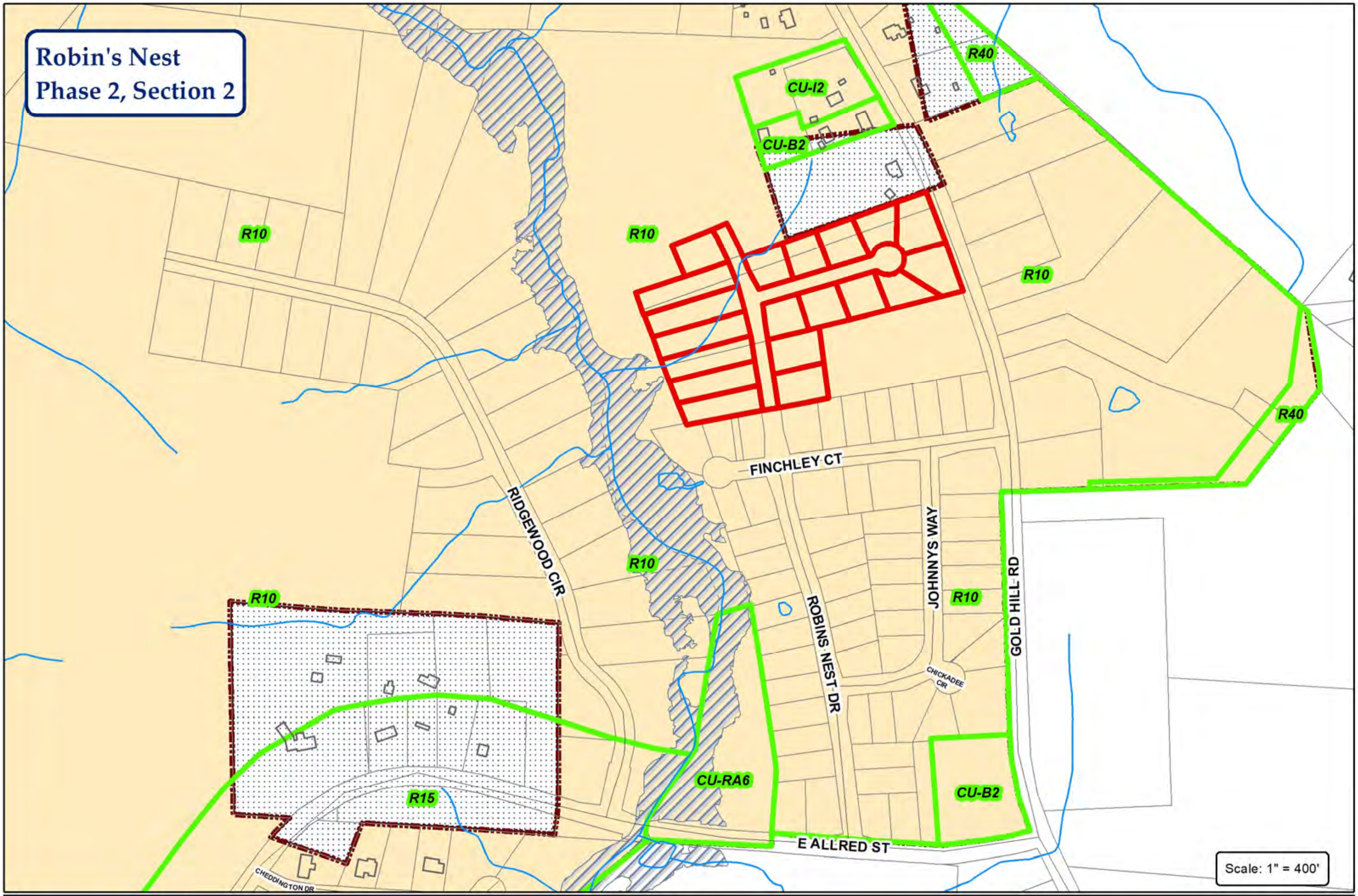
Other

Staff Recommendation

Staff recommends approval of the subdivision, subject to the noted outstanding items being completed.

Planning Board Recommendation

The Planning Board will consider the request during its December 7, 2020 meeting and a recommendation will be available after that date.

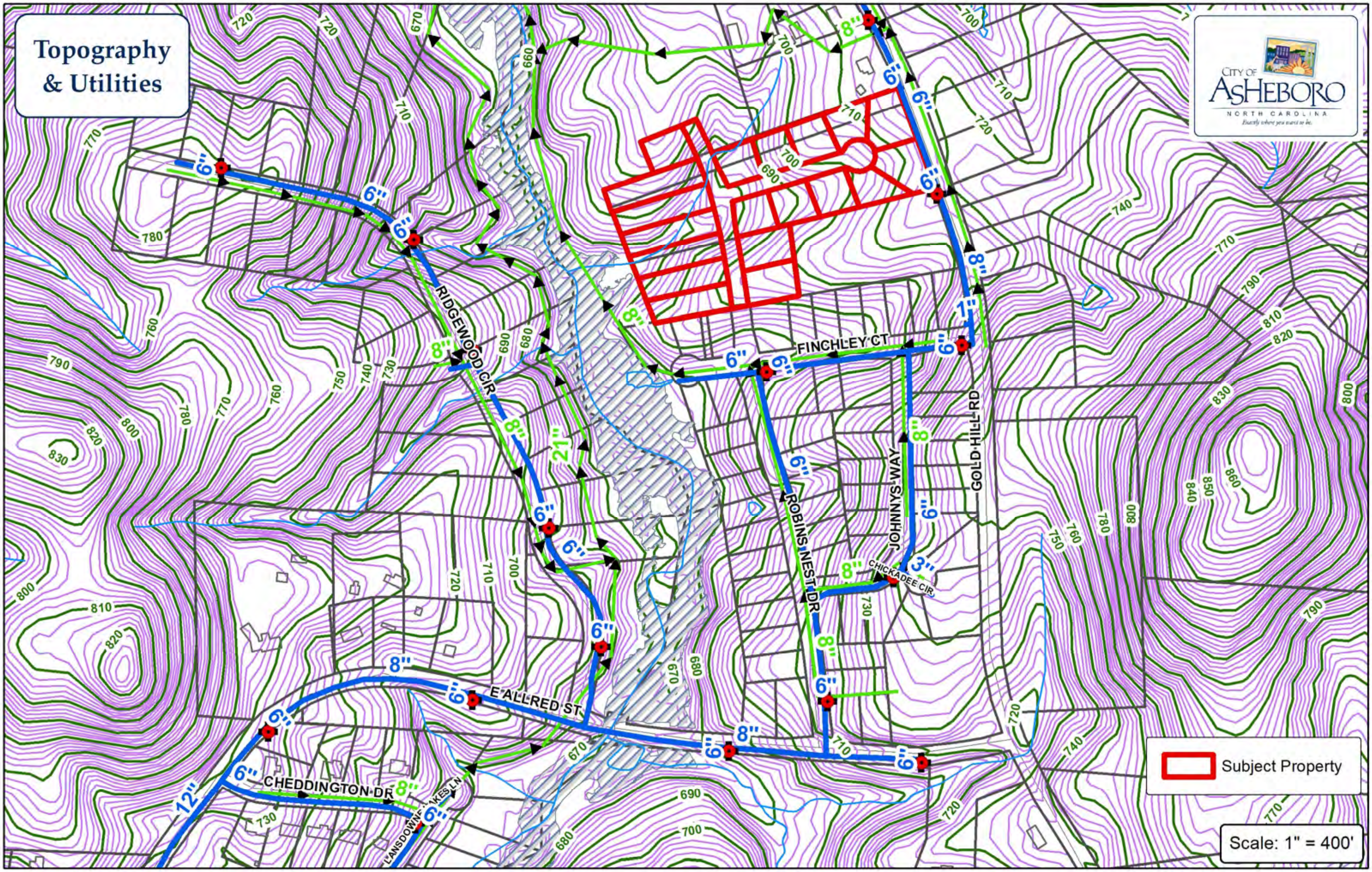


City of Asheboro
Planning & Zoning Department

Subdivision Case: SUB-17-02

Parcel: 7762751483, 7762754678, 7762668154 & 7762752727

Subject Property
Zoning
City Limits
ETJ

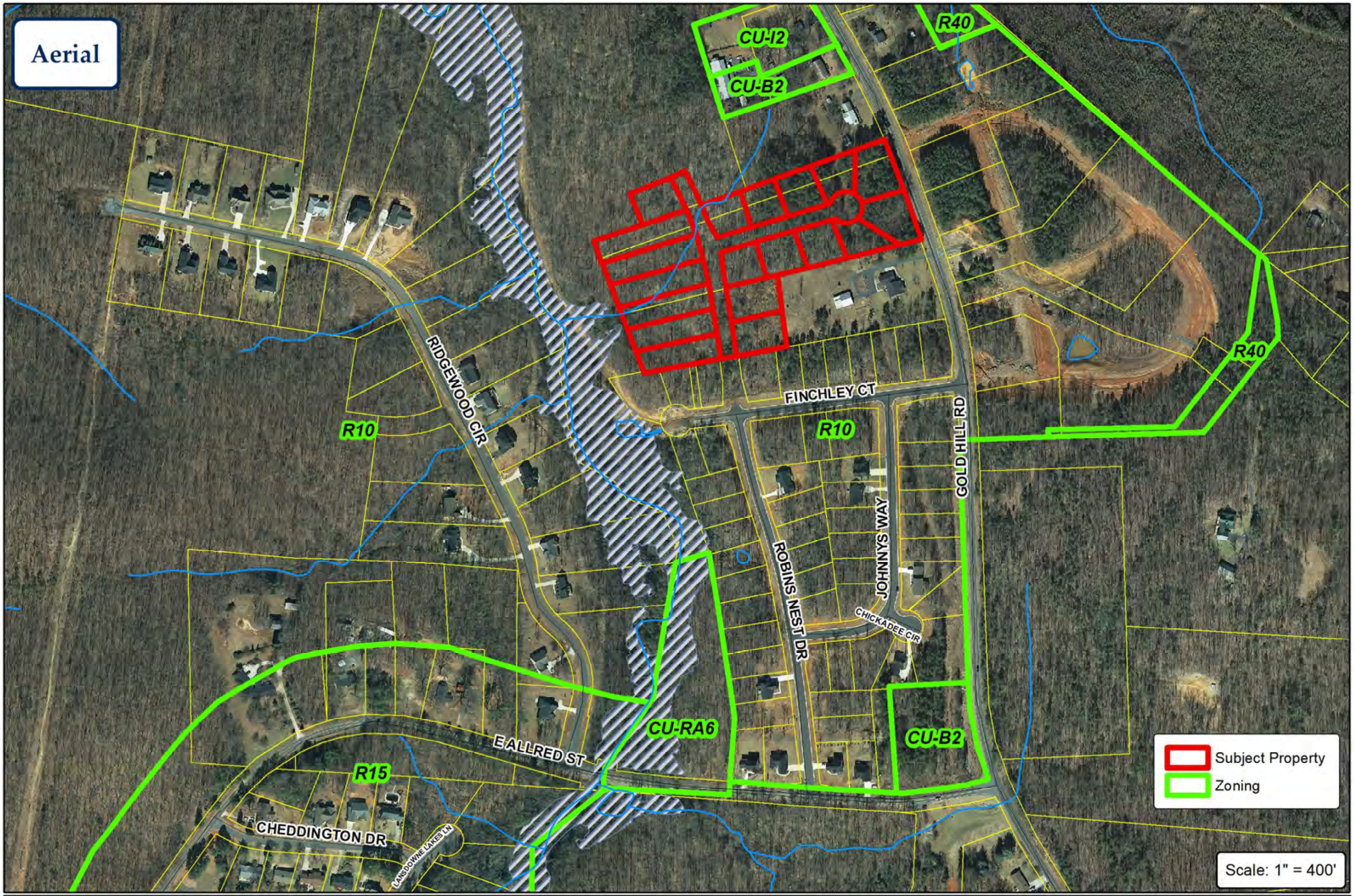


Water Main
Fire Hydrant
Sewer Main
Pump Station
Force Main

City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-17-02

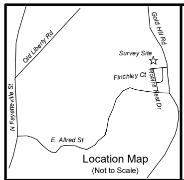
Parcel: 7762751483, 7762754678, 7762668154 & 7762752727



City of Asheboro
Planning & Zoning Department

Subdivision Case: SUB-17-02

Parcel: 7762751483, 7762754678, 7762668154 & 7762752727



Location Map
(Not to Scale)

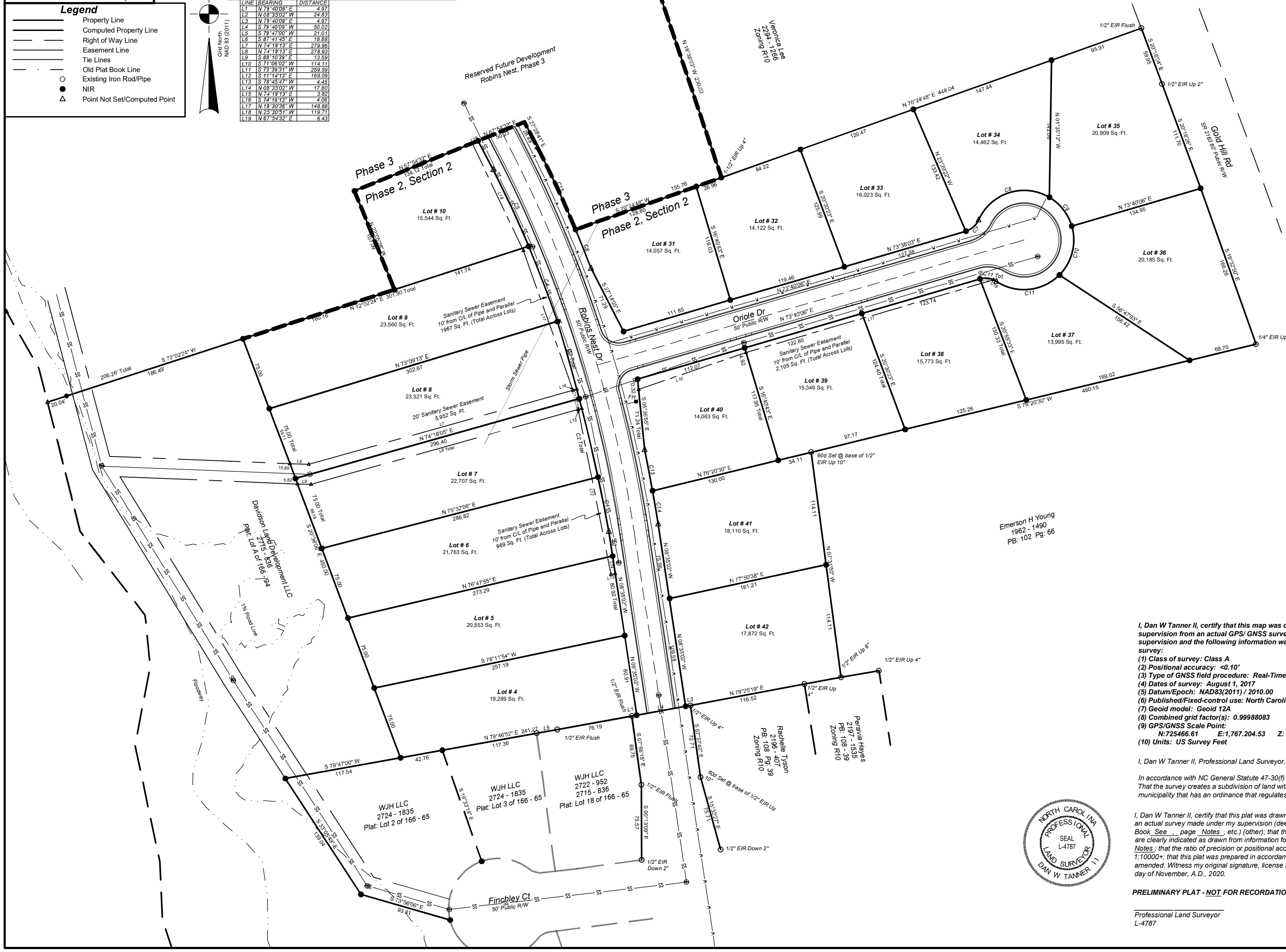
Legend

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

Grid North
NAD 83 (2011)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1908.19	55.98	55.98	N 11°21'20" W	1°40'51"
C2	1908.19	80.97	80.96	N 13°24'41" W	2°25'52"
C3	1908.19	80.79	80.79	N 15°50'24" W	2°25'33"
C4	1200.60	80.93	80.91	N 20°54'54" W	3°51'43"
C5	1200.60	84.67	84.66	N 24°51'59" W	4°02'27"
C6	1250.60	42.14	42.14	N 21°45'00" W	1°55'51"
C7	20.00	17.45	16.90	N 48°40'15" E	49°59'41"
C8	50.00	84.66	74.91	S 72°10'56" W	97°01'03"
C9	50.00	37.50	36.63	N 37°49'14" W	42°58'39"
C10	50.00	53.21	50.74	N 14°09'21" E	60°58'30"
C11	50.00	68.96	63.62	N 84°09'11" E	79°01'11"
C12	20.00	17.45	16.90	S 81°20'04" E	49°59'41"
C13	1250.60	42.06	42.06	N 11°06'29" W	1°55'37"
C14	1250.60	34.07	34.06	N 09°21'52" W	1°33'38"
C15	1250.60	91.35	91.33	N 24°48'30" W	4°11'07"
C16	1908.17	10.17	10.17	N 14°28'28" W	0°18'19"
C17	1908.19	9.79	9.79	N 14°46'27" W	0°17'39"
C18	20.00	14.26	13.96	S 85°53'57" E	40°51'55"
C19	19.90	3.24	3.24	S 59°08'06" E	9°20'18"

LINE	BEARING	DISTANCE
L1	N 79°40'09" E	4.97
L2	N 08°35'02" W	24.83
L3	N 79°40'09" E	4.97
L4	S 79°40'09" W	50.02
L5	S 79°47'00" W	21.01
L6	S 87°41'45" E	18.88
L7	N 74°19'13" E	279.96
L8	N 74°19'13" E	278.93
L9	S 88°10'39" E	13.59
L10	S 71°06'02" W	114.11
L11	S 73°39'31" W	259.59
L12	S 11°14'13" E	169.09
L13	S 78°45'47" W	4.45
L14	N 08°35'02" W	17.80
L15	N 74°19'13" E	3.82
L16	S 74°19'13" W	4.06
L17	N 19°30'36" W	148.88
L18	N 25°30'51" W	119.71
L19	N 67°54'32" E	6.43



STATE OF NORTH CAROLINA

I, ______________________ Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_________ ______________________________
Date Review Officer

I hereby certify that the street, utility, and other required improvements have been installed or provisions have been made for installation in an acceptable manner and according to City specifications and standards in the ________________subdivision.

___________(Date)
City Engineer

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the City of Asheboro, provided that it is recorded in the Office of the Register of Deeds within sixty (60) days of the final approval of the Community Development Director.

__________ (Date)
Community Development Director

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent.

____
Date Owner

____
Date Owner

Property Information

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. All property in this subdivision is currently zoned R-10
7. Total Area in this Section: 9.173 Acres
8. Area Within Lots: 7.844 Acres
9. Area Within Road R/W: 1.330 Acres in Roads
10. Total Number of Lots: 19
11. Average lot Size: 0.413 Acres / 17,981 Sq. ft.
12. Linear Ft. of Road C/L: 1055.5 ft.
13. TAX PIN: 7762751483 / 7762754678 / 7762752727
14. Setbacks
    Front: 30' Side: 10' Rear: 25' *Subject to front yard averaging per Section 305

I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:
(1) Class of survey: Class A
(2) Positional accuracy: <0.10'
(3) Type of GNSS field procedure: Real-Time Kinematic Networks
(4) Dates of survey: August 1, 2017
(5) Datum/Epoch: NAD83(2011) / 2010.00
(6) Published/Fixed-control use: North Carolina Real Time Network
(7) Geoid model: Geoid 12A
(8) Combined grid factor(s): 0.99988083
(9) GPS/GNSS Scale Point:
N:725466.61 E:1,767.204.53 Z: 686.82
(10) Units: US Survey Feet

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11a
That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book See , page Notes , etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 19 day of November, A.D., 2020.

NORTH CAROLINA PROFESSIONAL SEAL L-4787 LAND SURVEYOR DAN W TANNER II

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

____
Professional Land Surveyor
L-4787

Owners:
Davidson Land Development, LLC
896 Shiptontown Rd
Lexington, NC 27292

Final Plat For:
Robins Nest, Phase 2, Section 2
City of Asheboro
Franklinville Township Randolph County
North Carolina November 19, 2020
Deed Book: 2715 Page: 836
Plat Book: 108 Page: 39-40
Plat Book: 79 Page: 74
Scale: 1" = 50 US Survey Feet

0 50 100 150

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787

Job #: 12296

Public hearing to consider and possibly take action on a resolution adopting the Davidson Randolph Regional Hazard Mitigation Plan.

The resolution for this item plus an excerpt from the draft Davidson Randolph Hazard Mitigation Plan follows.

RESOLUTION OF ADOPTION

BY CITY OF ASHEBORO FOR

DAVIDSON RANDOLPH REGIONAL HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within the City of Asheboro are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to an array of natural and other hazards that can endanger public health and safety and cause loss of life and damages to public and private property; and

WHEREAS, the City of Asheboro desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 --- Senate Bill 300 effective July 1, 2001), states therein in Item (a) (2) “For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act”; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the City of Asheboro has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the Asheboro City Council to fulfill this obligation in order that the County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

NOW, therefore, be it resolved that the Asheboro City Council hereby:

1. Adopts the Davidson Randolph Regional Hazard Mitigation Plan; and

2. Vests the City of Asheboro Community Development Division with the responsibility, authority, and the means to:

(a) Inform all concerned parties of this action.
(b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.

3. Appoints the City of Asheboro Community Development Division to assure that the Davidson Randolph Regional Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the City of Asheboro for consideration.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Davidson Randolph Regional Hazard Mitigation Plan.

Adopted on this day, ________________________________

David H. Smith, Mayor, City of Asheboro

____

Certified by: __________________________________ SEAL : ________________

Date: ______________________________

Davidson Randolph Regional Hazard Mitigation Plan

Davidson County, Randolph County

Prepared by:

Davidson Randolph Hazard Mitigation Planning Committee

With Professional Planning Assistance from

AECOM

FINAL DRAFT

June 2020

SECTION 1: INTRODUCTION

This section provides a general introduction to the *Davidson Randolph Regional Hazard Mitigation Plan*. It consists of the following five subsections:

- 1.1 Background;
- 1.2 Purpose;
- 1.3 Scope;
- 1.4 Authority; and
- 1.5 Summary of Plan Contents.

1.1 Background

Natural and man-made hazards, such as floods, hurricanes, and fires, are a part of the world around us. In some cases, their occurrence is natural and inevitable, and there is little we can do to control their force and intensity. In others, we have more power to control the intensity and probability but can never truly eliminate the threat entirely. In either case, we must consider these hazards to be legitimate and significant threats to human life, safety, and property.

Davidson County is in the western portion of the Piedmont area of North Carolina. The County includes the Town of Denton, City of Lexington, Town of Midway, City of Thomasville, Town Wallburg and all unincorporated areas within the county. This area is vulnerable to a wide range of natural hazards such as hurricanes, floods, severe thunderstorms, and tornadoes. It is also vulnerable to human-caused hazards, including nuclear accidents and hazardous material spills. These hazards threaten the life and safety of residents in Davidson County and have the potential to damage or destroy both public and private property, disrupt the local economy, and impact the overall quality of life of individuals who live, work, and vacation in Davidson County.

Randolph County is in the Piedmont area of North Carolina. The County encompasses the City of Archdale, City of Asheboro, Town of Franklinville, Town of Liberty, Town of Ramseur, City of Randleman, Town of Seagrove, Town of Staley, City of Trinity, and all unincorporated areas within the County. This area is vulnerable to a wide range of natural hazards such as hurricanes, floods, severe thunderstorms, winter storms, and tornados. It is also vulnerable to man-made hazards, including nuclear accidents. These hazards threaten the life and safety of residents in Randolph County and have the potential to damage or destroy both public and private property, disrupt the local economy, and impact the overall quality of life of individuals who live, work, and vacation in Randolph County.

While the threat from hazardous events may never be fully eliminated, there is much we can do to lessen their potential impact upon our community and our citizens. By minimizing the impact of hazards upon our built environment, we can prevent such events from resulting in disasters. The concept and practice of reducing risks to people and property from known hazards is generally referred to as *hazard mitigation*. No changes in development impacted the jurisdiction’s overall vulnerability.

FEMA Definition of Hazard Mitigation:

“Any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards.”

Hazard mitigation techniques include both structural measures (such as strengthening or protecting buildings and infrastructure from the destructive forces of potential hazards) and non-structural measures (such as the adoption of sound land use policies and the creation of public awareness programs). It is widely accepted that the most effective mitigation measures are implemented at the local government level, where decisions on the regulation and control of development are ultimately made. A comprehensive mitigation approach addresses hazard vulnerabilities that exist today and in the foreseeable future. Therefore, it is essential that projected patterns of future development are evaluated and considered in terms of how that growth will increase or decrease a community's overall hazard vulnerability.

A key component in the formulation of a comprehensive approach to hazard mitigation is to develop, adopt, and update a local hazard mitigation plan as needed. A hazard mitigation plan establishes the broad community vision and guiding principles for reducing hazard risk and, further, proposes specific mitigation actions to eliminate or reduce identified vulnerabilities.

The decision was made to create one regional mitigation plan in order to accomplish the following planning goals:

- Support a more holistic regional planning effort, considering shared concerns and shareable resources;
- Conform to NCEM's preference for regional hazard mitigation planning in the state; and
- Leverage available funding and resources for mitigation planning.

Although each participating jurisdiction had already developed a plan in the past, the combination of the two plans into one regional plan still required the making of some plan update revisions. Since all sections of the regional plan are technically new, plan update requirements do not apply. However, since this is the first regional mitigation plan amongst the participating jurisdictions, key elements from the previous approved plans are referenced throughout the document (e.g., existing mitigation actions) and required a discussion of changes made. For example, all of the risk assessment elements needed to be updated to include most recent information and any data that was standardized across the regional planning area. It was also necessary to formulate a single set of goals for the region along with a special set of regional mitigation actions. The *Capability Assessment* includes updated information for all of the participating jurisdictions and the *Mitigation Action Plan* section provides implementation status updates for all of the actions identified in the previous plans.

The Counties and sixteen municipalities participating in the *Davidson Randolph Regional Hazard Mitigation Plan*, also referred to as the *Plan,* have existing hazard mitigation plans that evolved over the years, as described in Section 2: *Planning Process*. This update of the *Plan* draws from the previous plans to document the efforts of each jurisdiction to incorporate hazard mitigation principles and practices into routine government activities and functions. At its core, the *Plan* recommends specific actions to minimize hazard vulnerability and protect residents from losses to those hazards that pose the greatest risk. These mitigation actions go beyond simply recommending structural solutions to reduce existing vulnerability, such as elevation, retrofitting, and acquisition projects. Local policies on community growth and development, incentives for natural resource protection, and public awareness and outreach activities are examples of other actions considered to reduce the Region's vulnerability to identified hazards. The *Plan* remains a living document with implementation and evaluation procedures established to help achieve meaningful objectives and successful outcomes over time.

1.1.1 The Disaster Mitigation Act and the Flood Insurance Reform Acts

In an effort to reduce the Nation's mounting natural disaster losses, the U.S. Congress passed the Disaster Mitigation Act of 2000[1] (DMA 2000) in order to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act.[2] Section 322 of DMA 2000 emphasizes the need for state, local, and Tribal government entities to closely coordinate on mitigation planning activities and makes the development of a hazard mitigation plan a specific eligibility requirement for any local or Tribal government applying for federal mitigation grant funds. In short, if a jurisdiction is not covered by an approved mitigation plan, it will not be eligible for mitigation grant funds. These funds include the Hazard Mitigation Grant Program (HMGP) and the Pre-Disaster Mitigation (PDM) program, both of which are administered by the Federal Emergency Management Agency (FEMA) under the Department of Homeland Security. Communities with an adopted and federally approved hazard mitigation plan thereby become pre-positioned and more apt to receive available mitigation funds before and after the next disaster strikes.

In addition to federal requirements for hazard mitigation planning, the State of North Carolina also requires a hazard mitigation plan be in place for jurisdictions to receive mitigation and public assistance funds after a State-declared disaster. This requirement is codified in NC Senate Bill 300,[3] which lays out the need for mitigation planning and ties it to disaster funding at the State level.

Additionally, the Flood Insurance Reform Act of 2004[4] (P.L. 108-264) created two new grant programs, Severe Repetitive Loss (SRL) and Repetitive Flood Claim (RFC), and modified the existing Flood Mitigation Assistance (FMA) program. One of the requirements of the Flood Insurance Reform Act of 2004 is that a FEMA-approved Hazard Mitigation Plan is now required if communities wish to be eligible for these FEMA mitigation programs. However, as of early 2014, these programs have been folded into a single Flood Mitigation Assistance (FMA) program.

This change was brought on by new, major federal flood insurance legislation that was passed in 2012 under the Biggert-Waters Flood Insurance Reform Act (P.L. 112-141)[5] and the subsequent Homeowner Flood Insurance Affordability Act in 2014 that revised Biggert-Waters.[6] These acts made several changes to the way the National Flood Insurance Program is to be run, including raises in rates to reflect true flood risk and changes in how Flood Insurance Rate Map (FIRM) updates impact policyholders. These acts further emphasize Congress' focus on mitigating vulnerable structures.

The *Plan* has been prepared in coordination with FEMA Region IV and the North Carolina Division of Emergency Management (NCEM) to ensure that the *Plan* meets all applicable FEMA and State requirements for hazard mitigation plans. A *Local Mitigation Plan Review Tool (https://gis.aecomonline.net/irisk2/NCHMP.aspx?region=27)*, provides a summary of federal and State minimum standards and notes the location where each requirement is met within the *Plan*.

1.2 Purpose

The purpose of the *Plan* is to:

- Reduce risk to people, property, and the critical infrastructure;
- Increase public awareness and education about the plan and the planning process;

[1] Disaster Mitigation Act of 2000. U.S. Code. Title 42. Chapter 68. § 5121.
[2] The Robert T. Stafford Disaster Relief and Emergency Assistance Act. U.S. Code. Title 42. Chapter 68. §§ 5121 – 5208.
[3] Senate Bill 300. N.C. General Statue. § 166-A.
[4] Flood Insurance Reform Act of 2004. U.S. Code. Title 42. Chapter 50. § 4001.
[5] Biggert-Waters Flood Insurance Reform Act of 2012. U.S. Code. Title 42. Chapter 50. § 4004.
[6] Homeowner Flood Insurance Affordability Act of 2014. U.S. Code. Title 42. Chapter 50. § 4005.

- Maintain grant eligibility for participating jurisdictions; and
- Maintain compliance with State and federal legislative requirements for local hazard mitigation plans.

1.3 Scope

The focus of the *Plan* is on those hazards determined to be "high" or "moderate" risks to the Region, as determined through a detailed hazard risk assessment. Other hazards that pose a "low" or "negligible" risk will continue to be evaluated during future updates to the *Plan,* but they may not be fully addressed until they are determined to be of high or moderate risk. This enables the participating jurisdictions to prioritize mitigation actions based on those hazards which are understood to present the greatest risk to lives and property.

The geographic scope (i.e., the planning area) for the *Plan* includes all of Davidson and Randolph Counties including all their incorporated jurisdictions (see below) and unincorporated areas. Although a portion of the City of High Point is located within Davidson County, the city is not covered by the Davidson County Hazard Mitigation Plan. Instead, the City of High Point is included in the Guilford Co unty Hazard Mitigation Plan. **Table 1-1** indicates the participating jurisdictions.

Table 1-1: Participating Jurisdictions in the Regional Hazard Mitigation Plan

Randolph County	
City of Archdale	City of Randleman
City of Asheboro	Town of Seagrove
Town of Franklinville	Town of Staley
Town of Liberty	City of Trinity
Town of Ramseur	
Davidson County	
Town of Denton	City of Thomasville
City of Lexington	Town of Wallburg
Town of Midway	

1.4 Authority

The Plan has been developed in accordance with current State and Federal rules and regulations governing local hazard mitigation plans and has been adopted by each participating jurisdiction in accordance with standard local procedures. Copies of the adoption resolutions for each participating jurisdiction are provided in Appendix A. The *Plan* shall be routinely monitored and revised to maintain compliance with the following provisions, rules, and legislation:

- Section 322, Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as enacted by Section 104 of the Disaster Mitigation Act of 2000 (P.L. 106-390);[7]
- FEMA's Final Rule published in the Federal Register, at 44 CFR Part 201 (201.6 for local mitigation planning requirements and 201.7 for Tribal planning requirements);[8] and

[7] Disaster Mitigation Act of 2000. U.S. Code. Title 42. Chapter 68. § 5121. Section 322.

- Flood Insurance Reform Act of 2004 (P.L. 108-264), Biggert-Waters Flood Insurance Reform Act of 2012 (P.L. 112-141), and the Homeowner Flood Insurance Affordability Act.[9]

1.5 Summary of Plan Contents

The contents of this *Plan* are designed and organized to be as reader-friendly and functional as possible. While significant background information is included on the processes used and studies completed (i.e., risk assessment, capability assessment), this information is separated from the more meaningful planning outcomes or actions (i.e., mitigation strategy, mitigation action plan).

Section 2, ***Planning Process***, provides a complete narrative description of the process used to prepare the *Plan.* This includes the identification of participants on the planning team and describes how the public and other stakeholders were involved. It also includes a detailed summary for each of the key meetings held, along with any associated outcomes.

The ***Community Profile***, located in Section 3, provides a general overview of the Region, including prevalent geographic, demographic, and economic characteristics. In addition, building characteristics and land use patterns are discussed. This baseline information provides a snapshot of the planning area and helps local officials recognize those social, environmental, and economic factors that ultimately play a role in determining the County's vulnerability to hazards.

The Risk Assessment is presented in three sections: Section 4, ***Hazard Identification***; Section 5, ***Hazard Profiles***; and Section 6, ***Vulnerability Assessment***. Together, these sections serve to identify, analyze, and assess hazards that pose a threat to the Region. The risk assessment also attempts to define any hazard risks that may uniquely or exclusively affect specific areas of the Region.

The Risk Assessment begins by identifying hazards that threaten the Region. Next, detailed profiles are established for each hazard, building on available historical data from past hazard occurrences, spatial extent, and probability of future occurrence. This section culminates in a hazard risk ranking based on conclusions regarding the frequency of occurrence, spatial extent, and potential impact highlighted in each of the hazard profiles. In the vulnerability assessment, GIS analysis to evaluate known hazard risks by their relative long-term cost in expected damages. The information generated through the risk assessment serves a critical function as the participating jurisdictions in the Region seek to determine the most appropriate mitigation actions to pursue and implement—enabling them to prioritize and focus their efforts on those hazards of greatest concern and those structures or planning areas facing the greatest risk(s).

The ***Capability Assessment***, found in Section 7, provides a comprehensive examination of the Region's capacity to implement meaningful mitigation strategies and identifies opportunities to increase and enhance that capacity. Specific capabilities addressed in this section include planning and regulatory capability, staff and organizational (administrative) capability, technical capability, fiscal capability, and political capability. Information was obtained using a detailed survey questionnaire and an inventory and analysis of existing plans, ordinances, and relevant documents. The purpose of this assessment is to identify any existing gaps, weaknesses, or conflicts in programs or activities that may hinder mitigation efforts and to identify those activities that should be built upon in establishing a successful and sustainable local hazard mitigation program.

[8] Mitigation Planning. Code of Federal Regulations. Title 44. Part 201.
[9] U.S. Code. Title 42. Chapter 50. §§ 4001, 4004, 4005.

The *Risk Assessment* and *Capability Assessment* collectively serve as a basis for determining the goals for the *Plan,* each contributing to the development, adoption, and implementation of a meaningful and manageable *Mitigation Strategy* that is based on accurate background information.

The ***Mitigation Strategy***, found in Section 8, consists of broad goal statements as well as an analysis of hazard mitigation techniques for the jurisdictions participating in the *Plan* to consider in reducing hazard vulnerabilities. The strategy provides the foundation for a detailed ***Mitigation Action Plan***, found in Section 9, which links specific mitigation actions for each jurisdiction to locally assigned implementation mechanisms and target completion dates. Together, these sections are designed to make the *Plan* both strategic, through the identification of long-term goals, and functional, through the identification of immediate and short-term actions that will guide day-to-day decision-making and project implementation.

In addition to the identification and prioritization of possible mitigation projects, emphasis is placed on the use of program and policy alternatives to help make the Region less vulnerable to the damaging forces of hazards while improving the economic, social, and environmental health of the community. The concept of multi-objective planning was emphasized throughout the planning process, particularly in identifying ways to link, where possible, hazard mitigation policies and programs with complimentary community goals related to disaster recovery, housing, economic development, recreational opportunities, transportation improvements, environmental quality, land development, and public health and safety.

Plan Maintenance, found in Section 10, includes the measures that the jurisdictions participating in the *Plan* will take to ensure the *Plan's* continuous long-term implementation. The procedures also include the how the *Plan* will be regularly evaluated and updated to remain a current and meaningful planning document.

Table 9-9: City of Asheboro Mitigation Action Plan

Description	Hazard(s) Addressed	Relative Priority	Lead Agency/ Department	Potential Funding Sources	Cost estimate	Implementation Schedule	Implementation Status
Prevention							
Evaluate the need for measures supplementing NC DEQ requirements regarding storm water control (retention/detention ponds or other storm water measure) on a case- by-case basis for uses that are environmentally sensitive and require a Conditional or Special Use Permit. Review storm water issues and best management practices in consultation with NC DEQ.	Flood	Moderate	Asheboro Planning/NC Department of Environmental Quality	Local	Low	2021	To Be Continued: The City of Asheboro is outside the boundaries of the area subject to Phase II storm water requirements. Unless a supplemental condition of a Conditional/Special Use Permit requires a storm water study, reviews concerning water quality and water quantity are under the jurisdiction of NC DEQ. The city will work to continue to evaluate and implement stormwater BMPs in consultation with DEQ.
Identify, update and map mobile home parks for use in all hazard assessments.	All	Low	Asheboro Planning	Local	Low	2021	To Be Continued: This capability exists as needed. Currently the city has identified mobile home parks and can be assembled when required. As development changes the database will be updated.
Look into funding for and developing program to clear debris from culverts and storm drains in priority floodplains.	Flood	Moderate	Asheboro Water Resources and Public Works	Local, plus other funding to be identified	Low	2025	In Progress: Public Works: Locations, especially those with known problems are checked before and after major rain/weather events and cleared as necessary. Water Resources: Grant funding to help address storm water issues along Penwood Branch and Hasketts Creek was

Description	Hazard(s) Addressed	Relative Priority	Lead Agency/ Department	Potential Funding Sources	Cost estimate	Implementation Schedule	Implementation Status
							sought, however, this funding was not granted. Future funding may be explored if available.
Existing zoning ordinance to be modified to require ice damage resistant trees along buffers and screens.	Winter Storm	High	Asheboro Planning	Local	Medium	2025	In Progress: The zoning ordinance is periodically updated so that weather damage resistant trees can be selected. Most recently, provisions allowing street trees (located within the public right-of-way) in Planned Unit Developments were adopted. These provisions were careful to select tree species resistant to damage from adverse weather.
Through existing subdivision regulations, encourage that power, cable, and telephone lines be buried.	All	Moderate	Asheboro Planning	Local	Low	2025	In Progress: Unless there is an unusual technical reason why utilities cannot be underground, the Subdivision Ordinance generally requires they be located underground. Continue to monitor and enforce.
Strengthen floodplain regulation to current standards. (New model regulation.)	Flood	High	Asheboro Planning	Local	Low	2025	To Be Continued: In 2008, the City's Flood Damage Prevention Ordinance (within Zoning Ordinance) was amended to model language in consultation with NC Department of Crime Control and Public Safety (now Dept. of Public Safety) and as required by FEMA. The City is a participant in the FIRM flood insurance program, which reduces flood insurance premiums for homeowners' living within flood hazard areas.
Develop/update a program to clear debris from culverts and storm drains in priority floodplains.	Flood	High	Asheboro Public Works	Local	Low	2025	In Progress: Locations, especially those with known problems, are checked before and after major rain/weather events and cleared as necessary. Monitor and update of program occurs as needed.
Property Protection							
Consult with Asheboro Housing Authority to consider buyout (acquisition) and relocation for public housing in floodplains.	Flood	Low	Asheboro City Manager/Planning	Federal	Low	2025	In Progress: Will be implemented if required and when/if funds are available. Note: There are only two dwelling units that are partially within the floodplain (Dunlap St.). Neither have history of flooding.
Procure generators and fuel for alternative source of power for: • Water plant • Water pump • Other critical facilities	All	Moderate	Public Works/Water Resources/Finance	Local	High	2025	In Progress: This is currently underway for water plant and water pump Completion is anticipated for water plant and water pump by 2025.
Natural Resource Protection							
In land use plans and development plans, adopt as city policy): wherever possible preserve natural wetlands, designate conservation corridors, especially along streams through acquisition or conservation easements.	All	High	Asheboro Planning	Local	Low	2025	In Progress: Through the city's development review process, developers are encouraged to preserve environmentally sensitive areas, such as flood plains. An example in practice are Planned Unit Development provisions, allowing development at a net density equal to a conventional subdivision with more flexible setbacks and minimum lot sizes, reducing the overall footprint of development. This encourages development outside of critical environmental areas. Also, since the Hazard Mitigation Plan, provisions in the Center City Planning Area have been adopted to allow greater flexibility for arrangement of buildings and other site features, while mandating minimum percentage of pervious surfaces. Future measures to improve land use planning will need to be integrated into planning documents as updates to those documents are implemented.
Structural Projects							

Description	Hazard(s) Addressed	Relative Priority	Lead Agency/ Department	Potential Funding Sources	Cost estimate	Implementation Schedule	Implementation Status
Emergency Services							
Develop and review municipal Emergency Operations Plan.	All	High	Asheboro City Manager	Local	Medium	2025	To Be Continued: An EOP has been developed by the City of Asheboro and is in place. It is reviewed annually.
Put in place a countywide 9-1-1 reverse call system for location specific warning to public of impending disaster.	All	Moderate	Randolph County Emergency Management	Homeland Security funds	High	2025	In Progress: Randolph County Emergency Services is currently seeking funding for this item.
Ensure residents within flood prone areas are aware of emergency procedures that are in place to ensure their safety.	Flood	Moderate	Asheboro City Manager/Planning	Local	Low	2025	In Progress: Provision of emergency contact information is provided by Housing Authority to all residents, regardless of location. Due to the limited number of dwellings (2) that are partially located within flood hazard areas, information can be communicated in a simple manner (to existing and future residents) that makes them aware of emergency procedures and contacts. As new information is developed and the city works towards mitigating the risk, the city will continue to improve communication with residents.
Public Education and Awareness							
Educate and inform local government and elected officials (decision makers) of the need to consider hazard mitigation in policy and budgetary planning and decision-making processes, through ongoing hazard mitigation planning five-year cycle.	All	High	Asheboro City Manager/Planning with assistance from PTCOG	Local	Low	2025	To Be Continued: City staff will continue to work towards informing elected officials of the need for mitigation and funding towards that end.
Disseminate information on the benefits of purchasing flood insurance.	Flood	High	Asheboro Planning	Local	Low	2025	To Be Continued: completed in conjunction with discouraging development in flood hazard areas. The city will continue to encourage the purchase of flood insurance to at-risk residents.
Keep the public updated through various media channels (website, newspaper, Public Access Channel 8, Facebook, Twitter, etc.) concerning road and other conditions during times of adverse weather and hazards.	All	High	Asheboro Planning/Public Information Officer	Local	Low	2025	To Be Continued: Pamphlets are being designed to hand out in Central Permitting, and ongoing public outreach at www.ReadyRandolph.org and social media platforms.

ORDINANCE NO. ____________________

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING A PARCEL OF LAND CONTIGUOUS TO THE EXISTING PRIMARY CITY LIMITS AT 930 SHERWOOD AVENUE

WHEREAS, in accordance with Section 160A-31 of the North Carolina General Statutes, Omar Joachin Zamudio petitioned the City Council of the City of Asheboro to annex into the primary city limits his parcel of land (Randolph County Parcel Identification Number 7750149570) at 930 Sherwood Avenue; and

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

WHEREAS, on November 5, 2020, by means of a duly adopted resolution (Resolution Number 28 RES 11-20), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petition submitted by Mr. Zamudio, and the city clerk has in fact certified the sufficiency of the annexation petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 29 RES 11-20, the city clerk caused the publication on November 13, 2020, in *The Courier-Tribune* (a newspaper with general circulation in the City of Asheboro), of legal notice that a public hearing on the question of the requested annexation would be held during the Asheboro City Council's next regular meeting, with a scheduled meeting beginning time of 7:00 p.m. on December 10, 2020, in the council chamber at Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on December 10, 2020; and

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

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

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a 1-inch existing iron pipe that is up 10 inches in the northern margin of the 50-foot public right-of-way for Sherwood Avenue (North Carolina Secondary Road 1204) at the southeastern corner of the Omar Joachin Zamudio property described in a warranty deed recorded in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2673, Page 1101 (the real property described in Deed Book 2673, Page 1101, Randolph County Registry is the parcel of land for which Omar Joachin Zamudio has requested annexation into the City of Asheboro, and this parcel of land will be hereinafter referred to as the "Annexation Parcel"), this beginning point is at a corner shared by the Annexation Parcel with the Linda P. Hicks property described in Deed Book 1162, Page 993, Randolph County Registry and is located by means of the North Carolina Coordinate System at the coordinates of North 704,440.98 Ground US Survey Feet and East 1,752,110.61 Ground US Survey Feet (NAD 83 (2011)); thence proceeding from the beginning point by following both the existing City of Asheboro primary city limits line and the northern margin of the public right-of-way for Sherwood Avenue along the Annexation Parcel's southern boundary line North 81 degrees 04 minutes 55 seconds West 106.06 feet to a point not set/computed point at the southwest corner of the Annexation Parcel; thence departing from the northern margin of the public right-of-way for Sherwood Avenue, but continuing to follow the existing City of Asheboro primary city limits line, by proceeding along the western boundary line of the Annexation Parcel that is contiguous to the Community Apartments Corp. of Randolph Co. property described in Deed Book 1958, Page 137, Randolph County Registry the next two bearings and distances: North 02 degrees 52 minutes 41 seconds East 12.28 feet to a 1-inch existing iron rod that is flush with the ground; thence North 02 degrees 52 minutes 41 seconds East 187.68 feet to a 1-inch existing iron pipe that is up 2 inches at the northwest corner of the Annexation Parcel, which is located by means of the North Carolina Coordinate System at the coordinates of North 704,657.14 Ground US Survey Feet and East 1,752,015.87 Ground US Survey Feet (NAD 83 (2011)); thence departing from the western boundary line of the Annexation Parcel and continuing to follow the existing City of Asheboro primary city limits line *by proceeding along the northern boundary line of the Annexation Parcel that is contiguous to the Lena M. McMasters, Trustee property described in Deed Book 2346, Page 686, Randolph County Registry the following bearing and distance: South 79 degrees 45 minutes 08 seconds East 88.41 feet to a 5/8-inch new iron rod that is up 4 inches at the northeast corner of the Annexation Parcel; thence departing from the northern boundary line for the Annexation Parcel and continuing to follow the existing City of Asheboro primary city limits line by proceeding along the Annexation Parcel's eastern boundary line the next three bearings and distances: South 01 degree 25 minutes 47 seconds East 62.95 feet along the Santiago Chavez property described in Deed Book 2639, Page 1393, Randolph County Registry to a 1-inch existing iron pipe that is up 3 inches; thence South 01 degree 57 minutes 57 seconds East 74.87 feet along the Santiago Chavez property described in Deed Book 2586, Page 1853, Randolph County Registry to a 1-inch existing iron pipe that is up 10 inches; thence South 03 degrees 17 minutes 01 second East 62.77 feet along the Linda P. Hicks property described in Deed Book 1162, Page 993, Randolph County Registry to the point and place of BEGINNING, and containing 0.438 of an acre (19,063 square feet), more or less, of land to be annexed.*

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: Omar Joachin Zamudio" and is identified as Job No. 11918.

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

Section 2. Upon and after December 10, 2020, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

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

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

Section 5. This Ordinance shall be in full force and effect upon and after the 10th day of December, 2020.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of December, 2020.

____

David H. Smith, Mayor

ATTEST:

____

Holly H. Doerr, CMC, NCCMC, City Clerk

Approved as to form:

____

Jeffrey C. Sugg, City Attorney

STATE OF NORTH CAROLINA

I, ____________ Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

____
Review Officer
Date ______________

Annexation Ordinance adopted by the Asheboro City Council

On:______________________

To Be Effective On:______________________

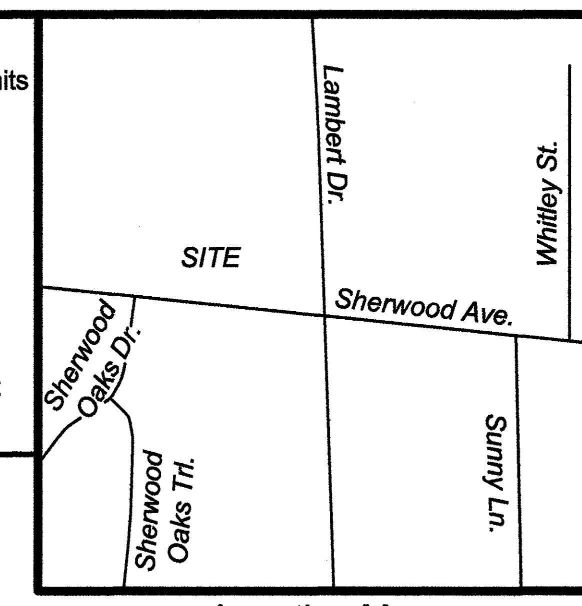
Notes:

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. Tax PIN: 7750149570

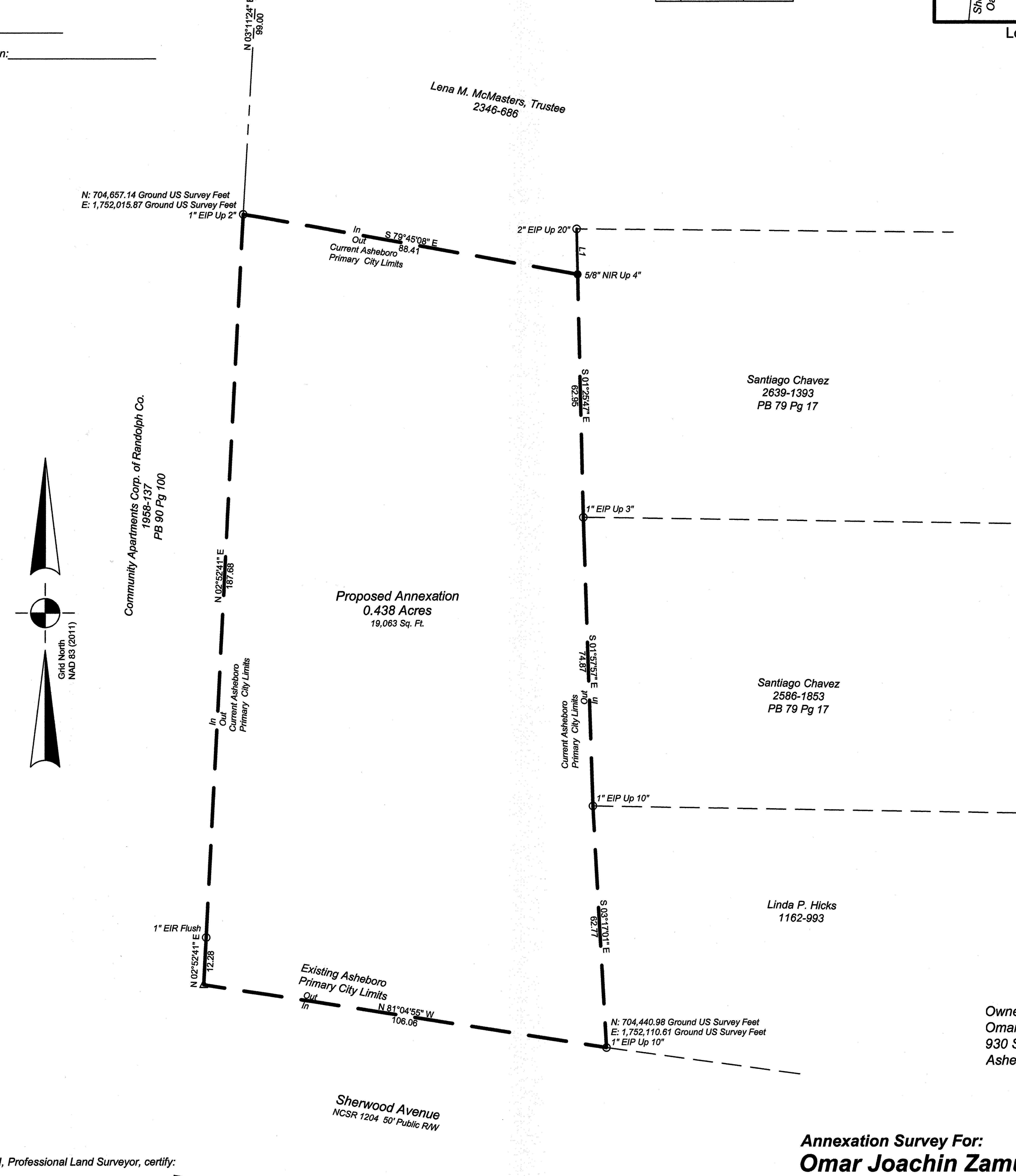
Legend

- Proposed City of Asheboro City Limits
- Existing Line
- Right of Way Line
- Easement Line
- Tie Lines
- Property Line
- Existing Iron Rod/Pipe
- NIR
- Point Not Set/Computed Point
- Well

LINE	BEARING	DISTANCE
L1	N 01°25'47" W	11.80



Location Map
(Not to Scale)



Owners:
Omar Joachin Zamudio
930 Sherwood Ave.
Asheboro, NC 27205

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11c.1.
That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purpose of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 2673 , page 1101 , etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 1 day of June, A.D., 2020.

Dan W Tanner

Professional Land Surveyor L-4787

NORTH CAROLINA PROFESSIONAL LAND SURVEYOR SEAL L-4787 DAN W TANNER II

I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:
(1) Class of survey: Class A
(2) Positional accuracy: <0.10'
(3) Type of GNSS field procedure: Real-Time Kinematic Networks
(4) Dates of survey: May 11, 2020
(5) Datum/Epoch: NAD83(2011) / 2010.00
(6) Published/Fixed-control use: North Carolina Real Time Network
(7) Geoid model: Geoid 12A
(8) Combined grid factor(s): 0.99987009
(9) GPS/GNSS Scale Point:
N:704,463.24 E:1752088.29 EL:839.57
(10) Units: US Survey Feet

Annexation Survey For:

Omar Joachin Zamudio

Asheboro Township **Randolph County**
North Carolina **June 1, 2020**
Deed Book:2673 Pg:1101
Scale: 1" = 20 US Survey Feet

Bar Scale:
0 20 40 60

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2020 Survey Carolina, Pllc

Job #: 11918

RESOLUTION NUMBER __________________

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION ADOPTING THE CITY OF ASHEBORO TITLE VI IMPLEMENTATION PLAN TO PROHIBIT DISCRIMINATION IN PROGRAMS, SERVICES, AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination in activities financed by federal funds or that receive federal financial assistance; and

WHEREAS, since the enactment of the Civil Rights Act of 1964, additional federal regulations and court decisions have clarified the contours of the prohibition of discrimination in programs, services, and activities receiving federal financial assistance, specifically including the clarification that municipalities as subrecipients of funding made available by the Federal Highway Administration fall within the scope of Title VI; and

WHEREAS, prior to the adoption of this Resolution, no formal City of Asheboro plan existed to implement specific policies designed to implement in concrete and readily understood terms the nondiscrimination provisions of Title VI; and

WHEREAS, the formal adoption by the Asheboro City Council of the following City of Asheboro Title VI Implementation Plan, with the attached policy statements and procedures for reporting violations, will provide guidelines for the municipal corporation and its divisions and departments as well as for private persons and companies doing business with the city and receiving federal financial assistance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the policy statements and procedures found within the four attached exhibits, which are hereby incorporated into this Resolution by reference as if copied fully herein, are hereby adopted, effective immediately, as the City of Asheboro Title VI Implementation Plan; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that City Manager John N. Ogburn, III is hereby designated as the Title VI Liaison for the City of Asheboro; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the policy statement printed in the attached EXHIBIT 1 is hereby adopted as the City of Asheboro Title VI Nondiscrimination Policy Statement; and

BE IT FURTEHR RESOLVED by the City Council of the City of Asheboro that the external discrimination complaint form printed in the attached EXHIBIT 2 is hereby adopted, as a component of the City of Asheboro Title VI Implementation Plan, as the template for the City of Asheboro Discrimination Complaint Form; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the instructions attached to this Resolution as EXHIBIT 3 are hereby adopted as part of the City of Asheboro Title VI Implementation Plan in order to enable an individual to successfully exercise his or her right to file and have processed a complaint that discrimination has occurred in violation of Title VI of the Civil Rights Act of 1964 and/or the related nondiscrimination laws; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, with regard to data collection and analysis concerning the minority populations within the City of Asheboro service areas, the statements addressing data collection and analysis printed in the attached EXHIBIT 4 are hereby adopted as an integral component of the City of Asheboro Title VI Implementation Plan; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city's officers and employees are hereby directed to take all of the administrative steps necessary to bring into full force the City of Asheboro Title VI Implementation Plan described herein.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of December, 2020.

____

David H. Smith, Mayor

ATTEST:

____

Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

CITY OF ASHEBORO
TITLE VI NONDISCRIMINATION POLICY STATEMENT

It is the policy of the City of Asheboro (City) to ensure that no person shall, on the ground of race, color, national origin, limited English proficiency, income-level, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964, United States Department of Transportation (DOT) Order 1050.2A, Title 49 Code of Federal Regulations (CFR) Part 21, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.[1]

The following practices are hereby prohibited throughout the City in order to comply, at a minimum, with Title VI and related requirements:

(A) Denying to an individual any standard service, financial aid, or other program benefit without good cause;

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

---

[1] Pertinent Nondiscrimination Authorities

a. **Race, Color, National Origin** – Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000*d*; DOT Order 1050.2A, "Standard Title VI/Nondiscrimination Assurances;" 49 CFR 21 (DOT); 23 CFR 200 (FHWA); C 4702 1B (FTA); 49 CFR 303 (FMCSA); DOT Order 1000.12. **Sex** – 1973 Federal-Aid Highway Act, 23 U.S.C. 324; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681. **Age** – Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101. **Disability** – Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790; The Americans with Disabilities Act of 1990, as amended, P.L. 101-336; Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794*d*; The 1987 Civil Rights Restoration Act, P.L. 100-259, clarified and restored the original intent of Title VI by expanding coverage to include all "programs and activities" of federal-aid recipients, subrecipients, and contractors, whether or not such programs and activities are federally-assisted.

b. *Other nondiscrimination authorities include, but are not limited to:* **Religion** – Title VIII of the 1968 Civil Rights Act, 42 U.S.C. 3601 (Fair Housing Act); 49 U.S.C. 5332; 49 U.S.C. 47123 (Nondiscrimination). **Environmental Justice** – Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;" DOT Order 5610.2a; FHWA Order 6640.23A; FTA Circular 4703.1. **Limited English Proficiency** – Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency;" DOT Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons, 74 FR 74087; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601.

(C) Subjecting a person to segregation or separate treatment in any part of a program;

(D) Restrictions in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;

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

(F) Different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities;

(G) Acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual, for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing; and

(H) Discrimination in any employment resulting from a program, a primary objective of which is to provide employment.

To assure that appropriate program measures are implemented and monitored, the City Council of the City of Asheboro has designated Asheboro City Manager John N. Ogburn, III to serve as the City of Asheboro's Title VI Liaison [Telephone Number: (336) 626-1201; Email: jogburn@ci.asheboro.nc.us].

On behalf of the Asheboro City Council, and as an expression of my commitment to and support of the City of Asheboro Title VI Nondiscrimination Program, I have affixed my signature as the Mayor of the City of Asheboro.

____________________________	____________________________
David H. Smith, Mayor	Date

EXHIBIT 2

CITY OF ASHEBORO
DISCRIMINATION COMPLAINT FORM

Any person who believes that he/she has been subjected to discrimination based upon race, color, national origin, limited English proficiency, religion, disability, sex, income-level, or age may file a written complaint with the Asheboro City Manager, who is the City of Asheboro's Title VI Liaison, within 180 days after the discrimination occurred.

Last Name:	First Name:	☐ Male ☐ Female	
Mailing Address:	City:	State:	Zip:
Home Telephone:	Work/Cell Phone:	Email Address:	

Identify the Category of Discrimination:

☐ RACE ☐ COLOR ☐ NATIONAL ORIGIN ☐ LIMITED ENGLISH PROFICIENCY

☐ RELIGION ☐ DISABILITY ☐ SEX ☐ INCOME-LEVEL ☐ AGE

NOTE: Religion is covered as a basis **only** under the city's right-of-way acquisition and land use regulatory operations (Fair Housing) and the aviation operations at the Asheboro Regional Airport.

Identify the Race of the Complainant:

☐ Black ☐ White ☐ Hispanic ☐ Asian American

☐ American Indian ☐ Alaskan Native ☐ Pacific Islander ☐ Other ____________________

Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination:

Names of individuals responsible for the alleged discriminatory action(s):

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. **(Attach additional page(s), if necessary.)**

The law prohibits intimidation or **retaliation** against anyone because he/she either has taken action, or participated in action, to secure rights protected by these laws. If you feel you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.
(Attach additional page(s), if necessary.)

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or to clarify your complaint: **(Attach additional page(s), if necessary.)**

Name	Address	Telephone

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

☐ Federal Highway Administration ______________________
☐ Federal Transit Administration ______________________
☐ Federal Motor Carrier Safety Administration ______________________
☐ US Department of Transportation ______________________
☐ NC Department of Transportation ______________________
☐ Federal or State Court ______________________
☐ Other ______________________

Have you discussed the complaint with any representative of the City of Asheboro? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.
(Attach additional page(s), if necessary.)

Briefly explain the remedy, or action, you are seeking for the alleged discrimination.	
AN UNSIGNED COMPLAINT FORM WILL NOT BE ACCEPTED. **PLEASE SIGN AND DATE IN THE SPACES INDICATED BELOW.**	
COMPLAINANT'S SIGNATURE	**DATE**
MAIL COMPLAINT FORM TO: City of Asheboro City Manager – Title VI Liaison Post Office Box 1106 Asheboro, North Carolina 27204-1106 336-626-1201	
FOR OFFICE USE ONLY Date Complaint Received: _________________ Processed by: ____________________________ Referred to: ______________________________ Date Referred: __________________	

EXHIBIT 3

CITY OF ASHEBORO
EXTERNAL DISCRIMINATION COMPLAINT INSTRUCTIONS

INTRODUCTION

The Asheboro City Manager, who functions as the Title VI Liaison for the City of Asheboro, is responsible for processing, on behalf of the city, discrimination complaints filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws. Participants and beneficiaries of programs and activities administered or funded by the City of Asheboro who feel they have been discriminated against based on race, color, national origin, income-level, limited English proficiency (LEP), sex, age, or disability have a right to file a complaint. Complaints of alleged discrimination will be investigated by the appropriate authority, such as the City of Asheboro (City), the North Carolina Department of Transportation's Office of Civil Rights, or a federal agency.

Note: Religion is *only* covered as a basis for a complaint under the City's right-of-way acquisition and land use regulatory operations (Fair Housing) and the aviation operations at the Asheboro Regional Airport.

FILING OF COMPLAINTS

A. **Applicability** – These complaint procedures apply to City programs, activities, and services, including subrecipients and contractors receiving federal or state funds through the City. ***Note:*** Title VI does not include internal complaints related to Equal Employment Opportunity (EEO).

B. **Eligibility** – Any person or class of persons who believes he/she has been subjected to discrimination based on race, color, national origin, income-level, LEP, sex, age, or disability (and religion, where applicable) may file a written complaint with the City's Title VI Liaison. The law also prohibits intimidation or retaliation against anyone who files a complaint.

C. **Filing Time Limits –** Complaints may be filed by the affected individual(s) or a representative and must be filed no later than 180 calendar days after the following:

(1) The date of the alleged act of discrimination; or

(2) The date when the person(s) became aware of the alleged discrimination; or

(3) Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

D. **Filing Options** – Title VI and related discrimination complaints may be submitted to the following entities:

(1) **City of Asheboro,** ATTN: City Manager – Title VI Liaison, Post Office Box 1106, Asheboro, NC 27204-1106; 336-626-1201

(2) **North Carolina Department of Transportation**, Office of Civil Rights, Title VI Program, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1808 or toll-free 800-522-0453

(3) **United States Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070

(a) **Federal Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC 20590; 202-366-0693/202-366-0752

(b) **Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601; 919-747-7010

(c) **Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590

(d) **Federal Motor Carrier Safety Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, Room #W65-312, Washington, DC 20591; 202-366-8810

(e) **Federal Aviation Administration**, Office of Civil Rights, 800 Independence Avenue, SW, Washington, DC 2591; 202-267-3258

(4) **United States Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530; 202-514-6255 or toll-free 877-218-5228

E. **Format for Complaints** – Complaints **must be in writing and signed** by the complainant(s) or a representative, and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille. (See the accompanying *City of Asheboro Discrimination Complaint Form*.)

F. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, income-level, LEP, sex, age, or disability; (and religion, where applicable. The term "basis" refers to the complainant's membership in a protected group category. ***Note:*** Religion (or creed) is *only* protected under the City's right-of-way acquisition and land use regulatory operations (Fair Housing) and the aviation operations at the Asheboro Regional Airport.

<table>
<tr><th rowspan="2">Protected Categories</th><th rowspan="2">Definition</th><th rowspan="2">Examples</th><th colspan="2">Pertinent Statutes and Regulations</th></tr>
<tr><th>FHWA</th><th>FTA</th></tr>
<tr><td>Race</td><td>An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics, that a person is a member of a racial group</td><td>Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White</td><td rowspan="3">Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200; (Executive Order 13166)</td><td rowspan="3">Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; Circular 4702.1B; (Executive Order 13166)</td></tr>
<tr><td>Color</td><td>Color of skin, including shade of skin within a racial group</td><td>Black White, Brown, Yellow, etc.</td></tr>
<tr><td>National Origin (LEP)</td><td>Place of birth. Citizenship is not a factor. (Discrimination based on language or a person's accent is also covered.)</td><td>Mexican, Cuban, Japanese, Vietnamese, Chinese, Russian, French.</td></tr>
<tr><td>Income-Level</td><td>An individual or household determined to be low-income</td><td>Poverty status</td><td colspan="2">Executive Order 12898</td></tr>
</table>

Sex	The sex of an individual.	Women and Men	1973 Federal-Aid Highway Act	Title IX of the Education Amendments of 1972
Age	Person of any age	21 year old person	Age Discrimination Act of 1975	
Disability	Physical or mental impairment, permanent or temporary, or perceived	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990	
Religion	Creed. An individual belonging to a religious group; or the perception, based usually on distinguishable characteristics, that a person is a member of a religious group	Muslim, Christian, Sikh, Hindu, etc.	Title VIII of the Civil Rights Act of 1968 (Fair Housing Act); 49 USC 47123 (FAA); 49 USC 5332	

COMPLAINT RECEIPT AND RESPONSE

A. The Asheboro City Manager/Title VI Liaison will provide written acknowledgement of your complaint within ten (10) calendar days by registered mail.

B. The Asheboro City Manager/Title VI Liaison ill review your complaint upon receipt to ensure the required information was provided, the complaint was timely filed, and jurisdictional requirements were met.

(1) If the complaint is complete and no additional information is needed, the Asheboro City Manager/Title VI Liaison will send you a letter of acceptance as well as a Complainant Consent/Release form.

(2) If the complaint is incomplete, you will be contacted in writing or by telephone to obtain the needed information. Note: Failure to respond and/or provide the requested information within fifteen (15) calendar days may be considered good cause for a determination of no investigative merit.

C. Within fifteen (15) calendar days of receiving your complaint, the City will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the City will notify you and Respondent (the person(s) against whom you have filed the complaint) by registered mail, stating the decision.

(1) If the decision is to not investigate the complaint, the notification shall specifically state the reasons for the decision.

(2) If the decision is to investigate the complaint, the notification shall state the grounds of the City's jurisdiction and require your and the Respondent's full cooperation in assisting the investigator.

(3) Interviews may be recorded during the investigation. Consent to record may be required if the interviewee is located outside of North Carolina.

D. The City will attempt to resolve all discrimination complaints within sixty (60) days of accepting the complaint for investigation. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation between the affected parties and City staff may be utilized for resolution. The City will make known all filing options and avenues of appeal.

EXHIBIT 4

DATA COLLECTION AND ANALYSIS

Under the general direction of the Asheboro City Manager/Title VI Liaison, City of Asheboro (City) division directors and department managers are responsible for the required collection by the City of racial, ethnic, and other similar demographic data on beneficiaries of or those impacted by programs, services, activities, specifically including transportation programs. The City will accomplish this task through the use of census data, American Community survey reports, and other methods.

From time to time, the City may find it necessary to request voluntary identification of certain racial, ethnic, or other data from participants in the City's public involvement events. This information will assist the City with improving its targeted outreach and measuring the effectiveness of City programs and services.

Self-identification of personal data to the City will always be voluntary and will be undertaken in a manner designed to promote anonymity. Moreover, the City will not use this data in any manner that is inconsistent with federal and state laws and regulations.

This data compilation process will be reviewed by City staff, under the general direction of the Asheboro City Manager, on a regular basis in order to ensure the collected data is sufficient to meet the requirements of the City of Asheboro Title VI Implementation Plan.

Once collected, the data must be analyzed for the purpose of identifying patterns of discrimination. Each City division director and department manager is responsible for reviewing their respective program areas in an effort to identify any pattern of discrimination that may result from the specific manner in which a process or procedure is implemented.

Types of analysis to address compliance with Title VI include:

(a) Analysis of the distribution of benefits (dollars, facilities, systems, projects) by groups and communities;

(b) The allocation of funds by mode of transportation;

(c) Projected population increases versus planned facilities and types of facilities;

(d) Language needs assessments; and

(e) Persons included in the decision making process.

Ultimately, data must be collected and analyzed so as to determine the manner in which services are or will be provided and the related necessary data must be identified, collected, and reviewed to make determinations as to whether any persons are or will be negatively impacted in the receipt of public services because of one or more factors related to membership in a protected group category.

ORDINANCE NUMBER ________________

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE GRANTING A CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL FRANCHISE TO ASHEBORO LAND DEVELOPMENT, LLC

WHEREAS, pursuant to a franchise ordinance that received final approval from the Asheboro City Council (the "Council") on April 9, 2020, with an effective date of April 15, 2020, Morton & Sewell Development Company, Inc. operates a construction and demolition debris landfill within the corporate limits of the City of Asheboro (the "City") at 385 Gold Hill Road, Asheboro, North Carolina 27203; and

WHEREAS, Morton & Sewell Development Company, Inc. is proposing to convey the landfill at 385 Gold Hill Road to Asheboro Land Development, LLC, which will operate the landfill under the name of Wall Recycling rather than Gold Hill C&D Landfill; and

WHEREAS, in recognition of this change in ownership, the Council has been asked to grant a construction and demolition debris landfill to Asheboro Land Development, LLC; and

WHEREAS, immediately prior to taking final action on this request, the Council utilized a properly advertised public hearing to obtain comments from interested parties on the question of granting the requested franchise; and

WHEREAS, after reviewing the available information, the Council concluded that granting the requested franchise is in the public interest.

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

Section 1. Pursuant to and in accordance with Sections 130A-294 and 160A-319 of the North Carolina General Statutes, Asheboro Land Development, LLC (the "Franchisee") is hereby granted a franchise to operate the construction and demolition debris landfill at 385 Gold Hill Road, Asheboro, North Carolina 27203 (the "Landfill").

Section 2. The Landfill shall have available for its use approximately 30 acres of land permitted in accordance with the laws of the State of North Carolina for use as a construction and demolition debris landfill.

Section 3. No more than 500 tons of waste shall be deposited into the Landfill per day. With this amount of incoming waste, the Landfill will have an estimated life of 20 years.

Section 4. A facility plan for the Landfill has been submitted to the city. The facility plan includes the boundaries of the proposed facility, the proposed development of the facility, the boundaries of all waste disposal units, final elevations and capacity of all waste disposal units, the amount of waste to be received per day in tons, the total waste disposal capacity of the Landfill in tons, a description of environmental controls, and a description of any other waste management activities to be conducted at the facility as well as the proposed location of soil borrow areas and all other facilities and infrastructure, including ingress and egress to the facility. No leachate facilities are needed for this construction and demolition debris landfill.

A copy of the facility plan is on file in the city clerk's office and is available for public inspection. The facility plan is hereby incorporated into this Ordinance by reference as if copied fully herein.

Section 5. Throughout the duration of the franchise granted by this Ordinance**,** the Franchisee shall purchase and maintain an environmental liability insurance policy with coverage limits of no less than $1,000,000; a general liability insurance policy with coverage limits of no less than $1,000,000; and workers' compensation insurance coverage that complies with the applicable provisions of the North Carolina General Statutes. The City shall be named as an additional insured under the environmental liability insurance and general liability insurance policies.

On an annual basis, the City shall be furnished with Certificates of Insurance in a form satisfactory to the City for the purpose of verifying the existence of the insurance coverage required by this section. The insurance policies mandated by this section shall provide for 30 days advance written notice of material change, cancellation, or non-renewal.

Section 6. The population to be served by the Landfill will be primarily commercial contractors who specialize in construction and demolition activities. The main waste stream will primarily come from the City of Asheboro and Randolph County, but all counties in North Carolina are included in the Landfill's service area.

Section 7. As part of its efforts to reduce, reuse, and recycle as much solid waste as possible, the City has worked in a cooperative manner with the landfill at 385 Gold Hill Road to dispose of the following materials: brush, tree trimmings, leaves, yard waste, and stumps as well as clean concrete, building materials, and construction and demolition materials. After these materials are taken to the facility by city personnel and/or others, the materials are processed in a variety of ways and, if possible, resold to the public. Therefore, the continued successful operation of the landfill at 385 Gold Hill Road will have a positive impact on the City's efforts to reduce, reuse, and recycle solid waste.

With specific regard to the disposal of construction and demolition waste, the Landfill will continue to be a vital actor in the process. The granting of the requested franchise so as to maintain a privately owned and properly permitted construction and demolition debris landfill in Asheboro is critical to providing cost-effective disposal options to meet the needs of the municipality's citizens.

Section 8. The waste accepted by the Landfill shall be composed of waste or debris resulting from roofing, construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures. In furtherance of the City's goal to promote and make available cost-effective disposal options that are environmentally sustainable, the Franchisee is authorized, by way of illustration and not limitation, to accept waste containing asbestos. However, the Franchisee shall monitor the waste offered to the Landfill and shall reject any unacceptable waste including without limitation organic/household waste; waste that has been in contact with petroleum, solvents, or chemicals; waste containing PCB's; and waste that has been in contact with pesticides or herbicides.

Section 9. The fee schedule for the Landfill is attached to this Ordinance as Exhibit A and is hereby incorporated into this Ordinance by reference as if copied fully herein. Beginning in the 2022 calendar year and continuing thereafter, this fee schedule may be adjusted by the Franchisee on an annual basis in accordance with the Consumer Price Index - All Urban Consumers, U.S. City Average, All Items (not seasonally adjusted) as published by the U. S. Department of Labor, Bureau of Labor Statistics with an index base period of 1982-84 = 100. Such an adjustment shall be made on the 1st day of July of each year that this franchise is in full force and effect. On the adjustment date, the above-referenced fee schedule may be increased by a percentage equal to the cumulative percentage increase, if any, in the above-cited consumer price index (the "CPI"). The cumulative percentage increase in the CPI means the percentage increase, if any, in the CPI for the month of May immediately preceding the adjustment date over the CPI recorded for the month of May during the preceding calendar year.

If the CPI ceases to use as the basis of calculation the standard of 1982-84 = 100, or if a change is made in the items contained in the CPI, or if the CPI is altered, modified, converted, or revised in any other manner, then the foregoing computations shall be made with the use of such conversion factor, formula, or table for converting the CPI as may be published by the Bureau of Labor Statistics. If the Bureau of Labor Statistics does not publish such conversion information, then the foregoing computations shall be made with the use of a conversion factor that adjusts the modified CPI to the figure that would have been calculated had the manner of computing the CPI not been altered.

Section 10. The franchise granted by this Ordinance is granted for the Landfill's life-of-site, but this period shall not exceed 60 years. The term "life-of-site" is defined in Section 130A-294(a2) of the North Carolina General Statutes.

Section 11. The Franchisee agrees to operate the Landfill in accordance with all applicable laws and regulations and shall comply with any permit(s) issued by the State of North Carolina.

Section 12. The Franchisee shall require anyone using the Landfill to comply with Section 20-116(g) of the North Carolina General Statutes.

Section 13. The effective date of this Ordinance shall be January 7, 2021.

Section 14. All ordinances and clauses of ordinances in conflict with this Ordinance, specifically including without limitation any and all previously approved construction and demolition debris landfill franchise ordinances, are hereby repealed effective April 1, 2021.

This Ordinance was initially adopted by the Asheboro City Council during a regular meeting held on the 10th day of December, 2020.

The Asheboro City Council granted final approval of the Ordinance after a public hearing and second reading of the Ordinance during the Council's regular meeting on the 7th day of January, 2021.

____
David H. Smith, Mayor

ATTEST:

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

EXHIBIT A

Price List for Construction and Demolition Debris:

a. Standard Charge = $38.00 per ton

b. Clean Concrete = $15.00 per ton

c. Asbestos = $75.00 per cubic yard

d. Minimum Charge = $15.00 per ton

*This price list, as with the franchise ordinance itself, only addresses the Construction and Demolition Debris Landfill charges and is not inclusive of all user charges incurred at the Landfill.