

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, NOVEMBER 5, 2020, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. The city attorney will present a proposed ordinance to address the regulation by the Code of Asheboro of alcoholic beverages on public streets and parking lots that are temporarily closed for special events.
4. The city attorney will update the city council on the status of the Hangar N lease agreement at the Asheboro Regional Airport.
5. Asheboro Randolph Chamber of Commerce President Linda Brown will discuss plans for the 2020 Christmas Parade and Christmas on Sunset events.
6. Human Resources Director Doug Kemp will recognize the city departments that received North Carolina Department of Labor safety awards.
7. Mayor Smith will recognize Finance Officer Deborah P. Reaves for her vital role in the city's receipt from the Government Finance Officers Association of a Certificate of Achievement for Excellence in Financial Reporting.
8. Public comment period.
9. Consent agenda:
 - (a) Approval of the meeting minutes for the regular city council meeting on October 8, 2020.
 - (b) Approval of the meeting minutes for the special city council meeting on October 20, 2020.
 - (c) Approval of the meeting minutes for the special city council meeting on October 21, 2020.
 - (d) Approval of the minutes and general account of the closed session held during the city council's special meeting on October 21, 2020.
 - (e) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for September 8, 2020.
 - (f) Approval of an ordinance to amend the Economic and Tourism Development Fund.

- (g) Approval of the planning department's request to schedule and advertise a quasi-judicial hearing to be conducted on December 10, 2020, concerning an application to rezone property (Randolph County Parcel Identification Number 7750202309) at 881 Curry Drive from CU-B2 to CU-I1 zoning and to obtain a conditional use permit authorizing a motor vehicle repair-major land use.
- 10. City Engineer Michael Leonard, PE will present for consideration a petition received from Omar Zamudio requesting the contiguous annexation of a parcel of land (Randolph County Parcel Identification Number 7750149570) located at 930 Sherwood Avenue.
 - (a) Resolution directing the city clerk to investigate the annexation petition.
 - (b) Resolution setting the date for a public hearing on the question of annexation.
- 11. The city manager will update the council on future "placemaking" projects.
- 12. Mayor Smith will lead a discussion of potential changes in the city council's meeting schedule for 2021.
- 13. Mayor Smith will lead a discussion of upcoming events and items not on the agenda.
- 14. Adjournment.

ORDINANCE NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE PROVIDING AN EXEMPTION FROM SECTION
130.03 OF THE CODE OF ASHEBORO FOR CERTAIN SPECIAL
EVENTS HELD IN CONNECTION WITH TEMPORARY
CLOSURES OF PUBLIC STREETS, ALLEYS, OR
PARKING LOTS TO REGULAR TRAFFIC**

WHEREAS, Section 130.03 of the Code of Asheboro regulates the consumption and possession of alcoholic beverages in certain locations, including public streets, alleys, and parking lots temporarily closed to regular traffic for special events; and

WHEREAS, the public health crisis created by the novel coronavirus and the emergency response to the crisis, including gubernatorial executive orders and emergency orders from state agencies such as the North Carolina Department of Health and Human Services, have led to challenges that threaten the viability of business such as the restaurants located in downtown Asheboro; and

WHEREAS, in support of the downtown businesses, Downtown Asheboro, Inc. has asked the Asheboro City Council to take legislative action in support of special events that include outdoor dining options designed to increase the ability to serve customers in a safe and responsible manner that utilizes public streets in the city's downtown area and its immediate environs that are temporarily closed to vehicular traffic; and

WHEREAS, the request to allow outdoor dining options in the downtown area includes a request to allow the businesses offering dining options to also offer in the outdoor areas, in compliance with the proper permit(s) from the North Carolina Alcoholic Beverage Control Commission, the service of alcoholic beverages as part of the outdoor dining options; and

WHEREAS, in response to the request from Downtown Asheboro, Inc., the Asheboro City Council has decided to amend Section 130.03 of the Code of Asheboro to support outdoor dining options in the city's downtown area.

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

Section 1. Section 130.03 (Consumption and Possession of Alcoholic Beverages in Certain Locations) of the Code of Asheboro is hereby rewritten to provide as follows:

- (A) *Consumption of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume a malt beverage or unfortified wine on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city.
- (B) *Possession of open containers of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess open container(s) of malt beverages and unfortified wines on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city. For the purposes of this section, an **OPEN CONTAINER** means a container whose seal has been broken or a container other than the manufacturer's unopened original container.
- (C) *Possession of malt beverages and unfortified wines on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.* It shall be unlawful for any person to possess any malt beverage or unfortified wine on any public street, alley, or parking lot which has been temporarily closed to regular traffic for a special event.
- (D) *Possession and consumption of fortified wine, spirituous liquor, and mixed beverages.* The possession or consumption of fortified wine, spirituous liquor, or mixed beverages is hereby prohibited on property owned or leased by the city.
- (E) *Exceptions.* Notwithstanding the prohibitions prescribed by the above-listed divisions of this section, the following acts shall not be deemed to be unlawful.
- (1) The possession or consumption of alcoholic beverages by either a sworn law enforcement officer acting in the performance of his or her official duties or a person acting under the immediate and direct supervision of a sworn law enforcement officer discharging his or her official duties.
 - (2) The possession or consumption of malt beverages at McCrary Park as part of collegiate or professional baseball events hosted by legal entities with whom the City of Asheboro has entered into a lease agreement for the use of McCrary Park; provided, however, any such malt beverages found within McCrary Park must have been

obtained in accordance with a sale/distribution plan developed and implemented by the hosting legal entity in compliance with all applicable laws and administrative regulations.

- (3) The possession or consumption of unfortified wine and malt beverages on the premises of the Sunset Theatre and Bicentennial Park facilities, including without limitation the Rotary Pavilion. The possession or consumption of unfortified wine and malt beverages on these premises will be lawful only if such possession or consumption is conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations adopted by the city for these facilities that are part of the municipal cultural and recreation services system, inclusive of any and all sale/distribution plans specified by the City of Asheboro Cultural and Recreation Services Policy Manual.
- (4) The possession of unfortified wine on the premises of the Downtown Farmers' Market facility. The possession of unfortified wine on these premises will be lawful only if such possession occurs as part of the retail sale by an approved Downtown Farmers' Market vendor of unfortified wine for off-premise consumption. The retail sale of unfortified wine shall be conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations prescribed for the Downtown Farmers' Market in the City of Asheboro Cultural and Recreation Services Policy Manual.
- (5) The possession or consumption of unfortified wine and malt beverages on the premises leased to the nonprofit North Carolina Aviation Museum and Hall of Fame, Incorporated (these premises are shown as Hangar G and Hangar L on Schedule C of the Asheboro Regional Airport) during events conducted by the nonprofit corporation. The sale or service of wine and malt beverages must be conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation any laws and regulations pertaining to either alcoholic beverage control or the operation of the airport by the Asheboro Airport Authority.

(6) The possession and consumption of alcoholic beverages within a designated outdoor dining location on a public street, alley, or parking lot temporarily closed to regular traffic for a special event within the city zoning ordinance's Central Business Planning Area (Tier 1). This exception for outdoor dining within the Central Business Planning Area is applicable so long as, and only so long as, the following conditions are satisfied:

(i) Alcoholic beverage service must occur within, and not beyond, the readily observable boundaries of a designated outdoor dining area located within the public street, alley, and parking lot closure zone approved by the city council in response to a request from the non-profit corporation organizing the special event to be held in the Central Business Planning Area (Tier 1):

(ii) The business providing service within the designated outdoor dining area must provide service in strict compliance with the applicable alcoholic beverage control laws, specifically including without limitation the applicable North Carolina Alcoholic Beverage Control Commission regulations:

(iii) The business providing service within the designated outdoor dining area must remain in strict compliance with all applicable health and safety laws and regulations, specifically including without limitation gubernatorial executive orders, orders issued by the North Carolina Department of Health and Human Services, and regulations enforced by the Randolph County Public Health Department; and

(iv) Any and all outdoor dining areas seeking the benefit of this exception must be identified on a map included as part of a downtown special outdoor dining event application packet submitted to the city manager for advance approval. The non-profit corporation organizing the proposed special outdoor dining event is responsible for submitting this application in a timely manner. This downtown special outdoor dining event application packet is in

addition to, and not in lieu of, any other required approvals such as approval to use Bicentennial Park facilities that are subject to the City of Asheboro Cultural and Recreation Services Policy Manual as well as the public street, alley, and parking lot closure request that must be submitted to the city council in a timely manner. In order for the city manager to approve the downtown special outdoor dining event application packet, the packet must contain documentation demonstrating that adequate safety and risk management planning measures have been taken for the proposed event, specifically including evidence on the above-referenced map of compliance with the accessibility requirements in the Americans with Disabilities Act and the provision of adequate travel lanes for the use of emergency responders within the event area.

- (F) *Penalties.* Any person who violates the prohibitions prescribed by divisions (A), (B), and (C) above shall be guilty of a misdemeanor in accordance with G.S. § 14-4.

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

Section 3. This Ordinance shall be in full force and effect on and after November 6, 2020.

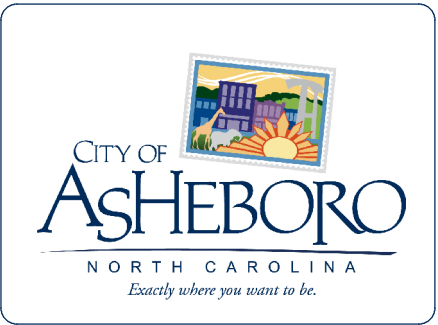
This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 5th day of November, 2020.

David H. Smith, Mayor

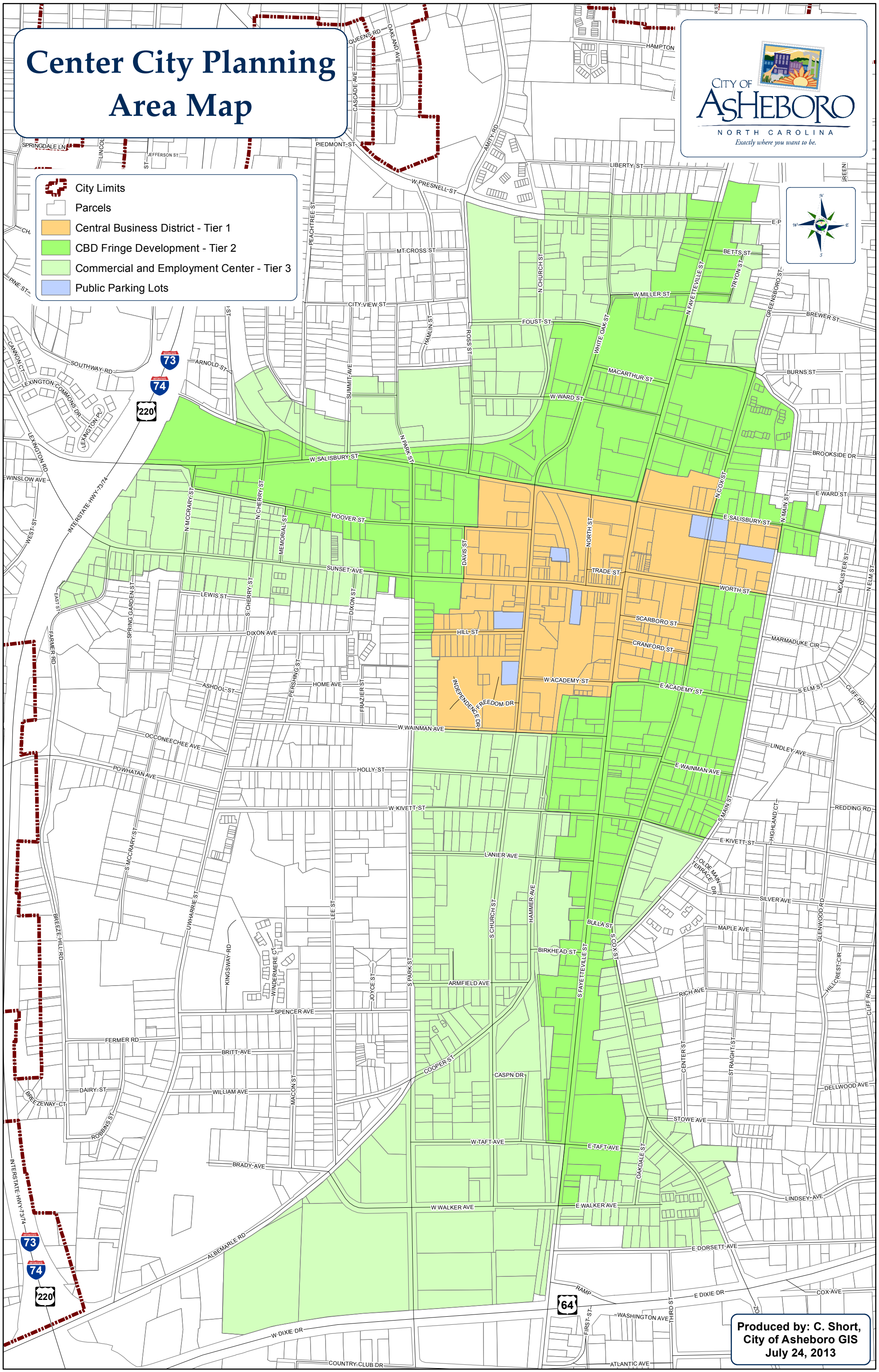
ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

Center City Planning Area Map



- City Limits
- Parcels
- Central Business District - Tier 1
- CBD Fringe Development - Tier 2
- Commercial and Employment Center - Tier 3
- Public Parking Lots



**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, OCTOBER 8, 2020
7:00 P.M.**

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

David H. Smith) – Mayor Presiding

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

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

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

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows. The number of elected officials, city employees, and private citizens physically present in the council chamber at any point in time was limited in order to maintain the physical distancing recommended by public health authorities during the current coronavirus pandemic. During each vote, specific inquiries were made to ensure that Council Member Carter, who was participating by conference call, was on the line and able to cast her vote.

2. Silent prayer and pledge of allegiance.

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

3. Public comment period.

Mayor Smith opened the floor for public comment and asked if anyone would like to address the city council. There were no comments or concerns from anyone in attendance.

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

4. 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 regular city council meeting on September 17, 2020.

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

- (b) **The minutes and general account of the closed session held during the city council's regular meeting on September 17, 2020.**

The approved minutes and general account of the above-referenced closed session are on file in the city clerk's office. However, in compliance with the resolution approved as the next consent agenda item, the general account of the closed session is not currently available for inspection because such an inspection would frustrate the purpose of the closed session.

- (c) **A resolution sealing the general account of the closed session held on September 17, 2020.**

RESOLUTION NUMBER 22 RES 10-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**Resolution Sealing the General Account of a Closed Session
Conducted during a Regular Meeting on September 17, 2020**

WHEREAS, Section 143-318.10(e) of the North Carolina General Statutes provides, in pertinent part, that the "minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session;" and

WHEREAS, pursuant to Section 143-318.11(a)(4) of the North Carolina General Statutes, the city council, upon unanimous adoption in open session of a properly made and seconded motion, went into closed session on September 17, 2020, during a regular meeting, in order to discuss matters relating to the location or expansion of industries or other businesses in the area served by the City of Asheboro, including agreement on a tentative list of economic development incentives that may be offered by the city in negotiations; and

WHEREAS, the purpose for going into closed session on September 17, 2020, would be frustrated if the general account of the closed session were to be made available for public inspection at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the general account of the closed session conducted on September 17, 2020, is hereby sealed and will remain sealed so long as public inspection of the records would frustrate the purpose of the closed session; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city manager is hereby authorized to act as the council's agent with the authority to unseal these records when the purpose of the closed session would no longer be frustrated by making the records available for public inspection or when the unsealing of this general account is otherwise required by law.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on October 8, 2020.

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

ATTEST:

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

- (d) **Acknowledgement of the receipt from the Asheboro ABC board of its meeting minutes for August 3, 2020.**

The minutes of the meeting held by the Asheboro ABC Board on August 3, 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.

(e) The dates, along with associated rules, for the 2020-2021 Canada Geese (also includes White-Fronted Geese) and duck hunting season at Lake Reese.

A copy of the recreation services director's written request to approve the dates and rules for the Canada Geese and duck hunting season at Lake Reese was provided to the mayor and council members. A copy of this request is on file in the city clerk's office.

The lake will be closed to all other activities while hunting takes place. The adopted hunting dates are as follows:

- (i) November 14th, 16th, and 19th
- (ii) December 19th, 21st, and 23rd
- (iii) January 23rd, 25th, and 28th

Hunting hours are ½ hour before sunrise to sunset. Hunters are required to call Lake Reese at least 24 hours in advance to reserve a space. If hunting reservations are not made, the lake will operate on its normal winter schedule.

(f) The following budget amendments:

- (i) An ordinance to amend the General Fund.**

24 ORD 10-20

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2020-2021**

WHEREAS, in the adopted General Fund operating budget for 2020-2021, the City of Asheboro budgeted for a contribution to Asheboro Downtown Inc. in the amount of \$100,000, but has since determined this expense is better captured in the Economic Development Fund along with other like expenses, and;

WHEREAS, the Operations Department budget for salaries and fringe Benefits needs to be updated to reflect the new position of Assistant Public Works director created and filled at the end of 2019-2020 and intended as a salary to be shared between the GF and WS Fund but not funded in 2020-2021 GF operating budget, and;

WHEREAS, an appropriation needs to be made for professional services at McCrory Ballpark for design development phase of the improvements study, wildlife management services at City Lakes, and Recreation Plan services and for the purchase of a land easement along McCrory Ballfield, and;

WHEREAS, the doors to the round house at City hall needed to be replaced at a cost of approximately \$13,000 and it was discovered that asbestos abatement needed to be done in anticipation of the budgeted work of replacing the boiler system at City Hall, and;

WHEREAS, due to the economic uncertainty of the COVID-19 pandemic, only pay changes incorporated in the adopted pay plan were included in the 2020-2021 budgeted salary requests, and sales tax revenues in 2019-2020 did not decrease as much as anticipated, the City Manager has requested that we add the bonus stipend in the budget as recognition of appreciation to the City workers who have all learned how to adapt and work creatively in the changing work atmosphere, 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 revenue line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-299-0000	Fund Balance Appropriation	170,444

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-490-3200	Grants	(100,000)
10-490-7200	Contribution to Economic Dev Fund	100,000
10-550-0200	Salaries	37,500
10-550-0702	FICA	2,869
10-550-0705	Retirement	3,833
10-620-0400	Professional Services	20,000
10-620-7100	Purchase of Land easement	1,000
10-500-1500	Maint & Repair Bldg	15,000
10-420-0200	Salaries	600
10-420-0702	FICA	50
10-440-0200	Salaries	900
10-440-0702	FICA	70
10-450-0200	Salaries	900
10-450-0702	FICA	70
10-480-0200	Salaries	900
10-480-0702	FICA	70
10-490-0200	Salaries	1800
10-490-0702	FICA	140
10-510-0200	Salaries	25,800
10-510-0702	FICA	2,000
10-530-0200	Salaries	17,400
10-530-0702	FICA	1,400
10-540-0200	Salaries	300
10-540-0702	FICA	25
10-545-0200	Salaries	900
10-545-0702	FICA	70
10-550-0200	Salaries	3,300
10-550-0702	FICA	275
10-555-0200	Salaries	4,800
10-555-0702	FICA	368
10-565-0200	Salaries	5700
10-565-0702	FICA	440
10-575-0200	Salaries	1,200
10-575-0702	FICA	92
10-580-0200	Salaries	4,800
10-580-0702	FICA	370
10-590-0200	Salaries	1,200
10-590-0702	FICA	92
10-615-0200	Salaries	600
10-615-0702	FICA	46
10-620-0200	Salaries	4,500
10-620-0702	FICA	344
10-625-0200	Salaries	600
10-625-0702	FICA	46
10-640-0200	Salaries	7,500
10-640-0702	FICA	574
	Total Change	170,444

Adopted this 8th day of October, 2020.

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

ATTEST:

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

(ii) **An ordinance to amend the Water and Sewer Fund**

25 ORD 10-20

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

WHEREAS, the cost for lead abatement at the Water Treatment plant is estimated at \$600,000 and while this was discussed during the budget preparation process as included, due to a formula error, the monetary allocation failed to make it into the 2020-2021 budget draft presented to City Council, and:

WHEREAS, to minimize the impact on retained earnings, the contribution to the Economic development fund in the Wastewater Treatment Plant budget is being reallocated to cover the lead abatement services at the Water treatment Plant, and;

WHEREAS, due to the economic uncertainty of the COIVD-19 pandemic, only pay changes incorporated in the adopted pay plan were included in the 2020-2021 budgeted salary requests, and sales tax revenues in 2019-2020 did not decrease as much as anticipated, the City Manager has requested that we add the bonus stipend in the budget as recognition of appreciation to the City workers who have all learned how to adapt and work creatively in the changing work atmosphere, 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 revenue line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
30-299-0000	Fund Balance Appropriation	223,270

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
30-820-4500	Contracted Services	600,000
30-830-7200	Contribution to Economic Dev Fund	(400,000)
30-720-0200	Salaries	900
30-720-0702	FICA	70
30-810-0200	Salaries	2,100
30-810-0702	FICA	161
30-820-0200	Salaries	2400
30-820-0702	FICA	190

30-830-0200	Salaries	3600
30-830-0702	FICA	280
30-840-0200	Salaries	4200
30-840-0702	FICA	320
30-850-0200	Salaries	2700
30-850-0702	FICA	210
30-860-0200	Salaries	900
30-860-0702	FICA	70
30-870-0200	Salaries	3300
30-870-0702	FICA	255
30-880-0200	Salaries	1500
30-880-0702	FICA	114
Total Change		223,270

Adopted this 8th day of October, 2020.

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

ATTEST:

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

**(iii) An ordinance to amend the Economic and Tourism
Development Fund**

26 ORD 10-20

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

WHEREAS, on June 11, 2020, the City of Asheboro announced a new partnership with Downtown Asheboro Inc. to administer the City's Main Street Program and is budgeting to contribute \$100,000 to the organization in 2020-2021. And;

WHEREAS, the services the City of Asheboro will be receiving from Downtown Asheboro Inc. in exchange for these funds are (1) administration of the Main Street Program by DAI Board of Directors and a full time employee in a manner to maintain Asheboro's standing in the NC Main Street Program, (2) Creation and implementation of annual economic development plan through the Main Street America Four Point approach to downtown revitalization, (3) annual statistics and program evaluation of downtown revitalization activities, (4) Training and Technical Assistance from NC Main Street & Rural Planning Center, 95) Downtown business assistance, retention, recruitment, and resources, (6) Promotion of Downtown through various media formats and public events, and;

WHEREAS, the Asheboro Randolph Chamber of Commerce has offered to lease office space in their building and provide payroll administration, computer and software support, telephone support and general business administration for this endeavor, and;

WHEREAS, the annual cost to the City of Asheboro is \$25,000 to be paid on a monthly basis, and;

WHEREAS, as a matter of administration, the project fund revenues in the Economic development fund needs to be adjusted to properly reflect past contributions from the Water & Sewer Fund to support economic development activities, and;

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

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

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

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase / decrease</u>
72-350-0100	Chamber of Commerce – Main Street Program Support	25,000
72-351-0000	W&S Contribution	<u>100,000</u>
		125,000

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-840-5000	Asheboro Downtown Inc.	100,000
72-840-2010	Chamber of Commerce – Main Street Program Support	<u>25,000</u>
		125,000

Adopted this the 8th day of October 2020.

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

ATTEST:

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

- (g) A resolution stating the council's intent to lease Hangar N at the Asheboro Regional Airport to a new tenant.

RESOLUTION NUMBER 23 RES 10-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION STATING THE INTENT TO LEASE
HANGAR "N" AT THE ASHEBORO REGIONAL AIRPORT
TO A NEW TENANT**

WHEREAS, the lease agreement between the city and Randolph Hangar Rentals, LLC for Hangar "N" at the Asheboro Regional Airport does not expire until November 1, 2037; and

WHEREAS, Randolph Hangar Rentals, LLC has maintained its leasing relationship with the city in good standing from the date of the commencement of the lease to the present; and

WHEREAS, Neal E. Coltrane, a member-manager of Randolph Hangar Rentals, LLC, has communicated to the city the desire to transfer the limited liability company's leasehold interest in Hangar "N" to Harold Lane Parker, inclusive of any legal entities affiliated with Mr. Parker; and

WHEREAS, Section 160A-272 of the North Carolina General Statutes provides, in pertinent part, that the city may lease property "only pursuant to a resolution of the council

authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 30 days' public notice."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, subject to the receipt of a favorable recommendation from the Asheboro Airport Authority, the council intends to approve a lease agreement for Hangar "N" with Harold Lane Parker, inclusive of any legal entities affiliated with Mr. Parker, on the same terms and conditions that are found in the current lease agreement between the city and Randolph Hangar Rentals, LLC; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to publish in *The Courier-Tribune* the statutorily mandated 30-day legal notice of intent to authorize the above-described hangar lease agreement during the council's regular meeting on December 10, 2020.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of October, 2020.

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

ATTEST:

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

5. Rebekah McGee, Executive Director for Downtown Asheboro, Inc., presented a proposal for Sunset Avenue on-street dining.

Rebekah McGee, who is the Executive Director for Downtown Asheboro, Inc., requested the governing board's assistance in extending support to downtown businesses that have suffered economically as a consequence of the coronavirus pandemic and the governmental measures that have been taken in an effort to control the spread of the virus. One of the measures used to control the spread of the virus has been a reduction, by means of gubernatorial executive orders, in the maximum occupancy allowed in restaurants.

This reduction in the number of dine-in customers that can be served in a restaurant has called into question the long-term economic viability of restaurants around the state. Asheboro is no different.

One safe way to mitigate this economic damage is to enable restaurants to utilize open space for outdoor dining in public spaces such as public streets and alleys. In order to implement this accommodation, downtown businesses, by and through Downtown Asheboro, Inc., which is a non-profit corporation, are requesting the city council's assistance in two ways. First, a temporary street closure order is needed in order to temporarily close city-maintained streets and parking lot areas in the downtown area during an outdoor dining event planned by the non-profit corporation for Saturday, November 7, 2020. The second part of the request is for relief from the city ordinance provisions that currently prohibit alcoholic beverage service on public streets and alleys that have been closed for special events.

After discussing logistical concerns and the potential impact of council actions on local businesses, the governing board's first action was to address the temporary street closure request. Council Member Bell moved, and Council Member Moffitt seconded the motion, to temporarily close Sunset Avenue between Fayetteville Street and Church Street from 8:00 a.m. until 4:00 p.m. on Saturday, November 7, 2020. This motion included the closure of portions of adjoining streets and public parking lot areas in order to safely and effectively close Sunset Avenue. A map showing the street closure requested by Downtown Asheboro, Inc., as modified by council discussion to facilitate a better flow of traffic within the municipal parking lot contiguous to West Academy Street, is on file in the city clerk's office. The motion made by Council

Member Bell to approve the above-described temporary street closure passed unanimously. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

With regard to the issue of alcoholic beverage service, the council members wanted to review a draft of ordinance language implementing the requested change before taking final action. Council Member Bell moved, and Council Member Snuggs seconded the motion, to direct city staff, specifically including the city attorney, to draft an amendment to the Code of Asheboro for consideration and council action during the next regular meeting that would authorize alcoholic beverage service within public streets, alleys, and parking lots that have been closed for special outdoor dining events. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

6. Assistant Community Development Director John Evans introduced the following community development items:

- (a) Legislative hearing on an application (Case No. RZ-20-10) to rezone property at the northern corner of East Allred Street and Gold Hill Road (a portion of Randolph County Parcel Identification Number 7762748164) from CU-B2 to R10 zoning.**

Mayor Smith opened the public hearing on the application by Michael J. Somero (the “Applicant”) to rezone the above-referenced property (the “Zoning Lot”) from CU-B2 Conditional Use General Commercial zoning to R10 Medium-Density Residential zoning. Prior to the public hearing, legal notices were mailed to adjoining property owners on September 22, 2020.

Assistant Community Development Director John Evans presented the planning staff’s analysis of the application. The Zoning Lot for which rezoning has been requested is a portion (approximately 2.07 acres) of an approximately 2.33-acre parcel of land (Randolph County Parcel Identification Number 7762748164) owned by Michael J. Somero and Kenda L. Somero.

As part of its review of the rezoning application, the planning staff provided the following analysis:

1. The property is inside the city limits. While city water and sewer are adjacent to the property, any subdivision of the property will likely require the owner to extend public utilities in accordance with city policy.
2. Both East Allred Street and Gold Hill Road are state-maintained minor thoroughfares.
3. In 2006, when the property was rezoned from R10 Medium-Density Residential to CU-B2 Conditional Use General Business, no conditional use permit was requested. As the property is currently zoned, any development would require a Conditional Use Permit. Residential uses are generally not permitted in the B2 zoning district.
4. The requested R10 zoning allows for single-family and two-family dwellings if lot size requirements are met.
5. In 2015, the Land Development Plan’s Proposed Land Use Map changed the proposed designation of the subject property from Village Activity Center to Commercial, to recognize the current CU-B2 zoning. The designation of immediately adjoining property was changed from Urban Residential to Neighborhood Residential. These changes were based on changing development patterns since the 2000 Land Development Plan.
6. The zoning ordinance intent for the general B2 district is “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.” The requested R10 district is “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.”

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

LDP Goals/Policies Supporting the 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 #4: The proposed rezoning is compatible with surrounding land uses.

Checklist Item #5: The proposed rezoning is compatible with the objectives of the Growth Strategy Map.

Checklist Items #12 and #13: The property is located outside of the watershed, special hazard flood area.

LDP Goals/Policies which Do Not Support the Request:

Checklist Item #1: The rezoning is not compliant with the Proposed Land Use Map.

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

The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot in the requested R10 zoning district. In making this recommendation, the planning board concurred with the planning staff's consistency statement, which provided as follows:

Medium-Density Residential (R10) zoning was in place prior to the property's zoning designation being changed in 2006. While the Land Development Plan (LDP) proposes commercial use on the property to reflect the 2006 rezoning, there has been no commercial development proposed or approved.

While the LDP Proposed Land Use Map supports accommodating carefully designed commercial uses at this location, a residential designation of the property is not contrary to other goals and policies of the LDP. An R10 designation ensures more certainty in maintaining the residential character consistent with the surrounding established neighborhood, and eliminating the possibility of non-residential development that may not be as compatible with surrounding land uses.

Considering these factors, staff believes that the requested R10 district maintains overall consistency with the Land Development Plan and therefore is reasonable and in the public interest.

Michael Somero was present and offered comments in support of his rezoning request. Ms. Ann Servantino also spoke in favor of the requested rezoning. She owns property that backs up to the property in question. No comments were offered in opposition to the requested rezoning.

After all of the interested parties had an opportunity to speak, Mayor Smith transitioned to the deliberative phase of the process.

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 Redding seconded the motion, to adopt the plan

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

1. While certain Land Development Plan (“LDP”) goals and policies do not support the requested rezoning, R10 medium-density residential zoning was in place prior to the change in the property’s zoning designation in 2006. Even though the LDP proposes commercial use on the property to reflect the 2006 rezoning, the fact is no commercial development has been proposed or approved since 2006.

The LDP Proposed Land Use Map does support accommodating carefully designed commercial uses at this location. However, a residential designation of the property is not contrary to other goals and policies of the LDP. An R10 designation ensures more certainty in maintaining the residential character consistent with the surrounding established neighborhood, and eliminating the possibility of non-residential development that may not be as compatible with surrounding land uses.

Considering these factors, the requested R10 district maintains overall consistency with the Land Development Plan. Furthermore, the 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 an R10 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.

(b) Public Hearing: Community Development Block Grant Coronavirus Program (CDBG-CV).

Mayor Smith opened a public hearing on the question of a proposed application to the North Carolina Department of Commerce for \$900,000.00 in public service funding to protect the city’s vulnerable and high-risk population from the negative impact of COVID-19. City Manager John N. Ogburn, III then explained details of the proposed application.

The CDBG-CV is intended to provide assistance to high-risk and vulnerable populations from the negative effects of the Corona Virus. The North Carolina Department of Commerce will award funding on a first come, first served basis. The application being submitted is requesting \$900,000.00 to provide subsistence payments to approximately 300 households with low to moderate income in order to assist with food and the prevention of utility disconnection and evictions. If the application is successful, the city will provide a 2.2% cash match.

The city plans to partner with the United Way to assist with applications and distribution for funding. The second person to speak during the public hearing was Elizabeth Mitchell, Executive Director of the United Way. Ms. Mitchell articulated the commitment of the United Way to do everything possible to support the city and community in this undertaking.

After Mayor Smith inquired if anyone else wished to speak on the matter. No additional input was offered, and Mayor Smith closed the public hearing. Council Member Bell moved, and Council Member Swiers seconded the motion, to approve the following resolution:

24 RES 10-20

**RESOLUTION AUTHORIZING THE CITY OF ASHEBORO TO SUBMIT AN
APPLICATION FOR FUNDING FROM THE COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR THE ASHEBORO COVID-19
COMMUNITY ASSISTANCE PROJECT**

WHEREAS, the Asheboro City Council has previously indicated its desire to assist in community development efforts within the City; and

WHEREAS, the Asheboro City Council has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit low and moderate income individuals in need of subsistence assistance and food support; and

WHEREAS, the Asheboro City Council desires the City to pursue a formal application for Community Development Block Grant funding to benefit low to moderate income individuals in need of subsistence assistance and food support; and will invest monies in the amount of 2.2 % cash match amount into the project as committed to in the application; and

WHEREAS, the Asheboro City Council certifies the City of Asheboro will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asheboro, North Carolina that the city's officers and employees are authorized to submit, on behalf of the City of Asheboro, a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant to benefit low and moderate income individuals in need of subsistence assistance and food support.

This resolution was duly adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of October, 2020.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk
City of Asheboro, North Carolina

With regard to the motion to approve the above-printed resolution by reference, Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the motion passed unanimously.

- (c) **Public Hearing: The Proposed Issuance of Multifamily Housing Revenue Bonds by the Burlington Housing Authority to Finance Multifamily Housing Developments including Coleridge Road Apartments at 1101 Kemp Boulevard in Asheboro, North Carolina.**

Mayor Smith opened the public hearing and asked the city manager to begin the discussion about the above-referenced bonds. The floor was subsequently opened for anyone else to speak. The only other speakers were Attorney Eric Pristell and Asheboro Housing Authority Executive Director Robert Lawler. No one spoke in opposition to the bond issuance.

When no one else wished to be heard, Mayor Smith closed the public hearing and transitioned to the deliberative phase. Council Member Bell moved, and Council Member Snuggs seconded the motion, to approve by reference the following resolution:

25 RES 10-20

RESOLUTION APPROVING IN PRINCIPLE THE ISSUANCE OF NOT TO EXCEED \$56,500,000 OF MULTIFAMILY HOUSING REVENUE BONDS BY THE BURLINGTON HOUSING AUTHORITY TO FINANCE A PORTFOLIO OF AFFORDABLE MULTIFAMILY HOUSING DEVELOPMENTS, INCLUDING COLERIDGE ROAD APARTMENTS IN THE CITY OF ASHEBORO, NORTH CAROLINA

WHEREAS, the City Council (the “City Council”) of the City of Asheboro, North Carolina (the “City”) met in Asheboro, North Carolina at 7:00 pm on the 8th day of October, 2020; and

WHEREAS, affiliated or related entities of Vitus Group, LLC, a Delaware limited liability company, and Affordable Housing Institute, Inc., a Florida nonprofit corporation (collectively, the “Borrower”), have requested that the Burlington Housing Authority, a housing authority organized and operating under the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the “Act”), assist in financing the acquisition and rehabilitation of a portfolio of low-income multifamily residential rental facilities (the “Project”); and

WHEREAS, the Burlington Housing Authority desires to issue its multifamily housing revenue bonds in an amount not to exceed \$56,500,000 (the “Bonds”), for the purpose of providing financing to the Borrower for the Project; and

WHEREAS, a portion of the proceeds of the Bonds in the amount of approximately \$7,500,000 will be loaned to Borrower and used to finance the acquisition and rehabilitation of a 100-unit residential rental facility known as Coleridge Road Apartments, and located in the jurisdiction of the City at 1101 Kemp Boulevard, Asheboro, North Carolina (the “Development”), which is one of the facilities in the portfolio making up the Project; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires that any bonds issued by the Burlington Housing Authority for the Development may only be issued after approval of the plan of financing by the City Council of the City following a public hearing with respect to such plan; and

WHEREAS, the City Council has today held a public hearing with respect to the issuance of the Bonds, a portion of which will be used to finance the Development, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirements of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Burlington Housing Authority, or to constitute the Bonds or any of the agreements or obligations of the Burlington Housing Authority an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

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

1. The proposed issuance of the Bonds by the Burlington Housing Authority in one or more series, in an amount not to exceed \$56,500,000, a portion of which will be used to finance the acquisition, rehabilitation and equipping of the Development within the jurisdiction of the City, is hereby approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately.

Council member Bell moved the passage of the foregoing resolution and Council member Snuggs seconded the motion, and the resolution was passed by the following vote:

Ayes: 7 (Seven)

Nays: 0 (None)

Not voting: N/A

* * * * *

CERTIFICATION

I, Tammy M. Williams, Deputy City Clerk to the City of Asheboro, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City of Asheboro, North Carolina, at a regular meeting duly called and held on October 8, 2020, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in the minutes of the City Council.

WITNESS my hand and the seal of the City Council of the City of Asheboro, North Carolina, this 14th day of October, 2020.

 /s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk
City of Asheboro, North Carolina

EXHIBIT A

Certificate and Summary of Public Hearing

The undersigned Deputy City Clerk of the City of Asheboro, North Carolina, hereby certifies:

1. Notice of a public hearing (the “Hearing”) to be held on October 8, 2020, with respect to the issuance of bonds by the Burlington Housing Authority (the “Authority”) for the benefit of affiliates of affiliated or related entities of Vitus Group, LLC and Affordable Housing Institute, Inc. (the “Borrower”) was published on September 22 , 2020, in *The Courier-Tribune*.

2. The presiding officer of the Hearing was Mayor David Smith.

3. The following is a list of the names and addresses of all persons who spoke at the Hearing:

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

Eric Pristell, Esq., The Banks Law Firm, 4309 Emperor Blvd. Suite 110, Durham, NC 27703

Robert Lawler, Executive Director, Asheboro Housing Authority, 338 W. Wainman Ave., Asheboro, NC

4. The following is a summary of the oral comments made at the Hearing:

John Ogburn and Eric Pristell gave overviews of the bond issuance, noting the lack of risk exposure for the city. Robert Lawler described the Asheboro Housing Authority’s support and role in the undertaking. No comments were offered in opposition.

IN WITNESS WHEREOF, my hand and the seal of the City of Asheboro, North Carolina, this 8th day of October, 2020.

 /s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk
City of Asheboro, North Carolina

7. **City Engineer Michael Leonard, PE presented a petition from Kenneth and Bridget Gallimore requesting annexation of approximately 2.288 acres of land at 1420 East Salisbury Street.**

Mayor Smith opened a public hearing on the question of the annexation of the Gallimore land at 1420 East Salisbury Street. After Mr. Leonard addressed the council about the requested annexation, Mayor Smith inquired as to whether anyone in attendance wished to be heard on the question of the proposed annexation. When no one indicated a desire to be heard, Mayor Smith closed the public hearing.

Council Member Bell moved, and Council Member Burks seconded the motion, to approve the following annexation ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. No dissenting votes were cast, and the motion passed unanimously.

ORDINANCE NO. 27 ORD 10-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING
APPROXIMATELY 2.288 ACRES OF LAND CONTIGUOUS TO THE EXISTING
PRIMARY CITY LIMITS AT THE INTERSECTION
OF EAST SALISBURY STREET AND PATTON AVENUE**

WHEREAS, in accordance with Section 160A-31 of the North Carolina General Statutes, Kenneth P. Gallimore and Bridget F. Gallimore petitioned the City Council of the City of Asheboro to annex into the primary city limits a parcel of land (Randolph County Parcel Identification Number 7761513992) owned by the Gallimores at the intersection of East Salisbury Street and Patton Avenue; and

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

WHEREAS, on September 17, 2020, by means of a duly adopted resolution (Resolution Number 20 RES 9-20), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petition submitted by the Gallimores, and the city clerk has in fact certified the sufficiency of this annexation petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 21 RES 9-20, a legal notice was published on September 25, 2020, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the Asheboro City Council's next regular meeting, which was scheduled to begin at 7:00 p.m. on the 8th day of October, 2020, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on the 8th day of October, 2020; and

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

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

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a 1 and 1/4-inch existing iron pipe that is up 36 inches at the southeastern corner of the Kenneth P. Gallimore and Bridget F. Gallimore property described in a warranty deed recorded in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2714, Page 968, Randolph County Registry (the real property described in Deed Book 2714, Page 968, Randolph County Registry is the parcel of land for which Kenneth P. Gallimore and Bridget F. Gallimore have requested annexation into the City of Asheboro, and this parcel of land will be hereinafter referred to as the "Gallimore Parcel"), this beginning point is at a property corner shared with the Blanche Yvonne Stanley property described in Deed Book 2181, Page 1322, Randolph County Registry and is located by means of the North Carolina Coordinate System at the coordinates of North 711,681.67 Ground US Survey Feet and East 1,765,438.73 Ground US Survey Feet (NAD 83 (2011)); thence from the beginning point, departing from the existing City of Asheboro primary city limits line, and following the proposed City of Asheboro primary city limits line North 79 degrees 30 minutes 59 seconds West 184.85 feet along the Gallimore Parcel's southern boundary line that is shared with the above-described Blanche Yvonne Stanley property to a 1-inch existing iron pipe that is flush with the ground in the eastern margin of the 30-foot public right-of-way for Patton Avenue (North Carolina Secondary Road 2192) at the southwest corner of the Gallimore Parcel; thence continuing to follow the proposed City of Asheboro primary city limits by proceeding North 06 degrees 27 minutes 15 seconds East 148.52 feet along the eastern margin of the public right-of-way for Patton Avenue and the western boundary line of the Gallimore Parcel to a point not set/computed point; thence departing from the Gallimore Parcel's western boundary line and following the proposed City of Asheboro primary city limits line across the public right-of-way for Patton Avenue North 79 degrees 11 minutes 07 seconds West 30.09 feet to a point not set/computed point in the western margin of the public right-of-way for Patton Avenue that is also the location of the existing City of Asheboro primary city limits line; thence following the western margin of the public right-of-way for Patton Avenue and the existing City of Asheboro primary city limits line along the Neale A. Kearns property described in Deed Book 2279, Page 219, Randolph County Registry the following bearing and distance: North 06 degrees 27 minutes 15 seconds East 222.49 feet to a point not set/computed point at the intersection of the western margin of the public right-of-way for Patton Avenue with the southern margin of the 60-foot public right-of-way for East Salisbury Street (North Carolina Secondary Road 2237); thence continuing to follow the existing City of Asheboro primary city limits line along the southern margin of the public right-of-way for East Salisbury Street by proceeding South 83 degrees 58 minutes 04 seconds East 30.00 feet across Patton Avenue to a point not set/computed point in the southern margin of the public right-of-way for East Salisbury Street at the northwest corner of the Gallimore Parcel; thence following the northern boundary line of the Gallimore Parcel along the existing City of Asheboro primary city limits line and the southern margin of the public right-of-way for East Salisbury Street South 83 degrees 58 minutes 04 seconds East 233.99 feet to a point not set/computed point at the northeast corner of the Gallimore Parcel; thence departing from the southern margin of the public right-of-way for East Salisbury Street but continuing along the existing City of Asheboro primary city limits the next three bearings and distances along the common boundary line between the Gallimore Parcel and the Asheboro Mall, LLC property described in Deed Book 2525, Page 131, Randolph County Registry: South 00 degrees 41 minutes 07 seconds East 319.85 feet to a 1/2-inch existing iron rod that is up 2 inches in concrete; thence South 88 degrees 48 minutes 15 seconds West 83.99 feet to a 2 and 1/4-inch existing iron pipe that is flush with the ground; thence South 12 degrees 17 minutes 33 seconds West 59.99 feet to the point and place of BEGINNING, and containing a total of 2.288 acres of land, more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: Gallimore Body Shop" and is identified as Job No. 11783_annex.

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book 166, Page 92, Randolph County Registry.

Section 2. Upon and after October 8, 2020, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Randolph County Register of Deeds and in the Office of the North Carolina Secretary of State an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections as required by Section 163A-1594 of the North Carolina General Statutes.

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

Section 5. This Ordinance shall be in full force and effect upon and after the 8th day of October, 2020.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of October, 2020.

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

ATTEST:

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

Approved as to form:

/s/Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

8. Approval of an ordinance to amend the Water and Sewer Fund in order to procure document management services for the city's utility billing operations.

Finance Director Deborah Reaves explained that, due to the current pandemic, the water billing department staff is currently completing utility service applications through email. Not all customers have printers to provide staff with the necessary documents to establish the requested utility service.

Ms. Reaves is requesting approval of an ordinance to amend the Water and Sewer Fund to purchase document management software which will be compatible with phones, computers, and tablets and will work on all devices. The cost to get the system up and running is \$6,000.00.

Council Member Bell moved, and Council Member Swiers seconded the motion, to approve the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. No dissenting votes were cast, and the motion passed unanimously.

28 ORD 10-20

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

WHEREAS, the service provided by the Utility Billing office of establishing new service or transferring service has always been a face to face exchange due to the need to identify customers, obtain and review documentation that is in paper form, and protect the exchange of sensitive information, and;

WHEREAS, since March 2020, the office has had to alter operations to account for the closure of City Hall as the community began to navigate thru the health risks to employees and citizens in the midst of a Covid-19 pandemic, and;

WHEREAS, even though the “re-opening” of North Carolina is slowly happening, the recommendations from health officials is to continue to maintain social distances to minimize spread of the virus for an undetermined amount of time, and;

WHEREAS, the billing office layout is not conducive to being able to maintain social distancing for the volume of customers that are moving in and out of various properties, and;

WHEREAS, it is the City’s responsibility to fine a smooth and efficient way to provide safe and secure services in this new operating environment, and;

WHEREAS, the City wants to provide a new software platform for managing the flow service requests, along with documentation, from any digital format a customer may have to the billing staff in a secure and socially distant manner, 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 revenue line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
30-299-0000	Fund Balance Appropriation	6,000

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
30-720-4504	Contracted Services	6,000

Adopted this 8th day of October, 2020.

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

ATTEST:

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

9. The potential acquisition by the city of the following real estate:

(a) Gatekeeper’s House

The Asheboro Women’s Club is proposing to gift The Gatekeeper’s House located at 312 Lanier Avenue to the City of Asheboro. The property would be managed by the city through cultural and recreation services personnel and could be used for various functions.

Council Member Bell moved, and Council Member Redding seconded the motion, to accept the proposed gift and to direct city staff to take the necessary legal actions to secure good title to the real property. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes, and the motion passed unanimously.

(b) Additional acquisition of property at 149 South Cox Street for the David and Pauline Jarrell Center City Garden.

The owners of the property located at 149 South Cox Street currently live out of state and have approached the city about purchasing the property. The requested purchase price is the current tax value of \$97,210.00.

After a discussion concerning how to fully implement the David and Pauline Jarrell Center City Garden project in the most efficient and cost effective manner, a general consensus emerged among the governing board members that city staff should more fully develop a conceptual plan for the project, including guidance as to the criteria to be used for prioritizing what types of additional land acquisitions are needed and articulating what is the preferred balancing of requesting donations of land versus paying the full asking price.

Once city staff members have made substantive progress on the development of additional conceptual and land acquisition guidance for the project, the issue will be placed on a future council meeting agenda for council action.

10. Upcoming events and items not on the agenda.

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

There being no further business to conduct the meeting was adjourned at 9:01 p.m.

Tammy M. Williams, Deputy City Clerk

David H. Smith, Mayor

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

MEETING DATE: TUESDAY, OCTOBER 20, 2020

MEETING TIME: 6:00 PM

LOCATION: CITY OF ASHEBORO
PUBLIC WORKS FACILITY,
1312 NORTH FAYETTEVILLE STREET,
ASHEBORO, NORTH CAROLINA 27203

The County of Randolph (“County”) and the City of Asheboro (“City”) jointly propose to appropriate and expend County and City funds for two economic development projects pursuant to Section 158-7.1 of the North Carolina General Statutes. These projects are described as follows:

PROJECT 1

The Randolph County Board of Commissioners and the Asheboro City Council intend to consider entering into an economic development incentives contract with an unnamed company (“Company 1”). Under the proposed arrangement, the City will apply for a building reuse grant from the North Carolina Department of Commerce, Rural Development Division, for One Hundred Thousand Dollars (\$100,000). If approved, the building reuse grant requires a local match of five percent (5%) or Five Thousand Dollars (\$5,000). The County and the City are considering incentive payments totaling up to Four Hundred Fifty-Five Thousand Dollars (\$455,000), fifty percent (50%) from the County and fifty percent (50%) from the City, to be paid to Company 1 over a 5-year period. This is the total amount proposed to be paid to or on behalf of Company 1 and includes the local match requirements from the aforementioned grant. These payments will be conditioned on Company 1 satisfying certain performance requirements. In return for these economic development incentive payments, Company 1 must create a total of eleven (11) new full-time jobs and invest up to Seventeen Million Four Hundred Thousand Dollars (\$17,400,000) in real and personal property at its facility located within the City and County. The County and City will fund these payments with available revenues in their respective General Funds. The governing boards for the County and the City believe this project will stimulate and stabilize the local economy and result in the creation of a significant number of new, permanent jobs in Asheboro and Randolph County.

PROJECT 2

The Randolph County Board of Commissioners and the Asheboro City Council intend to consider entering into an economic development incentives contract with an unnamed company (“Company 2”). Under the proposed arrangement, the City will apply for a building reuse grant from the North Carolina Department of Commerce, Rural Development Division, for One Hundred Thousand Dollars (\$100,000). If approved, the building reuse grant requires a local match of five percent (5%) or Five Thousand Dollars (\$5,000). The County and the City are considering incentive payments totaling up to Thirty-Six Thousand Five Hundred Thirty-Two Dollars (\$36,532), fifty percent (50%) from the County and fifty percent (50%) from the City, to be paid to Company 2 over a 5-year period. This is the total amount proposed to be paid to or on behalf of Company 2 and includes the local match requirements from the aforementioned grant. These payments will be conditioned on Company 2 satisfying certain performance requirements. In return for these economic development incentive payments, Company 2 must create a total of fourteen (14) new full-time jobs and invest, over and above the purchase price for the building, up to One Million Five Hundred Eighty-Two Thousand Dollars (\$1,582,000) in real and personal property at its facility located within the City and County. The County and City will fund these payments with available revenues in their respective General Funds. The governing boards for the County and the City believe this project will stimulate and stabilize the local economy and result in the creation of a significant number of new, permanent jobs in Asheboro and Randolph County.

During a special joint meeting of the two governing boards that will begin at 6:00 p.m. on October 20, 2020, the County and City will hold joint public hearings on the proposals to appropriate and expend funds for the above-described economic

development projects. The special joint meeting will be held in the main conference room at the City of Asheboro Public Works Facility, 1312 North Fayetteville Street, Asheboro, North Carolina. All interested persons are invited to attend and present their views.

This special meeting notice is issued on the 15th day of October, 2020.

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

#

**SPECIAL JOINT MEETING
ASHEBORO CITY COUNCIL
RANDOLPH COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 20, 2020
1312 NORTH FAYETTEVILLE STREET, ASHEBORO, NORTH CAROLINA**

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

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

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

In addition to the above-listed officials and staff members for the City of Asheboro, the following members of the Randolph County Board of Commissioners were present: Chairman Darrell Frye, Vice-Chairman David Allen, Commissioner Hope Haywood, Commissioner Kenny Kidd, and Commissioner Maxton McDowell. The following county staff members were also present: Hal Johnson, County Manager; Will Massie, Assistant County Manager/Finance Officer; Dana Crisco, Clerk to the Board; Sarah Pack, Deputy Clerk to the Board; Ben Morgan, County Attorney; and Aimee Scotton, Associate County Attorney.

Subsequent to Mayor Smith calling the special joint meeting to order for the city, Chairman Darrell Frye called the meeting to order for the Randolph County board of Commissioners.

ECONOMIC DEVELOPMENT MATTERS

(a) Project Avocado

Mayor Smith opened the public hearing on behalf of the Asheboro City Council and the Randolph County Board of Commissioners in order to consider the economic incentives package proposed for StarPet Inc.

During the public hearing, Mr. Kevin Franklin, who is the President of the Randolph County Economic Development Corporation (RCEDC), reported that StarPet Inc. is considering an expansion with new job creation within Asheboro and Randolph County.

The company is engaged in polyethylene terephthalate (PET) resins manufacturing. The expansion project involves retrofitting the existing manufacturing facility to introduce post-consumer PET flake into the company's existing process and produce mechanically and chemically recycled PET resin.

The investment associated with this project totals \$17,400,000.00 in real and personal property. With this project, a minimum of eleven (11) new full-time jobs with above-average wages will be created in Asheboro and Randolph County.

During his presentation, Mr. Franklin reported that an economic incentives package is proposed and recommended whereby the County and the City each contribute up to \$227,500.00 for a total expenditure of up to \$455,000.00 to the company to offset the costs of the expansion. These incentives are inclusive of the local match requirement for a Building Reuse Grant from the North Carolina Department of Commerce. The City of Asheboro will serve as the grant applicant.

After no one from the public wanted to be heard during the public hearing, Chairman Frye inquired of the Board of Commissions as to what action the Board Members would like to take. After some discussion, the Board of Commissioners adopted a resolution that followed Mr. Franklin's recommendation.

Subsequently, upon motion by Council Member Bell and seconded by Council Member Moffitt, the Council voted unanimously to adopt the following city resolution by reference. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

RESOLUTION NUMBER 26 RES 10-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION AUTHORIZING THE CITY OF ASHEBORO TO ENTER INTO AN
ECONOMIC DEVELOPMENT INCENTIVES
CONTRACT WITH STARPET INC.**

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

WHEREAS, the City Council of the City of Asheboro has held a public hearing to consider whether to participate in an economic development project that will result in the County of Randolph (the "County"), the City of Asheboro (the "City"), and StarPet Inc. (the "Company") approving an economic development incentives package whereby the County and the City each contribute up to Two Hundred Twenty-Seven Thousand Five Hundred Dollars (\$227,500) for a total expenditure of up to Four Hundred Fifty-Five Thousand Dollars (\$455,000) to the Company to offset the costs of the Company's expansion in the City of Asheboro, Randolph County, North Carolina, these incentives are to be granted pursuant to

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the local match requirement of a North Carolina Building Reuse Grant and an economic development incentives contract entered into pursuant to Section 3 of this Resolution; and

WHEREAS, upon the completion by the Company of this expansion project, the Company will have generated new value/investment in real and personal property and equipment associated with the project in an amount up to Seventeen Million Four Hundred Thousand Dollars (\$17,400,000) and created a minimum of eleven (11) new full-time jobs in the County and City; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, this the 20th day of October, 2020, as follows:

Section 1. The City is authorized to expend up to Two Hundred Twenty-Seven Thousand Five Hundred Dollars (\$227,500) of City funds for the StarPet economic development project.

Section 2. Of the appropriation outlined in Section 1 above, Two Thousand Five Hundred Dollars (\$2,500) will be used, in combination with an equal contribution from the County, as one-half of the required local match of Five Thousand Dollars (\$5,000) for the building reuse grant from the North Carolina Department of Commerce, Rural Development Division, for the benefit of the Company. The City will serve as the grant applicant.

Section 3. The remaining amount of up to Two Hundred Twenty-Five Thousand Dollars (\$225,000) of the appropriation outlined in Section 1 above will be paid to or on behalf of the Company pursuant to a performance-based incentive contract. In addition to the standard terms found in contracts that the City routinely executes in the ordinary course of business, the economic development incentives contract entered into by and between the County, the City, and the Company must contain the following essential terms and conditions:

- a. The total payment made to or on behalf of the Company under this contract shall be determined based upon the value of the equipment and facilities subject to local property tax. The project is heavily focused on recycling, and equipment and facilities dedicated solely to recycling are exempt from local property taxes in North Carolina. The payments made to the Company pursuant to this contract shall be an amount equal to fifty percent (50%) of the anticipated tax revenue generated by the project over a 5-year period as determined by an audit performed by the North Carolina Department of Environmental Quality. The total payment made by the County and the City to the Company under this contract shall not exceed Four Hundred Fifty Thousand Dollars (\$450,000).
- b. Fifty percent (50%) of the total contract amount will be paid by the County, and the other fifty percent (50%) of the total contract amount will be paid by the City.
- c. Payments made pursuant to the contract shall not begin until the Company has met certain performance requirements. These performance requirements include, but are not limited to, the following:
 - i. The Company must provide Employment Security Reports to the County and the City evidencing the creation of eleven (11) new full-time jobs; and

- ii. The Company must deliver to the County and the City an audit conducted by the North Carolina Department of Environmental Quality detailing the equipment and facilities subject to local property tax.

The contract amount will be paid based upon the formula stated in paragraph (a) over a period of five (5) years beginning upon the receipt by the County and City of both the Employment Security Reports and the audit referenced above.

- d. The contract must provide the County and the City with a means of recouping a portion of the contract amount if the Company's facilities, as expanded, do not remain in full operation, maintaining the newly created jobs referenced above, for a period of five (5) years immediately following the date on which the final installment of the contract amount is paid to the Company.
- e. If the Company does not remain in full operation during this 5-year period, a portion of the incentive money must be returned. The amount to be returned shall decrease on a pro-rated basis for each year of the 5-year period that the Company remains in full operation in the City and County. Any amounts returned by the Company in this manner shall be divided equally between the County and the City.

Section 4. The Mayor of the City of Asheboro is hereby authorized to execute on behalf of the City a contract drafted in accordance with Section 3 of this Resolution and any other documents necessary for the implementation of the above-described economic development project.

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

ATTEST:

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

(b) Project Systems

Chairman Frye opened the public hearing on behalf of the Randolph County Board of Commissioners and the Asheboro City Council in order to consider an economic incentives package for Sedia Systems, Inc.

Sedia Systems, Inc. is considering a consolidation and expansion of its manufacturing operations within Asheboro and Randolph County. The company is engaged in providing high end auditorium seating.

During her presentation, Ms. Crystal Gettys, who is the Business Recruitment Director for the RCEDC, reported that the company is committed to an investment of approximately \$1,582,000.00 in real and personal property and equipment. Additionally, the project will result in the creation of fourteen (14) new full-time jobs in the County and City.

Ms. Gettys recommended that the County and City approve an economic development incentives package whereby the County and the City each contribute up to \$18,266.00 for a total expenditure of up to \$36,532.00 to or on behalf of the Company to offset the costs of the Company's acquisition and expansion of manufacturing and distribution operations.

After no one from the public asked to be heard during the public hearing, Mayor Smith inquired of the Asheboro City Council as to what action they would like to take.

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

RESOLUTION NUMBER 27 RES 10-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION AUTHORIZING THE CITY OF ASHEBORO TO ENTER INTO AN
ECONOMIC DEVELOPMENT INCENTIVES CONTRACT WITH
SEDIA SYSTEMS, INC.**

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

WHEREAS, the City Council of the City of Asheboro has held a public hearing to consider whether to participate in an economic development project that will result in the County of Randolph (the "County"), the City of Asheboro (the "City"), and Sedia Systems, Inc. (the "Company") approving an economic development incentives package whereby the County and the City each contribute up to Eighteen Thousand Two Hundred Sixty-Six Dollars (\$18,266) for a total expenditure of up to Thirty-Six Thousand Five Hundred Thirty-Two Dollars (\$36,532) to or on behalf of the Company to offset the costs of the Company's acquisition and expansion of manufacturing and distribution operations in the City of Asheboro, Randolph County, North Carolina; and

WHEREAS, the incentives provided as part of the above-described economic development incentives package are inclusive of both the local match requirements for any state grants awarded to the project and any payments granted pursuant to an economic development incentives contract drafted in accordance with Section 3 of this Resolution; and

WHEREAS, upon the completion by the Company of this project, the Company will have generated, above and beyond the purchase price of a building, new value/investment in real and personal property and equipment associated with the project in an amount equal to or in excess of One Million Five Hundred Eighty-Two Thousand Dollars (\$1,582,000) and created a minimum of fourteen (14) new full-time jobs in the County and City; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, this the 20th day of October, 2020, as follows:

Section 1. The City is authorized to expend up to Eighteen Thousand Two Hundred Sixty-Six Dollars (\$18,266) of City funds for the Sedia Systems economic development project.

Section 2. Of the appropriation outlined in Section 1 above, Two Thousand Five Hundred Dollars (\$2,500) will be used, in combination with an equal contribution from the County, as one-half of the required local match of Five Thousand Dollars (\$5,000) for the building reuse grant from the North Carolina Department of Commerce, Rural Development Division.

Section 3. The remaining appropriation outlined in Section 1 above will be paid to or on behalf of the Company pursuant to a performance-based incentives contract. In

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addition to the standard terms found in contracts the City routinely executes in the ordinary course of business, the economic development incentives contract entered into by and between the County, the City, and the Company must contain the following essential terms and conditions:

- a. The total payment made to or on behalf of the Company under this contract shall not exceed Thirty-One Thousand Five Hundred Thirty-Two Dollars (\$31,532).
- b. Fifty percent (50%) of the contract amount will be paid by the County, and the other fifty percent (50%) of the contract amount will be paid by the City.
- c. The contract amount will be paid over a period of five (5) years to coincide with the Company's satisfactory completion of certain performance requirements. These performance requirements include, but are not limited to, the following:
 - i. The Company must deliver to the County and the City written certification that, above and beyond the purchase price of a building, the actual value of new investment by the Company in real and personal property and equipment in connection with this project equals or exceeds One Million Five Hundred Eighty-Two Thousand Dollars (\$1,582,000). The written certification of the actual value of the new investment shall further certify that this new investment is located within the corporate limits of the City of Asheboro; and
 - ii. The Company must provide Employment Security Reports to the County and the City evidencing the creation of fourteen (14) new full-time jobs.
- d. The contract must provide the County and the City with a means of recouping a portion of the contract amount if the Company's facilities, as expanded, do not remain in full operation, maintaining the newly created jobs referenced above, for a period of five (5) years immediately following the date on which the final installment of the contract amount is paid to the Company.
- e. If the Company does not remain in full operation during this 5-year period, a portion of the incentive money must be returned. The amount to be returned shall decrease on a pro-rated basis for each year of the 5-year period that the company remains in full operation in the City and County. Any amounts returned by the Company in this manner shall be divided equally between the County and the City.

Section 4. The Mayor of the City of Asheboro is hereby authorized to execute on behalf of the City a contract drafted in accordance with Section 3 of this Resolution and any other documents necessary for the implementation of the above-described economic development project.

/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

Subsequent to the Council Members adopting the above resolution, the Randolph County Board of Commissioners adopted a similar county resolution.

After there was no further business to discuss, Council Member Burks moved to adjourn the meeting. Council Member Bell seconded the motion, and the Council voted unanimously to adjourn the meeting at 6:29 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smth, Mayor

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

MEETING DATE: WEDNESDAY, OCTOBER 21, 2020

MEETING TIME: 6:00 PM

LOCATION: RANDOLPH COUNTY
EMERGENCY SERVICES BUILDING,
760 NEW CENTURY DRIVE, ASHEBORO, NORTH
CAROLINA 27205

At 6:00 p.m. on Wednesday, October 21, 2020, the City Council of the City of Asheboro will convene for a special meeting in the ambulance bay at the Randolph County Emergency Services Building, 760 New Century Drive, Asheboro, North Carolina 27205. This special meeting will be held as a joint meeting with the Randolph County Board of Commissioners.

The special joint meeting has been called for the purpose of discussing competitive healthcare activities by or on behalf of Randolph Health. The only agenda items planned for the meeting’s open session are the convening of the special joint meeting, action on motions for each governing board to go into closed session, and the adjournment of the meeting.

The discussion concerning Randolph Health and competitive healthcare activities will be conducted in closed session. No final action is anticipated at this meeting.

This special meeting notice is issued on the 15th day of October, 2020.

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

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**SPECIAL JOINT MEETING
ASHEBORO CITY COUNCIL
RANDOLPH COUNTY BOARD OF COMMISSIONERS
WEDNESDAY, OCTOBER 21, 2020, 6:00 PM
RANDOLPH COUNTY EMERGENCY SERVICES BUILDING,
760 NEW CENTURY DRIVE, ASHEBORO, NORTH CAROLINA 27205**

This being the time and place for a special joint meeting for the Asheboro City Council with the Randolph County Board of Commissioners, a meeting was held with the following elected city officials and city management team members physically present in the meeting room:

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

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

Council Member Redding was not present when quorum was determined, but she arrived in time to substantively participate in the meeting, specifically including the closed session.

In addition to the above-listed officials and staff members for the City of Asheboro, the following members of the Randolph County Board of Commissioners were physically present: Chairman Darrell Frye, Vice-Chairman David Allen, Commissioner Hope Haywood, Commissioner Kenny Kidd, and Commissioner Maxton McDowell. The following county staff members were also physically present: Hal Johnson, County Manager; Will Massie, Assistant County Manager/Finance Officer; Dana Crisco, Clerk to the Board; Sarah Pack, Deputy Clerk to the Board; Ben Morgan, County Attorney; and Aimee Scotton, Associate County Attorney.

Ms. Christine L. Myatt, Esq. of Nexsen Pruet, who is representing Randolph County and the city in Randolph Health's bankruptcy case, was also physically present.

Additionally, the following officials from Randolph Health were physically present: Chief Executive Officer Angela Orth; Randolph Health Board of Directors Chair Mac Pugh; Chief Restructuring Officer Louis Robicaux; and Public Information Officer April Thornton.

Joining the meeting by Zoom video call were Andrew Turnbull of Houlihan Lokey, Consultants Daniel Carter and Dawn Carter, Attorney Robert Wilson with Nelson Mullins, and Michael Sarian with American Healthcare Systems.

A quorum of the city council thus being present, Mayor Smith called the city council meeting to order at 6:00 p.m. for the transaction of business, and business was transacted as follows.

1. Motion to go into closed session.

Mayor Smith entertained a motion to go into closed session pursuant to Section 143-318.11(a)(1) of the North Carolina General Statutes for the purpose of discussing competitive healthcare activities by or on behalf of Randolph Health, which discussion is privileged and confidential pursuant to Section 131E-97.3 of the North Carolina General Statutes.

The requested motion was made by Council Member Moffitt and seconded by Council Member Burks. The council members then voted unanimously to approve the motion and went into closed session. Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

[The minutes and general account of the closed session have been prepared and approved as a separate document.]

2. Return to open session.

Upon returning to open session, Council Member Bell moved to adjourn the meeting. Council Member Snuggs seconded the motion, and the council members voted unanimously to adjourn the meeting. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

The meeting was adjourned at 7:24 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on September 8, 2020

The Asheboro ABC Board met on Monday, September 8, 2020, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. Present at the Board office were Board Member Steve Knight, Board Member Bob Morrison, and General Manager Rodney Johnson (GM). The Chair attended via telephone. A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

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

Board Minutes from the August 3, 2020, meeting was reviewed and approved by the Board. The Chair directed the GM to sign the minutes for her.

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

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

Since March 23, 2020, all employees working the sales floor and registers have received an additional \$2.00 per hours COVID-19 Hazard Pay. Upon motion by the Chair, the Board approved extending the pay through September 30, 2020.

The Board reviewed and approved amendments to Asheboro ABC Policy Section 14: Register Balances and Payments.

At the Board's August 3, 2020, meeting, a question arose concerning the Chair and Board member Bob Morrison serving on both the ABC Board and on the Randolph Community College Board of Trustees (RCC) while making decisions about awarding funds to RCC. The GM contacted Asheboro City Attorney Jeff Suggs about the matter. The GM summarized Suggs comments in an email which was provided to the Board and Suggs (attached hereto and incorporate herein by reference). In sum, Suggs did not opine a conflict.

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

1. Asheboro ABC sales statistics comparing:
 - August 2020 sales with the previous month indicate:
 - An overall -7.2% change (all sales and tax collections)
 - August 2020 sales with sales from the same month last year indicate:
 - Retail Sales +23.1%
 - Mixed Beverage Sales: -11.9%
 - Sales Tax Collections: +23.1%
 - Overall Collections: +18.97%

○ August 2020 bottle sales with bottle sales from the same month last year indicate:

- Retail Bottle Sales: +8.4%
- Mixed Beverage Bottle Sales: -12.7%
- Overall Bottle Sales: +7.1%

The next regular Asheboro ABC Board meeting will be held Tuesday, October 7, 2020, at 5:30 p.m.

There being no further business, the meeting was adjourned.

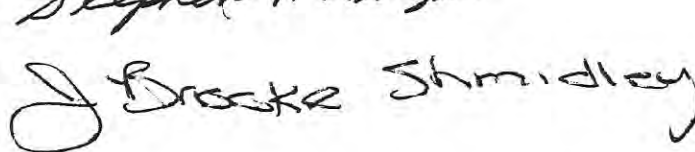
Prepared by Rodney Johnson, GM, and Approved by the Board

10-5-20


GM





 by 

From: abcasheboro@gmail.com
Sent: Thursday, September 10, 2020 4:55 PM
To: Asheboro ABC Board
Subject: FW: Conflict of Interest Concern for Brooke and Bob

From: abcasheboro@gmail.com <abcasheboro@gmail.com>
Sent: Thursday, September 10, 2020 1:09 PM
To: 'Jeffery Sugg 288 (jsugg@ci.asheboro.nc.us)' <jsugg@ci.asheboro.nc.us>
Subject: RE: Conflict of Interest Concern for Brooke and Bob

On 8/27/20, City Attorney Jeff Sugg, after consulting with the School of Government, opined absent a conflict with any existing Asheboro ABC Board Code of Ethics, there is no legal impediment to Brooke and Bob making grant award decisions concerning RCC while they serve on both the Asheboro ABC Board and the RCC Board of Trustees. He suggested verbiage be added to our minutes when RCC applies for funds to ensure transparency.

Asheboro ABC Board's Code of Ethics, required by GS18B-706 (ethics requirements for local boards) and passed by Board Resolution on February 11, 2011, expresses a clear expectation for board members, managers and employees to comply with "Federal, State, and local laws, rules and policies regulating the operation of the Asheboro ABC System." I see nothing in the Asheboro ABC Board's Code of Ethics which creates policy conflicting with state law, ethics requirements, or prohibits serving on more than one board.

Jeff's opinion follows generally that GS 18B-201(f) (conflicts of interest) prohibits conflicts benefiting the member or his/her family financially or (18B-201(g)) benefits a business with which the member or his/her family is "associated." GS18B-201(g) further defines "financial benefit" as "a direct pecuniary gain or loss" for the member or "to a business competitor." The statute refers to GS 138A-3(7) (State Ethics Act) to define a business with which the board member is "associated."

GS 138A-3 (7) Business with which associated. - A business in which the covered person or filing person or any member of that covered person's or filing person's immediate family does any of the following:

- a. Is an employee.
- b. Holds a position as a director, officer, partner, proprietor, or member or manager of a limited liability company, irrespective of the amount of compensation received or the amount of the interest owned.
- c. Owns a legal, equitable, or beneficial interest of ten thousand dollars (\$10,000) or more in the business or five percent (5%) of the business, whichever is less, other than as a trustee on a deed of trust.
- d. Is a lobbyist registered under Chapter 120C of the General Statutes.

For purposes of this subdivision, the term "business" shall not include a widely held investment fund, including a mutual fund, regulated investment company, or pension or deferred compensation plan, if all of the following apply:

1. The covered person, filing person, or a member of the covered person's or filing person's immediate family neither exercises nor has the ability to exercise control over the financial interests held by the fund.
2. The fund is publicly traded, or the fund's assets are widely diversified.

Additionally, GS 138A-3 (5) defines a business as an entity "organized for profit," thus excluding RCC which is a publicly owned institution primarily funded by state appropriations.

Decisions made for a board by a board member does not benefit the board member financially and sitting on a board does not create a prohibited "association" with a business.

I will insert verbiage into our minutes for your review which details the board members dual service. I have not notified grant recipients nor released any grant funds approved at the last board meeting awaiting this opinion and will put the matter on the agenda for further discussion.



Asheboro ABC Board
700 South Fayetteville Street
Asheboro, North Carolina 27203
(336) 629-2530

Rodney E. Johnson
General Manager

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

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

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

WHEREAS, the City of Asheboro has received a proposal to extend internet in the area between Sunset Ave, S. Church St., Lanier Ave and South Fayetteville St. for an estimated amount of \$86,000,
and;

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

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

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

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
72-384-0000	Downtown Redevelopment	\$86,000

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
72-800-0003	Downtown Redevelopment	86,000

Adopted this the 5th day of November 2020.

David H. Smith, Mayor

ATTEST:

Holly H Doerr, CMC, NCCMC, City Clerk

STATE OF NORTH CAROLINA

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

Review Officer _____

Date _____

Annexation Ordinance adopted by the Asheboro City Council

On: _____

To Be Effective On: _____

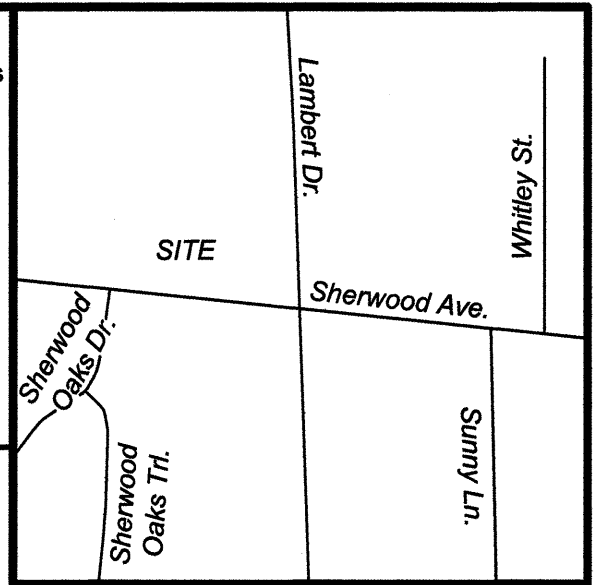
Notes:

1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. Tax PIN: 7750149570

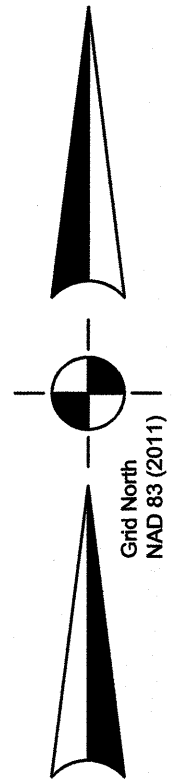
Legend

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

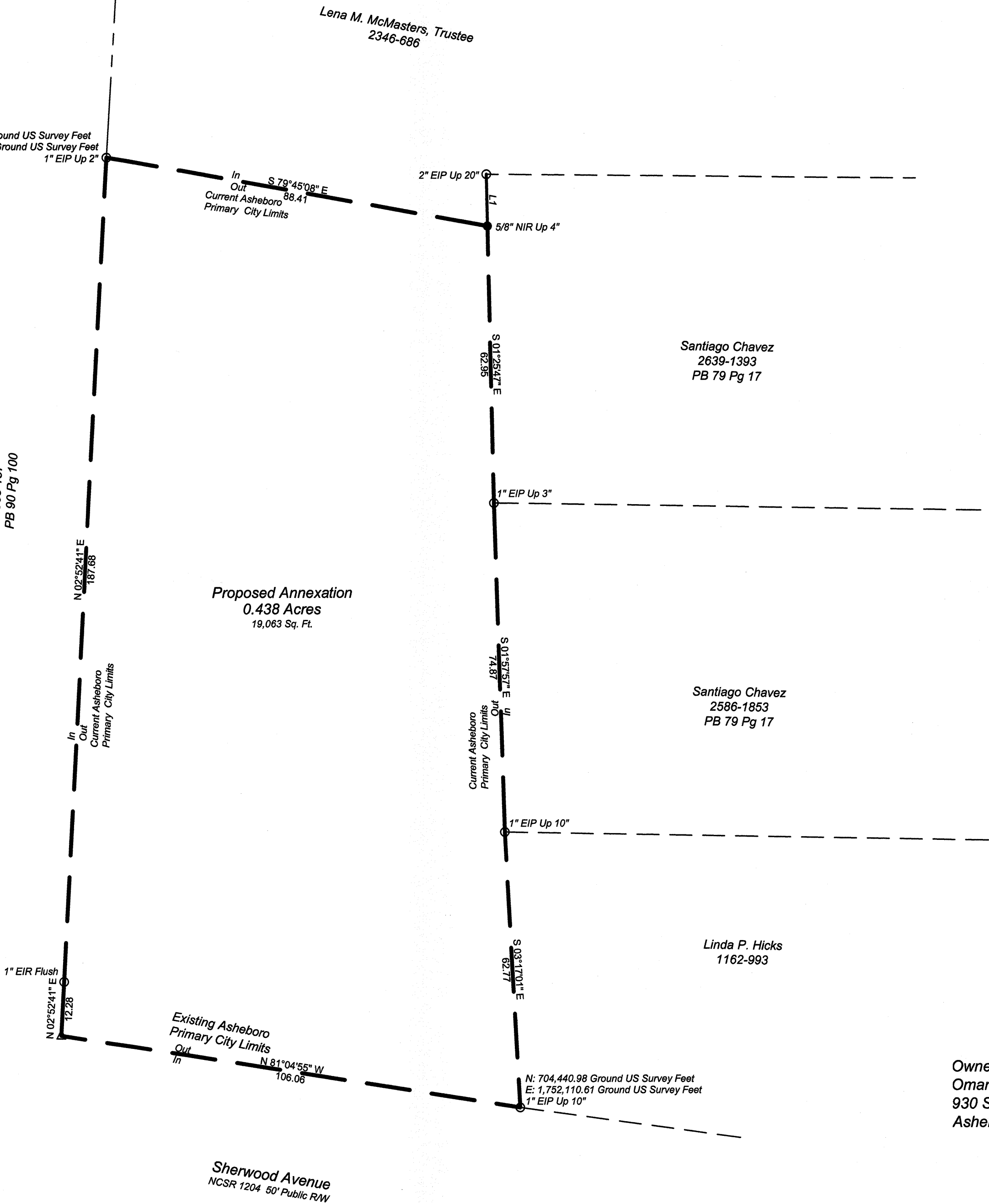
LINE	BEARING	DISTANCE
L1	N 01°25'47" W	11.80



Location Map
(Not to Scale)



Community Apartments Corp. of Randolph Co.
1958-137
PB 90 Pg 100



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

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

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

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: May 11, 2020
- (5) Datum/Epoch: NAD83(2011) / 2010.00
- (6) Published/Fixed-control use: North Carolina Real Time Network
- (7) Geoid model: Geoid 12A
- (8) Combined grid factor(s): 0.99987009
- (9) GPS/GNSS Scale Point:
N:704,463.24 E:1752088.29 EL:839.57
- (10) Units: US Survey Feet

Annexation Survey For:**Omar Joachin Zamudio**

Asheboro Township Randolph County
North Carolina June 1, 2020

Deed Book:2673 Pg:1101

Scale: 1" = 20 US Survey Feet

Bar Scale:

**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

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Job #: 11918