

**AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, JULY 9, 2020, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Old Business – Land Use Case Continued from Previous Meetings

RZ-CUP-20-01 (Quasi-Judicial Hearing): An application to rezone property at 137 North Randolph Avenue (Randolph County Parcel Identification Number 7761027972) from R7.5 to CU-B2 zoning and to obtain a conditional use permit authorizing the rental/sales of domestic motor vehicles.

4. Consent Agenda:

(a) Approval of the meeting minutes for the city council's regular meeting on June 4, 2020.

(b) Approval of the meeting minutes for the city council's special meeting on June 11, 2020.

(c) Approval of the meeting minutes for the city council's special meeting on June 25, 2020.

(d) Approval of the final decision document for the land use case identified by file number CUP-20-03.

(e) Approval of the final decision document for the land use case identified by file number CUP-20-06.

(f) Approval of a resolution appointing Stephen R. Knight to a new three-year term of office on the Asheboro ABC Board.

(g) Approval of the planning department's request to schedule and advertise a quasi-judicial hearing to be conducted on August 6, 2020, concerning an application to rezone property at 512, 514, and 516 South Fayetteville Street (Randolph County Parcel Identification Number 7751709933) from B2 to CU-B3 zoning and to obtain a conditional use permit authorizing a commercial development with multiple uses and/or structures.

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

- (a) RZ-20-07: A public hearing on an application to rezone property at 435 Old Liberty Road (Randolph County Parcel Identification Number 7762168474) from R10 to R7.5 zoning.
- (b) RZ-20-08: A public hearing on an application to rezone property (Randolph County Parcel Identification Numbers 7762231577 and 7762230413) located on the west side of Meadowbrook Road Extension and the north side of Honeysuckle Road, approximately 175 feet north of Ideal Drive, from R15 and R10 zoning districts to R10 zoning.
- (c) Update on U.S. 64 Proposed Widening from Bypass to N.C. 49 Interchange (U-5813) and a request for concurrence from the city council on the submission of a Letter of Intent by the city manager to the North Carolina Department of Transportation regarding the city's intention to participate in cost-sharing for the project's sidewalk improvements.

6. Public comment period.

7. Police Chief Mark Lineberry will present the police department's annual report.

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

9. Fire Chief Willie Summers will present, for the council's consideration, a resolution authorizing the purchase of a used walk-in rescue truck.

10. City Engineer Michael Leonard, PE will provide a status report on the progression of the city's development of the Zoo City Sportsplex.

11. City Engineer Michael Leonard, PE will request council action on two petitions seeking the annexation of territory into the primary city limits.

- (a) Petition from Habitat for Humanity of Randolph County, Inc. – Two parcels of land (Randolph County Parcel Identification Numbers 7762211072 and 7762201718) located along East Allred Street and Camelot Drive:

- (i) Consideration of a resolution directing the city clerk to investigate the annexation petition; and

- (ii) Consideration of a resolution setting the date for a public hearing on the question of annexation.

- (b) Petition from Kenneth Gallimore and Bridget Gallimore – One parcel of land (Randolph County Parcel Identification Number 7751513992) at 1420 East Salisbury Street:

- (i) Consideration of a resolution directing the city clerk to investigate the annexation petition; and

- (ii) Consideration of a resolution setting the date for a public hearing on the question of annexation.

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

13. Adjournment.



RZ-CUP-20-01: Requests related to property located at 137 N. Randolph Avenue

1. Rezone from R7.5 Medium-Density Residential to
CU-B2 Conditional Use General Commercial
2. Conditional Use Permit for Rental/Sales of Domestic Motor Vehicles

Staff Report

Staff Note: This case was originally a request to rezone the subject property to B2 General Commercial, which was first on the April 9, 2020; May 7, 2020; and June 4, 2020 City Council agendas. Since the June City Council meeting, the applicant has amended the request to a CU-B2 district request, and is also asking for a conditional use permit for Rental/Sales of Domestic Motor Vehicles.

From: John Evans
Sent: Wednesday, July 8, 2020 9:46 AM
To: Trevor Nuttall
Subject: FW: Rezoning Honeysuckle/meadow brook ext

John L. Evans, AICP
Assistant Director
Community Development Division
City of Asheboro
146 North Church Street
Asheboro, NC 27203
336-626-1201 Ext. 225 (phone)
336-626-1218 (fax)
<http://www.asheboronc.gov>

E-mail correspondence to and from this sender is subject to North Carolina Public Records Law and may be disclosed to third parties.

-----Original Message-----

From: Darren Hackett [mailto:darrenahackett@icloud.com]
Sent: Wednesday, July 8, 2020 9:32 AM
To: John Evans <jevans@ci.asheboro.nc.us>
Subject: Rezoning Honeysuckle/meadow brook ext

John

After the zoning meeting on Monday and the concerns from the neighbors, I would like to ask for a continuous of the request so that we can get a plan together for a conditional use application.

If any further information is needed at this time please advise.

Thanks

Darren A Hackett
336-302-5848
darrenahackett@icloud.com

Sent from my iPhone

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-20**
 -01

Date 3/2/2020 PB

Applicant Brandon Michael Allen

Legal Description

The property of Brandon Michael Allen, located at 137 N. Randolph Avenue, totaling approximately .31 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7761027972

Requested Action Rezone from R7.5 (Medium-Density Residential) to B2 (General Commercial)

Staff Note: Since the March 2, 2020 Planning Board meeting, the request has been modified to a Conditional Use General Commercial CU-B2 district.

Existing Zone R7.5 (Medium-Density Residential)

Land Development Plan See Rezoning Staff
Report

Planning Board Recommendation
Approve.

Reason for Recommendation

The Planning Board concurred with staff's recommendation.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-20-01

Date 7/9/2020 Council; continued from
4/9/2020, 5/7/2020, & 6/4/2020

General Information

Applicant Brandon Michael Allen

Address 2785 Hickory Drive

City Asheboro NC 27203

Phone 336-302-4392

Location 137 N. Randolph Avenue - Corner of E. Salisbury Street and N. Randolph Avenue

Requested Action Rezone from R7.5 (Medium-Density Residential) to CU-B2 (Conditional Use General Commercial)

Existing Zone R7.5

Existing Land Use Vacant. Formerly Single-Family Dwelling

Size .31 acres +/-

Pin # 7761027972

Applicant's Reasons as stated on application

More commercial activity than when Allen Automotive first opened. It is recommended for this property to be commercial. Third highest road traffic wise. Heavily traffic.

Surrounding Land Use

North Car Wash

East Single Family Residential

South Single Family Residential

West Motor Vehicle Repair, Minor

Zoning History N/A

Legal Description

The property of Brandon Allen, located at 137 N. Randolph Avenue, totaling approximately .31 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7761027972. **Legal notices were mailed to adjoining property owners on Thursday, March 19, 2020, and Tuesday, June 23, 2020 (due to a change in request noted below).**

Analysis

1. The property is inside the City limits.
2. East Salisbury Street is a State-Maintained Major Thoroughfare
3. The most recent 2014 Comprehensive Transportation Plan identifies this segment of East Salisbury Street/ NC Hwy. 42 as over capacity based on 2012 volumes measuring average annual daily vehicles/day (11,600 capacity vs. 13,000 AADT 2012 volume).
4. In order to relieve the congestion that currently exists on NC Hwy. 42 North, the current NCDOT Transportation Improvement Program has proposed road improvements (Project No. U-5743) along NC Hwy. 42 extending between the E. Salisbury St. intersection and US Hwy. 64 (E. Dixie Drive). Proposed improvements include the addition of a center turn lane, sidewalks, curbing and guttering. The project's timetable anticipates a let date of late 2021.
5. The city has submitted a request for consideration to the NCDOT for a future widening of East Salisbury Street from Elm Street to the funded Project No. U-5743 as mentioned above. Draft 2023-2032 STIP release date is tentatively scheduled for February 2022.
6. The requested B2 General Zoning district is intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets.
7. Since the June City Council, the applicant changed the request from a B2 General Commercial, allowing any use permitted by right, to a CU-B2 Conditional Use General Commercial district. The applicant has also filed a Conditional Use Permit application requesting rental/sales of domestic motor vehicles.

Rezoning Staff Report

RZ Case # RZ-20-01

Page 2

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 Commercial
Small Area Plan Central
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
Items 3&5: 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). 5.) The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist
Item 10: Rezoning is consistent with Land Category Descriptions

Checklist
Items 12-15: 12.) Property is located outside of the watershed area, or the rezoning request will not impose a significant, negative environmental impact. 13.) The property is located outside of Special Hazard Flood Area. 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. 15.) The rezoning is not located on poor soils or the rezoning district is unlikely to create additional problems caused by poor soil conditions

Rezoning Staff Report

RZ Case # RZ-20-01

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 7: The proposed rezoning is not compatible with the applicable Small Area Plan.

Checklist Item 11: Rezoning will not promote the type of development described in Design Principles.

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

A commercial rezoning request is supported by the Land Development Plan's Proposed Land Use Map which calls for commercial development of this property as well as property immediately to the south and east, likely due to adjacent development and the continued growth in traffic volumes. A commercial designation for the property also is supported by current zoning to the north and west of the property, which is B1 Neighborhood Commercial and B2 General Commercial respectively. The property's proximity to the Center-City Activity Center tends to support the request; there are only six residentially zoned properties between the subject parcel and this Activity Center.

While ideally there is some transition between commercial and residential zoning districts and uses, a conditional use zoning classification and permitting process can help ensure that any proposed use is not out of character with surrounding land uses.

Considering all factors, staff believes the request to be consistent with the Land Development, reasonable and in the public interest.

Recommendation In light of the above analysis, staff's recommendation is to approve the CU-B2 district request.

Conditional Use Permit Staff Report

CUP Case No. CUP-20-01

7/9/2020 Council

General Information

Name Brandon Michael Allen

Address 2785 Hickory Dr.
Asheboro NC 27205

Phone 336-302-4392

Pin # 7761027972

Location 137 N. Randolph Avenue - Corner of E. Salisbury Street and N. Randolph Avenue

Requested Action: Conditional Use Permit for Rental/Sales of Domestic Motor Vehicles

Existing Zone R7.5

Existing Land Use Vacant, Formerly Single-Family Dwelling

Size .31 acres +/-

Applicant's Reason as stated on application

Surrounding Land Use

North Car Wash

East Single-Family Residential

South Single-Family Residential

West Motor Vehicle Repair- Minor

Zoning History

Growth Strategy Map Primary Growth

Proposed L D P Map Commercial

Legal Description

The property of Brandon Allen, located at 137 N. Randolph Avenue, totaling approximately .31 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7761027972. ***Legal notices were mailed to adjoining property owners on Tuesday, June 23, 2020.***

Analysis

1. The request is for a Conditional Use Permit for rental/sales of domestic motor vehicles.
2. The applicant has also filed a request to rezone the property from R7.5 Medium-Density Residential to CU-B2 (Conditional Use General Commercial). The applicant's request has been modified from the previous B2 General Commercial District request.
3. No structures are proposed for this proposal. The applicant proposes a graveled display area for vehicles for sale or rent. The office for the proposed land use is located on an adjoining property that is not part of this request.
4. The site plan shows access from the adjoining property, which has access from East Salisbury Street.
5. The site plan proposes a solid wooden fence and evergreen plantings on the south side of the property, adjacent to the residential use. Front yard landscaping consisting of shrubs is also located along the front 10' of East Salisbury Street and Randolph Avenue
6. The zoning ordinance and city code generally prohibit outdoor storage of junked motor vehicles and junk materials. No open storage areas of other materials are shown on the site plan, therefore, this would not be permitted.

LDP Conformity Issues

Conditional Use Permit Staff Report

CUP Case No. CUP-20-01

Page 2

Staff Comments

Suggested Conditions

Draft conditions as of July 2, 2020:

(A) No driveway access shall be permitted from North Randolph Avenue.

(B) Additional information related to outdoor lighting shall be submitted to City staff demonstrating compliance with Section 317A.1 of the Zoning Ordinance (Performance Standards for all Commercial Zoning Districts- Light) for inclusion into the file without further review by City Council.

(C) 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 and 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 abutting 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.

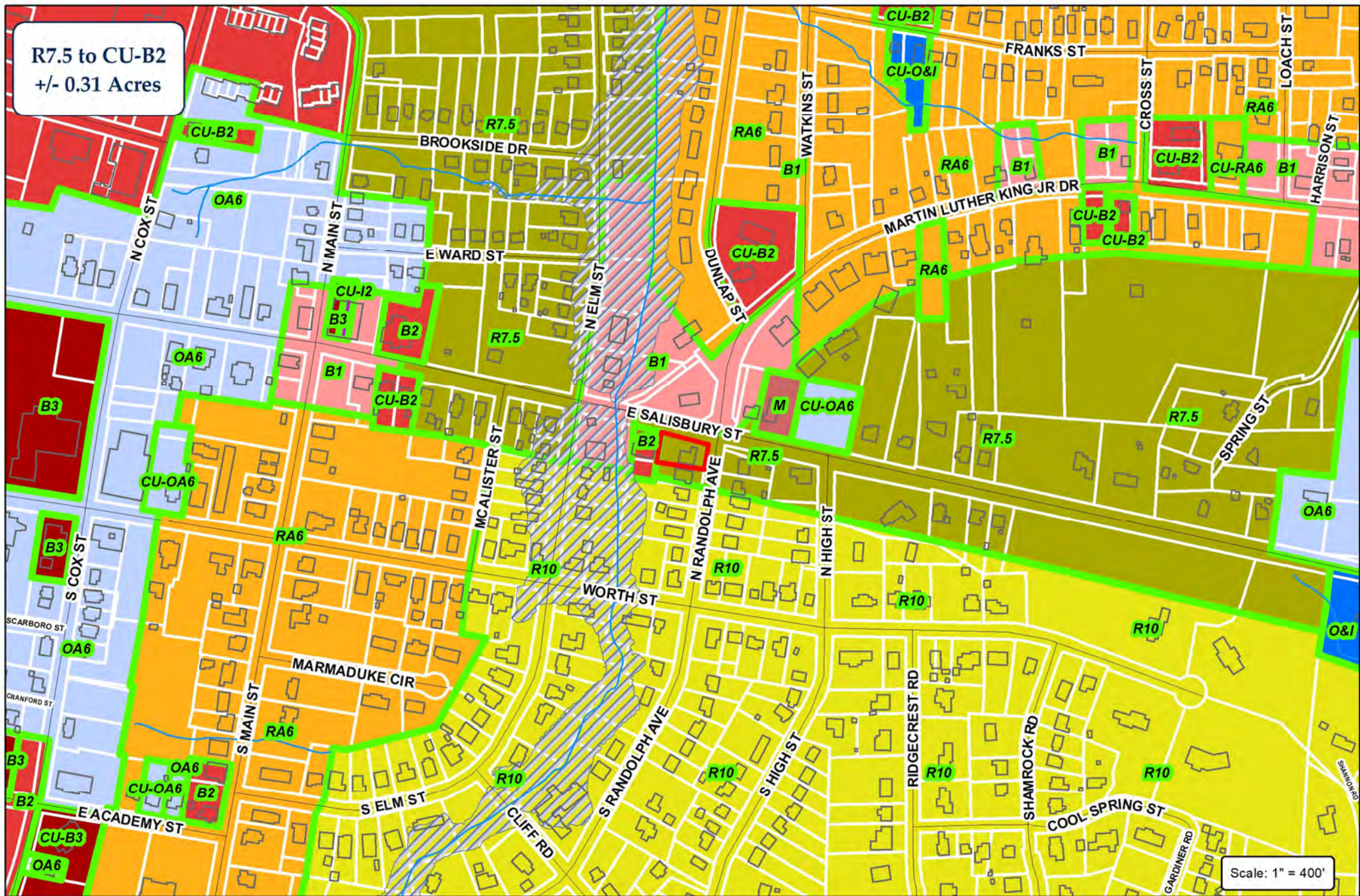
Conditional Use Permit Staff Report

Requirements for Permit

Page 3

CUP-20-01

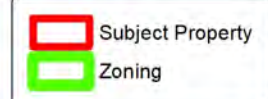
R7.5 to CU-B2
+/- 0.31 Acres



City of Asheboro Planning & Zoning Department

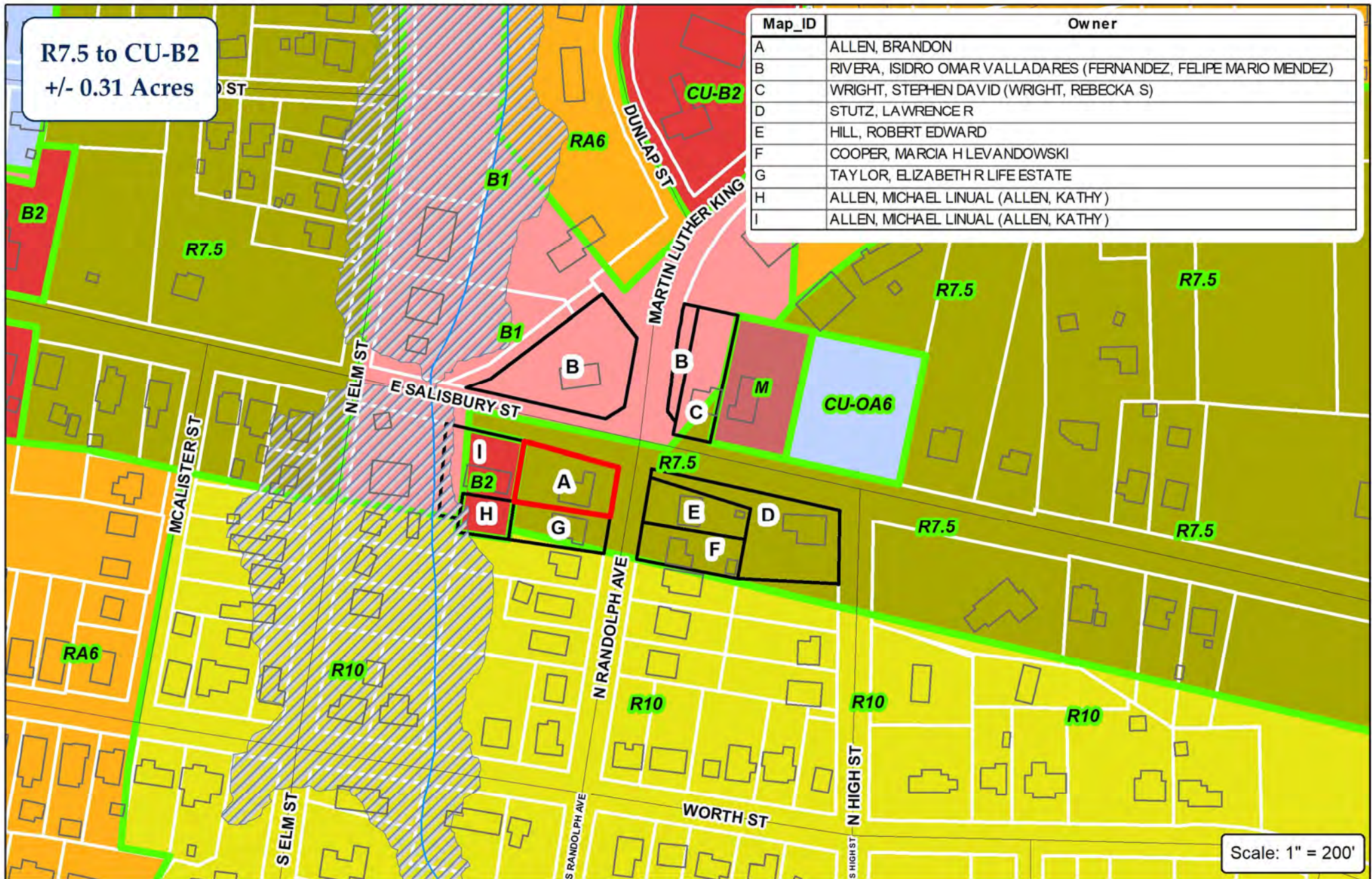
Rezoning Case: RZ-20-01

Parcel: 7761027972



R7.5 to CU-B2
+/- 0.31 Acres

Map_ID	Owner
A	ALLEN, BRANDON
B	RIVERA, ISIDRO OMAR VALLADARES (FERNANDEZ, FELIPE MARIO MENDEZ)
C	WRIGHT, STEPHEN DAVID (WRIGHT, REBECCA S)
D	STUTZ, LAWRENCE R
E	HILL, ROBERT EDWARD
F	COOPER, MARCIA H LEVANDOWSKI
G	TAYLOR, ELIZABETH R LIFE ESTATE
H	ALLEN, MICHAEL LINUAL (ALLEN, KATHY)
I	ALLEN, MICHAEL LINUAL (ALLEN, KATHY)



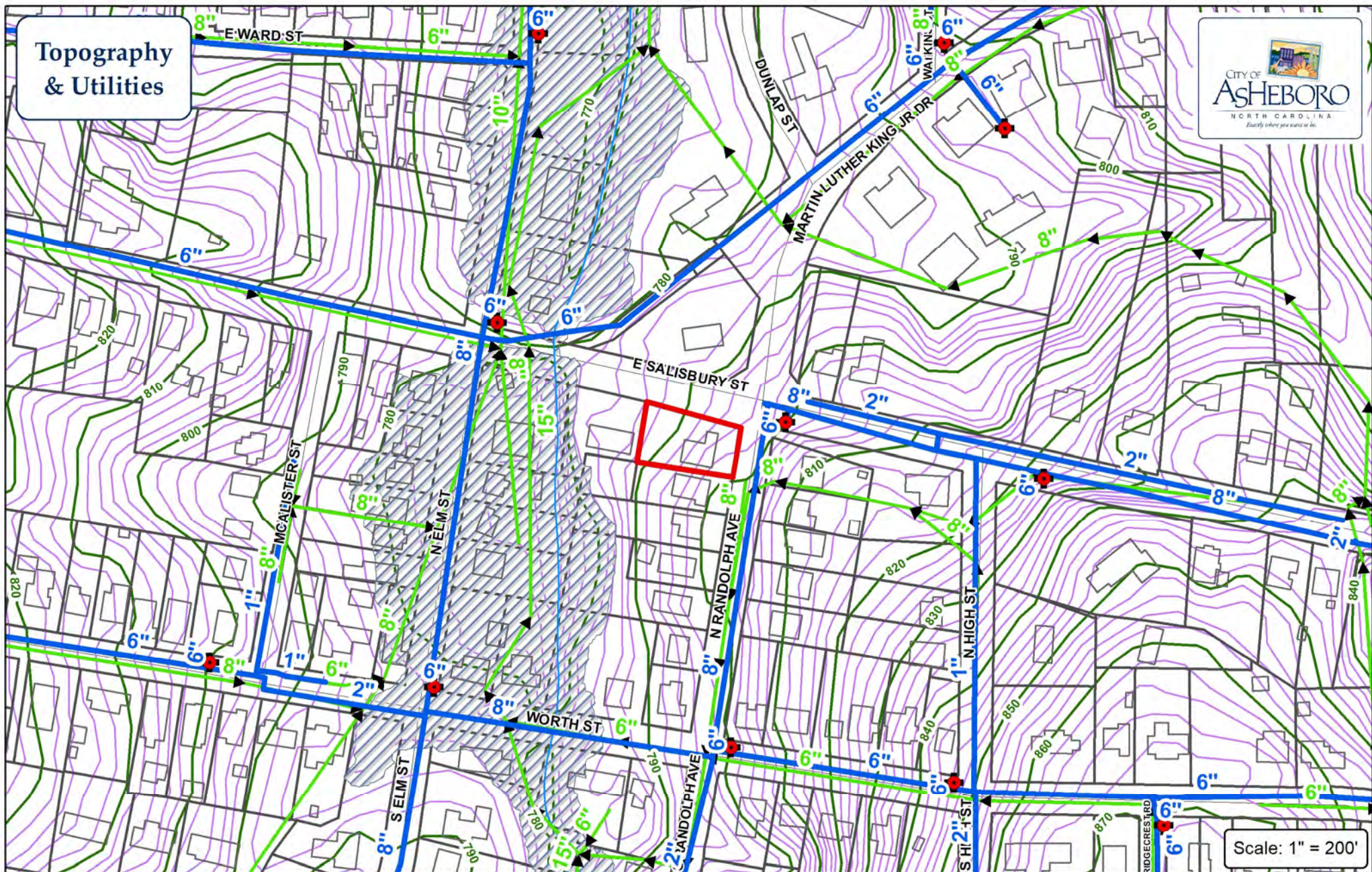
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-01

Parcel: 7761027972



Topography & Utilities



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

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-20-21
Parcel: 7761027972

 Subject Property

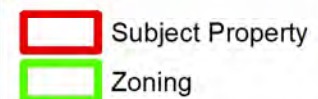




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-01

Parcel: 7761027972



Application for Zoning Ordinance/Map Amendment

APPLICANT INFORMATION

Applicant Brandon Michael Allen

Applicant's Phone # 336-302-4392

Applicant's Address 2785 Hickory Dr. Asheboro, NC 27205

Applicant Email Address 46allenbrandon@gmail.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Brandon Michael Allen

Location of Property 137 N Randolph Ave

Property Size (ac. or s.f.) .31 AC

Randolph County Property Identification Number (PIN#) 7761027972

Current Zoning District R-7.5

Requested Zoning District B-2 CU-B2 BNA

Date Property Title Acquired 6-13-2018

Deed Book 002601 Page 00712

Subdivision Worth Terr Section _____ Lot # 22

Plat Book _____ Page _____

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.

NO

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?

more commercial activity than when Allen Automotive first opened

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

It is recommended for this property to be commercial.

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

this highest road traffic wise. Heavily traffic.

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

Owner Signature (if different than Applicant)

Ben [Signature]

Printed Name of Authorized Signatory (if different from Applicant)

Owner Address

2785 Hickory Dr.

Asheboro, NC 27205

Position/Relationship of Authorized Signatory to Applicant

Telephone Number

336-302-4392

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: JTL Date: 2-11-20 Case Number: R2-2020-01 updated application received 6-11-20

APPLICANT INFORMATION

Applicant Brandon Michael Allen Applicant's Phone # 336-302-4392

Applicant's Address 2785 Hickory Dr.; Asheboro, NC 27205

Applicant email address 46allenbrandon@gmail.com

PROPERTY INFORMATION

Property Owner's Name Brandon Michael Allen

Location of Property 137 N. Randolph Ave. Property Size (ac. or s.f.) 0.31 acres +/-

Randolph County Property Identification Number (PIN#) 7761027972

Current Zoning District R7.5

Date Property Title Acquired 6-3-2018 Deed Book 02601 Page 00712

Subdivision Worth terr. Section _____ Lot # 22

Plat Book _____ Page _____

→ **CONDITIONAL USE PERMIT INFORMATION**

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

Rental/sales of Domestic Vehicles

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

*Printed Name of Authorized Signatory (if
different from Applicant)*

*Position/Relationship of Authorized
Signatory to Applicant*

Owner Signature (if different than Applicant)

Owner Address

Telephone Number

Printed Name of Authorized Signatory (if
different from Owner)

Position/Relationship of Authorized
Signatory to Owner

STAFF USE

Received by: John Exord Date: 6-10-2020 Case Number: RZ-CY-
20-01

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.

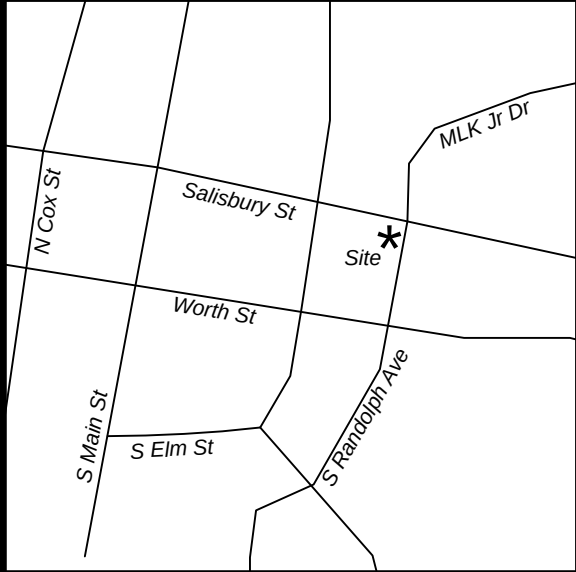
→ Applicant B. [Signature]

→ Date 6-10-2020

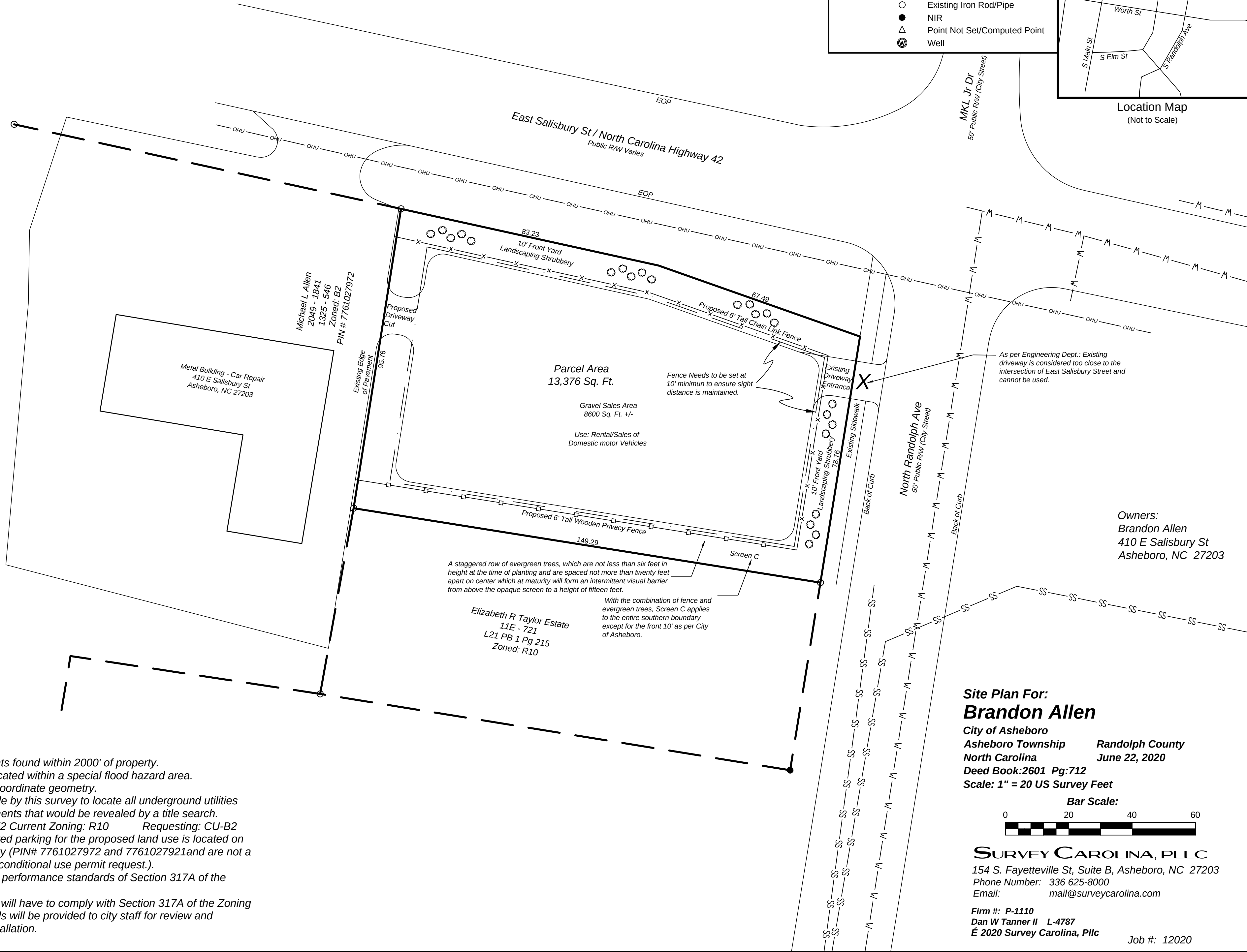
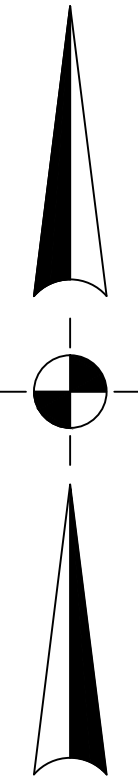
Received by staff: 6-10-2020-TE

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
- Well

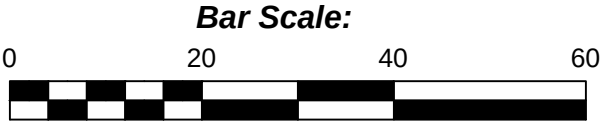


Location Map
(Not to Scale)



- 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. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
 5. Tax PIN: 7761027972 Current Zoning: R10 Requesting: CU-B2
 6. The office and required parking for the proposed land use is located on the adjoining property (PIN# 7761027972 and 7761027921and are not a part of the rezoning/conditional use permit request.).
 7. The use will meet all performance standards of Section 317A of the Zoning Ordinance.
 8. Any outdoor lighting will have to comply with Section 317A of the Zoning Ordinance and details will be provided to city staff for review and approval prior to installation.

Site Plan For:
Brandon Allen
City of Asheboro
Asheboro Township
North Carolina
Deed Book:2601 Pg:712
Scale: 1" = 20 US Survey Feet



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
É 2020 Survey Carolina, PLLC

Job #: 12020

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, JUNE 4, 2020
7:00 PM**

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

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

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
D. Richard Thompson, Jr., Police Captain

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

2. Moment of silent prayer and pledge of allegiance.

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

3. Old Business - Land Use Cases Continued from a Previous Meeting:

- (a) RZ-20-01 (Public Hearing): An application to rezone property at 137 North Randolph Avenue (Randolph County Parcel Identification Number 7761027972) from R7.5 to B2 zoning.**

Mayor Smith re-opened the public hearing on an application to rezone property located at 137 North Randolph Avenue from R7.5 to B2 zoning. This public hearing had been continued from the Council's meetings on April 9, 2020 and May 7, 2020.

Community Development Director Trevor Nuttall presented a written request from Mr. Brandon Allen, the Applicant, to continue the above-referenced public hearing to the Council's regular July 9, 2020 meeting. The Applicant made this request in order to have more time to convert his application into a request for Conditional Use B2 zoning and for a corresponding conditional use permit.

Upon motion by Council Member Bell and seconded by Council Member Burks, the Council voted unanimously to continue the public hearing to its July 9, 2020 regular meeting. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

- (b) RZ-CUP-20-03 (Quasi-Judicial Hearing): An application to rezone property at 1420 East Salisbury Street and 358 Patton Avenue (Randolph County Parcel Identification Number 7761513992) from R10 to CU-I2 zoning and to obtain a conditional use permit authorizing land uses identified as Motor Vehicle Repair, Major and Rental/Sales of Domestic Vehicles.**

Mayor Smith re-opened the public hearing on the combined request from Kenneth and Bridget Gallimore (the “Applicants”) to legislatively rezone the above-described property (the “Zoning Lot”) and to issue a Conditional Use Permit on the basis of evidence presented during the quasi-judicial hearing. This hearing was continued from the council meeting held on May 7, 2020.

Mr. Nuttall, who was originally placed under oath on May 7, 2020, testified that legal notices for this hearing were published and mailed as required by law. There required notices were mailed to adjoining property owners on April 20, 2020.

The Zoning Lot that is the subject of this application is approximately 2.1 acres in size. At the time of the hearing of this case, the lot was owned by Deborah a. Maness, who signed the application submitted by the Gallimores.

Mr. Nuttall presented the planning staff’s analysis of the Applicants’ request that included a properly submitted site plan for the Conditional Use Permit. The analysis of the requested rezoning to a CU-I2 zoning district noted in part:

1. The property is located outside the city limits. Connection to city services will require annexation consistent with city policies.
2. East Salisbury Street is a state-maintained minor thoroughfare. Patton Avenue is a state-maintained road connecting East Salisbury Street and N.C. Highway 42 North that is 15-16 feet wide in front of the subject property.
3. The area primarily consists of residential, commercial (including Randolph Mall to the east) and office/institutional uses. Also, along the north side of East Salisbury Street are automotive repair uses that are industrially zoned.
4. The zoning ordinance statement of intent for the underlying I2 zoning district is “to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts.”
5. In addition to the rezoning request, the Applicant has filed an application for a Conditional Use Permit allowing motor vehicle repair, major and rental/sales of domestic vehicles.
6. The Land Development Plan proposed land use map designates the northern portion of the property along East Salisbury Street as “Office and Institutional.” A small portion on the southern part of the property is designated “Urban Residential.”

In terms of Land Development Plan goals/policies that were identified by staff as supporting the rezoning request, the following information was provided to the Council:

Checklist Item 12-15: Located outside of watershed area, Outside of Special Hazard Flood Area, disturbance area not located on Steep Slopes, not located on poor soils

Use and Location Compliance: High Priority Checklist #5 – The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Use and Location Compliance: Medium Priority Checklist #8 – The request is an adaptive reuse of a vacant or unused lot, or is an infill lot.

The following Land Development Plan goals/policies were identified by staff as not supporting the request:

Checklist Item 1: Not compliant with the Proposed Land Use Map.

Policy 2.1.1: 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.

Mr. Nuttall also presented the staff's analysis of the Conditional Use Permit application. The analysis noted, in part, as follows:

1. The Applicant proposes two structures. These include a 12,800 square foot building for motor vehicle repair and an office, and a 2,800 square foot structure used for storage.
2. The site plan shows access from East Salisbury Street and no access from Patton Avenue.
3. The required buffering/screening is either a 10' Type C screen or 25' Type C buffer adjacent to the residentially zoned (R10) property on the south side of the property. The Applicant is proposing using a combination of evergreen trees and a fence adjacent to this residential property. In addition, the Applicant proposes a combination of trees and shrubs within the front yards on East Salisbury Street and Patton Avenue as required by the zoning ordinance.
4. The zoning ordinance and city code generally prohibit outdoor storage of junked motor vehicles and junk materials. No open storage areas of other materials are shown on the site plan, therefore, this would not be permitted.

The planning board adopted the planning staff's analysis of the rezoning request and recommended approval of the requested rezoning for the Zoning Lot. The basis for this recommendation was articulated as follows:

Since initial adoption of the Land Development Plan in 2000, the city has approved two requests for conditional use industrial zoning districts in the vicinity of the subject property, the most recent being property owned by the Applicant just to the northeast in 2016. Like these prior requests, this application is not compliant with the Land Development Plan's Proposed Land Use Map but is supported by other plan goals and objectives. Namely, approval of the request would promote development, annexation, and provision of public services to the property in accordance with the Land Development Plan's Growth

Strategy Map which designates the property as Adjacent Developed Area.

Compatibility with residential uses, especially to the west and south, and Patton Avenue's limited road capacity are of concern, but staff believes the Conditional Use permitting process can help to mitigate potential adverse impacts from any development.

Considering these factors, staff believes the request is generally consistent with the Land Development plan, and is reasonable and in the public interest.

The Applicant, Mr. Kenneth Gallimore, and Real Estate Broker H.R. Gallimore were placed under oath and offered testimony in support of the application. This testimony specifically included addressing the four standards for the issuance of a Conditional Use Permit. As part of his testimony, the Applicant consented to the following conditions that were recommended by the planning staff for attachment to the requested Conditional Use Permit.

1. Prior to the issuance of a zoning compliance permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:
 - (i) Driveway permit from NCDOT
 - (ii) Erosion control approval from the N.C. Department of Environmental Quality.
2. Prior to the issuance of a zoning compliance permit, the Applicant shall provide detail concerning proposed outdoor lighting in compliance with Section 316A.B.1 (Performance Standards in Industrial Districts, Light).
3. Should the number of parking spaces required to serve the proposed land use be determined to be less than the amount of parking shown on the site plan, a change to the amount of parking that is compliant with the zoning ordinance specifications shall not be considered a modification of the project requiring Council approval. The Applicant shall submit a revised site plan for review by the city staff for inclusion into the file.
4. 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.

While no one presented testimony in opposition to the requested land use approval during the quasi-judicial hearing, a letter dated May 6, 2020, from the Associate General Counsel for the Hull Property Group, which owns the Asheboro Mall, was distributed. The letter reflected concerns held by the Hull Property Group about the land use request. No one from the Hull Property Group was present during the hearing of this case.

In the absence of any sworn witnesses other than the Applicants and their real estate expert, Mayor Smith transitioned to the deliberative phase of the application process.

With regard to the requested zoning map amendment, the city council concurred with the staff and planning board's analysis of the consistency of the request with the land development plan. Council Member Bell moved, and Council Member Moffitt seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion:

1. Since the initial adoption of the Land Development Plan in 2000, the city has approved two requests for conditional use industrial zoning districts in the vicinity of the subject property, the most recent being property owned by the Applicant just to the northeast in 2016. While this application is not compliant with the Land Development Plan's Proposed Land Use Map, the application is supported by other plan goals and objectives. Namely, approval of the request will promote development, annexation, and provision of public services to the property in accordance with the Land Development Plan's Growth Strategy Map which designates the property as Adjacent Developed Area.

Compatibility with residential uses, especially to the west and south, and Patton Avenue's limited road capacity are of concern, but the Conditional Use permitting process will mitigate potential adverse impacts from any development. Thus, the city council finds the rezoning request to be reasonable and in the public interest.

2. In light of the above-stated analysis, and looking at the totality of the evidence, the requested zoning map amendment to place the Zoning Lot in a CU-I2 zoning district is approved as consistent with the adopted plan.

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

After approving the requested zoning map amendment, the Council Members concluded that the standards for granting the requested Conditional Use Permit had been met. Upon motion by Council Member Bell and seconded by Council Member Moffitt, the Council voted unanimously to approve the requested Conditional Use Permit, with the stated conditions, authorizing motor vehicle repair, major and rental/sales of domestic motor vehicles. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

The final decision document authorizing the Conditional Use Permit and specifying the conditions attached to the permit will be entered by the Council during regular session on July 9, 2020.

Copies of the slide show utilized by Mr. Nuttall and the letter submitted by the Hull Property Group are on file in the city clerk's office.

4. Public comment period.

Mayor Smith opened the floor for public comments. The following individuals presented comments and concerns pertaining to current events focusing the attention of the nation and local communities such as Asheboro on issues of how policing is conducted and the presence of systemic racism in our society:

1. Jennyfer Burcado
2. Bobby Crutchfield
3. Jane Gant
4. Clyde Foust, Jr.
5. Maria Foust
6. Charles Antinori
7. Michael Trodgon
8. Adam Goodman
9. Helen Settle
10. Dimitria McSwain
11. India Little

12. Amber Smith
13. Madison Perdue
14. Cristen Bailey

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

5. Finance Items:

(a) Discussion of the impact on utility billing operations from the executive orders issued in response to the novel coronavirus.

Finance Director Deborah Reaves gave an overview of the impact of the current public health emergency and the corresponding executive orders on the city's utility operations.

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

(b) Consideration of an ordinance amending Section 50.006 (Paying Service Charges) in the Code of Asheboro.

Ms. Reaves presented and recommended adoption, by reference, of an ordinance amending Section 50.006 (Paying Service Charges) in the Code of Asheboro.

Upon motion by Council Member Bell and seconded by Council Member Burks, the Council voted unanimously to adopt the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

ORDINANCE NUMBER 15 ORD 6-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE TO AMEND SECTION 50.006 (PAYING SERVICE CHARGES) IN THE CODE OF ASHEBORO

WHEREAS, Section 160A-312(b) of the North Carolina General Statutes provides as follows:

A city shall have full authority to protect and regulate any public enterprise system belonging to or operated by it by adequate and reasonable rules. The rules shall be adopted by ordinance, shall apply to the public enterprise system both within and outside the corporate limits of the city, and may be enforced with the remedies available under any provision of law; and

WHEREAS, Section 160A-314(a) of the North Carolina General Statutes provides as follows:

A city may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished or to be furnished by any public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary according to classes of service, and different schedules may be adopted for services provided outside the corporate limits of the city; and

WHEREAS, Subsection (F) in Section 51.35, which pertains to user charges for the city's commercial sanitation customers, in the Code of Asheboro provides as follows:

The collection charges instituted in this section will be added to the sanitation customer's water and sewer bill. Payment terms will be the same as for the water and sewer bill. In the event of nonpayment of

this charge, collection of the customer's refuse/recyclables will be discontinued until payment is remitted in full. All payments for solid waste/recycling services user fees and water and sewer charges whether full or partial payments shall be applied to the customer's account as follows: First, to any solid waste services user fee charges including any arrears charges; second, to any recycling services user fee charges including arrears charges; and third, to any water and sewer charges including arrears charges. In the event of partial payments, the utility charges will be considered outstanding and the prescribed disconnection of services for non-payment will be enforced; and

WHEREAS, Subsection (B) in Section 51.36, which pertains to user charges for the city's residential sanitation customers, in the Code of Asheboro provides as follows:

The collection charges instituted in this section will be added to the sanitation customer's water and sewer bill. Payment terms will be the same as for the water and sewer bill. In the event of nonpayment of this charge, collection of the customer's refuse/recyclables will be discontinued until payment is remitted in full. All payments for solid waste/recycling services user fees and water and sewer charges whether full or partial payments shall be applied to the customer's account as follows: First, to any solid waste services user fee charges including any arrears charges; second, to any recycling services user fee charges including arrears charges; and third, to any water and sewer charges including arrears charges. In the event of partial payments, the utility charges will be considered outstanding and the prescribed disconnection of services for non-payment will be enforced; and

WHEREAS, Section 50.006 in the Code of Asheboro contains regulations that guide the city's billing and collections department in administering water and sewer service charges; and

WHEREAS, the city manager and finance officer have recommended listing in Section 50.006 of the Code of Asheboro the order in which payments are to be applied by the billing and collections department to customers' accounts; and

WHEREAS, the city manager and finance officer have also recommended amending the rules found in Section 50.006 of the Code of Asheboro to specifically address the order in which payments are to be applied to a customer's account when that account includes a payment plan established in compliance with gubernatorial executive orders issued to address the impact of the novel coronavirus; and

WHEREAS, the Asheboro City Council concurs with the recommendations received from the city manager and the finance officer.

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

Section 1. Section 50.006 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.006 PAYING SERVICE CHARGES

- (A) Water and sewer accounts are payable to the City Water Department, 146 North Church Street, Asheboro, North Carolina. All bills are due and payable on receipt, and, subject to division (C) of this section, all accounts for which payment is not received by the Water Department within 15 days from the billing date indicated on the bill shall be considered delinquent. Once an account becomes delinquent, a \$10 fee shall be assessed against the account as a first tier late fee. If an account remains in a state of delinquency as of the 25th day from the billing date indicated on the bill, an additional \$20 fee shall be assessed against the

account as a second tier late fee. Upon assessment, any and all late fees shall be immediately due and payable. For all delinquent accounts that are in a state of delinquency of 25 days or more, a cut-off notice shall be mailed which shall specify a final date by which payment must be remitted or service will be discontinued pursuant to and in accordance with § 50.007. The cut-off notice shall also provide notice that customers may submit disputed bills to the Water and Sewer Billing and Collections Department supervisor for review; the supervisor or his or her deputy shall be authorized to make adjustments to the billing amount in accordance with § 50.021 if such is deemed proper following the review. The notice shall specify the hours during which a customer may call or come by for a review of disputed unpaid bills. After the review process, any customer who does not pay or make arrangements to pay the amount determined by the review process to be owed to the city shall be entered on a list of delinquent customers whose services are to be terminated pursuant to and in accordance with § 50.007.

- (B) If notification is received that a check has not been honored and has been returned due to insufficient funds or for any other reason, a charge of \$25 shall be added to the customer's current bill, and such charge shall become immediately due and payable. Additionally, if payment in full with good funds has not been received within 15 days from the billing date indicated on the customer's bill, the account shall be considered delinquent. In the event an account becomes delinquent due to a financial institution not honoring a check, a \$10 late fee shall be assessed against the account as a first tier late fee. If the account is or remains in a state of delinquency as of the 25th day from the billing date, an additional \$20 fee shall be assessed against the account as a second tier late fee. A customer shall have five business days from the date of notification to the city that the customer's check has not been honored to make payment in full, including any assessed fees, with good funds to the City Water Department. If the outstanding balance is not paid in full with good funds within the time period specified in the preceding sentence or by the 25th day of the month in which the bill is first due and payable, whichever is later, the customer's water service will be discontinued without further notice pursuant to and in accordance with § 50.007. Whenever within any 12-month period the city is notified on two separate occasions that a customer's check has been returned due to insufficient funds in the account or for any other reason, such a customer shall be required to make payment in good funds for 12 consecutive billing periods before such a customer is eligible to make payments in any other form.
- (C) As with all other customers, water and sewer accounts that are paid by means of automatic draft are payable to the City Water Department, 146 North Church Street, Asheboro, North Carolina. Customers who choose to make payments on their water and sewer accounts by means of automatic draft may make arrangements with the City Water Department to have an appropriate account at a financial institution drafted for payment in full of a regular billing on the tenth day, fifteenth day, twentieth day, or twenty-fifth day of the month in which a bill is due and payable. If notification is received that an attempted automatic draft of a payment has failed due to insufficient funds in a customer's designated account or for any other reason, a charge of \$25 shall be added to the customer's current bill, and such charge shall become immediately due and payable. Additionally, if any attempted automatic draft of a customer's account fails and payment in full with good funds has not been received within 15

days from the billing date indicated on the customer's bill, the account shall be considered delinquent. In the event an account becomes delinquent, a \$10 late fee shall be assessed against the account as a first tier late fee. If the account is or remains in a state of delinquency as of the 25th day from the billing date, an additional \$20 fee shall be assessed against the account as a second tier late fee. A customer shall have five business days from the date of notification to the City Water Department that an automatic draft of the customer's designated account has not been honored to make payment in full, including any assessed fees, with good funds to the City Water Department. If the outstanding balance is not paid in full with good funds within the time period specified in the preceding sentence or by the twenty-fifth day of the month in which the bill is first due and payable, whichever is later, the customer's water service will be discontinued without further notice pursuant to and in accordance with § 50.007. Whenever within any 12-month period the City Water Department is notified on two separate occasions that an attempt to automatically draft a customer's designated account for payment has failed due to insufficient funds in the account or for any other reason, such a customer shall be required to make payment in good funds only for 12 consecutive billing periods before such a customer is eligible to make payments to the city in any form other than good funds.

(D) Payments will be applied to a customer's bill in the following order:

- (1) Solid waste services user fees and charges, inclusive of any and all fees and charges found in Chapter 51 of the Code of Asheboro other than recycling services user fees and charges;
- (2) Recycling services user fees and charges;
- (3) Installment payments made in compliance with a payment plan established in response to gubernatorial executive orders or local state of emergency declarations that modify utility collection practices;
- (4) Sampling fees;
- (5) Surcharge fees;
- (6) Miscellaneous fees and charges found in Chapter 50 of the Code of Asheboro and not otherwise addressed by this division, including without limitation any and all late fees and disconnection fees;
- (7) Sewer service charges; and
- (8) Water service charges.

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

Section 3. This Ordinance shall take effect and be in force from and after July 1, 2020.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of June, 2020.

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

ATTEST:

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

(c) Consideration of a resolution approving installment financing agreement terms between the city and Truist Bank.

Ms. Reaves presented and recommended adoption, by reference, of a resolution approving installment financing terms with Truist Bank.

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

RESOLUTION NUMBER 08 RES 6-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A Resolution Approving Installment Financing
Terms with Truist Bank

WHEREAS, the City of Asheboro (the “City”) decided at the beginning of the current fiscal year to undertake a project for the financing of vehicles and equipment (the “Project”); and

WHEREAS, Section 160A-20 of the North Carolina General Statutes authorizes the City to finance the purchase of personal property by means of an installment financing contract that creates a security interest in the purchased property in favor of the entity supplying financing for the purchase transactions; and

WHEREAS, by means of adopting Resolution Number 27 RES 8-19 on August 8, 2019, the Asheboro City Council stated its intent, prior to the execution of any installment financing agreement and consistent with the city’s budget ordinance for fiscal year 2019-2020, to expend a maximum of \$921,938.00 from the General Fund during the current fiscal year for certain vehicles and equipment referenced in the adopted Resolution of Intent; and

WHEREAS, with the adoption of Resolution Number 27 RES 8-19, the Asheboro City Council formally and explicitly declared the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement to be executed prior to the end of the 2019-2020 fiscal year, any and all expenditures from the General Fund for the purchase during the current fiscal year of the vehicles and equipment identified in the Resolution of Intent as necessary to the provision of essential municipal services; and

WHEREAS, after searching for favorable financing rates and terms, the city manager and the finance officer have presented a proposal for the financing of the above-referenced Project.

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

Section 1. The determination is hereby made that the City will finance the Project through Truist Bank (“Truist”) in accordance with the proposal dated May 5, 2020. The amount financed shall not exceed \$921,938.00, the annual interest rate (in the absence of a

default or a change in tax status) shall not exceed 1.99%, and the financing term shall not exceed 59 months from closing.

Section 2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents and to take all such further action as they may consider necessary or desirable to carry out the financing of the Project as contemplated by the proposal and this Resolution.

Section 3. The finance officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. To the extent authorized by law, the finance officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the finance officer shall approve, with the finance officer’s release of any Financing Documents for delivery constituting conclusive evidence of such officer’s final approval of the documents’ final form.

Section 4. The City shall not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).

Section 5. In addition to the above-referenced Resolution of Intent (Resolution Number 27 RES 8-19), the City intends that the adoption of this Resolution will be a declaration of the City’s official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Truist financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City’s General Fund or any other fund related to the Project for Project costs may be reimbursed from the financing proceeds.

Section 6. All prior actions of City officers in furtherance of the purposes of this Resolution are hereby ratified, approved, and confirmed. All other resolutions (or parts thereof) in conflict with this Resolution are hereby repealed to the extent of any such conflict. This Resolution shall take effect immediately.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of June, 2020.

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

ATTEST:

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

(d) Consideration of a budget ordinance amendment pertaining to the General Fund for fiscal year 2019-2020.

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the general fund for fiscal year 2019-2020.

Upon motion by Council Member Bell and seconded by Council Member Swiers, the Council voted unanimously to adopt the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2019-2020

WHEREAS, the City has contracted with Ready Telecom Inc. to extend high speed internet to Bicentennial Park & Downtown at a cost of \$33,066, and;

WHEREAS, The City and Randolph County are sharing consulting fees associated with the Randolph Health Bankruptcy and reorganization and the City’s share of the current invoices is \$18,873, and;

WHEREAS, the Asheboro Fire Department has been approved to offer a fire Fighter trainee program similar to the Police Officer trainee program and they would like to move forward with implementation of this program and thus has requested funds to cover salaries for June 2020 at \$17,300, and;

WHEREAS, the Engineering department’s salary line items needs to be amended by \$23,790, and;

WHEREAS, the City has a need to do some additional feasibility studies / design work for McCrary Ballpark improvements for \$12,351, and;

WHEREAS, the earlier in the year, funding for pay plan changes were able to be absorbed vs moved from the budgeted line item in Human Resources budget leaving some available funds to be reallocated and the City Manager authorized a transfer of funds in May via internal amendment (#1413, 1414, 1415, 1416) between departments, and;

WHEREAS, as outlined in the Budget Ordinance, the City Manager needs to report the amendment detail for formal approval at the next scheduled council meeting, and;

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

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

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-490-0400	Professional Services	51,939
10-575-0200	Salaries	20,400
10-575-0702	FICA	1,560
10-575-0705	Retirement	1,830
10-530-0200	Salaries	17,300
10-620-0400	Professional Services	12,351
10-590-0600	Unallocated Pay Plan Funds	(105,380)
	Total Change	0

Adopted this 4th day of June, 2020.

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

ATTEST:

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

(e) The introduction of the proposed annual budget for fiscal year 2020-2021.

Ms. Reaves introduced the proposed annual budget for fiscal year 2020-2021.

The proposed fiscal year 2020-2021 budget is balanced at \$48,249,510.00. The city manager, who serves as the budget officer, has recommended that the property tax rate remain at \$0.665 cents per \$100.00 value. Likewise, no change is recommended in the charges that support the water and sewer fund.

The public hearing for the proposed budget will held during a special meeting of the city council on June 11, 2020, and the annual budget adoption meeting is scheduled for June 25, 2020 at 7:00 p.m. in the council chamber located in Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina.

A copy of the slide show utilized by Ms. Reaves is on file in the city clerk's office. The council took no action on the proposed budget at this time.

6. Consent Agenda:

Upon motion by Council Member Burks and seconded by Council Member Bell, the Council voted unanimously to approve/adopt the following consent agenda items. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

(a) The meeting minutes for the city council's regular meeting held on May 7, 2020.

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

(b) The acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for April 6, 2020.

The minutes of the meeting held by the Asheboro ABC Board on April 6, 2020, have been received by the city clerk, distributed to Mayor Smith and the Council Members for review, and have been filed in the city clerk's office.

(c) The acknowledgement of the receipt, on May 21, 2020, of the budget message and proposed budget for the Asheboro ABC Board for fiscal year 2020-2021.

The budget message from the Asheboro ABC Board's general manager/budget officer and the proposed Asheboro ABC Board budget for fiscal year 2020-2021 were received by the city clerk on May 21, 2020, distributed to Mayor Smith and the Council Members for review, and have been placed on file in the city clerk's office.

[The remainder of this page was intentionally left blank.]

- (d) The final decision document for the land use case identified by file number CUP-20-04.

Case No. CUP-20-04
Final Decision Document
City Council of the City of Asheboro, North Carolina

**IN THE MATTER OF THE APPLICATION BY TRICOR INTERNATIONAL LLC
FOR A CONDITIONAL USE PERMIT AUTHORIZING A COMMERCIAL
DEVELOPMENT WITH MULTIPLE USES AND/OR STRUCTURES**

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

THIS MATTER came before the Asheboro City Council (the “Council”) for a properly advertised quasi-judicial hearing on May 7, 2020. During the hearing, sworn witnesses provided testimony and documentary evidence in support of the application submitted by Tricor International LLC (the “Applicant”) for a Conditional Use Permit (“CUP”). Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

FINDINGS OF FACT

1. The Applicant properly submitted, by and through Marc Hagle, who is the company’s chief executive officer, a complete application for a CUP authorizing the proposed land use, which is identified by the Asheboro Zoning Ordinance (the “Ordinance”) as a commercial development with multiple uses and/or structures. Along with building elevations, the Applicant submitted the site plan required by Section 1005 of the Ordinance.

2. Aside from the above-referenced label applied to the proposed land use by the Ordinance, the commonly used description for the Applicant’s proposed land use is multi-tenant building for office and retail uses.

3. The proposed site for this multi-tenant building is a parcel of land, which is identified by Randolph County Parcel Identification Number 7760584122, at 1226 East Dixie Drive. This parcel of land (the “Zoning Lot”) is approximately 22.11 acres in size and is owned by Middleton Income Investors Asheboro LLC.

4. In his capacity as an authorized signatory for Middleton Income Investors Asheboro LLC, Peter L. Holstein signed the application submitted to the city by Tricor International LLC for the purpose of obtaining a CUP authorizing a commercial development with multiple uses and/or structures.

5. During his testimony, City of Asheboro Community Development Director Trevor Nuttall testified that the required notices of the application for the issuance of a CUP were mailed and published in accordance with the applicable legal requirements. The legal notices were mailed to adjoining property owners on April 20, 2020.

6. The Zoning Lot is currently located in a Conditional Use B-2 zoning district.

7. Section 102 of the Ordinance describes a Conditional Use District as follows:

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

8. Section 102 of the Ordinance also provides:

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

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

9. Section 1013.2 of the Ordinance establishes the following general standards for the issuance by the Council of a CUP:

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

- 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.*
- 2. That the use meets all required conditions and specifications.*
- 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.*
- 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.*

10. Section 210 of the Ordinance contains a statement of intent for the B2 General Commercial District, and this statement of intent provides as follows:

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

11. According to Table 200-2 of the Ordinance, commercial developments with multiple uses and/or structures, which is the type of land use proposed by the Applicant for the Zoning Lot, are permitted as a principal use in the underlying B2 zoning district.

12. The Ordinance’s supplemental regulations for commercial developments with multiple uses and/or structures, which are found as Note 9 in the notes to Table 200-2, provide as follows:

This type of development generally includes more than (sic) one principal structure and use with associated accessory structures and uses on one zoning lot which will not be subdivided into customary building lots. The development as a whole (including all principal structures and accessory structures) may not exceed the permitted FAR for the district in which the development is located. All yard, height, setback, parking, buffer and screening etc. requirements of this ordinance shall be met for the development as a whole.

13. With regard to the Zoning Lot, the surrounding land uses are as follows:			
North:	Commercial	East:	Commercial/ Residential including Undeveloped buffer)
South:	Residential	West:	Undeveloped Commercial

14. The Zoning Lot is located inside the city limits.

15. East Dixie Drive is a state-maintained boulevard.

16. The Zoning Lot is already subject to a CUP that was issued when the property was developed in 1998. This existing permit was for a retail/commercial use, which is synonymous with the Ordinance’s current nomenclature of “commercial development with multiple uses and/or structures.”

17. On the basis of the existing permit, commercial development with multiple uses and/or structures has already occurred on the Zoning Lot (e.g., the existing Walmart Supercenter).

18. The Applicant’s proposal constitutes a modification in the form of the addition of an approximately 8,400-square foot structure for additional uses and the reconfiguration of some parking. This modification requires a new CUP.

19. The requested CUP will allow all uses permitted by right in the B2 zoning district so long as such uses are developed and conducted in accordance with the CUP approved by the Council.

20. The structure proposed by the Applicant will be located within the interior of the Zoning Lot, between the existing commercial development and East Dixie Drive. As required by the Ordinance, additional plantings will be required within the newly reconfigured parking area that will serve the proposed addition. Other buffering and screening required by the Ordinance as well as requirements of the existing CUP will be required to be maintained on the Zoning Lot.

21. Subject to the above-described modifications for the addition of a new structure with reconfigured parking, the remaining conditions/restrictions found in the previously approved CUP that are not already addressed by the Ordinance will remain in place under the Applicant’s proposal.

22. The city’s Growth Strategy Map designates the Zoning Lot as a Primary Growth Area, and the Proposed Land Development Plan Map identifies the area in which the Zoning Lot is located as commercial.

23. Any business that locates within the proposed structure will be required to follow all applicable state and federal health, safety, and licensure regulations (e.g., restaurants, hair salons, etc.).

24. The Walmart Supercenter and the other business already located on the Zoning Lot have been in this location for approximately two decades without any indication of abnormal dangers to health and safety.

25. The site plan for the proposed land use is in compliance with the conditions and specifications prescribed by the Ordinance.

26. Molly Chisholm, who is a licensed North Carolina appraiser, has done substantial work in Randolph County. She performed a market impact study and submitted the results of her study to the Council. Ms. Chisholm was available for direct and cross examination.

27. Molly Chisholm concluded, using paired sales analyses, that the proposed development does not substantially injure the value of adjoining or abutting property.

28. Mr. James M. Stocks, PE testified as to his professional opinion that the proposed land use complies with all applicable requirements.

29. No evidence was presented in opposition to the granting of the requested CUP.

30. Thomas E. Terrell, Jr., Esq., on behalf of his client (the Applicant), proposed the following conditions for attachment to the requested CUP:

- (A) The approved land use is a commercial development with multiple uses and/or structures.
- (B) The continued maintenance of all required berms, fences, buffers, and landscaping, as required by the previous Conditional Use Permit (CUP-98-21), shall be the responsibility of the property owner.
- (C) Parking lot sweeping operations are restricted to the hours of 7:00 a.m. to 10:00 p.m., Mondays through Saturdays. On Sundays, the hours shall be restricted to the hours of 9:00 a.m. to 10:00 p.m.
- (D) Trash collection will be restricted to the hours of 8:00 a.m. to 5:00 p.m.
- (E) Access to Inwood Road or Brower's Chapel Road shall not be permitted.
- (F) All requirements of Section 317A (Performance Standards for Commercial Districts) in the Ordinance shall be met and maintained.
- (G) The property owner shall provide the standard 20' easement to the City of Asheboro for maintenance purposes from the existing city-maintained water line up to and including the new fire hydrant and meter. Surveying and construction drawings for DEQ permitting/easement drafting will be developer's responsibility.
- (H) Trucks loading or unloading or waiting to load or unload shall not be allowed to idle.
- (I) At site plan review, the City may require blanket easements for trash pickup, electrical infrastructure, parking, sewer, and other utilities that were approved as part of the original 1998 conditional use permit.
- (J) The rear walls of the existing Walmart Supercenter located on the Zoning Lot will continue to be finished in earth tone colors encompassing all shades of white, gray, or light or dark colors that do not call visual attention to it. High intensity colors, metallic colors, or fluorescent colors shall be prohibited.

- (K) Prior to the issuance of a zoning compliance permit, documentation that the proposal is acceptable to NCDOT shall be provided.
- (L) 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.

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

CONCLUSIONS OF LAW

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

2. In this case, the Applicant properly submitted an application for a CUP authorizing a commercial development with multiple uses and/or structures on the Zoning Lot.

3. The Zoning Lot is located in a CU-B2 zoning district. A commercial development with multiple uses and/or structures is permitted in the underlying B2 zoning district, and the status of this district as a conditional use district allows for closer review of the proposed land use and the imposition of individualized conditions that further the legitimate objectives of the Ordinance.

4. On the basis of competent, material, and substantial evidence in the record, and due to the acceptance by the Applicant of the conditions listed hereinbelow for attachment to the CUP, the Applicant's proposed land use meets the four general standards for granting the requested CUP, to wit:

- (A) In light of the testimony, the Applicant's site plan, and the Applicant's commitment to comply with the conditions attached to this CUP, the Council has concluded that the proposed land use will not materially endanger the public health or safety if located where proposed and developed according to the approved plan.
- (B) The Applicant's proposed land use meets all of the Ordinance's required conditions and specifications.
- (C) On the basis of the market impact study submitted during the hearing of this case, the Council has concluded that the proposed land use will not substantially injure the value of adjoining or abutting property.
- (D) The Council has concluded that the location and character of the proposed modification to the existing commercial development with multiple uses and/or structures, 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 is in general conformity with Asheboro's plan of development.

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

ORDER

Subject to the following conditions, a Conditional Use Permit authorizing the proposed commercial development with multiple uses and/or structures on the Zoning Lot is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns.

The continuing validity of this Conditional Use Permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, the approved site plan, and the following supplementary conditions:

- (A) The approved land use is a commercial development with multiple uses and/or structures.
- (B) The continued maintenance of all required berms, fences, buffers, and landscaping, as required by the previous Conditional Use Permit, which is identified as CUP-98-21, shall be the responsibility of the property owner.
- (C) Parking lot sweeping operations are restricted to the hours of 7:00 a.m. to 10:00 p.m., Mondays through Saturdays. On Sundays, the hours shall be restricted to the hours of 9:00 a.m. to 10:00 p.m.
- (D) Trash collection will be restricted to the hours of 8:00 a.m. to 5:00 p.m.
- (E) Access to Inwood Road or Brower's Chapel Road shall not be permitted.
- (F) All requirements of Section 317A (Performance Standards for Commercial Districts) in the Ordinance shall be met and maintained.
- (G) The property owner shall provide the standard 20' easement to the City of Asheboro for maintenance purposes from the existing city-maintained water line up to and including the new fire hydrant and meter. Surveying and construction drawings for DEQ permitting/easement drafting will be developer's responsibility.
- (H) Trucks loading or unloading or waiting to load or unload shall not be allowed to idle.
- (I) At site plan review, the City may require blanket easements for trash pickup, electrical infrastructure, parking, sewer, and other utilities that were approved as part of the original 1998 conditional use permit.
- (J) The rear walls of the existing Walmart Supercenter located on the Zoning Lot will continue to be finished in earth tone colors encompassing all shades of white, gray, or light or dark colors that do not call visual attention to it. High intensity colors, metallic colors, or fluorescent colors shall be prohibited.
- (K) Prior to the issuance of a zoning compliance permit, documentation that the proposal is acceptable to NCDOT shall be provided.
- (L) 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.

The foregoing final decision document was adopted by the Asheboro City Council in open session during a regular meeting on the 4th day of June, 2020.

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

ATTEST:

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

- (e) A resolution accepting a grant offer and providing the assurances required for a recipient of an asset inventory and assessment state grant.

RESOLUTION NUMBER 09 RES 6-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION BY THE CITY OF ASHEBORO AS A RECIPIENT OF ASSET
INVENTORY AND ASSESSMENT STATE GRANT**

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water infrastructure needs; and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$150,000 to perform asset inventory and assessment work; and

WHEREAS, the City of Asheboro (hereafter referred to as the “City”) intends to perform said project in accordance with the agreed scope of work.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro (hereafter the “Council”) that the City does hereby accept the State Reserve Grant offer of \$150,000; and

BE IT FURTHER RESOLVED that the Council does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to; and

BE IT FURTHER RESOLVED by the Council that John N. Ogburn, III, who is the city manager for the City (the city manager will be hereafter referred to as the “Authorized Official”), and any successor so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 4th day of June, 2020.

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

ATTEST:

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

[The remainder of this page was intentionally left blank.]

- (f) **An interlocal agreement with Randolph County for law enforcement dispatch services during fiscal year 2020-2021.**

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

INTERLOCAL AGREEMENT FOR
LAW ENFORCEMENT DISPATCH SERVICES

This Interlocal Agreement (this “**Agreement**”) is made and entered into as of the date of the last signature affixed hereto, by and between the City of Asheboro (“**CITY**”) and Randolph County (“**COUNTY**”). (CITY and COUNTY are hereinafter collectively referred to as the “**Parties.**”)

WITNESSETH:

THAT WHEREAS, CITY desires to enter into a contract with COUNTY for it to provide law enforcement dispatch services for the CITY’s police department.

WHEREAS, COUNTY desires to provide CITY with law enforcement dispatch services on the terms and conditions provided herein.

NOW, THEREFORE, the Parties do agree and contract as follows:

ARTICLE 1. TERM OF AGREEMENT

4.10 Term of Agreement. The term of this Agreement is for one (1) year beginning on July 1, 2020 and terminating on June 30, 2021.

ARTICLE 2. INDEPENDENT CONTRACTOR STATUS AND SERVICES TO BE PROVIDED BY THE RANDOLPH COUNTY

2.1 Independent Contractor Status. At all times when COUNTY and its personnel are rendering services pursuant to this Agreement they shall have the status of independent contractors with respect to CITY. The personnel provided for herein shall at all times be employees of COUNTY and not be employees of CITY. COUNTY shall be sole responsible for the supervision, control, and discipline of its personnel and for the direction of their work activities and assignments. COUNTY shall be sole responsible for the compensation of the personnel including all employee benefits. COUNTY shall be sole responsible for any injury to its personnel and their property.

2.2 Training, Equipping, Supervising, Credentialing. COUNTY is responsible for training, equipping, supervising, and credentialing the personnel provided for herein in a manner that complies with all applicable laws and rules and ensures that they are able to perform services under this Agreement.

2.3 Services to be Provided by COUNTY. COUNTY shall provide law enforcement dispatch services for CITY as provided in Attachment A, Scope of Services, attached to this Agreement and fully incorporated herein by reference.

ARTICLE 3. OBLIGATIONS OF CITY

3.1 Compensation. CITY shall pay COUNTY wages and associated benefits for four (4) full-time telecommunicator positions as provided in paragraph (a) below.

- (a) CITY shall remit to COUNTY monthly the sum of Twenty Thousand One Hundred Six and 67/100 Dollars (\$20,106.67) for services rendered pursuant to this Agreement.

- (b) In no event shall the amount remitted by the CITY under this Agreement be more than Two Hundred Forty-One Thousand Two Hundred and Eighty and 04/100 Dollars (\$241,280.04).

ARTICLE 4. GENERAL PROVISIONS

4.1 Time of Essence. Time is of the essence in performing all obligations under this Agreement.

4.2 Compliance with Laws: COUNTY shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its activities, including those of federal, state, and local agencies having jurisdiction or authority.

4.3 Subcontracting. COUNTY shall not subcontract the performance of its obligations.

4.4 Termination. Either Party may terminate this Agreement at any time by giving one hundred twenty (120) days' notice in writing to the other Party. Upon such termination, CITY shall pay COUNTY for unpaid services completed.

4.5 Assignment. COUNTY shall not assign this Agreement or any interest herein.

4.6 Amendments: This Agreement shall not be amended orally or by performance, but only by written amendments executed by the COUNTY and CITY.

4.7 Entire Agreement: This Agreement, including any exhibits hereto, is the entire agreement between the Parties and supersedes all prior oral or written communications and agreements.

4.8 Survival Clause. The following shall survive the termination or expiration this Agreement: (a) all obligations and liabilities that accrue under this Agreement before the termination or expiration of this Agreement, (b) all obligations under this Agreement to provide reports, documentation, or information to the other Party or to third parties, (c) all indemnity obligations imposed by this Agreement, (d) all provisions of this Agreement that impose an obligation after termination or expiration of this Agreement, and € all obligations under this Agreement which by their nature or context are intended to be performed after the termination or expiration of this Agreement.

4.11 Iran Divestment. Pursuant to N.C. Gen. Stat. §147-86.59, the Parties each certify that it is not identified on a list created by the North Carolina State Treasurer pursuant to N.C. Gen. Stat. §147-86.58 as a person engaging in investment activities in Iran. Contractor further certifies that in the performance of this Contract it shall not use any contractor or subcontractor that is identified on such a list.

4.12 E-Verify. Each party to this Agreement hereby attests that it currently complies with and shall continue to comply with, for the duration of this Agreement, Article 2 of Chapter 64 of the North Carolina General Statutes (commonly referred to as "E-Verify") and further attests that it ensures and continues to ensure that any subcontractors utilized by said party also comply with said Article.

IN WITNESS WHEREOF, CITY and COUNTY have each executed this Agreement in duplicate originals.

[The signature blocks are on the following page.]

COUNTY OF RANDOLPH

(SEAL)

Attest:

By: _____
Darrell L. Frye, Chairman
Randolph County Board of
Commissioners

Dana Crisco, Clerk to the Board

I, _____, a Notary Public of the County of Randolph, State of North Carolina, do hereby certify that Dana Crisco, who is personally known to me, appeared before me this day and acknowledged that she is the Clerk to the Board for the County of Randolph and that, by authority duly given and as the act of the County of Randolph, the foregoing instrument was voluntarily executed on behalf of the County by Darrell L. Frye, the Chairman of its Board of Commissioners, sealed with the County's corporate seal, and attested by her as Clerk to the Board for the purposes stated therein.

Witness my hand and official stamp or seal, this _____ day of _____, 2020.

Notary Public

My Commission expires: _____.

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

William Massie, Finance Officer
Randolph County

CITY OF ASHEBORO

(SEAL)

Attest:

By: _____
/s/David H. Smith
David H. Smith, Mayor
City of Asheboro

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

I, _____, a Notary Public of the County of Randolph, State of North Carolina, do hereby certify that Holly H. Doerr, who is personally known to me, appeared before me this day and acknowledged that she is the City Clerk for the City of Asheboro and that, by authority duly given and as the act of the City of Asheboro, the foregoing instrument was voluntarily executed on behalf of the City by David H. Smith, the Mayor, sealed with the City's seal, and attested by her as Clerk for the purposes stated therein.

Witness my hand and official stamp or seal, this _____ day of _____, 2020.

Notary Public

My Commission expires: _____.

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

/s/Deborah P. Reaves
Deborah P. Reaves, Finance Officer
City of Asheboro

ATTACHMENT A
SCOPE OF SERVICES

1. Answer incoming non-emergency seven-digit telephone line calls for the cities and towns – assisting callers with related questions or issues.
2. Provide safety checks for the officers via radio while on calls, traffic stops, follow-up investigations, etc...
3. Provide cross-communication functions with other public-safety agencies and coordinate appropriate actions to assist the field officers.
4. Contact the Magistrate or other (outside) public-safety officers to assist with related calls or needs within the CITY.
5. Arrange locations for officers to meet other outside officers regarding warrant, suspect, or detainee transactions.
6. Provide cross-communication and coordination with outside agencies and provide constant radio contact with all agencies involved during a vehicle or foot pursuit as it enters or exits the CITY limits.
7. Call utility services, business/property owners, alarm companies, etc... as needed and/or requested by field officers.
8. Call wrecker services and maintain wrecker rotation log for the CITY-approved wrecker services.
9. Radio log all movements and actions of all officers to include traffic stops, business/property checks, meal breaks, funeral processions, school traffic, suspicious person or vehicle checks (officer initiated), etc...
10. Provide requested services for any officer initiated actions not involving a call entry.
11. Division of Criminal Information services provided 24/7:
 - Local, state, national and international wanted checks, to include (NCAWARE, NCIC & III)
 - Communicating with other agencies to arrange pick-up, delivery, or to serve an individual who is wanted and to arrange extradition
 - Provide entries for:
 - Missing/wanted persons
 - Endangered or runaway
 - Stolen vehicles, securities, articles or items
 - Sending attempt to locate messages to other public-safety agencies around the state or nation.
 - Provide clears for:
 - Missing/wanted persons
 - Stolen vehicles, securities, articles, or items
 - Conducting hit confirmations and locate services
 - Entering and/or clearing Silver, Blue and Amber Alerts.
 - Inquiries for valid / invalid concealed carry notifications.
 - Inquiries for driver history / vehicle owner history & identification
 - Inquiries for guns and other registered weapons
 - Accurately maintain the dispatch DCI audit of records for all transactions under the appropriate DCI terminal.
 - Provide officer with appropriate print-outs of driving histories, vehicles histories, criminal histories and the like.
12. Allow citizens to use the 9-1-1 system to report and for a Telecommunicator to provide answering services for animal control, water/sewer, street department, or traffic signal malfunctions (owned by the CITY), or other CITY-specific services after-hours, on weekends and holidays.
13. Contact on-call detectives, alert team, fleet maintenance, and traffic officers after-hours.
14. Maintain audio recordings of all radio traffic on the two primary radio channels for court and public documentation purposes.
15. Provide one additional Telecommunicator during driver check-points.

- (g) The Community Development Division's request to schedule and advertise hearings to be conducted on July 9, 2020, for the following land use cases:
- (i) A legislative hearing on an application to rezone property at 435 Old Liberty Road (Randolph County Parcel Identification Number 7762168474) from R10 to R7.5 zoning.
 - (ii) A legislative hearing on an application to rezone property (Randolph County Parcel Identification Numbers 7762231577 and 7762230413) located on the west side of Meadowbrook Road Extension and the north side of Honeysuckle Road, approximately 175 feet north of Ideal Drive, from R15 and R10 zoning to R7.5 zoning.

The hearings concerning the applications for the above-referenced land use approvals will be scheduled and advertised in accordance with the applicable statutes/ordinances and then heard by the Asheboro City Council during its regular meeting on July 9, 2020.

7. Community Development Items:

- (a) **RZ-20-05:** Public hearing on an application to rezone property (Randolph County Parcel Identification Number 7762068222) located on the south side of East Bailey Street, approximately 500 feet east of 1644 North Fayetteville Street, from RA6 to O&I zoning.

In the matter of land use case file number RZ-20-05, Mayor Smith opened the public hearing on the application by Balfour Baptist Church (the "Applicant") to rezone approximately 0.57 of an acre from RA6 (High-Density Residential) to O&I (Office and Institutional). The parcel of land for which O&I zoning is requested (the "Zoning Lot") is owned by the Applicant and is more specifically identified by Randolph County Parcel Identification Number 7761227707.

Mr. Nuttall stated that, in addition to publishing the required notice of this hearing, legal notices were mailed to adjoining property owners. These notices were mailed on May 19, 2020.

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

1. The property is inside the city limits.
2. East Bailey Street is a city-maintained collector street that extends from North Fayetteville Street to Old Liberty Road. The pavement surface of East Bailey Street is approximately 18' wide in this location.
3. The zoning ordinance describes the O&I Commercial District as "intended to produce moderate intensity office and institutional development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated O&I shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
4. In 2019, part of the abutting property to the west was rezoned from R10 Medium-Density Residential to O&I Office & Institutional. The front of the adjoining property is zoned B2, extending approximately 200 feet from North Fayetteville Street, with the balanced zoned O&I.
5. The property is located between commercial uses to the west along North Fayetteville Street and residential uses to the east.

In terms of Land Development Plan goals/policies that were identified by staff as supporting the rezoning request, the following information was provided to the council:

Checklist Item 5: Complies with Growth Strategy Map

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

Checklist Items 12, 13, and 14: 12) Property is located outside of watershed.
13) The property is located outside of Special Hazard Flood Area.
14) Rezoning is not located on steep slopes of greater than 20%.

The following Land Development Plan goals/policies were identified by staff as not supporting the request:

Checklist Item 1: Not compliant with the Proposed Land Use Map.

Checklist Item 6: Existing infrastructure is not adequate to support the desired zone. (*water, sewer, roads, schools, etc.*)

When the City of Asheboro Planning Board considered the application, the recommendation from the planning board was to approve the requested rezoning. This recommendation was based on the planning board's concurrence with the following planning staff analysis that evaluated the consistency of the requested rezoning with the adopted comprehensive plans as well as the reasonableness of the request and whether the requested rezoning is in the public interest:

Although an office and institutional designation is compliant with the land development plan's proposed land use map, several factors support this request. The property's location between commercial zoning to the west and residential uses to the east, and directly adjacent to property zoned O&I with a long standing institutional use, support an O&I designation of the property. An O&I designation is also consistent with other institutional and public use facilities in the area.

While an Office and Institutional Use is preferably located on a minor thoroughfare or higher classification street, the property is located contiguous to an established use in which East Bailey Street serves as access. Additionally, the O&I district's limited range of non-residential uses and buffering requirements can help mitigate external impacts to adjoining residential properties.

Considering these factors, staff believes that the requested O&I district is reasonable and in the public interest.

Mr. Charles Allen, a representative from Balfour Baptist Church, presented comments in support of the request.

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

The city council concurred with the staff and planning board analysis of the rezoning request. Council Member Bell moved, and Council Member Moffitt

seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion:

1. Although an office and institutional designation is not compliant with the land development plan's proposed land use map, several factors support this request. The property's location between commercial zoning to the west and residential uses to the east, and directly adjacent to property zoned O&I with a long standing institutional use, support an O&I designation of the property. An O&I designation is also consistent with other institutional and public use facilities in the area.

While an Office and Institutional Use is preferably located on a minor thoroughfare or higher classification street, the property is located contiguous to an established use in which East Bailey Street serves as access. Additionally, the O&I district's limited range of non-residential uses and buffering requirements can help mitigate external impacts to adjoining residential properties.

Considering these factors, the city council has concluded that this application for a zoning map amendment is, on the whole, consistent with the Land Development Plan, is generally in the public interest, and supports a reasonable use of the property.

2. In light of the above-stated analysis, the requested O&I zoning is approved as consistent with the adopted plan.

(b) RZ-CUP-20-06: Quasi-judicial hearing on an application to rezone a portion of the property at 801 Sunset Avenue (Randolph County Parcel Identification Number 7751426889) from OA6 to CU-M zoning and to obtain a conditional use permit authorizing a banquet/reception facility.

Mayor Smith opened the hearing on the combined request from Baybuilt Properties, LLC (the "Applicant") to legislatively rezone a portion of the above-described parcel of land and to issue a Conditional Use Permit on the basis of evidence presented during the quasi-judicial hearing.

The property subject to this rezoning and conditional use permit application is identified as Lots 6-17 and a portion of Lot 18 as described in Deed Book 2503, Page 1392, Randolph County Registry (the "Zoning Lot"). The Zoning Lot is owned by Asheboro Community Church, Inc., which executed the application form along with the Applicant.

Mr. Nuttall was placed under oath and presented the planning staff's analysis of the Applicant's request that included a properly submitted site plan for the Conditional Use Permit. The analysis of the requested rezoning to a CU-M zoning district noted in part:

1. The property is inside the city limits.
2. Sunset Avenue and South Cherry Street are both state-maintained minor thoroughfares at this location.
3. The property is located within Tier 3 of the Center City Planning Area.
4. The zoning ordinance describes the underlying Mercantile's (M) district as *intended to provide for a greater number of potential business activities than the B1 Zoning District. The Mercantile District is distinguished from the B2 General Commercial District by excluding*

certain uses permitted in the B2 District that are likely to create the greatest external impact (traffic, noise, lighting, etc.) and by its additional standards that address compatibility with adjoining residential neighborhoods. These districts should be located in nodes along minor thoroughfares or higher classification street.

5. The requirements of the underlying Mercantile district set a maximum of 6,000 square feet for all permitted uses, restrict drive through services, prohibit open storage, and require additional pedestrian connectivity, among other requirements. Council may also impose additional conditions through the Conditional Use permitting process.
6. The area contains a mix of single-family, multi-family, institutional, and some office uses.
7. The Applicant's request only applies to a portion of the parcel. This portion of the property will require a Conditional Use Permit to be issued by the council prior to any development activity or change of use. The remaining portion of the property retaining OA6 Office-Apartment zoning will continue to allow all uses permitted by right in that district.

In terms of Land Development Plan goals/policies that were identified by staff as supporting the rezoning request, the following information was provided to the council:

- | | |
|-------------------------------|---|
| Checklist Item 1: | Rezoning is compliant with the Proposed Land use Map. |
| Checklist Item 5: | Complies with Growth Strategy Map. |
| Checklist Item 8: | The request is an adaptive reuse of a vacant or unused lot, or is an infill lot. |
| Checklist Items 12-13: | 12) The property is located outside of the watershed area, or the rezoning request will not impose a significant, negative environmental impact.
13) The property is located outside of Special Hazard Flood Area.
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. |

The following Land Development Plan goals/policies were identified by staff as not supporting the request:

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

Mr. Nuttall also presented the staff's analysis of the Conditional Use Permit application. This analysis noted, in part, the following:

1. The request is for a Conditional Use Permit for a banquet/reception facility.
2. The Applicant proposes using an existing structure for the banquet facility. The underlying Mercantile zoning district limits the square

footage of all structures, including existing structures, to 6,000 square feet on the zoning lot.

3. The request applies to identifiable portions of the property (Lots 6-17 and the portion of Lot 18 owned by the Applicant, Deed Book 2503, Pages 1392-1397). The eastern portion of the parcel shown on the site plan is not included in the request, but is shown for context.
4. The site plan proposes using existing driveways along Sunset Avenue for access.
5. The Applicant's proposal for meeting landscaping requirements includes front yard landscaping using a combination of trees and shrubs, parking lot landscaping, and extending the fence on the south and west sides of the property to screen the property from lower intensity use.
6. With the benefit of variances granted by the City of Asheboro Board of Adjustment in advance of the council meeting, the Applicant's site plan is in compliance with the zoning ordinance.

The planning board adopted the planning staff's analysis of the rezoning request and recommended approval of the requested rezoning. The basis for the recommendation was articulated as follows:

Several factors support the request, including its designation as part of the City Activity Center, which is intended "to create pedestrian-friendly community focal points" containing a mix of uses.

The Sunset Avenue corridor consists of a mix of housing types, and smaller scale non-residential uses. While office and institutional uses allowed by the current OA6 zoning designation are more in alignment with historic development patterns along this section of Sunset Avenue, several properties further west of the property have more permissive General Commercial (B2) zoning than the requested Conditional Use Mercantile district.

The Mercantile district was created specifically to allow for lighter intensity commercial activity, while prohibiting more intense development that would be out of context with established neighborhoods in the city's historic core. Additionally, the Conditional Use permitting process can help ensure that the property develops in a manner appropriate for this location and minimizes potential negative impacts to adjoining residential properties.

Considering these factors, staff believes that the requested Conditional Use Mercantile district is reasonable and in the public interest.

On behalf of the Applicant, Mr. Barron Thompson, Esq. and Mr. Ben Tuggle were placed under oath and offered testimony in support of the application. This testimony specifically included addressing the four standards for the issuance of a Conditional Use Permit. As part of his testimony, Mr. Thompson expressed that the Applicant agreed with the following conditions that were recommended by the planning staff for attachment to the requested Conditional Use Permit.

1. Existing vegetation may be retained to count towards minimum required landscaping specified by Sections 317A.F.m (Front Yard Landscaping), 304A (Buffers and Screening), and Section 409B2 (Landscaping Standards for Off-street parking).
2. The site plan indicates that no new outdoor lighting is proposed at this time. If the Applicant proposes outdoor lighting at a later date, it shall

not be considered a modification requiring a new Conditional Use Permit. Information shall be submitted to city staff demonstrating compliance with Section 317A.1 of the zoning ordinance (Performance Standards for all Commercial Zoning Districts-Light) for inclusion into the file without further review by City Council.

3. Prior to the issuance of a zoning compliance permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:
 - (i) Driveway approval from NCDOT.
 - (ii) Final Decision Document indicating approval of requested variances from front yard parking setback and maximum impervious coverage.
4. A dumpster shall be provided on the Zoning Lot with screening in compliance with Section 317A.F.j. If this required dumpster and its access area reduces the number of parking spaces beyond the 5 percent reduction from the approved site plan that is expressly authorized by 1013.5.E, this reduction in parking shall not be considered a modification of the Conditional Use Permit. The Applicant shall submit a revised site plan showing this change to city staff without further review by the City Council.
5. 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.

No one offered testimony in opposition of the application. There being no further comments, Mayor Smith transitioned to the deliberative phase of the application process.

With regard to the requested zoning map amendment, the Council agreed with the staff and planning board analysis of the consistency of the request with the land development plan. Council Member Moffitt moved, and Council Member Burks seconded the motion, to adopt the plan consistency statement and to approve the requested rezoning with the following multi-part motion.

1. Several factors support the request, including the Zoning Lot's status as part of the City Activity Center, which is intended "to create pedestrian-friendly community focal points" containing a mix of uses.

The Sunset Avenue corridor consists of a mix of housing types, and smaller scale non-residential uses. While office and institutional uses allowed by the current OA6 zoning designation are more in alignment with historic development patterns along this section of Sunset Avenue, several properties further west of the property have more permissive General Commercial (B2) zoning than the requested Conditional Use Mercantile district.

The Mercantile district was created specifically to allow for lighter intensity commercial activity, while prohibiting more intense development that would be out of context with established neighborhoods in the city's historic core. Additionally, the Conditional Use permitting process will help ensure that the property develops in a manner appropriate for

this location and minimizes potential negative impacts to adjoining residential properties. Thus, the City Council finds the rezoning request to be reasonable and in the public interest.

2. In light of the above-stated analysis, the requested zoning map amendment is approved as consistent with the adopted plan.

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

After approving the requested zoning map amendment, the Council Members concluded that the standards for granting the requested Conditional Use Permit had been met. Upon motion by Council Member Moffitt and seconded by Council Member Bell, the Council voted unanimously to approve the requested Conditional Use Permit, with the stated conditions, authorizing a Banquet/Reception Facility. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

The final decision document authorizing the Conditional Use Permit and specifying conditions attached to the permit will be entered by the Council during regular session on July 9, 2020.

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

8. Items not on the agenda.

Prior to a brief discussion of upcoming events, Mayor Smith presented the North Carolina Mayors' Statement on the Murder of George Floyd and a statement from the Board of Directors for the North Carolina Association of Chiefs of Police regarding the death of Mr. George Floyd. Additionally, Mayor Smith submitted a copy of the Law Enforcement Code of Ethics as an attachment to the statement. Without objection from the Council Members, these documents were entered into the record as presented by Mayor Smith.

No action was taken by the Council during this portion of the meeting. The above-referenced statements are on file in the city clerk's office.

9. Upcoming events. [Agenda Item 8]

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

There being no further business, the meeting was adjourned at 10:15 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

**SPECIAL MEETING NOTICE
CITY COUNCIL OF THE CITY OF ASHEBORO**

MEETING DATE: THURSDAY, JUNE 11, 2020

MEETING TIME: 7:00 P.M.

LOCATION: COUNCIL CHAMBER ON THE 2ND FLOOR OF
ASHEBORO CITY HALL,
146 NORTH CHURCH STREET,
ASHEBORO, NORTH CAROLINA 27203

At 7:00 p.m. on Thursday, June 11, 2020, the Asheboro City Council will convene for a special meeting in the council chamber on the 2nd floor of Asheboro City Hall, 146 N. Church Street, Asheboro, North Carolina 27203.

The purpose of this meeting is to hold a public hearing on the proposed budget for the upcoming fiscal year (FY 2020-2021). This public hearing will also serve as the required economic development hearing on appropriations to the Randolph County Economic Development Corporation, the Asheboro/Randolph Chamber of Commerce, and Downtown Asheboro Inc. The appropriations to the three (3) listed organizations are not for either property-related activities or business location incentives.

At the public hearing, oral and written comments will be received from individuals who wish to be heard on the budget proposal. Additionally, between the date of this notice and twenty-four (24) hours after the conclusion of the special meeting on June 11, 2020, written comments on the subject of the public hearing may be submitted to the city clerk for distribution to the elected officials.

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

This special meeting notice is issued on the 5th day of June, 2020.

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

#

**SPECIAL MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, JUNE 25, 2020
7:00 P.M.**

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

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

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk
Justin T. Luck, Zoning Administrator
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows. 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 physical distancing guidance during the current public health emergency.

2. Public hearing on the proposed budget for fiscal year 2020-2021, specifically including economic development appropriations.

Mayor Smith opened the public hearing and asked Finance Director Deborah Reaves to present the proposed budget for fiscal year 2020-2021. Ms. Reaves used a slide show to highlight the fund allocations proposed for the new fiscal year.

Notice of the submittal of the proposed budget to the governing board as well as the public hearing date and time were published in *The Courier Tribune* on May 29, 2020. In addition to posting the budget on the city website, the budget has been on file and available for public inspection in the city clerk's office since the date on which the notice of the budget submittal was published.

The proposed fiscal year 2020-2021 budget is balanced at \$48,249,510.00. The city manager, who serves as the budget officer, has recommended that the property tax rate remain at \$0.665 cents per \$100.00 value. Likewise, no change is recommended in the charges that support the water and sewer fund.

In addition to discussing the proposed fiscal year 2020-2021 annual budget, Ms. Reaves noted the role of this budget hearing to also function as the required hearing on economic development appropriations that are not for either property-related activities or business location incentives. Proposed appropriations to the Randolph County Economic Development Corporation, the Asheboro/Randolph Chamber of Commerce, and Downtown Asheboro Inc. were the focus of the economic development appropriations hearing.

\$55,000.00 has been proposed for appropriation to the Randolph County Economic Development Corporation, and \$25,000.00 has been proposed for appropriation to the Asheboro/Randolph Chamber of Commerce. Chamber President, Ms. Linda Brown was available to answer questions.

City of Asheboro Zoning Administrator Justin Luck reported that the city is planning to partner with Downtown Asheboro, Inc. in order to administer the City's Main Street Program. \$100,000.00 has been proposed for appropriation to the organization during fiscal year 2020-2021.

The services provided by Downtown Asheboro Inc. include, but are not limited to the following:

1. The administration of the Main Street Program in a manner that will maintain Asheboro's standing in the program.
2. The creation and implementation of an annual economic development plan utilizing the Main Street America Four-Point Approach to downtown revitalization.

3. The provision of annual statistics and program evaluation of downtown revitalization activities.
4. Training and Technical Assistance from NC Main Street and Rural Planning Center.
5. Downtown business assistance, retention, recruitment, resources.
6. Promotion of Downtown through various media formats and public events.

Mayor Smith invited comments from the public. Mr. Al LaPrade presented comments in support of the city's partnership with Downtown Asheboro Inc. There being no other comments from the public, Mayor Smith closed the public hearing and announced that written comments will be accepted from the public until twenty-four (24) hours have passed from the time of the adjournment of this special meeting.

The final consideration of the proposed budget, which includes the economic development expenditures, will take place during a special meeting of the Council at 7:00 p.m. on June 25, 2020 in the Council Chamber.

Copies of the proposed budget and the slide show utilized during the meeting are on file in the city clerk's office.

3. Upcoming events.

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

There being no further business, the meeting was adjourned at 7:43 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

**SPECIAL MEETING NOTICE
CITY COUNCIL OF THE CITY OF ASHEBORO**

MEETING DATE: THURSDAY, JUNE 25, 2020

MEETING TIME: 7:00 P.M.

LOCATION: COUNCIL CHAMBER ON THE 2ND FLOOR OF
ASHEBORO CITY HALL,
146 NORTH CHURCH STREET,
ASHEBORO, NORTH CAROLINA 27203

At 7:00 p.m. on Thursday, June 25, 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 following agenda items will be considered and acted upon:

1. A consent agenda with the following items:
 - (a) Acknowledgment of the receipt from the Asheboro ABC Board of both its meeting minutes for May 4, 2020, and the budget adopted by the board for the upcoming fiscal year (FY 2020-2021); and
 - (b) Approval of City of Asheboro project ordinance amendment(s) along with budget ordinance amendment(s) pertaining to the city’s current fiscal year (FY 2019-2020).
2. Final action on the proposed City of Asheboro Budget Ordinance for the upcoming fiscal year (FY 2020-2021).

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

This special meeting notice has been issued on the 19th day of June, 2020.

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

#

**SPECIAL MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JUNE 25, 2020
7:00 P.M.**

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

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

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Justin T. Luck, Zoning Administrator
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
D. Richard Thompson, Jr., Police Captain

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.

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

2. Consent agenda.

Upon motion by Council Member Burks and seconded by Council Member Bell, the Council voted unanimously to approve/adopt, as presented, the following consent agenda items. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

(a) The acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for May 4, 2020.

The minutes of the meeting held by the Asheboro ABC Board on May 4, 2020, have been received by the city clerk, distributed to Mayor Smith and the Council Members for review, and have been filed in the city clerk's office.

(b) The acknowledgement of the receipt from the Asheboro ABC Board of its adopted budget for the upcoming fiscal year (FY 2020-2021).

The Asheboro ABC Board's budget for the upcoming fiscal year (FY 2020-2021) has been received by the city clerk, distributed to Mayor Smith and the Council Members for review, and is on file in the city clerk's office.

(c) An ordinance to amend the General Fund for Fiscal Year 2019-2020.

17 ORD 6-20

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2019-2020**

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

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

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

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

<u>Account #</u>	<u>Revenue Description</u>	<u>(decrease)</u>
10-399-0000	Fund Balance Appropriation	(476,400)

Section 2: That the following Expense line item be increased / (decreased):

Minutes
Page 3
June 25, 2020
Special Meeting

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
10-545-0200	Salaries	2,000
10-550-1500	Maintenance & Repair Bldg.	(50,000)
10-550-1300	Utilities	(20,000)
10-555-3200	Gas oil tires inventory	(70,000)
10-580-8300	Tipping fee	(80,000)
10-590-2000	Computer programming	(4,800)
10-590-4000	Awards / Recognition	(2,600)
10-590-1400	Travel	(3,000)
10-625-1230	Golf Programs- City Am	(13,000)
10-640-1600	Maint. & Repair Bldg.	(10,000)
10-640-3100	Gas Oil Tires	(10,000)
10-640-3405	Other Supplies- Library	(8,000)
10-575-0200	Salaries	(20,000)
10-510-7400	Capital Outlay	(50,000)
10-510-5400	Insurance- Property	(10,000)
10-530-7400	Capital Outlay	(100,000)
10-500-3401	Furniture (remodel)	(5,000)
10-500-1501	Bldg Maint & Repair- remodel	(3,000)
10-440-0400	Professional Services	(10,000)
10-420-1400	Travel, Schools Conference	(4,000)
10-410-1400	Travel, Schools, Conference	(3,000)
10-550-0210	Salaries Part Time	(2,000)
	Increase / (Decrease)	<u>(476,400)</u>

Adopted this 25th day of June, 2020.

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

ATTEST:

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

(d) An ordinance to amend the Water and Sewer Fund for Fiscal Year 2019-2020.

18 ORD 6-20

**ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2019-2020**

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

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

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

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

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
30-820-0200	Salaries & Wages	30,000
30-820-0705	Retirement	11,000
30-820-3500	Chemicals	150,000
30-820-1800	Maint & Repair- Pump Stations	21,000
30-820-1500	Maint & Repair Bldgs	20,000
30-820-1601	Maint & Repair- Generators	23,000
30-830-4500	Contracted Services	(20,000)
30-830-7200	TSF to Economic Dev Fund	(235,000)
Increase / Decrease		0

Adopted this 25th day of June, 2020.

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

ATTEST:

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

(e) An ordinance to amend the Economic Development and Tourism Development Fund.

19 ORD 6-20

ORDINANCE TO AMEND THE ECONOMIC DEVELOPMENT & TOURISM
DEVELOPMENT FUND
FY 2019-2020

WHEREAS, the annual expenditure appropriation for ongoing annual community support payments to various agencies that support and promote Economic Development and Quality of Life in Asheboro need to be amended to account for actual expenses in 2019-2020 and anticipated expenses in 2020-21, and;

WHEREAS, the revenue and expense appropriation for Pigs and Pedals needs to be updated, and;

WHEREAS, revenue and expense allocations to closed projects should be adjusted to be in line with actual revenue and expenses, and;

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

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

Section 1: That the following revenue line items be decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-329-0000	Interest on Investments	4,000
72-382-0000	Contribution: Pigs & Pedals	28,745
72-373-0001	Contribution New Century Dr	50,000
72-350-0000	Contribution Chamber of Commerce	41,200

Minutes
Page 5
June 25, 2020
Special Meeting

72-353-0000	Contribution Downtown Asheboro Inc.	100,000
72-351-0000	W&S Contribution	(130,618)
72-352-0000	Piedmont Triad Partnership Contribution	5,500
72-367-1000	Contribution from General Fund	700
72-367-1000	Unilever Repayment	50,000
72-390-0000	Sales Tax Refund	5,500
		155,027

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

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-810-0002	Kayser Roth Incentive #2	(25,000)
72-810-0003	Kayser Roth Incentive #3	(25,000)
72-840-2000	Contribution for Chamber of Commerce	50,000
72-840-4000	Contribution for EDC	95,000
72-840-6001	Piedmont Triad Regional Council Grant	15,000
72-800-0002	Pigs & Pedals Tourism Event	66,027
72-900-1003	Cul-De Sac Erosion Control (Allen Industrial)	(21,000)
		155,027

Adopted this the 25th day of June, 2020.

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

ATTEST:

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

3. Final action on the proposed City of Asheboro Budget Ordinance for Fiscal Year 2020-2021.

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

20 ORD 6-20

**CITY OF ASHEBORO
BUDGET ORDINANCE**

BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina in session assembled:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the city government and its’ activities for the fiscal year beginning July 1, 2020 and ending June 30, 2021, in accordance with the chart of accounts heretofore established for this City:

<u>ACCOUNT</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
10-410	Mayor and Governing Body	145,884
10-420	City Manager’s Office	215,838
10-440	Finance Office	548,608
10-450	Legal & City Clerk	241,977

Minutes
Page 6
June 25, 2020
Special Meeting

10-480	Information Technology	301,056
10-490	Planning/Community Development	975,643
10-500	Municipal Building Headquarters	263,900
10-510	Police Department	9,413,766
10-530	Fire Department	5,982,626
10-540	Building Inspections Department	121,451
10-545	Fire Inspections Department	276,746
10-550	Operations Division - Public Works	1,234,724
10-555	Fleet Maintenance	1,313,427
10-565	Street Maintenance	3,248,372
10-575	City Engineer Office	322,185
10-580	Environmental Services	2,162,637
10-590	Human Resources	363,822
10-615	Arts & Cultural Services	473,858
10-620	Recreation Services	1,663,048
10-625	Municipal Golf Course	198,731
10-630	Library	134,450
10-640	Facilities Maintenance	2,059,134
10-650	Airport Authority	167,390
Total Appropriations		31,829,273

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Ad Valorem Taxes (Real & Vehicle)	16,300,000
Tax Interest	25,983
Tax on Short Term Rental Vehicles	39,831
ABC Board Revenue	216,000
Beer & Wine Tax Revenue	116,503
Cable TV Franchise	36,263
Concessions and Merchandise	48,876
Contracted Maintenance NCDOT	10,000
Utilities Franchise Tax - State	2,488,000
Powell Bill Allocation - State	662,190
Local Sales Tax & Hold Harmless Funds	5,740,000
Building Permits	89,594
Inspection Fees	52,567
Rezoning, Stone, Burial Fees & Cemetery Fees	25,065
Charges for Services – Refuse / Recycle Collection	1,801,767
Recreation Program Revenues	250,957
Sales of Fixed Assets / Materials	82,126
Proceeds of Lease Purchase Financing	933,662
Reimbursement from Asheboro City Schools –SRO Officers	256,000
Fund Balance Appropriated	2,311,236
All Other Revenues	342,653
Total Estimated Revenues	31,829,273

Section 3: There is hereby levied a tax at the rate of sixty six and a half cents (\$.665) per one hundred (\$100) valuation of property as listed for taxes as of January 1 for the purpose of raising the revenue listed as " Current Year's Taxes" in the General Fund in Section 2 of this ordinance.

This rate is based on a total valuation of property for the purposes of taxation of \$2.5 billion, and an estimated rate of collection of 98.0%.

Section 4: The following General Fund Fees are hereby adopted for provision of services by the city government for the fiscal year beginning July 1, 2020.

Sanitation Department Fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
90 Gallon Residential Garbage Can / per month	\$12
90 Gallon Commercial Can / per month	\$12
90 Gallon Residential Recycle Can / per month	\$2
90 Gallon Commercial Recycle Can / per month	\$2
Residential Dumpster / per pick-up	\$31
Commercial Dumpster / per pick-up	\$31
Above Dumpsters billed <u>monthly</u> based on annualized collection schedule	
Missed Residential Dumpster / per pick-up	\$40
Missed Commercial Dumpster / per pick-up	\$44
Compaction Dumpster / per pick-up	\$44
Missed Compaction Dumpster / per pick-up	\$54
Dumpster Rent / per month	\$21
Dumpster Clean / Replace / each	\$100
Cardboard Dumpster / per pick-up	\$20
Recycling Dumpster / per pick-up	\$20
Yard Waste Collection per scoop	
First and Second scoop*	\$0
Each scoop thereafter*	\$12
*Applicable to brush that is within specifications	
Waste left in ditch, curb or street per scoop	\$24
Waste out of Specs per scoop	\$24
Waste after hours / emergency collection- cost per scoop	\$50
Tires Collection / each	\$5
C&D /Building Materials / per scoop	\$20
Curb side pick-up	\$10
Electronics Collection	\$10
White Goods Collection	\$10

Recycling Transfer Station Fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Tipping Fee per Ton	\$48

Planning Department Fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Rezoning	\$200
Text Amendment (Ordinance ,use list)	\$200
Map of CU district Only	\$200
SU/CU Permit or amendment	\$350
BOA: Appeal	\$0
Variance	\$250
Interpretation	\$250
Watershed Permit	\$25
Flood Zone Permit	\$75
Zoning Compliance Permits:	
SF Res	\$25
Duplex	\$100
MF Res	\$250
Commercial	\$250
Industrial / Institutional	\$250
SF Accessory Structure	\$25
Accessory Structure Commercial	\$50
Accessory Structure Industrial	\$50
Accessory Structure Institutional	\$50
Soil Evaluation	\$10
Change Occupancy	\$25
Change Use	\$250

Sign / sign type	\$25
Land Disturbance Permit	\$50
Temp Produce/Seasonal Sales Permit	\$50
Limited Duration Event Permit	\$50
Certificate of Zoning Compliance:	
SF Res	\$25
Duplex	\$25
MF Res	\$50
Commercial	\$100
Industrial	\$100
Change use	\$100
Subdivision	
Sketch	\$100
Preliminary	\$200
Final	\$200 + \$25 per lot
Minor	\$100
Zoning Verification Official Letter	
Residential	\$25
Non-Residential	\$75

Inspection Department Permit Fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Building Permit	\$5/\$1000 up to \$150,000; \$1.50/\$1,000 thereafter
Minimum Permit	\$30
Minimum Sign	\$30
Non-bid Jobs (new)	\$40/ sq. ft.
Habitable Space	\$20/ sq. ft.
Mobile Home	\$100
Swimming Pool	\$100
Demolition-Residential	\$75
Demolition-Commercial	\$150
Relocate Structure	\$120
Plumbing Permit	\$5 per fixture, \$30 minimum
Sewer Line: House	\$30
Sewer Line: Commercial/Large	\$100
Heating/ AC Permit	
Boiler	\$100
Gas Line-Residential	\$30
Gas Line-Commercial	\$50
Gas Furnace/Gas Pack	\$60
Gas Furnace / Gas Pack and AC up to 5 tons	\$100
Additional per ton over 5	\$10
Heat Pump	\$60
Mini Split	\$30
Oil Furnace	\$60
Refrigeration Units	
Minimum Permit	\$30
Per additional unit over 3	\$10
<u>CHANGE OUTS</u>	
Unit Change out (no duct work)	
Residential	\$30
Commercial	\$50
Commercial - greater than 5 ton	\$100
Commercial Grease Hood	\$50
Mobile Home Heating/ AC Unit	\$40
Gas Appliances	\$10 each
Minimum Permit	\$30

Electrical Permits	
Temporary service	\$30
Residential	\$60
Commercial	\$100 first 5000 sq. ft. \$5/1000 sq. ft. thereafter
Service Change	\$30
Electric Repair	
Residential	\$30
Commercial	\$100
Generator Installation	\$30
Mobile Home Service	\$60
Sign	\$30
Duplex	\$120
Apartments (each)	\$40
Minimum Permit	\$30
*Fee for work started without permit	\$100 maximum

*The Inspection Department permit fee for work started without required permit(s) shall be double the amount above, up to a maximum of \$100, per project notwithstanding the number of permits required.

**A \$35 re-inspection fee may be assessed for a second and any subsequent failed inspections.

Fire Inspection Department Penalties:

Penalties

Non-Life Safety / offense /day until corrected before re-inspection	\$50
Non-Life Safety/offense/day until corrected after re-inspection	\$100
Non-Occupancy Life Safety / offense /day until corrected before re-inspection	\$150
Non-Occupancy Life Safety/offense/day until corrected after re-inspection	\$300
Occupancy Life Safety / person over limit	\$100
Exit Life Safety/ locked, blocked, obstructed exit	\$500

*The Fire Inspection Department permit fee for work started without required permit(s) shall be double the amount above, up to a maximum of \$100, per project notwithstanding the number of permits required.

Parks & Recreation Fees:

<u>Facility/Activity</u>	<u>City Resident</u>	<u>Non-Resident</u>
Lake Lucas:		
Daily Fishing Permit	\$3	\$4
Annual Fishing Permit	\$35	\$50
Daily Jon Boat Rental	\$8	\$12
Daily Canoe / Kayak Rental	\$6	\$10
Daily Kayak/Canoe Launch	\$2.50	\$3.50
Annual Kayak/Canoe Launch	\$35	\$50
Daily launch fee	\$7	\$9.50
Annual launch fee	\$100	\$135
Kayak Rental Spaces	\$60	\$85
Boat Rental Spaces	\$150	\$200
Lake Reese:		
Daily launch fee	\$7	\$9.50
Daily Kayak/Canoe Launch	\$2.50	\$3.50
Annual Kayak/Canoe Launch	\$35	\$50
Annual launch fee	\$100	\$135

Daily Duck hunting (per boat)	\$12.50	\$16
Baseball/Softball Field Rental:		
Rental per Hour (no lights)	\$15	\$20
Rental per Hour (with lights)	\$25	\$35
Tournament rental per weekend		
One Field	\$175	\$225
Two Fields	\$300	\$400
Concession Stand/Restroom	\$50	\$65
Additional Field Preparation	\$45	\$60
<u>Facility/Activity</u>	<u>City Resident</u>	<u>Non-Resident</u>
Youth Sports Fees:		
Registration fee	\$30	\$50
Late fee applied after registration deadline	\$10	\$10
Sunset Theatre Rentals- Applies to All		
Security Deposit	\$100	
Dark/Rehearsal (Multi-day use, 4 hour max)	\$60	
Non-Profit- Single Day (8 hour max)	\$175	
General Meeting/Party Rental (4 hour max)	\$100	
Private Event (8 hours max)	\$300	
Commercial/ For Profit (8 hours max)	\$450	
Rotary Pavilion at Bicentennial Park Rental		
Security Deposit	\$75	\$75
Daily Rate	\$325	\$400
Non-Profit Government Rate	\$225	\$225
Skate Park		
Daily admission	\$1	\$2
15 admissions pass	\$10	\$25
1 year unlimited pass	\$150	\$300
Party Room Rental (per hour)	\$20	\$30
Shelter Rental		
Memorial Park (upper): 10am-3pm; 3:30pm-dark	\$18	\$35
Full day	\$35	\$70
All other Parks: 10am-3pm; 3:30pm-dark	\$10	\$20
Full day	\$20	\$40
Tennis Courts		
Lights per hour per court	\$3	\$4
Pools:		
Public Swim (day)		
2 years & under w/ paying adult	\$0	\$0
3 years & older	\$3	\$3
Public Swim (night)		
2 years & under w/ paying adult	\$0	\$0
3 years & older	\$2	\$2
Public Lap Swim	\$2	\$2
Public Senior Swim	\$0	\$1
Swimming lessons (group)	\$25	\$30
Swimming lessons (private)	\$50	\$60
Swim Pass (15 admissions)	\$30	\$40
Pool Rental (2 hrs.) 0-50 people	\$150	\$225
Pool Rental (3 hrs.) 0-50 people	\$225	\$300
Golf Course:		
Walking Only	\$8	\$10
Riding 9 holes- w/ green fees	\$15	\$18
Riding 18 holes- w/ green fees	\$21	\$25
Twilight (after 3pm) 18 holes w/ green fees	\$16	\$20

Minutes
Page 11
June 25, 2020
Special Meeting

Membership Fees		
Junior (Summer June-August)	\$75	\$125
Individual	\$365	\$465
Senior	\$290	\$390
Senior Couple	\$475	\$575
Family	\$600	n/a
Member Cart Fees		
Nine holes	\$6	\$7
Eighteen holes	\$11	\$13
Disk Golf Course		
Tournament Rental per day (8 hrs.)	\$100	\$175

**City Resident/Non-Resident rates are established according to the residence of the individual. City Residents need to obtain a REC card to receive the City Resident Rate.

<u>Facility/Activity</u>	<u>City Resident</u>	<u>Non-Resident</u>
Recreation Center		
Adult Lap Swim	\$2.00	\$2.00
Aquatic & Group Fitness Classes	\$2.00	\$3.00
Aquatic & Group Class Pass (15 admissions)	\$20.00	\$35.00
Open Gym Activities	\$1.00	\$2.00
Senior Programs:		
Aquatic & Group Fitness	Free	\$1.00
Lap Swim	Free	\$1.00
Open Gym Activities	Free	\$1.00
Senior Games Practice	Free	Free
Rentals:		
Security Deposit	\$100.00	\$100.00
Conference Room Rental/hr	\$20.00	\$30.00
Multipurpose Room Rental/hr	\$40.00	\$60.00
Gym Rental / hr	\$60.00	\$90.00
Pool Rental – 2 hours	\$120.00	\$180.00
Pool Rental – 3 hours	\$180.00	\$270.00
Downtown Farmers' Market		
	Vendor	
Daily Fee (1 space)	\$5	
Daily Fee (2 Spaces)	\$15	
Running/Walking Events		
	Non-Profit Fee	Event Fee
Bicentennial Park Certified 5K Course	\$225.00	\$300.00
Memorial Park Certified 5K Course	\$300.00	\$400.00
Memorial Park Certified 10K Course	\$375.00	\$500.00
Non-Conforming Courses (need approval)	\$525.00	\$700.00

Running/ Walking Event fees are in additional to the Facility Rental Fees of each park.

Section 5: The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the city government and its’ activities for the fiscal year beginning July 1, 2020 and ending June 30, 2021, in accordance with the chart of accounts heretofore established for this City:

<u>ACCOUNT</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
30-720	Billing and Collecting	660,040
30-810	Water Meter Operations	838,307
30-820	Water Supply and Treatment	3,013,190
30-830	Wastewater Treatment	4,139,010
30-840	Water Maintenance	1,408,227
30-850	Wastewater Maintenance	1,432,743
30-860	Technical Services	264,698
30-870	Systems Maintenance	3,956,496
30-880	Water Quality	707,526
	Total Appropriations	16,420,237

Section 6: It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Sale of Water	6,200,000
Sewer Charges	4,700,000
Sampling and Monitoring Fees	27,000
Surcharges	120,000
Septic Tank Discharges	40,000
Water and Sewer Connection Fees	61,000
Late & Return Check Fees	305,500
Grant Proceeds	2,450,000
Other Revenues	234,500
Retained Earnings	2,282,237
Total Estimated Revenues	16,420,237

Section 7: The following Water & Sewer Fund Fees are hereby adopted for provision of services by the city government for the fiscal year beginning July 1, 2020.

Water and Sewer Billing Department

<u>SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Monthly Cost		
Water Minimum Fee	\$13.91	\$34.78
Sewer Minimum Fee	\$17.18	\$42.95
Above referenced minimum bill includes 150 cubic ft. usage		
Consumption Fee- above min. for all above referenced customers		
Water-per 100 cu. ft. over 150 cu. ft.	\$2.74	\$6.85
Sewer-per 100 cu. ft. over 150 cu. ft.	\$2.81	\$7.03
Water Only Service (metered)		
Minimum fee (includes 150 cf. usage)	n/a	\$34.78
Consumption Fee per 100 cf. over min	n/a	\$6.85
Sewer Only Service (metered)		
Minimum fee (includes 150 cf. usage)	\$17.18	\$42.95
Consumption Fee per 100 cf. over min	\$2.81	\$7.03
Sewer Only Service (non-metered)	\$22.80	\$45.60
Deposit for Service	\$140	\$160
Deposits on accounts are applied to final bill upon termination of service		
Low Pressure Sewer System (per pump)	\$10	
Landfill Leachate Fee	\$1.39 per 100 cf	
Fees:		
Return Check/Draft Fee	\$35	\$35
Partial Payment Fee	\$10	\$10
Tamper Fee- First Occurrence	\$150	\$150
Tamper Fee- Second Occurrence	\$500	\$500

Late payment charge* - tier 1	\$10	\$10
Late payment charge* - tier 2	\$20	\$20
Cleaning / Inspection connection	\$10	\$10

* Payments must be received by 5:00 pm on the due date to avoid the late payment charge. Payments “in route” are subject to the late fee as they are not yet received.

Water and Sewer Maintenance Department

<u>SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Water Tap Rates		
¾” Complete Service	\$2,000	\$3,000
1” Complete Service	\$2,450	\$3,675
1 ½” Complete Service	\$4,100	\$6,150
2” Complete Service	\$4,200	\$6,300
¾” New Tap	\$1,000	\$1,500
1” New Tap	\$1,225	\$1,838
1 ½” New Tap	\$2,050	\$3,075
2” New Tap	\$2,100	\$3,150
¾” New Meter, Setter, Box	\$1,000	\$1,500
1” New Meter, Setter, Box	\$1,225	\$1,838
1 ½” New Meter, Setter, Box	\$2,050	\$3,075
2” New Meter, Setter, Box	\$2,100	\$3,150
¾” New Meter, existing svc.	\$250	\$375
1” New Meter, existing svc.	\$400	\$600
1 ½” New Meter, existing svc.	\$600	\$900
2” New Meter, existing svc.	\$750	\$1,125
Services not listed	Cost	Cost plus 50%
Sewer Tap Rates		
4” Complete Service	\$1,300	\$3,250
6” Complete Service	\$1,700	\$4,250
Services not listed	Cost	Cost plus 100%

Grinder Pump Station Install for low pressure sewer system inside City Limits: \$8000

Water Resources Division Fees

WATER/WASTEWATER PARAMETER ANALYSIS			
Parameter	Cost/Analysis	Parameter	Cost/Analysis
Acidity	\$8.00	Nitrite Nitrogen	\$15.00
Alkalinity	\$10.00	Total Kjeldahl Nitrogen	\$18.00
Ammonia Nitrogen	\$18.00	Phosphorus - Total	\$15.00
BOD (5-day)	\$25.00	Phosphorus - Ortho	\$12.00
Chlorine	\$10.00	pH & Temperature	\$8.00
ULR Chlorine	\$15.00	Total Solids	\$10.00
Chloride	\$15.00	Total Suspended Solids	\$10.00
COD	\$20.00	Settleable Solids	\$8.00
Conductivity	\$10.00	Sulfate	\$15.00
Cyanide	\$30.00	TOC	\$30.00
Dissolved Oxygen	\$8.00	Turbidity	\$10.00
DOC	\$40.00	UV254	\$25.00
Fluoride	\$15.00	Fecal Coliform	\$30.00
Hardness - Total	\$12.00	E-coli (P/A)	\$25.00
Hardness - Calcium	\$12.00	Total Coliform (P/A)	\$25.00
Hardness - Magnesium	\$10.00	Heterotrophic Plate Count	\$25.00
Nitrate Nitrogen	\$20.00	Source Water (Quanti-Tray)	\$30.00

METALS ANALYSIS

Parameter	Cost/Analysis	Parameter	Cost/Analysis
Aluminum	\$25.00	Manganese	\$20.00
Arsenic	\$20.00	Mercury	\$30.00
Cadmium	\$20.00	Molybdenum	\$20.00
Chromium	\$20.00	Nickel	\$20.00
Copper	\$20.00	Selenium	\$20.00
Iron	\$20.00	Silver	\$20.00
Lead	\$20.00	Zinc	\$20.00

Analysis fees not specified herein will be provided by commercial laboratory at contracted cost

LABORATORY/COMPOSITE SAMPLING CHARGES

Parameter	Cost/Analysis	Parameter	Cost/Analysis
Thermometer Certification (NIST)	\$25.00	Annual Curve – Spec Parameter	\$100.00
Sampling Cost per day for sites requiring City provided flow proportional sampler	\$55.00	Sampling Cost per day for sites with customer provided flow proportional sampler	\$30.00

HAULED WASTEWATER CHARGE

Parameter	Cost/Analysis	Parameter	Cost/Analysis
Any tanker truck size up to 2,500 gallons/load (excludes Recreational Vehicles)	\$65.00	Recreational Vehicle Tank	\$10.00

INDUSTRIAL SURCHARGES

All industrial users of the POTW are subject to industrial waste surcharges on discharges, which exceed the following levels:

Parameter	First Limit	Charges per Pounds In Excess
BOD	300 mg/l	\$0.15
COD	750 mg/l	\$0.06
TSS	300 mg/l	\$0.31
TKN	45 mg/l	\$0.92

Section 8: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. He/she may transfer between line item expenditures within a department without limitation and without a report being required.
- b. He/she may transfer amounts between departments, within the same fund. He/she must make an official report on such transfers in excess of \$5,000 at the next regular meeting of the Governing Board.
- c. He/she may not transfer any amounts between funds, except as approved by the Governing Board in the Budget Ordinance as amended.

Section 9: The Budget Officer may make cash advances between funds for periods not to exceed 60 days without reporting to the Governing Board.

Section 10: Copies of this Budget Ordinance shall be furnished to the City Clerk, to the Governing Board and to the Budget Officer and Finance Director to be kept on file by them for their direction in the disbursement of funds. A copy will also be available at the City of Asheboro website:www.asheboronc.gov.

TOTAL GROSS BUDGET

\$48,249,510

Adopted this the 25th day of June 2020.

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

ATTEST:

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

There being no further business, the meeting was adjourned at 7:07 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

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

WHEREAS, the Asheboro ABC Board (the “Board”) consists of three members who are appointed by the Asheboro City Council (the “Council”) to terms of office that are three years in duration; and

WHEREAS, when the Council made the initial appointments to the Board, Stephen R. Knight was appointed to a three-year term of office that began on August 12, 2008, and the Council subsequently reappointed Mr. Knight to the Board for three additional three-year terms of office in 2011, 2014, and 2017, respectively; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective August 12, 2020, Stephen R. Knight is reappointed to the Asheboro ABC Board for another three-year term of office.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of July, 2020.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk



**RZ-20-07: Request to rezone from R10 (Medium-Density Residential) to R7.5
(Medium-Density Residential): 435 Old Liberty Rd.**

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-20**
 -07

Date 6/1/2020 Planning
Board

Applicant Darren Hackett

Legal Description

The property of Darren Hackett located at 435 Old Liberty Rd., totaling approximately 2.0 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7762168474.

Requested Action Rezone from R10 Medium-Density Residential to R7.5 Medium-Density Residential.

Existing Zone R10

Land Development Plan See rezoning staff report.

Planning Board Recommendation

Approve

Reason for Recommendation

The Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-20-07**

Date 6/1/2020 Planning Board
7/9/2020 City Council

General Information

Applicant

Darren Hackett

Address PO Box 4451

City Asheboro NC 27204

Phone 336-302-4451

Location 435 Old Liberty Rd

Requested

Action Rezone from R10 Medium-Density Residential to R7.5 (Medium-Density Residential)

Existing Zone R10

Existing Land Use Single-family dwelling

Size 2.0 acres +/-

Pin # 7762168474

Applicant's Reasons as stated on application

To allow for single-family home construction, for maximization of number of lots per property.

Surrounding Land Use

North Single-family/Two-family residential

East Single-family residential

South Single-family residential

West Single-family/Two-family residential

Zoning History N/A

Legal Description

The property of Darren Hackett located at 435 Old Liberty Rd., totaling approximately 2.0 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7762168474. ***Legal notices were mailed to adjoining property owners on Tuesday, June 23, 2020.***

Analysis

1. The property is inside the city limits.
2. Old Liberty Road is a state-maintained minor thoroughfare at this location. East Bailey St. is a city-maintained collector street that extends from North Fayetteville St. to Old Liberty Road.
3. The current R10 district and the requested R7.5 district both allow single-family and two-family dwellings. The requested R7.5 district is distinguished from the current R10 district with reduced lot sizes and setbacks. The attached excerpt from the zoning ordinance shows a detailed comparison between the two districts, including the statement of intent in the zoning ordinance for each.
4. Adjoining properties consist primarily of single-family and two-family dwellings. There are also scattered non-residential uses along Old Liberty Road near the subject property, particularly to the north where much of the corridor has commercial zoning.
5. There is a stream and city sewer easement on the property. NCDEQ needs to be contacted prior to any land activity that impacts the stream or its banks and the city's easement must be kept clear from encroachment.
6. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community."

Rezoning Staff Report

RZ Case # RZ-20-07

Page 2

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 Neighborhood Residential

Small Area Plan Northeast

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

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

Checklist Item 5: Complies with Growth Strategy Map

Checklist Item 13: The property is located outside of Special Hazard Flood Area.

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.

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

Rezoning Staff Report

RZ Case # RZ-20-07

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 11: Rezoning will promote the type of development described in Design Principles

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

The primary difference between the existing R10 district and requested R7.5 district is minimum lot size and lot frontage. In order to accommodate development, the smaller lots in the R7.5 district are subject to slightly lesser setbacks than the R10 district. Potential development in the R10 district is 8 single-family lots or 5 two-family lots; in the R7.5 district that potential increases to 11 single-family lots or 7 two-family lots.

While the requested R7.5 district does allow increased density, the property's location on a minor thoroughfare and collector-level street diminish traffic generation concerns over this increase. Furthermore, the property's proximity to a significant node of B2 commercial zoning which exists on the east of side Old Liberty Rd. means that the requested zoning district can help to establish a transition to soften the potential for adverse impacts between long-standing commercial uses and older, established neighborhoods, thereby protecting them from commercial encroachment.

In the right context, a R7.5 zoning district can meet the intent of the Land Development Plan's (LDP) Neighborhood Residential proposed land use designation, and staff believes the application overall is supported by the LDP.

Considering these factors, staff believes that the requested R7.5 district is reasonable and in the public interest.

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

Comparison of existing R10 Medium-Density Residential District with requested R7.5 Medium-Density Residential District

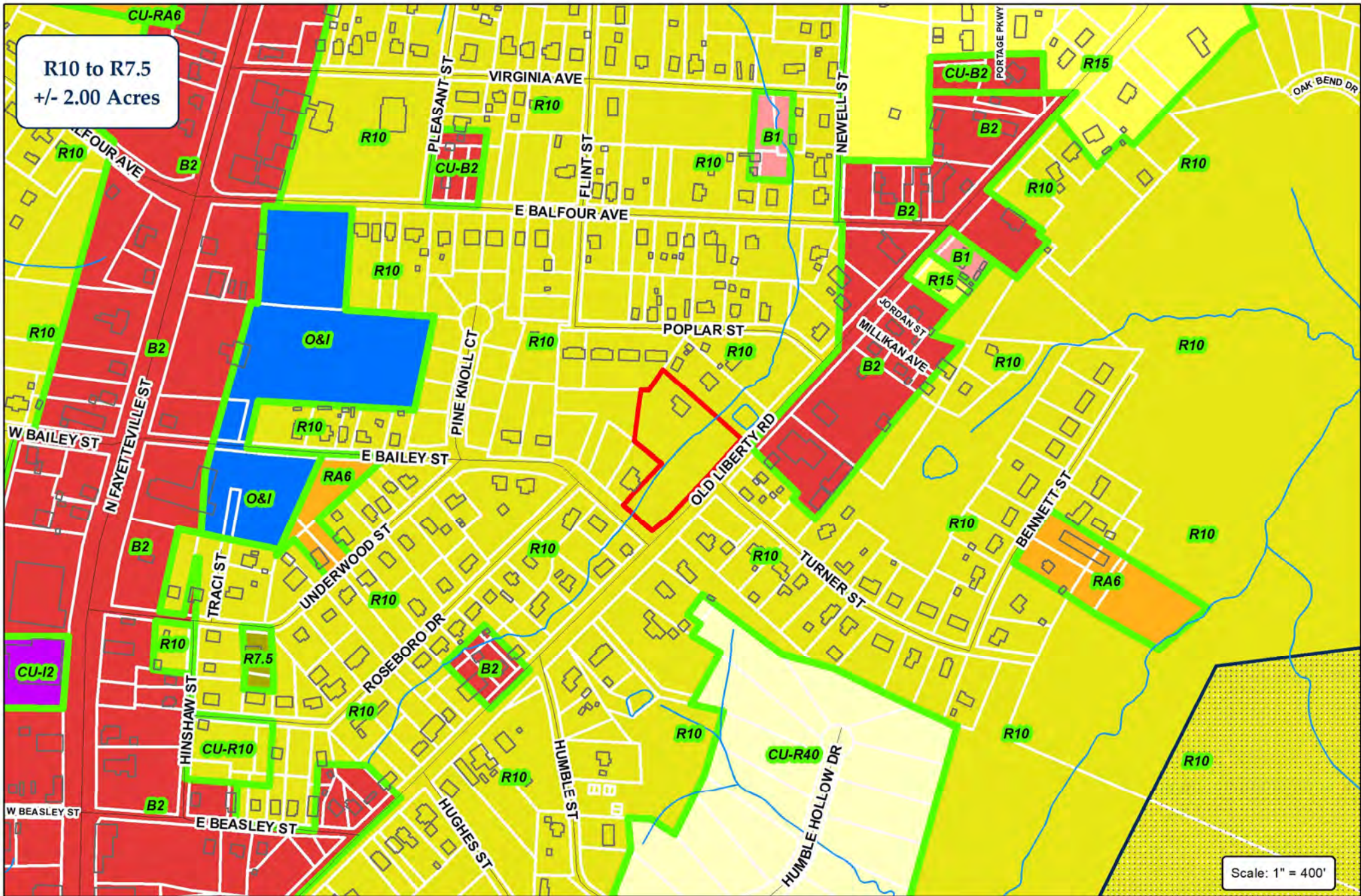
Table 200-1									
Table of Area, Height, Bulk and Placement Regulations									
District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R10	10,000 SF	75	30	10	25	35	22%		
	15,000 Duplex	1 Single Family or 1 Duplex Only					22%		
	10,000 NonRes						22%		
R7.5	7,500 SF	60	25	10	20	35	22%		
	11,500 Duplex	1 Single Family or 1 Duplex Only					22%		
	7,500 NonRes						22%		
*Except as specifically modified by this Ordinance							Revised 10/2019		

Staff Note: Non-residential uses typically require a Special Use Permit.

Zoning Ordinance Statement of Intent for each district (Section 210):

R10 Medium-Density Residential (existing): Intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.

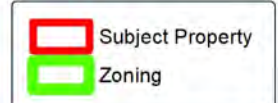
R-7.5 Medium-Density Residential (proposed): Intended to provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living



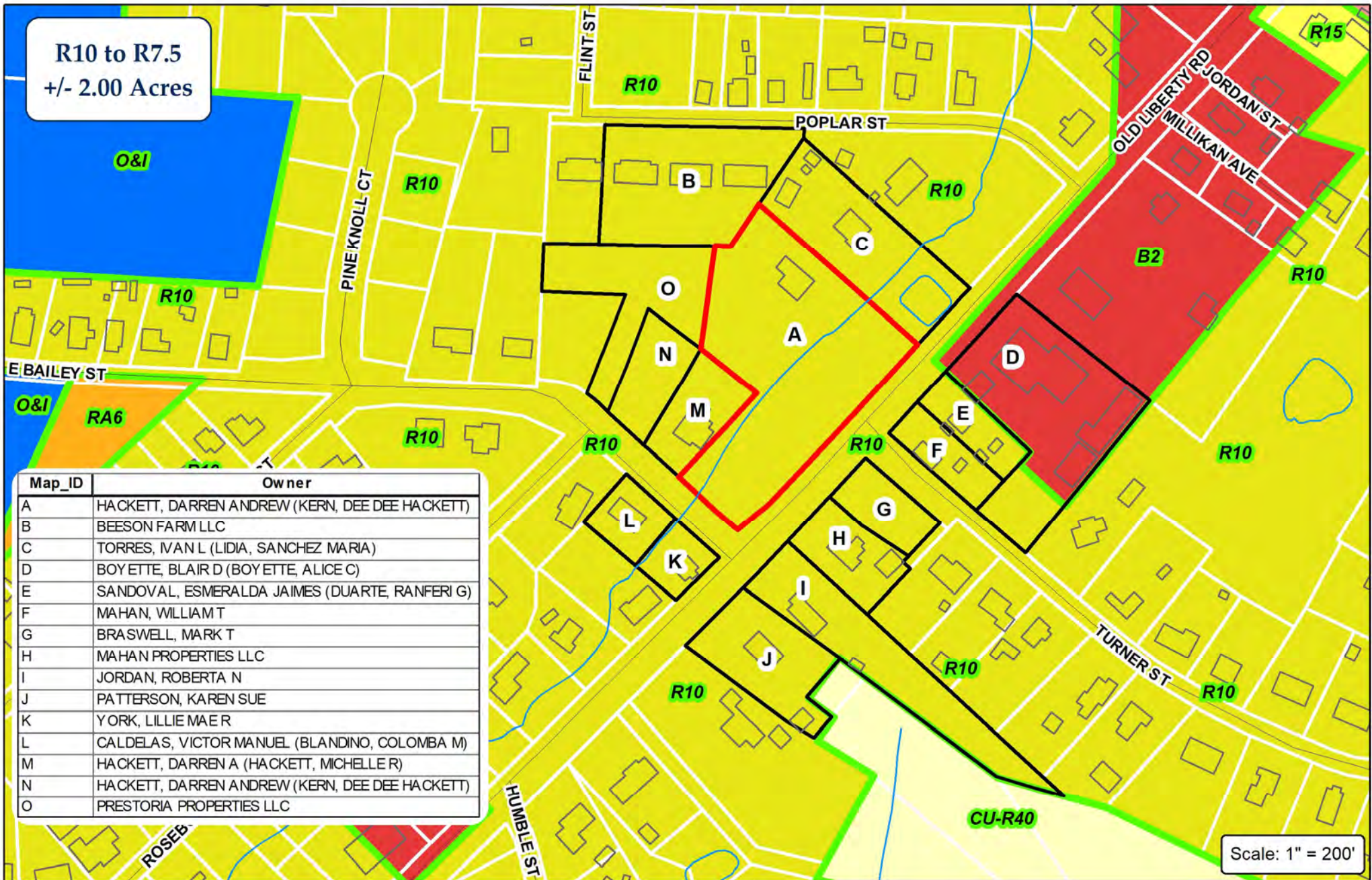
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-07

Parcel: 7762168474



R10 to R7.5
+/- 2.00 Acres

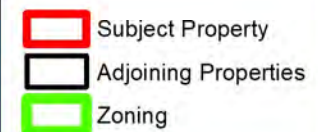


Map_ID	Owner
A	HACKETT, DARREN ANDREW (KERN, DEE DEE HACKETT)
B	BEESON FARM LLC
C	TORRES, IVAN L (LIDIA, SANCHEZ MARIA)
D	BOYETTE, BLAIR D (BOYETTE, ALICE C)
E	SANDOVAL, ESMERALDA JAIMES (DUARTE, RANFERI G)
F	MAHAN, WILLIAM T
G	BRASWELL, MARK T
H	MAHAN PROPERTIES LLC
I	JORDAN, ROBERTA N
J	PATTERSON, KAREN SUE
K	YORK, LILLIE MAE R
L	CALDELAS, VICTOR MANUEL (BLANDINO, COLOMBA M)
M	HACKETT, DARREN A (HACKETT, MICHELLE R)
N	HACKETT, DARREN ANDREW (KERN, DEE DEE HACKETT)
O	PRESTORIA PROPERTIES LLC

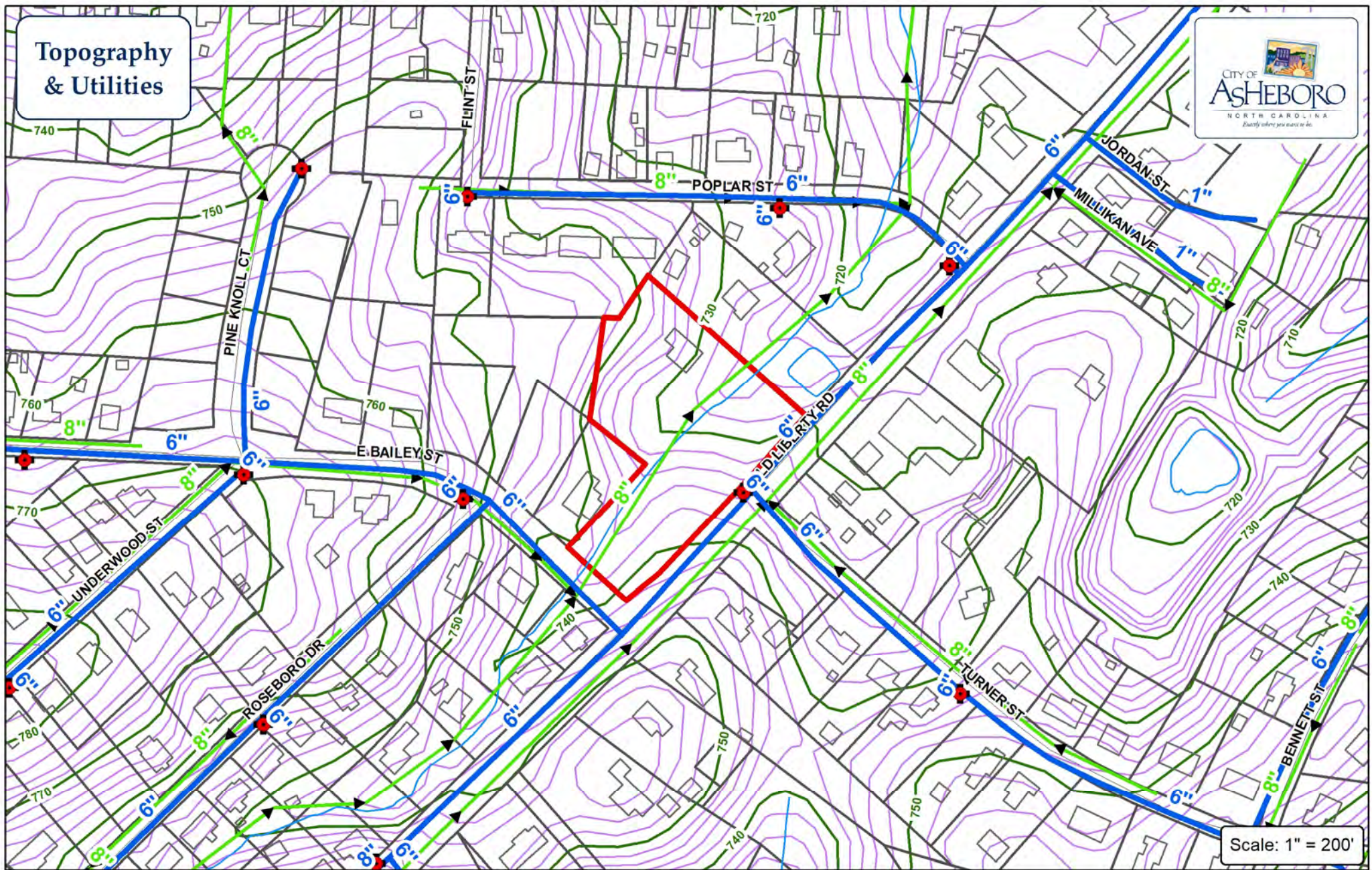
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-07

Parcel: 7762168474



Topography & Utilities

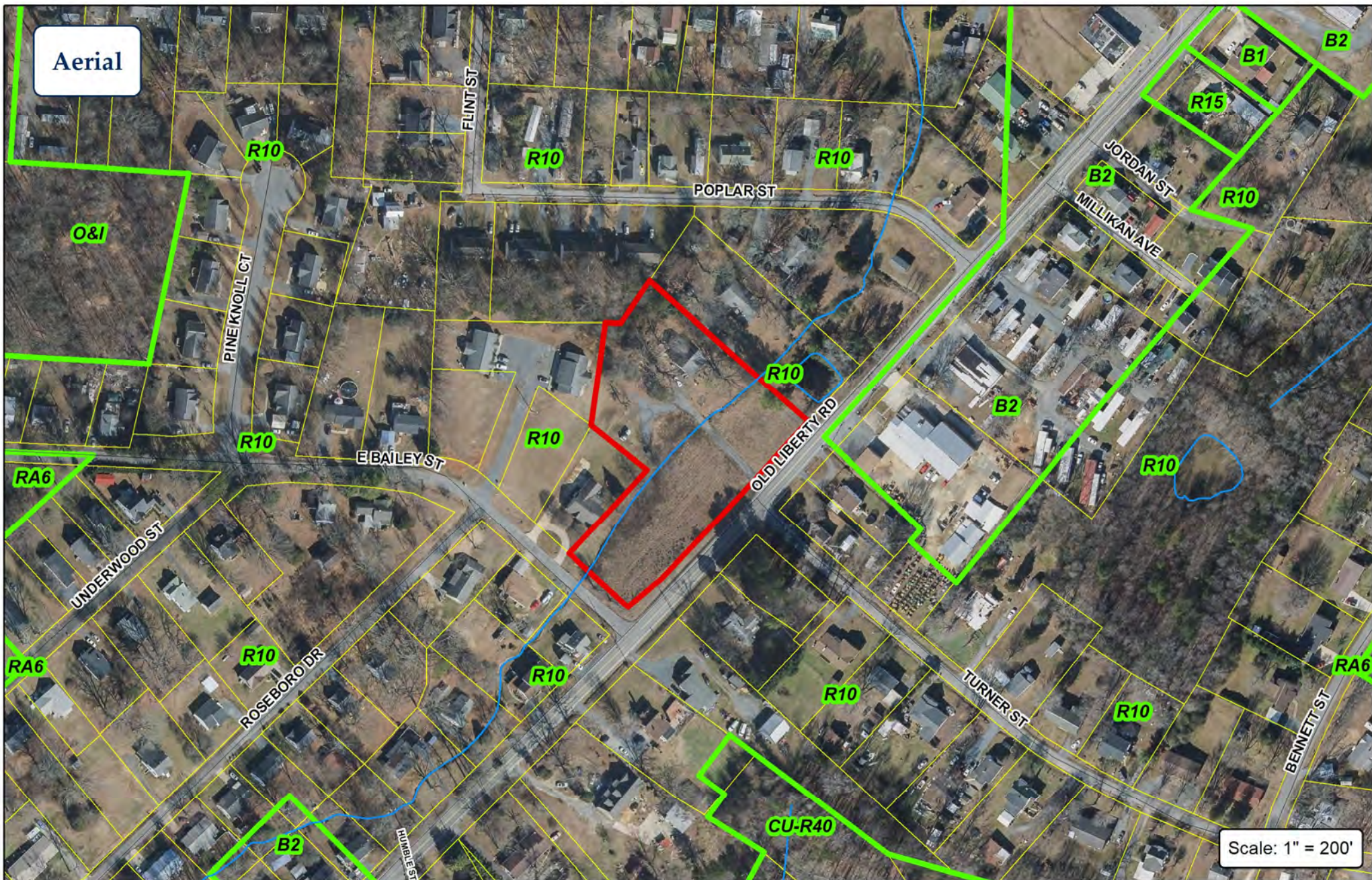


- | | |
|---|--|
|  Water Main |  Fire Hydrant |
|  Sewer Main |  Pump Station |
|  Force Main | |

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-20-07
Parcel: 7762168474

 Subject Property

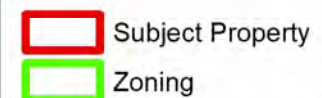




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-07

Parcel: 7762168474



Application for Zoning Ordinance/Map Amendment

APPLICANT INFORMATION

Applicant Darren Hackett
Applicant's Phone # 336.302.5848
Applicant's Address PO Box 4451
Asheboro, NC 27204
Applicant Email Address darrena.hackett@icloud.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name _____
Location of Property 435 Old Liberty Rd.
Property Size (ac. or s.f.) 2.00 AC.
Randolph County Property Identification Number (PIN#) 7762168474
Current Zoning District R10
Requested Zoning District R7.5
Date Property Title Acquired Mar. 23, 1989
Deed Book 1236 Page 74
Subdivision Russell H. Hackett, et. al. Section N/A Lot # 6
Plat Book 37 Page 72

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.

N/A

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?

N/A

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

To Allow For Single Family Home Construction

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

For Maximization of # of Lots Per Property

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



Owner Signature (if different than Applicant)

Printed Name of Authorized Signatory (if different from Applicant)

Owner Address

Position/Relationship of Authorized Signatory to Applicant

Telephone Number

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by:

John Evans

Date:

5-14-2020

Case Number:

R2-20-07



RZ-20-08: Request to rezone from R15 (Low-Density Single-Family Residential) and R10 (Medium-Density Residential) to R10 (Medium-Density Residential): Meadowbrook Road Extension and Honeysuckle Road

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-20
-08**

Date 6/1/2020 Planning
Board

Applicant Darren Hackett

Legal Description

The property of Darren Andrew Hackett & Dee Dee Hackett Kearns, located approximately along Meadowbrook Rd. Extension & Honeysuckle Rd. 175 ft. north of Ideal Dr., totaling approximately 2.55 acres +/- and identified by Randolph Co. Parcel ID #s 7762230413 & 7762231577.

Requested Action Rezone from R15 Low-Density Single-Family Residenital and R10 Medium-Density Residential to R10 Medium-Density Residential.

Existing Zone R15

Land Development Plan See rezoning staff report.

Planning Board Recommendation

Pending

Reason for Recommendation

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-20-08**

Date 7/6/2020 Planning Board
7/9/2020 City Council

General Information

Applicant Darren Hackett
Address PO Box 4451
City Asheboro NC 27203
Phone 336-302-4451
Location Meadowbrook Rd. Extension and Honeysuckle Rd

Requested Action Rezone from R15 Low-Density Single-Family Residential and R10 Medium-Density Residential to R10 (Medium-Density Residential)

Existing Zone R10/R15 **Existing Land Use** Undeveloped

Size 2 acres* (see #3 of analysis below) +/- of 2.55 acres +/- total **Pin #** 7762230413, 7762231577

Applicant's Reasons as stated on application

To allow for single-family home construction, for maximization of number of lots per property.

Surrounding Land Use

North Undeveloped/Single-Family Residential

East Single-Family Residential

South Single-family residential

West Manufactured home park/Single-family

Zoning History N/A

Legal Description

The property of Darren Andrew Hackett & Dee Dee Hackett Kearns, located approximately along Meadowbrook Rd. Extension & Honeysuckle Rd. 175 ft. north of Ideal Dr., totaling approximately 2.55 acres +/- and identified by Randolph Co. Parcel ID #s 7762230413 & 7762231577. **Legal notices were mailed to adjoining property owners on Tuesday, June 23, 2020**

Analysis

1. The property is inside the city limits.
2. Meadowbrook Rd. Ext. connects Honeysuckle Rd., a state-maintained roadway, with Ideal Dr., a city-maintained street with an average road width of less than 20 feet.
3. The majority of the property is zoned R15 (Low-Density Single-Family Residential) and has been since the 1970's. A review of historical records suggests that the current zoning map may be inaccurate and that the R15 district should extend 100 feet further west than presently shown.
4. The applicant previously requested that this property be rezoned to R7.5 Medium-Density Residential, which the Planning Board considered during its June 1, 2020 meeting. The Planning Board is considering this request due to the applicant modifying the request to ask for an R10 designation of the property instead of the previous R7.5 district request.
5. The R15 district only allows a single-family dwelling on each zoning lot. The R10 district allows a single-family or two-family dwelling on each zoning lot, with reduced lot sizes, frontage, and setback requirements compared to the R15 district. The attached excerpt from the zoning ordinance shows a detailed comparison of both districts, including the statement of intent in the zoning ordinance for each.
6. Adjoining properties consist primarily of low-density single-family dwellings, with many adjoining properties exceeding the minimum lot size by a significant margin. One adjoining property has a legal non-conforming manufactured home park with a density in excess of R10 allowances.
7. There is a stream and city sewer easement on the property. NCDEQ needs to be contacted prior to any land activity that impacts the stream or its banks and the city's easement must be kept clear from encroachment.
8. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community."

Rezoning Staff Report

RZ Case # RZ-20-08

Page 2

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 Neighborhood Residential

Small Area Plan Northeast

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

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

Checklist Item 5: Complies with Growth Strategy Map

Checklist Item 13: The property is located outside of Special Hazard Flood Area.

Rezoning Staff Report

RZ Case # RZ-20-08

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map.

Checklist Item 4: The proposed rezoning is not compatible with surrounding land uses.

Checklist Item 10: Rezoning is not consistent with Land Category Descriptions

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.

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

The "neighborhood residential" designation calls for residential uses of similar density to surrounding land uses. While there are some higher density land uses (legal non-conforming manufactured home parks and a duplex) west of the subject property, the land use pattern along Meadowbrook Road Extension and Honeysuckle Road is low-density, single-family development built to R15 zoning standards. Approval of the request could allow up to five two-family dwellings and would be inconsistent with the adjacent properties on Meadowbrook Rd. Extension and Honeysuckle Road.

While the application of R10 zoning would be slightly less out of character with surrounding land uses and zoning classifications than the previous R7.5 request, staff does not believe there is sufficient support in the Land Development Plan to consider the request reasonable and in the public interest.

Recommendation In light of the above analysis, staff's recommendation is to deny the request.

Comparison of existing R15 Low-Density Single-Family Residential district (current zoning) & R10 Medium-Density Residential District (current request) with requested R7.5 Medium-Density Residential District (previous request shown for context)

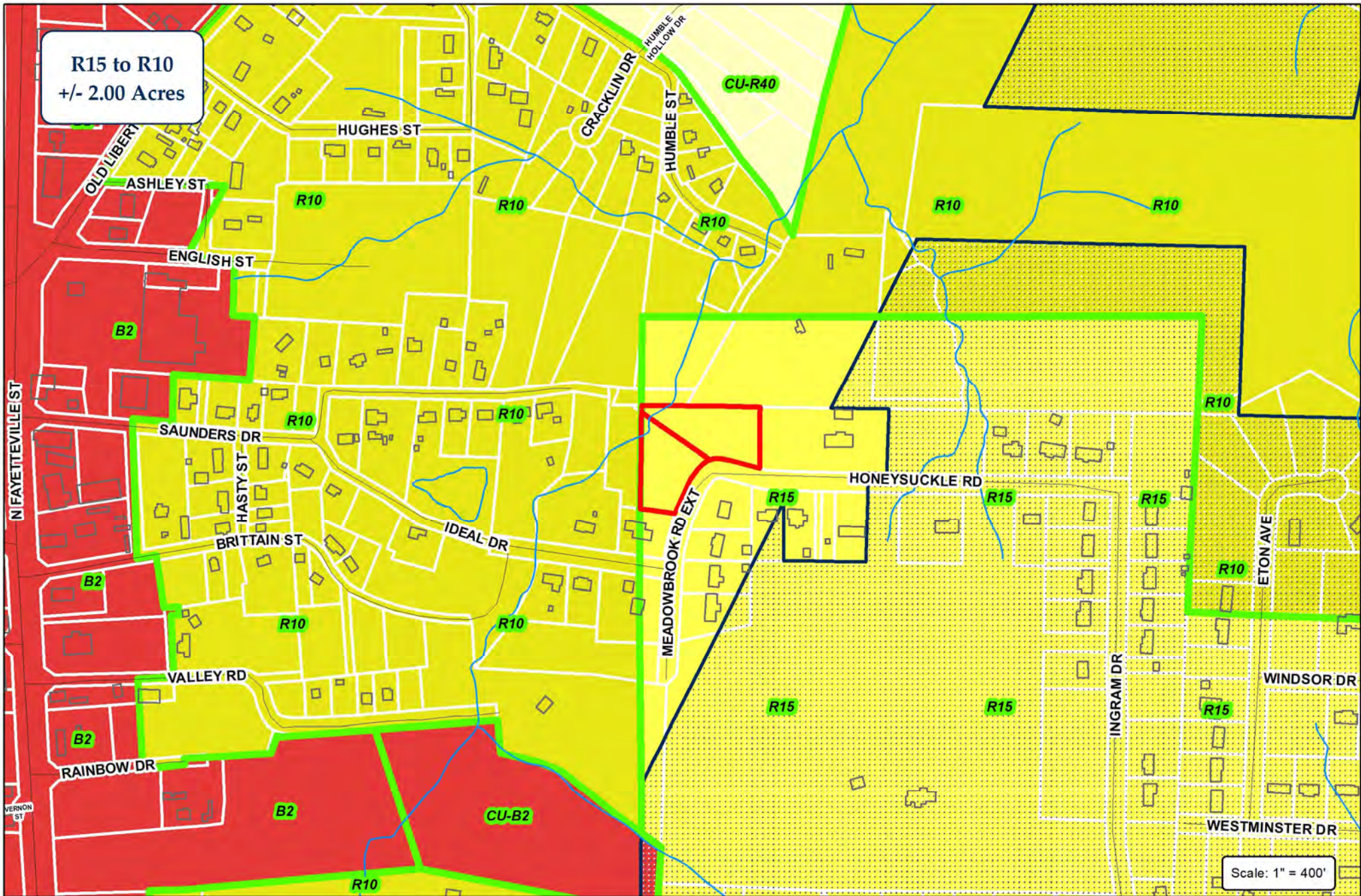
Table 200-1									
Table of Area, Height, Bulk and Placement Regulations									
District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R15	15,000	100	30	15	25	35	22%		
			1 Single Family Only						
R10	10,000 SF	75	30	10	25	35	22%		
	15,000 Duplex		1 Single Family or 1 Duplex Only				22%		
	10,000 NonRes						22%		
R7.5	7,500 SF	60	25	10	20	35	22%		
	11,500 Duplex		1 Single Family or 1 Duplex Only				22%		
	7,500 NonRes						22%		
*Except as specifically modified by this Ordinance							Revised 10/2019		
Staff Note: Non Residential applies to uses that typically require a Special Use permit.									

Zoning Ordinance Statement of Intent for each district (Section 210):

R15 Low-Density Single-Family Residential (existing zoning): Intended to provide regulations which will produce a low intensity of single family residential use with the necessary governmental and other support facilities to service such suburban intensity living.

R10 Medium-Density Residential (current request): Intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.

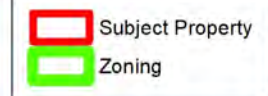
R-7.5 Medium-Density Residential (previous request): Intended to provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living



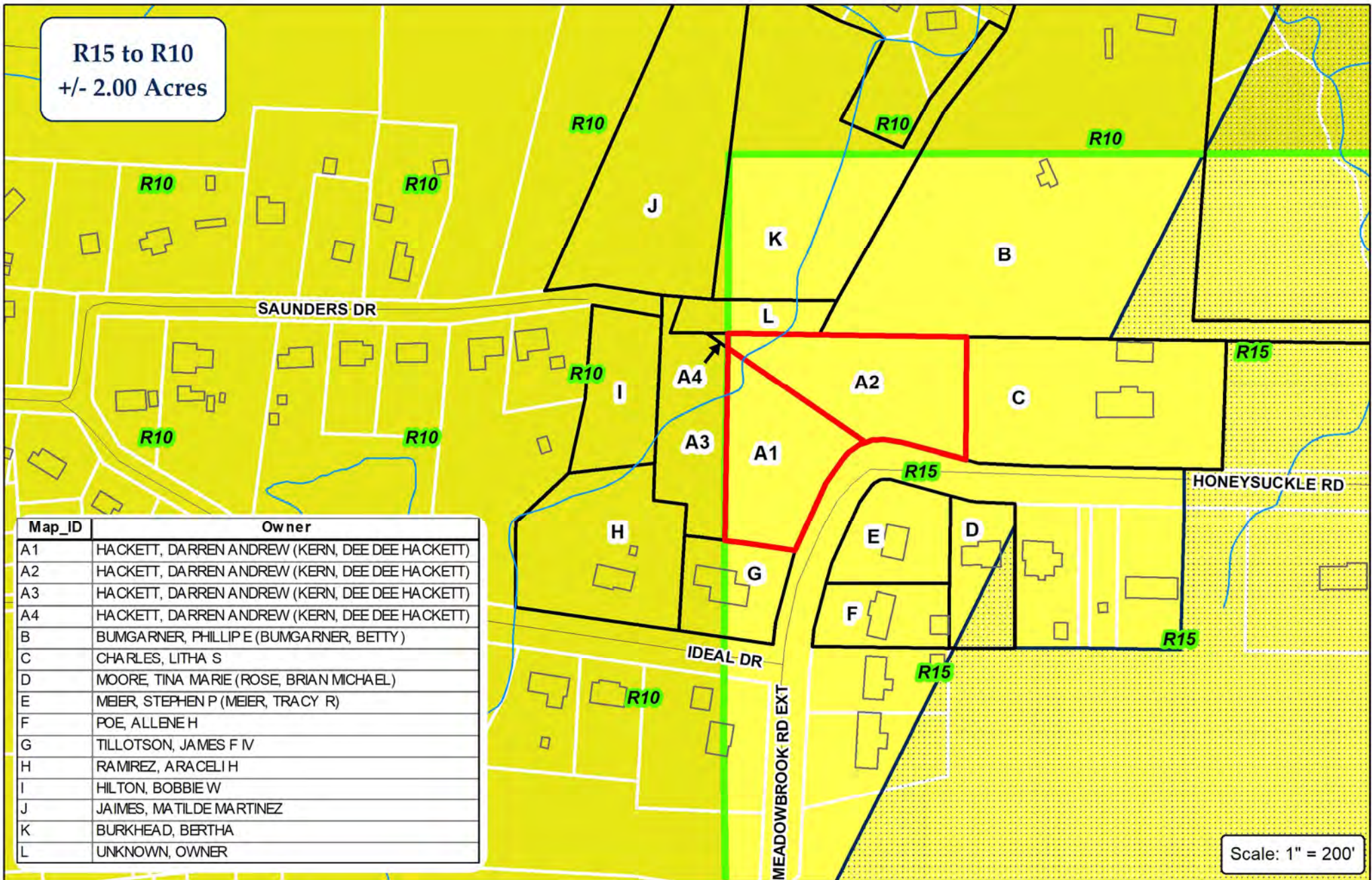
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-08

Parcel: 7762230413 & 7762231577



R15 to R10
+/- 2.00 Acres



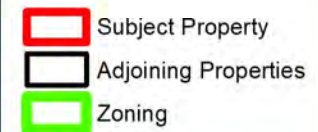
Map_ID	Owner
A1	HACKETT, DARREN ANDREW (KERN, DEE DEE HACKETT)
A2	HACKETT, DARREN ANDREW (KERN, DEE DEE HACKETT)
A3	HACKETT, DARREN ANDREW (KERN, DEE DEE HACKETT)
A4	HACKETT, DARREN ANDREW (KERN, DEE DEE HACKETT)
B	BUMGARNER, PHILLIP E (BUMGARNER, BETTY)
C	CHARLES, LITHA S
D	MOORE, TINA MARIE (ROSE, BRIAN MICHAEL)
E	MEIER, STEPHEN P (MEIER, TRACY R)
F	POE, ALLENE H
G	TILLOTSON, JAMES F IV
H	RAMIREZ, ARACELI H
I	HILTON, BOBBIE W
J	JAIMES, MATILDE MARTINEZ
K	BURKHEAD, BERTHA
L	UNKNOWN, OWNER

Scale: 1" = 200'

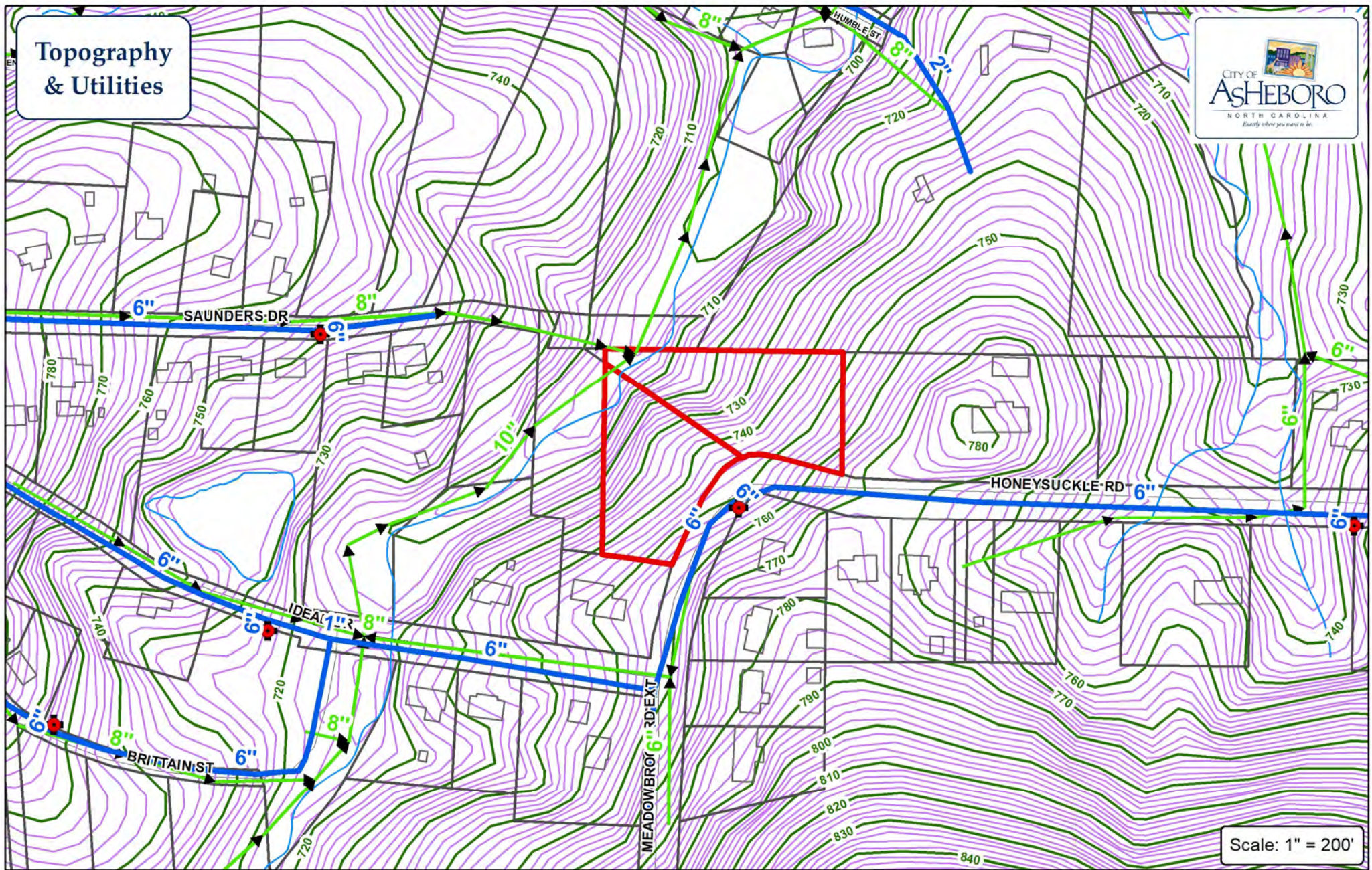
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-08

Parcel: 7762230413 & 7762231577



Topography & Utilities

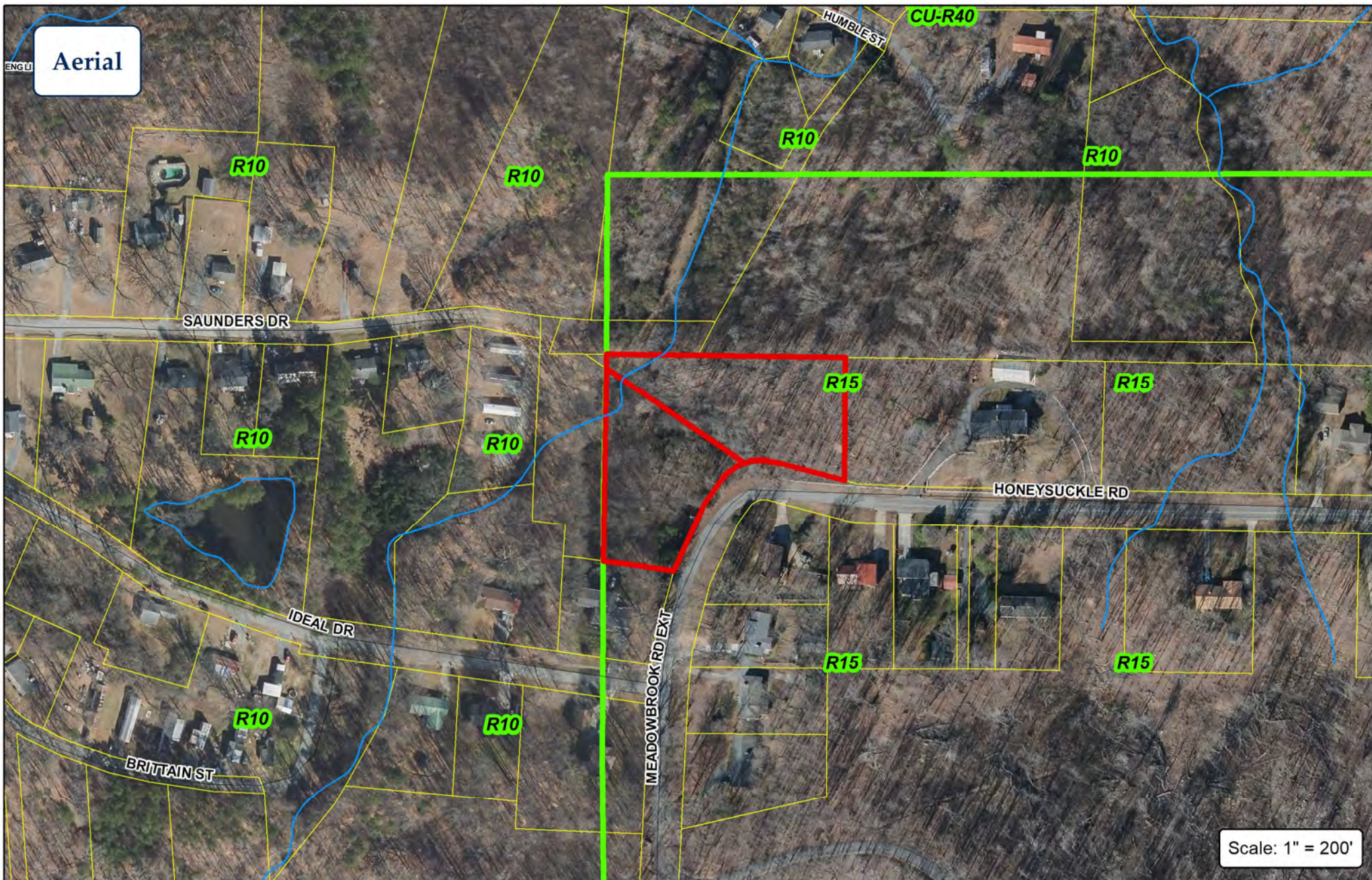


- Water Main
- Sewer Main
- Force Main
- Fire Hydrant
- Pump Station

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-20-08
Parcel: 7762230413 & 7762231577

Subject Property

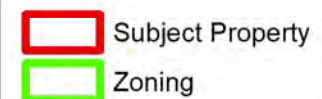




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-08

Parcel: 7762230413 & 7762231577



Application for Zoning Ordinance/Map Amendment

APPLICANT INFORMATION

Applicant Darren Hackett
Applicant's Phone # 336.302.5848
Applicant's Address Po Box 4451
Asheboro, NC 27204
Applicant Email Address darren a hackett@icloud.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Darren Andrew Hackett
Location of Property meadowbrook Road Ext.
Property Size (ac. or s.f.) 1.46 Ac. / 1.09 Ac.
Randolph County Property Identification Number (PIN#) 7762230413 / 7762231577
Current Zoning District _____
Requested Zoning District R10
Date Property Title Acquired _____
Deed Book 1180/pq. 1978 (prior deed) Page 807 (prior deed) 18E/262
Subdivision Piney Mountain Estates Section N/A Lot # As per deeds
Plat Book 12 Page 2

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.

N/A

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?

N/A

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

To Allow For Single Family Home Construction

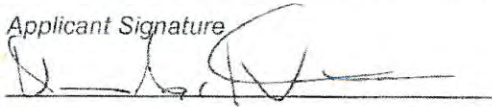
4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

For Maximization of # of Lots Per Property

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



Owner Signature (if different than Applicant)

Printed Name of Authorized Signatory (if different from Applicant)

Owner Address

Position/Relationship of Authorized Signatory to Applicant

Telephone Number

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: J. L. Smith

Date: 5-14-2020

Case Number: R2 - 20-07

John Evans

From: Darren Hackett <darrenahackett@icloud.com>
Sent: Monday, June 8, 2020 7:27 AM
To: John Evans
Subject: Honeysuckle/ Meadowbrook zoning

John,

I would like to notify the city planning department that after considerations noted from the planning board meeting, I would like to change the request of rezoning from R7.5 to R10 on the property located at Honeysuckle/Meadowbrook Ext. If you have any questions or need additional information please email or call me.

Thanks

Darren A. Hackett

Sent from my iPhone



City of Asheboro
Office of the City Clerk

Post Office Box 1106 • Asheboro, North Carolina 27204-1106
Phone (336) 626-1201 • Fax (336) 626-1218

Holly H. Doerr
City Clerk

Tamela D. Garner
Deputy City Clerk

MEMORANDUM

TO: Mayor Smith and Members of the Asheboro City Council

FROM: Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal *HHH*

DATE: Thursday, July 2, 2020

RE: Citizen Comments Pertaining to Land Use Case No. RZ-20-08

A resident in the city has submitted a written statement regarding the above-referenced land use case that is on the council's meeting agenda for July 9, 2020. In accordance with the North Carolina General Statutes, I have attached the resident's statement to this memorandum and am forwarding the statement to you in advance of your proposed vote on the land use case.

Please let me know if I can be of any assistance.

Attachment

cc: John N. Ogburn, III, City Manager (with attachment)

Dear Asheboro City Council and Planning Board Member,

My Name is Stephen Meier , I own and reside with my wife at 1650 Meadowbrook Road EXT. on the corner of Meadowbrook Road Extension and Honeysuckle Rd. I have received notice of the proposed spot zoning change from R15 low density to R10 Medium Density under review by the City of Asheboro for the property directly across the street from my house, specifically parcels 776220413 and 7762231577. I am NOT in favor of the city granting this zoning change.

Property located at this address is part of Piney Mountain Estates. This was designed for single family homes not medium use duplexes. Spot zoning change is not consistent with the original development plan for this area

Topographical map shows storm water runoff runs through the property



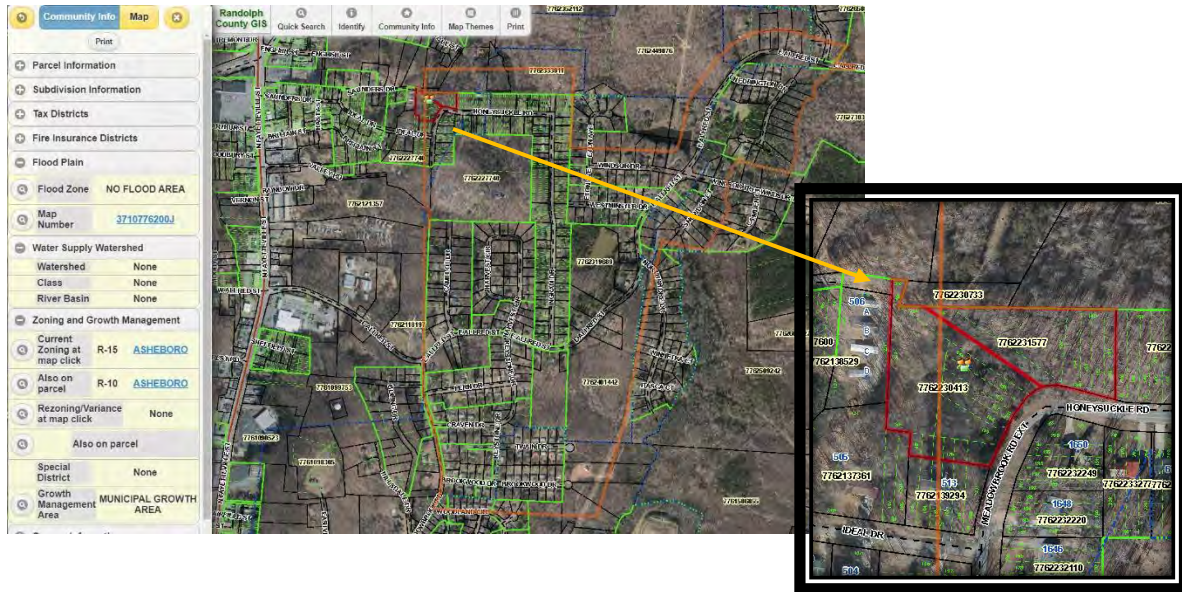
The City of Asheboro has not been able to provide adequate water run off planning in this area with repeated flash flooding at the corner of Honeysuckle and Meadowbrook Rd EXT.



City streets leading to this property are narrow and unmarked with no shoulder or sidewalk.

Since 2002 Asheboro City has done little more than patch the paved street on the corner of Honeysuckle and Meadowbrook EXT

This spot zoning change is NOT consistent with the orderly planned development of public services, as shown in county map showing land usage with orange outline



I respectfully ask that you review my claims and consider my position on this topic when making your recommendations to the City Council for the upcoming public hearing on July 7th.

Best regards

Steve Meier

1650 Meadowbrook Road EXT.
Asheboro, NC 27203
336-653-8169



City of Asheboro
Office of the City Clerk

Post Office Box 1106 • Asheboro, North Carolina 27204-1106
Phone (336) 626-1201 • Fax (336) 626-1218

Holly H. Doerr
City Clerk

Tamela D. Garner
Deputy City Clerk

MEMORANDUM

TO: Mayor Smith and Members of the Asheboro City Council

FROM: Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal *HHH*

DATE: Wednesday, July 8, 2020

RE: Citizen Comments Pertaining to Land Use Case No. RZ-20-08

Subsequent to the last memorandum on July 2, 2020, another resident in the city has submitted a written statement regarding the above-referenced land use case that is on the council's meeting agenda for July 9, 2020. In accordance with the North Carolina General Statutes, I have attached the resident's statement to this memorandum and am forwarding the statement to you in advance of your proposed vote on the land use case.

Please let me know if I can be of any assistance.

Attachment

cc: John N. Ogburn, III, City Manager (with attachment)

Dear Asheboro City Council and Planning Board Members,

My name is Litha Charles. I own and reside at 777 Honeysuckle Rd, adjacent to the properties that you are considering for a zoning change from R15 low density to R10 Medium Density. I am NOT in favor of this change.

I have great concerns about this possible change. I have four children and the street is increasingly becoming a street with younger families with children. The increased traffic is concerning, especially since where the properties are located, it is an extremely narrow road with little shoulder, with a very sharp curve.

There is a creek that runs through the lots, and water runoff is heavy. I am concerned about the water runoff and environmental hazards such a change might bring about.

Our neighborhood consists of single family homes, and the change is not consistent with the neighborhood. I fear that such a change would dramatically change our neighborhood and decrease property values for the surrounding families.

I ask that you please review my concerns when making your recommendations to the City Council. Thank you for your consideration.

Sincerely,

Litha Charles
777 Honeysuckle Rd.
Asheboro, NC 27203
(336)951-1128

NC-DOT
Contract Standards and Development Unit
Preliminary Estimate Section

June 04, 2020

Memo To: Melanie Nguyen, PE
Project Manager – Divisions 5 & 8

From: Forrest Dungan, PE
Preliminary Estimate Engineer

Subject: Preliminary Construction Cost Estimate for Urban Improvements on
TIP Project U-5813 in the City of Asheboro

Alignment:

City of Asheboro
(Cost Share)

Description	Quantity	Units	Price	Amount
4" Concrete Sidewalk	7,800	SY	\$ 41.00	\$ 319,800.00
Mobilization (5 %)	1	LS		\$ 15,990.00
Contract Cost				\$ 335,790.00
E. & C. Cost (15%)				\$ 50,369.00
Construction Cost				\$ 386,159.00
NC-DOT Participation		70%		\$ (270,311.00)
City of Asheboro		30%		\$ 115,848.00

Note: Estimate is for Preliminary Use Only. Quantities and Unit Prices
are subject to change.

CC: File

Asheboro Police Department 2019 Annual Report Overview

- In 2019 the Asheboro Police Department answered 25,453 Calls for Service in which 24.6% required Incident Reports (pg. 7)
- This was a 3.7% decrease in calls from the previous year (pg. 7)
- Average response time to all Calls for Service was 5 minutes 11 seconds (pg. 8)
- Part I Crimes reported was 1,547 offenses which was a decrease from the previous year which totaled 1,635 offenses. Part I overall offenses decreased 4.8%, however, Criminal Homicide, Forcible Rape, and Robbery all slightly increased (pg. 10)

Most Common Arrest Offenses Charged (pg. 12)

OFFENSE/DESCRIPTION	NUMBER OF OFFENSES CHARGED
Failure to Appear In Court (Felony/Misdemeanor)	618
Drug Charges (including: possession/selling/manufacturing/trafficking)	568
Larceny (including: misdemeanor, felony, Aid & Abet, Habitual)	329
Assaults (All/Including Affray)	321
Possession of Drug Paraphernalia	291
Possession of Stolen Property	213
Resist/Delay/Obstruct	139
Driving While Impaired	126
Trespass (Including 1st & 2nd Degree/Domestic Criminal)	115
Injury/Damage to Property	79
Total	2799

Traffic Enforcement / Crash Data

- 4,734 citations were issued department wide for traffic offenses (pg. 23)

Top Ten Traffic Violations Charged (pg. 24)

• Registration Violations:	1787
• Inspection Violations:	909
• Speeding:	720
• Driving While License Revoked:	671
• No Operator's License:	613
• Failure to Reduce Speed:	333
• Unsafe Movement:	300
• Operate Vehicle with No Insurance:	230
• Red Light/Stop Sign Violation:	220
• Improper Backing:	142

Traffic Enforcement / Crash Data

- Asheboro Police investigated 1,864 traffic collisions (pg. 27)

YEAR	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
2019	143	115	154	159	150	151	159	169	161	169	151	183	1864
2018	169	142	150	160	162	161	157	125	125	182	149	153	1835
2017	148	128	168	149	169	159	156	177	154	182	148	177	1915

Traffic Enforcement / Crash Data (pg. 26)

Most Frequent Traffic Accident Locations					
Road Name	PVA (parking lot area)	Non-Intersection	Intersection	Total Accidents	% of Yearly Total
Dixie Drive	238	262	50	550	29.5%
Fayetteville Street	132	151	36	319	17.1%
Salisbury Street	23	39	25	87	4.7%
I 73/74	0	54	15	69	3.7%
Park Street	9	26	10	45	2.4%

Drugs Seized (pg. 38)

DEPARTMENT TOTAL	2017	2018	2019
Controlled Substance	121.21	393.3	58.9
Cocaine	1141.79	501.32	1310.55
Marijuana	21654.03	6575.28	21977.41
Methamphetamine	8269.39	284.68	7452.57
Heroin	98.53	1616.01	379.67
Drug Paraphernalia (# of items seized)	368	484	804
Prescription Pills	805.5	1870	213.5

Animal Control Information (pg. 34)

- 1,326 Animal Control Calls for Service
- 321 Incident Reports taken
- 193 dogs transported to the Animal Shelter
- 250 cats transported to the Animal Shelter
- Running at Large is the number one answered Animal Control Call for Service, followed by Welfare Checks of animals

Asheboro Fire Department

Pandemic Response



Mission Statement

The Asheboro Fire Department is committed to providing service with compassion, professionalism, and dedication to the citizens and visitors of Asheboro, NC; with the highest level of life safety and property conservation.

COVID-19 Challenges

- Unknown
- Dissemination of Info.
- Social Distancing
- Personnel Safety & Well-Being
- Operational Effectiveness
- Response Protocols/Availability
- Station Sustainability
- Community Outreach

Operational Guidelines

- Updated Weekly
- Protective Measures
- De-con Requirements
- PPE
- Patient Assessment and Zones



Station 33 (Asheboro Recreation Center) –Social Distancing



Command Staff



Deputy Chief Cockman Relocated
to the Sunset Theater



Assistant Chief King
Relocated to the Transfer
Station

Equipment and Safety Attire (PPE)



Tyvek Suits, Gloves,
Safety Glasses and
N95 Mask

Gowns, Gloves,
Safety Glasses, and
N95 Mask



Small Medical Bag (Easily
Decontaminated)

Only one person will initiate
patient contact. (unless more
personnel needed.)

Decontamination of Personnel

Operational Guidelines

- Firefighter(s) discard all Personal Protective Equipment at the scene, and place in Biohazard bag.
- The Fire Department responds with Utility 19 (Gator) to take personnel back to Fire Station 1 for Decontamination. (Keeps Fire Apparatus from contamination)



Firefighter arrives at station 1
after responding to a possible
COVID-19 Incident

Communications

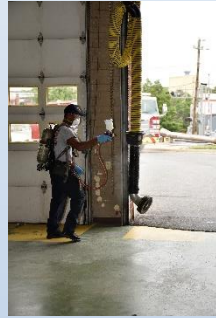
- Response Protocols



Decontamination of Stations



Decontamination sprayer used to decontaminate surfaces. Personnel disinfect after calls and twice daily.



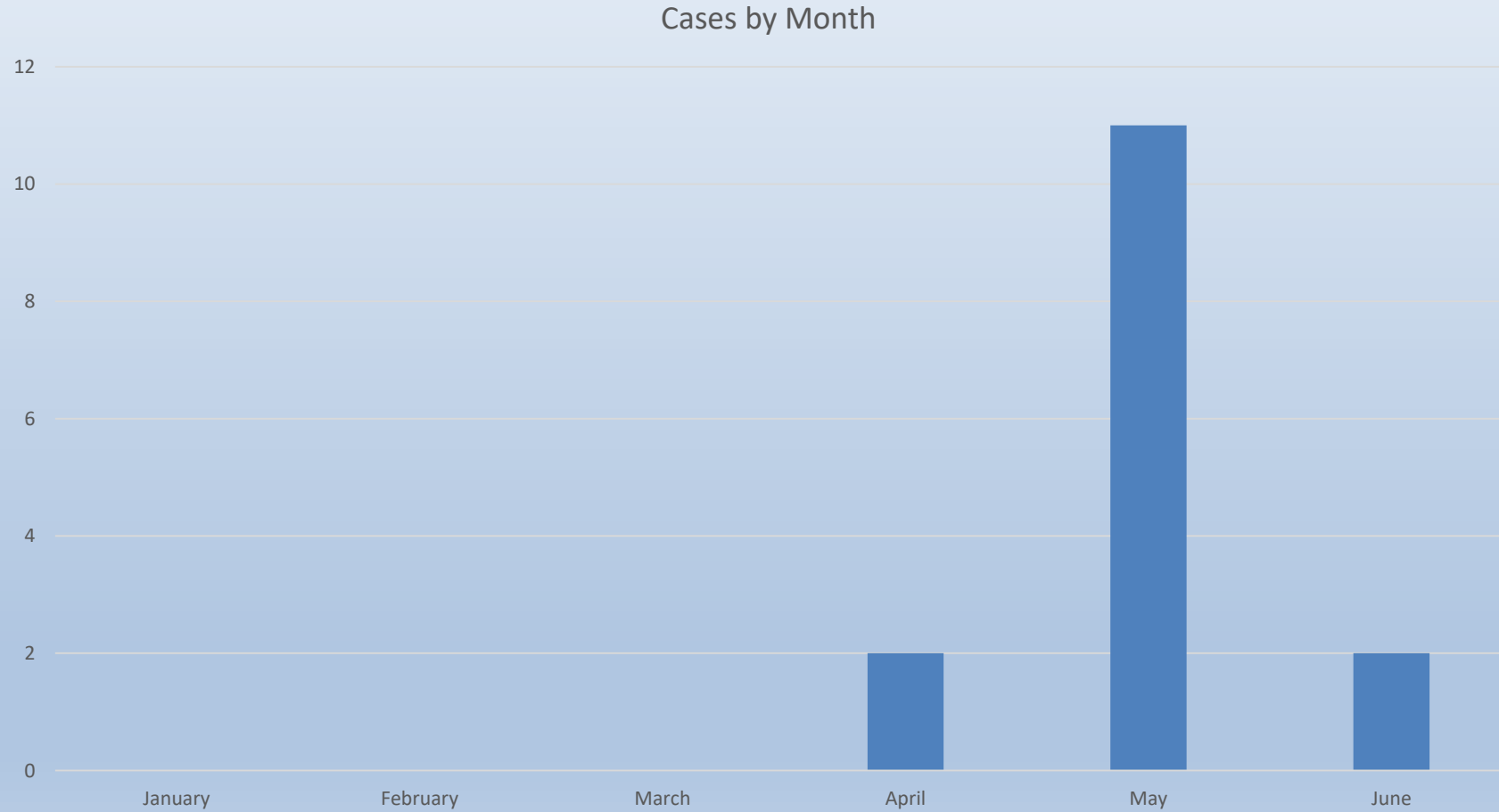
Personnel use hand sanitizer, and change shoes from daily duty boots(worn on calls) to shoes only worn in station living areas. Minimizes Contamination



AFD & ACS Food Delivery



COVID-19 Responses



Responses by District

Fire District One Fayetteville St. Addresses South of Allred St. & streets west of Fayetteville St.	Four Cases (E-11)
Fire District Two East & West Allred St. addresses, along with roads South and North of Allred St.	Five Cases (E-21)
Fire District Three All roads South of Allred St. & streets east of Fayetteville St.	Seven Cases (E-13)

Suspected Cases

- In addition to the 16 confirmed cases, we also responded to 19 suspected cases, which indicates that the patient was exhibiting one or more of the symptoms of Covid-19 i.e., fever, persistent cough, headache, chills or muscle pain.

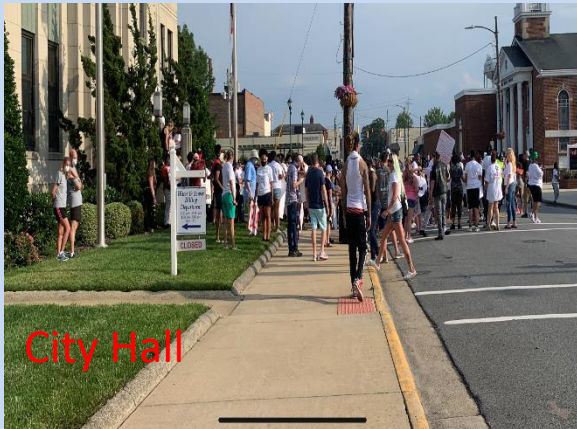
Operational Effectiveness

Due to the diligence of the FFs and the leadership of the company officers, we have continued to provide the service the citizens have come to expect and deserve. However, we remain diligent on the continued progression of the virus.



Protest Response

- Operational Response
- Unified Command



Operational Response

- Increased staffing to place an extra Engine Company in-service.
- Gator used to provide EMT.



Unified Command

- AFD
- APD
- Public Works
- City Hall
- Sheriff Department
- Emergency Management
- Randolph EMS



PRAYER WALK



New Recruits



Recruit Training

Down Firefighter



Teamwork



Recruit Training

Recruit Ascending Aerial Ladder



Ladder Operations



Conclusion

- Due to the uncertainty of the virus, we continue to evaluate our response capabilities and operational effectiveness.

Questions

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION AUTHORIZING THE PURCHASE OF A
PREVIOUSLY OWNED WALK-IN RESCUE TRUCK FOR
THE ASHEBORO FIRE DEPARTMENT**

WHEREAS, in an effort to reconcile operational needs with fiscal constraints, the Asheboro Fire Department's command staff has developed a plan to purchase a used walk-in rescue truck that will meet the fire department's operational needs in a cost-effective manner; and

WHEREAS, the Asheboro Fire Department has located a used walk-in rescue truck (hereinafter referred to as the "Rescue Truck") that is in good condition and satisfies the requirements of the above-described plan; and

WHEREAS, the Rescue Truck is a 1997 Pierce Lance truck currently owned by Robbins Hose Company No. 1, Inc. (a Delaware corporation that provides fire protection services for Dover, Delaware and that is also referred to as the "Dover Fire Department"); and

WHEREAS, the Dover Fire Department has offered to sell the Rescue Truck to the City of Asheboro for a purchase price of \$120,000.00; and

WHEREAS, subject to the successful completion of a professional pre-purchase inspection, the Asheboro Fire Chief and the Asheboro City Manager have recommended purchasing the Rescue Truck from the Dover Fire Department; and

WHEREAS, Section 143-129(e)(10) of the North Carolina General Statutes provides for an exception to the usual competitive bidding procedures for the purchase of used apparatus or equipment; and

WHEREAS, a proposed purchase agreement is attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the expenditure of budgeted funds for the above-described purchase of the Rescue Truck is hereby approved; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that City Manager John N. Ogburn, III is hereby authorized to execute the legal instruments needed to complete the purchase of the Rescue Truck so long as any such instruments are consistent with the material terms of the purchase agreement attached to this Resolution as EXHIBIT 1.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of July, 2020.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

STATE OF NORTH CAROLINA

**WALK-IN RESCUE TRUCK
PURCHASE AGREEMENT**

COUNTY OF RANDOLPH

THIS WALK-IN RESCUE TRUCK PURCHASE AGREEMENT (the "Agreement") is made and entered into, as of the date of the last signature affixed hereto, by and between the **CITY OF ASHEBORO**, a North Carolina municipal corporation with its principal office located in Randolph County, North Carolina at 146 North Church Street, Asheboro, North Carolina 27203, (the "**Buyer**" or the "**City**") and the **ROBBINS HOSE COMPANY NO. 1, INC.**, a volunteer fire department serving Dover, Delaware that is also known as the Dover Fire Department and is incorporated under the laws of the State of Delaware with a registered address of 103 South Governors Avenue, Dover, Delaware 19904, (the "**Seller**" or "**Dover**").

WITNESSETH:

WHEREAS, the City is seeking to purchase for its municipal fire department a used walk-in rescue truck; and

WHEREAS, Dover has a 1997 model year Pierce Lance walk-in rescue truck identified by vehicle identification number 4P1CT02S3WA000216 (the "Rescue Truck") that will meet the needs of the Asheboro Fire Department; and

WHEREAS, Dover is willing to sell the Rescue Truck to the City for \$120,000.00.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, specifically including the proposed transfer to the City of the unencumbered title to the Rescue Truck in consideration of the payment by the City of the purchase price of \$120,000.00, the City and Dover, intending to be legally bound, hereby agree as follows:

ARTICLE 1. Purchase of Apparatus

- 1.01** In accordance with the terms and conditions specified herein, Dover will sell the Rescue Truck to the City, and the City will purchase the Rescue Truck.
- 1.02** The total purchase price to be paid by the City for the Rescue Truck is \$120,000.00.

ARTICLE 2. Delivery and Acceptance of the Rescue Truck

- 2.01** Prior to the payment of any monetary consideration by the City, Dover is to deliver the Rescue Truck, within 14 calendar days of the final execution of this Agreement, to Atlantic Emergency Solutions, 121 Patriot Drive, Middletown, Delaware 19709 for a professional pre-purchase vehicle/equipment inspection that will be conducted at the City's sole and exclusive expense.
- 2.02** As a condition precedent to the City's obligation to complete the purchase of the Rescue Truck, the apparatus must pass, without exception or deviation, the pre-purchase vehicle/equipment inspection that will be performed at Atlantic Emergency Solutions. During this inspection, the following criteria must be satisfied:
- (1) The Rescue Truck must have a diesel engine with a minimum of 450 HP and an automatic transmission;
 - (2) The Rescue Truck must have fully operational emergency traffic sound and lighting devices;
 - (3) The Rescue Truck must meet all of the minimum requirements found in the applicable federal and North Carolina statutory law and administrative regulations for the use of the apparatus as a walk-in rescue truck on federal and state highway systems;
 - (4) The Rescue Truck must have an unexpired, valid FMCSA (Federal Motor Carrier Safety Administration) annual vehicle inspection sticker; and
 - (5) In addition to the necessity for satisfactory results from an oil/fluid analysis, the pre-purchase inspection must confirm, to the extent such a confirmation is possible and commercially reasonable, the absence of any condition/defect that would call into question the operational reliability or suitability of the apparatus for use as a rescue truck in accordance with generally accepted fire service standards.
- 2.03** The City, by and through Asheboro Fire Chief Willie Summers, will provide written notification of the results of the pre-purchase vehicle/equipment inspection as soon as is practicable. This notification will be sent to Dover Fire Chief Ronald Rhodes by means of mutually acknowledged on-going electronic mail transmissions between the two fire chiefs.
- 2.04** If and when notice of the successful completion of the above-described pre-purchase vehicle/equipment inspection, including any needed repairs or

corrective actions that must be authorized by Dover in order to successfully complete the inspection process, is given by the City's fire chief, the above-stated condition precedent to the purchase of the Rescue Truck shall be deemed to be satisfied. Upon the satisfaction of the condition precedent described in Section 2.02 of this Agreement, the City will be deemed to have accepted the delivery of the Rescue Truck at Atlantic Emergency Solutions, 121 Patriot Drive, Middletown, Delaware 19709.

- 2.05** The above-described pre-purchase vehicle/equipment inspection and the final written notification as to whether the condition precedent for the acceptance of the Rescue Truck has been satisfied shall be accomplished within 60 business days of the receipt of the Rescue Truck at Atlantic Emergency Solutions. If the Rescue Truck does not pass the above-described inspection, or if the inspection process, inclusive of any needed repair/corrective action that must be authorized by Dover in order for the Rescue Truck to pass the contractually mandated inspection, is not completed within 60 business days of the receipt of the truck by Atlantic Emergency Solutions, the proposed purchase of the Rescue Truck by the City shall be deemed to be canceled.
- 2.06** In the event the contemplated purchase of the Rescue Truck is canceled because the above-stated condition precedent is not satisfied in a timely manner, neither party shall owe any fees, damages, monetary payments, or charges of any kind to the other party, and title to the Rescue Truck shall remain with the Seller. Furthermore, so long as, and only so long as, Dover removes the Rescue Truck from the premises of Atlantic Emergency Solutions within five business days of the receipt of notification that the condition precedent for the purchase of the truck has not been satisfied, the City will pay for all charges associated with or arising out of the inspection conducted at Atlantic Emergency Solutions. Any storage fees or charges of a similar kind that are charged or accrue after five business days from the date of the cancellation of the purchase of the Rescue Truck shall be the sole and exclusive responsibility of Dover.

ARTICLE 3. Assignment and Warranty of Title

- 3.01** Once notice has been given by the City of the successful completion of the pre-purchase vehicle/equipment inspection and the resulting acceptance of the delivery of the truck to the City at Atlantic Emergency Solutions, 121 Patriot Drive, Middletown, Delaware 19709, the City shall have ten business days to make conclusive arrangements for the delivery to Dover, at a mutually agreed upon location, by the City's authorized representative(s) of a certified bank check payable to Robbins Hose Company No. 1, Inc. in the amount of \$120,000.00.

- 3.02 Contemporaneously with the delivery of good funds for the purchase of the Rescue Truck, an assignment and warranty of title must be signed in the presence of a Notary Public so as to effectively convey to and vest in the City title to the Rescue Truck in accordance with Delaware and North Carolina law.
- 3.03 The Seller warrants to the City that the Seller is the owner of the Rescue Truck, the Seller is selling the Rescue Truck to the City free from all encumbrances and liens of any kind, and the Seller has good right and lawful authority to sell the Rescue Truck in accordance with the terms and conditions found in this Agreement.
- 3.04 The Seller further warrants to the City that the Rescue Truck has not been involved in a collision or other occurrence to the extent that the cost to repair the damage exceeds 25% of the fair market value of the truck, the Rescue Truck is not a flood vehicle, the Rescue Truck is not a reconstructed vehicle, and the Rescue Truck is not a salvage vehicle.

ARTICLE 4. Taxes

- 4.01 The City is exempt from federal excise tax. However, under North Carolina law, the City is not exempt from state and local sales tax.
- 4.02 Sales tax is not included in the above-stated \$120,000.00 purchase price. If Dover is required under Delaware law to collect sales tax from the City, the tax must be invoiced as a separate item with details as to the identities of the taxing authorities and the amount of the tax collected for each taxing authority. The exact amount of the taxes to be paid in addition to the purchase price must be provided to the City at the time arrangements are made with the City's fire chief to exchange the payment of good funds for title to the Rescue Truck. Any applicable sales tax for which the City is invoiced will be added to the certified bank check used to pay the \$120,000.00 purchase price for the Rescue Truck.

ARTICLE 5. Miscellaneous

- 5.01 The City acknowledges and agrees that upon the successful completion of the pre-purchase vehicle/equipment inspection and the acceptance of the delivery of the truck to the City at Atlantic Emergency Solutions, 121 Patriot Drive, Middletown, Delaware 19709, **the sale of the Rescue Truck is an "as is" sale without any warranty other than the warranty of title described in Article 3 of this Agreement.**
- 5.02 The City and Dover each acknowledge and represent that they are duly organized, validly existing, and in good standing and have the right, power,

and authority to enter into this Agreement and bind themselves hereto through the officials set forth below as the signatories for the respective parties.

- 5.03** **Time shall be of the essence of this Agreement** and each and every term and condition thereof.
- 5.04** The captions and section numbers appearing in this Agreement are inserted only as a matter of convenience and do not define, limit, construe, or describe the scope of such paragraphs or sections of this Agreement or in any way affect this Agreement.
- 5.05** This Agreement may be executed in several counterparts, any of which shall be regarded for all purposes as an original, and all of which constitute but one and the same instrument.
- 5.06** This Agreement sets forth the entire contractual understanding of the parties with respect to the subject matter of the purchase agreement and supersedes all prior arrangements and communications between the parties. This Agreement may be amended from time to time only by written agreement duly authorized and executed by the parties hereto.
- 5.07** Each party agrees that it will execute any and all documents or other instruments and take such other action as may be necessary to give effect to the terms and conditions of this Agreement so long as such actions are not inconsistent with the terms and conditions of this Agreement.
- 5.08** The representations and warranties contained herein shall survive the termination of this Agreement.
- 5.09** This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.
- 5.10** No waiver by either party of any term or condition of this Agreement will be deemed to constitute a waiver of any subsequent breach whether of the same or of a different section, subsection, paragraph, clause, phrase, or other provision of this Agreement. Making payments pursuant to this provision during the existence of a dispute shall not be deemed to and shall not constitute a waiver of any of the claims or defenses of the party making such payment. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted the waiver.
- 5.11** The parties agree and acknowledge that they have jointly participated in the negotiation and drafting of this Agreement. In the event of an ambiguity or if

a question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the parties and no presumptions or burdens of proof shall arise favoring any party by virtue of the authorship of any of the provisions of this Agreement. Any reference to any federal, state, local, or foreign statute or law shall be deemed to also refer to all rules and regulations promulgated thereunder, unless the context requires otherwise. If any party has breached any representation, warranty, or covenant contained herein in any respect, the fact that there exists another representation, warranty, or covenant relating to the same subject matter (regardless of the relative levels of specificity) which the party has not breached shall not detract from or mitigate the fact that the party is in breach of the first representation, warranty, or covenant.

**[The remainder of this page has been intentionally left blank.
The signature pages for the parties are located on the next two pages.]**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives on the dates indicated below.

CITY OF ASHEBORO,
a North Carolina municipal corporation

By: _____ (SEAL)
John N. Ogburn, III
City Manager of the City of Asheboro

Date: _____

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

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

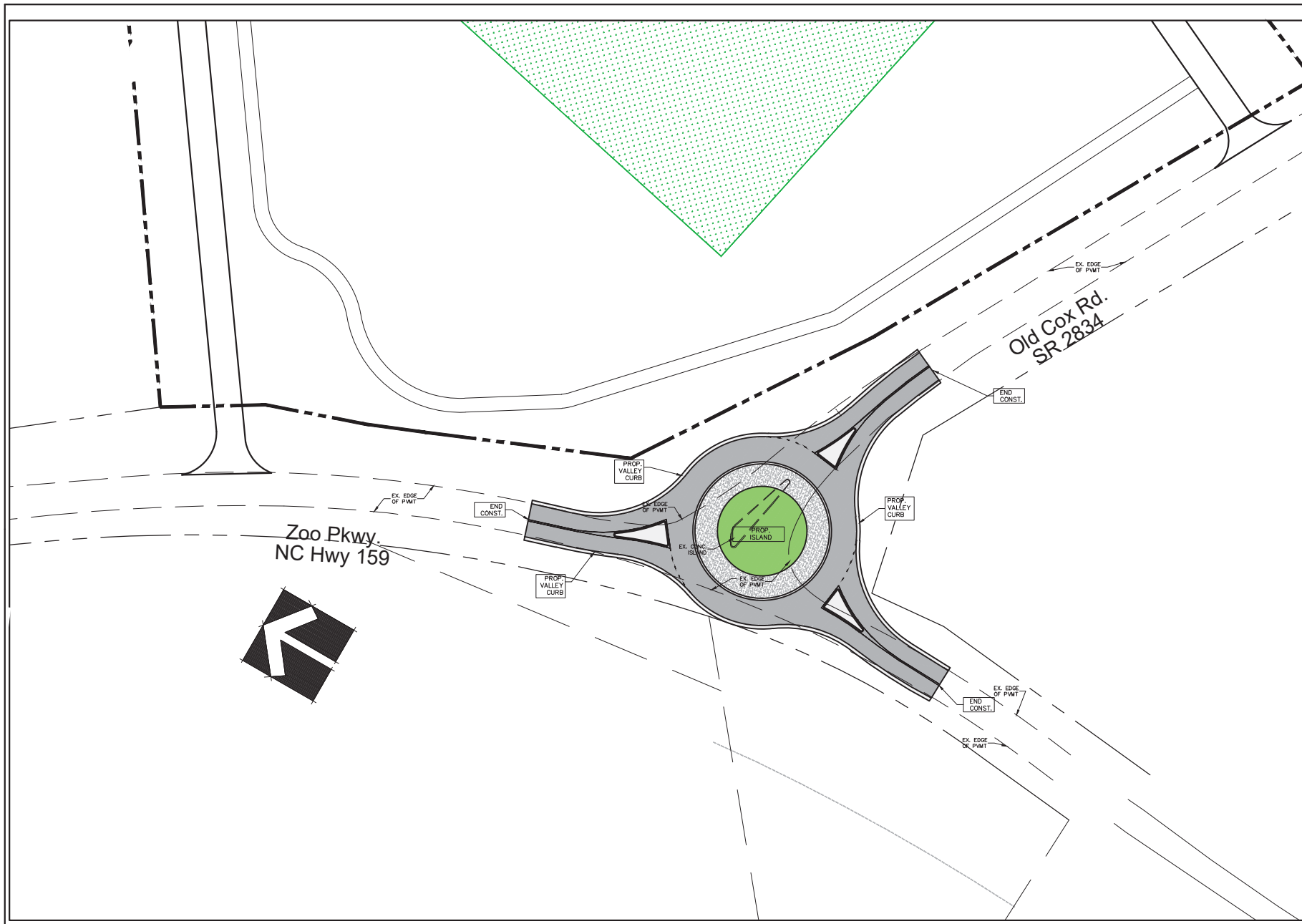
ROBBINS HOSE COMPANY NO. 1, INC.,
a Delaware corporation

By: _____ (SEAL)
(Authorized Official's Signature)

(Authorized Official's Printed or Typed Name)

(Authorized Official's Printed or Typed Title)

(Date Signed by Authorized Official)



ANNEXATION PETITION
CITY OF ASHEBORO
RANDOLPH COUNTY
NORTH CAROLINA

Petition received at City Hall
by _____
date _____

WE, THE UNDERSIGNED OWNERS of the real property as contained in the METES AND BOUNDS DESCRIPTION with PLAT ATTACHED hereto, respectfully request that the area described below be annexed and made part of the City of Asheboro, North Carolina.

ATTACHMENTS - Please supply the following:

a complete copy of the last deed of record (a written metes and bounds description is required if the description contained in the deed is different from the boundary survey of the property to be annexed), and

one of the following: a copy of the plat outlining in red the property to be annexed (if property is split according to Randolph County Tax Map/Parcels), or a copy of the Randolph County Tax Map 1" = 200' scale or 1" = 100' inserts (if the property is entire Tax Map Parcels).

PROPERTY INFORMATION - Please complete (print or type) all of the following:

RANDOLPH COUNTY MAP & PARCEL	DEED BOOK & PAGE NUMBER	ACREAGE ANNEXED	EXISTING POPULATION	CURRENT ASSESSED VALUE
<u>7762211072</u>	<u>2643@298</u>	_____	<u>- 0 -</u>	_____
<u>7762201718</u>	<u>2643@298</u>	_____	<u>- 0 -</u>	_____

FIRE DISTRICT _____

NAME OF PROPERTY OWNERS	CURRENT ADDRESS	TELEPHONE NUMBER
<u>Habitat For Humanity of Randolph County, Inc.</u>	_____	_____
<u>P.O. Box 649, Asheboro, NC 27204</u>	_____	_____

Has any vested right under NC General Statute 160A 385.1 been established for the property subject to this annexation petition by any county or municipality? _____

SIGNATURES - Please complete one of the following sections:

PROPERTY OWNED BY INDIVIDUALS (Both husband and wife must sign)

Signature _____	Date _____
Signature _____	Date _____
Signature _____	Date _____

PROPERTY OWNED BY CORPORATION

The area to be annexed is owned by a corporation property registered with the State of North Carolina. THE PRESIDENT IS _____ AND THE SECRETARY IS _____

[Signature] June 12 2020
Signature of President/date

Walter Pegg June 12, 2020
Signature of Secretary/date

Barbara B. West
Notary 9-25-2022

(Notary Seal)

Commission Expires

(Corporate Seal)

PROPERTY OWNED BY PARTNERSHIP

The area to be annexed is owned by a partnership of which both partners agree to this petition. The partners are _____ and _____

Signature of Partner/date

Signature of Partner/date

Notary

(Notary Seal)

Commission Expires

(Corporate Seal)

PROPERTY OWNED BY LIMITED LIABILITY COMPANY

Member-Manager (Print Name)

Member-Manager (Signature)

Member-Manager (Print Name)

Member-Manager (Signature)

Date Annexation Ordinance

Adopted by the Asheboro City Council: _____

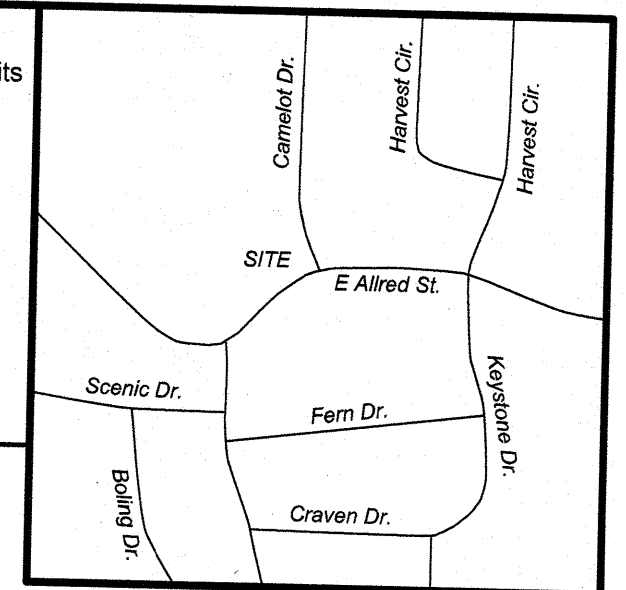
Annexation Ordinance Effective Date: _____

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: 7762201718, 7762211072

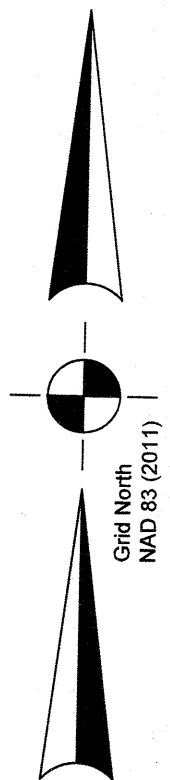
Legend

- 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

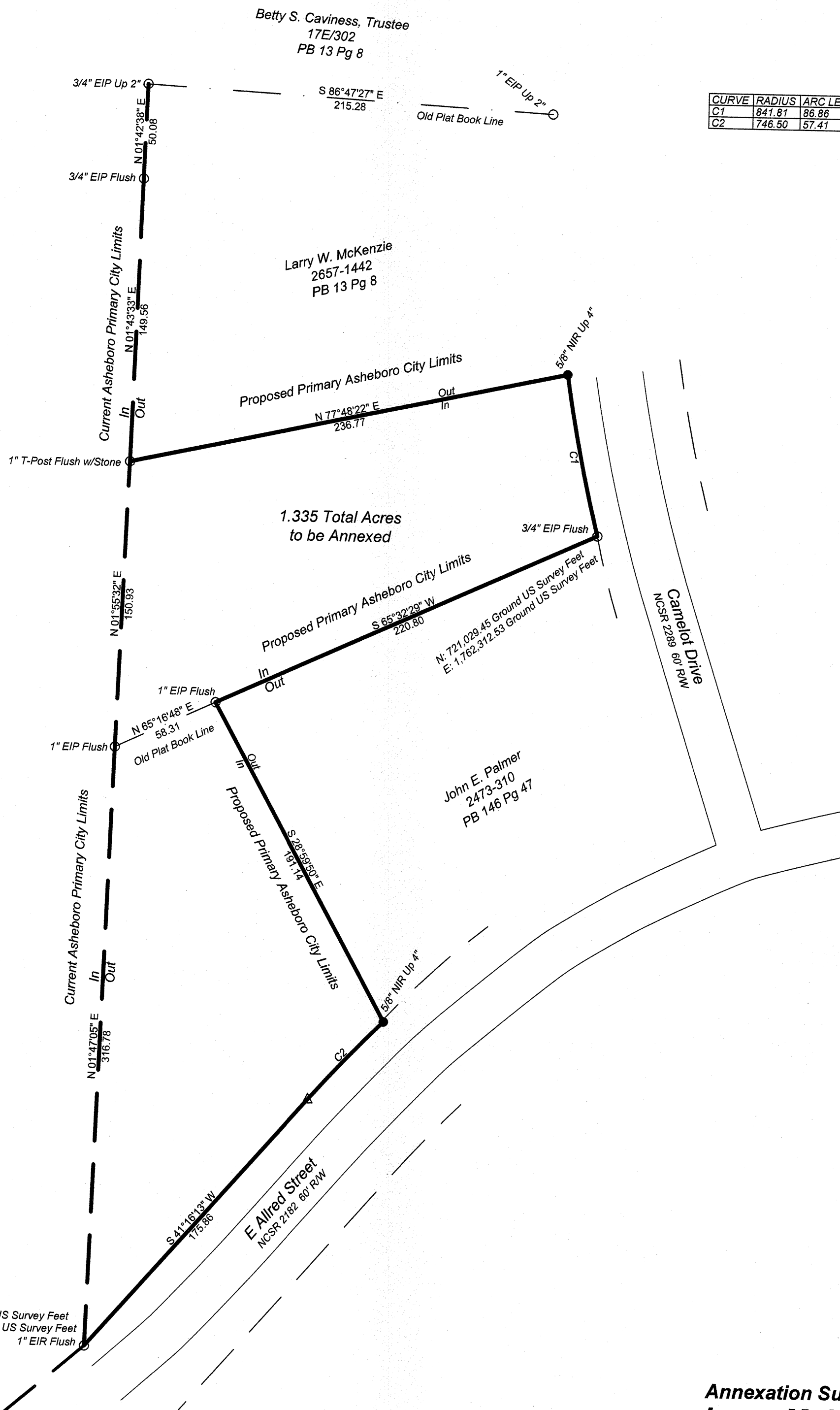


Location Map
(Not to Scale)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	841.81	86.86	85.82	S 11°34'58" E	5°54'44"
C2	746.50	57.41	57.40	S 43°28'28" W	4°24'23"



Terra Land Company, LLC
2623-718

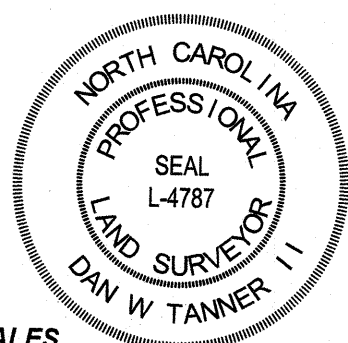


Owners:
Habitat for Humanity of
Randolph County NC, Inc.
PO Box 669
Asheboro, NC 27204

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 2643, page 298, 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 ____ day of _____, A.D., 2020.



PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor

L-4787

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: June 01, 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): 0.99987594
- (9) GPS/GNSS Scale Point:
N:720,970.39 E:1,762,334.81 EL:842.73
- (10) Units: US Survey Feet

Annexation Survey For: Larry McKenzie

Asheboro Township Randolph County
North Carolina June 8, 2020
Deed Book:2643 Pg:298
Plat Book:13 Pg:8
Scale: 1" = 50 US Survey Feet

Bar Scale:



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 #: 11975

ANNEXATION PETITION
CITY OF ASHEBORO
RANDOLPH COUNTY
NORTH CAROLINA

Petition received at City Hall
by _____
date _____

WE, THE UNDERSIGNED OWNERS of the real property as contained in the METES AND BOUNDS DESCRIPTION with PLAT ATTACHED hereto, respectfully request that the area described below be annexed and made part of the City of Asheboro, North Carolina.

ATTACHMENTS - Please supply the following:

a complete copy of the last deed of record (a written metes and bounds description is required if the description contained in the deed is different from the boundary survey of the property to be annexed), and

one of the following: a copy of the plat outlining in red the property to be annexed (if property is split according to Randolph County Tax Map/Parcels), or a copy of the Randolph County Tax Map 1" = 200' scale or 1" = 100' inserts (if the property is entire Tax Map Parcels).

PROPERTY INFORMATION - Please complete (print or type) all of the following:

RANDOLPH COUNTY MAP & PARCEL	DEED BOOK & PAGE NUMBER	ACREAGE ANNEXED	EXISTING POPULATION	CURRENT ASSESSED VALUE
<u>7761513992</u>	<u>2605/439</u>	<u>2.24</u>	_____	<u>60,760</u>

FIRE DISTRICT _____

NAME OF PROPERTY OWNERS	CURRENT ADDRESS	TELEPHONE NUMBER
<u>Kenneth Gallimore</u>	<u>2048 Heritage Court</u>	<u>(336) 460-4738</u>
<u>Bridget Gallimore</u>	<u>Asheboro, NC 27203</u>	_____

Has any vested right under NC General Statute 160A 385.1 been established for the property subject to this annexation petition by any county or municipality? _____

SIGNATURES - Please complete one of the following sections:

PROPERTY OWNED BY INDIVIDUALS (Both husband and wife must sign)

Signature <u>Kenneth Gallimore</u>	Date <u>7/1/20</u>
Signature <u>Bridget Gallimore</u>	Date <u>7/1/2020</u>
Signature _____	Date _____

PROPERTY OWNED BY CORPORATION

The area to be annexed is owned by a corporation property registered with the State of North Carolina. THE PRESIDENT IS _____ AND THE SECRETARY IS _____

Signature of President/date

Signature of Secretary/date

Notary

(Notary Seal)

Commission Expires

(Corporate Seal)

PROPERTY OWNED BY PARTNERSHIP

The area to be annexed is owned by a partnership of which both partners agree to this petition. The partners are _____ and _____

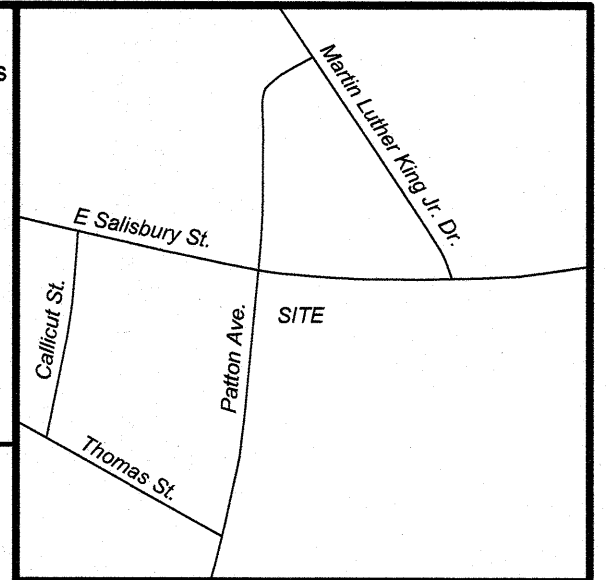
Date Annexation Ordinance

Adopted by the Asheboro City Council: _____

Annexation Ordinance Effective Date: _____

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



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	4788.39	85.52	85.52	N 86°46'11" W	1°01'24"

Location Map
(Not to Scale)

Total Area to Be Annexed 2.288 Acres

Total Area in Property 2.134 Acres
Area in R/W 0.154 Acres

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. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
5. Tax PIN: 7761513992

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: March 31, 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): 0.99987029
- (9) GPS/GNSS Scale Point:
N: 712,113.33 E: 1,765,690.85 Z: 797.27
- (10) Units: US Survey Feet

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

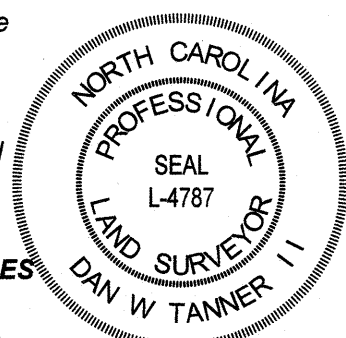
In accordance with NC General Statute 47-30(f)11c. 1.
That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purpose of this subsection, an "existing parcel" or "existing easement" is an area 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 2605, page 439, 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 3rd day of June, A.D., 2020.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor

L-4787



Annexation Survey For: Gallimore Body Shop

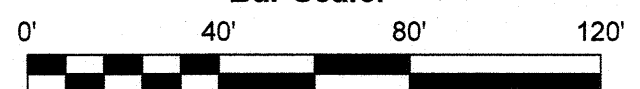
Asheboro Township Randolph County
North Carolina June 3, 2020

Deed Book:2605 Pg:439

Plat Book:4 Pg:16

Scale: 1" = 40 US Survey Feet

Bar Scale:



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 #: 11783