

**MOUNT AIRY, NORTH CAROLINA
REGULAR MEETING MINUTES
April 1, 2021**

MEMBERS PRESENT: Mayor Pro Tempore Ron Niland, Commissioners Jon Cawley, Marie Wood, and Steve Yokeley

APPROVAL OF AGENDA:

Commissioner Yokeley made a motion to remove item 4 Special Presentation from the agenda. With this change, the board voted unanimously to approve the agenda.

CONSENT AGENDA: On motion by Commissioner Wood and passed unanimously, the following items were approved by way of the consent agenda:

- **APPROVAL OF MINUTES:**
 - **March 18, 2021 Regular Meeting Minutes**
- **RESOLUTION 2021-055 APPROVING TAX RELEASES:**

RESOLUTION NUMBER 2021-055

A RESOLUTION

Approval of Tax Releases

WHEREAS, a list of taxes to be released has been submitted by the Staff Accountant in her capacity of Tax Collector for the City of Mount Airy Finance Department; and

WHEREAS, North Carolina General Statute 105-373 provides for settlement of such taxes; and

WHEREAS North Carolina General Statute 105-381 provides for release or refund of taxes; and

NOW THEREFORE BE IT RESOLVED BY THE CITY OF MOUNT AIRY BOARD OF COMMISSIONERS MEETING IN OPEN SESSION THAT:

Section 1. Said taxes be released or refunded in accordance with said statutes for the reasons stated on the attached list.

Section 2. This Resolution shall become effective upon approval by the Board of Commissioners of the City of Mount Airy.

Adopted this 1st day of April, 2021.

Date: 21-Mar-21
 Board of
 Commissioner of
 City of Mount
 To: Airy
 Sherri Coalson, Staff
 From: Accountant
 Release and
 Refund of City
 Re.: Property Taxes

<u>Account</u>	<u>Taxpayer</u>	<u>Value</u>	<u>TAX AMOUNT</u>					<u>Reason</u>
			<u>Real</u>	<u>Advertising</u>	<u>Personal</u>	<u>Late Listing</u>	<u>Total</u>	
2020 - General Fund								
34616	Superior Metal Buildings	25,066	0.00	0.00	150.40	12.03	162.43	Outside Jurisdiction
34504	Davis, Daniel	2,880	0.00	0.00	17.28	0.00	17.28	Vehicle Tagged
34336	Mayberry Vapes	4,689	0.00	0.00	28.13	2.25	30.38	No longer owned
	Total	32,635	0.00	0.00	195.81	14.28	210.09	
2019 - General Fund								
34616	Superior Metal Buildings	28,588	0.00	0.00	171.53	13.72	185.25	Outside Jurisdiction
34336	Mayberry Vapes	5,632	0.00	0.00	33.79	2.70	36.49	No longer owned
	Total	34,220	0.00	0.00	205.32	16.42	221.74	
Grand Total		66,855	0.00	0.00	401.13	30.70	431.83	

- **RESOLUTION 2021-056 SETTING PUBLIC HEARING REGARDING REQUEST TO REZONE FOUR PARCELS LOCATED AT 1021 WORTH STREET, 1002 SOUTH SOUTH STREET, 1008 SOUTH SOUTH STREET, AND 1016 SOUTH SOUTH STREET:**

RESOLUTION NUMBER 2021-056

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST TO REZONE FOUR PARCELS OWNED BY NORTHERN REGIONAL HOSPITAL LOCATED ON WORTH STREET AND S. SOUTH STREET

WHEREAS, the City of Mount Airy has received a request from Greg Casstevens-Northern Regional Hospital to rezone four (4) parcels (7.69 total acres) located on Worth Street and South South Street (Tax IDs 5020-19-40-9791, 5020-19-50-2640, 5020-19-50-4409, 5020-19-50-4269) from M-1 (Industrial) to B-5 (Medical Business); and

WHEREAS, the Planning Board of the City of Mount Airy has recommended approval of the request to the Board of Commissioners:

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF MOUNT AIRY BOARD OF COMMISSIONERS MEETING IN OPEN SESSION THAT:

- Section 1. That a public hearing be scheduled for Thursday, April 15, 2020 at 6:00 pm to hear public comment on the above mentioned request.
- Section 2. That notice of the public hearing shall be published in the Mount Airy News, a newspaper having general circulation in the City of Mount Airy, at least ten (10) days prior to the date of the public hearing.
- Section 3. This resolution shall become effective upon approval.

Approved and adopted this 1st day of April, 2021.

- **RESOLUTION 2021-057 SETTING PUBLIC HEARING REGARDING REQUEST TO REZONE PROPERTY LOCATED AT 820 WORTH STREET:**

RESOLUTION NUMBER 2021-057

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST TO REZONE PROPERTY LOCATED AT 820 WORTH STREET

WHEREAS, the City of Mount Airy has received a request from Greg Casstevens-Northern Regional Hospital to rezone a 0.64-acre parcel located at 820 Worth Street (Tax ID 5020-19-61-2041) from B-3 (Neighborhood Business) to B-5 (Medical Business); and

WHEREAS, the Planning Board of the City of Mount Airy has recommended approval of the request to the Board of Commissioners:

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF MOUNT AIRY BOARD OF COMMISSIONERS MEETING IN OPEN SESSION THAT:

- Section 1. That a public hearing be scheduled for Thursday, April 15, 2020 at 6:00 pm to hear public comment on the above mentioned request.
- Section 2. That notice of the public hearing shall be published in the Mount Airy News, a newspaper having general circulation in the City of Mount Airy, at least ten (10) days prior to the date of the public hearing.
- Section 3. This resolution shall become effective upon approval.

Approved and adopted this 1st day of April, 2021.

- **RESOLUTION 2021-058 SETTING PUBLIC HEARING REGARDING PROPOSED CITY OF MOUNT AIRY SUBDIVISION ORDINANCE AMENDMENTS:**

RESOLUTION NUMBER 2021-058

RESOLUTION SETTING PUBLIC HEARING FOR CITY OF MOUNT AIRY ZONING ORDINANCE AMENDMENTS RELATING TO NCGS CHAPTER 160D

WHEREAS, in 2019, the NC General Assembly adopted the complete reorganization of the State's planning and development regulation statutes; and

WHEREAS, the new Chapter 160D consolidates the previous county enabling statutes and city enabling statutes into a single, unified chapter; and

WHEREAS, the intent is to have a uniform set of statutes applicable to cities and counties common to all development regulations and places the development regulation statutes into a more logical, coherent organization; and

WHEREAS, the new law doesn't make any policy changes or shifts in scope of authority, it provides many clarifying comments and consensus reforms that will need to be incorporated into local development regulations; and

WHEREAS, Chapter 160D is effective now, but local governments have until July 1, 2021 for the development, consideration and adoption of necessary amendments to conform local ordinances to this new law. All city and county unified development ordinances, including zoning, subdivision and other development regulations, will need to be updated by that date to conform to the new law; and

WHEREAS, the City of Mount Airy Subdivision Ordinance (Chapter 14 of the Code of Ordinances) has not been updated in many years and in addition to the NCGS Chapter 160D amendments, Staff has made several amendments that are reflective of changes in technology, the process of reviewing/approving subdivisions, and updates in design requirements; and

WHEREAS, the City of Mount Airy Planning Board has reviewed the proposed amendments and recommends approval by the Board of Commissioners:

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF MOUNT AIRY BOARD OF COMMISSIONERS MEETING IN OPEN SESSION THAT:

Section 1. That a Public Hearing be held on Thursday, April 15, 2021 at 6:00 pm to hear public comment on the above mentioned item.

Section 2. That notice of the public hearing shall be published in the Mount Airy News, a newspaper having general circulation in the City of Mount Airy, at least ten (10) days prior to the date of the public hearing.

Section 3. This resolution shall become effective upon approval.

Approved and adopted this the 1st day of April, 2021.

- **RESOLUTION 2021-059 REGARDING ARARAT RIVER PHASE VII STREAM RESTORATION PROJECT EXTENSION:**

RESOLUTION NUMBER 2021-059

RESOLUTION REQUESTING FINANCIAL ASSISTANCE FOR ARARAT RIVER PHASE VII STREAM RESTORATION PROJECT

WHEREAS, the City of Mount Airy desires to sponsor, Ararat River Phase VII Stream Restoration Project, this project will lead to the better management of water resources in the region and it will facilitate the improvement of water quality, improve aquatic habitat, and improve recreational opportunities for the City of Mount Airy:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MOUNT AIRY BOARD OF COMMISSIONERS MEETING IN OPEN SESSION THAT:

- 1) The Board requests the State of North Carolina to provide financial assistance to the City of Mount Airy for Ararat River Phase VII Stream Restoration Project in the amount of \$500,000 or 50 percent (50%) of the nonfederal project costs, whichever is the lesser amount;
- 2) The Board assumes full obligation for payment of the balance of project costs;
- 3) The Board will obtain all necessary State and Federal permits;
- 4) The Board will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Board will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Board will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Board will assure that the project is open for use by the public on an equal basis with no restrictions;
- 8) The Board will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Board accepts responsibility for the operation and maintenance of the completed project.

Adopted by the City of Mount Airy this 1st day of April, 2021.

- **RESOLUTION 2021-060 ADOPTING CONFLICT OF INTEREST POLICY FOR STATE AWARDS:**

RESOLUTION NUMBER 2021-060

RESOLUTION ADOPTING CONFLICT OF INTEREST POLICY WHEN SPENDING STATE AWARDS

WHEREAS, the City of Mount Airy requests funding assistance from the N.C. Department of Environmental Quality for the Ararat River Phase VII Stream Restoration Project; and

WHEREAS, in doing so, the City shall adopt a conflict of interest policy to establish guidelines that meet or exceed the requirements under State law and local policy when procuring goods, services, and construction or repair projects paid for in part or whole by State funds:

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF MOUNT AIRY BOARD OF COMMISSIONERS MEETING IN OPEN SESSION THAT:

- Section 1. The Board of Commissioners does hereby approve and adopt the Conflict of Interest Policy When Spending State Awards.
- Section.2 The Board of Commissioners does hereby authorize the Mayor Pro Tempore to execute said Policy per review and approval by the City Attorney.
- Section 3, This resolution shall become effective upon approval.

Approved and adopted this the 1st day of April, 2021.

(end of consent agenda)

PUBLIC FORUM:

Mayor Pro Tem Niland declared the public forum open.

Suzanne Settle, 139 West Lebanon Street (city resident): Ms. Settle noted that the Lebanon Hill Historic District and Country Club Estates District were approved as National Register Districts. As part of the Lebanon Hill Task Force, she requested that the Board consider sending a copy of a letter from Brett Sturm of the State Historic Preservation Office by mail to the owners of the properties within these new districts regarding possible eligible tax credits.

With no one else wishing to speak, Mayor Pro Tem Niland declared the public forum closed.

OLD BUSINESS:

ORDINANCE 2021-019 TO REZONE PROPERTY LOCATED AT 1515 FANCY GAP ROAD:

Planning Director Andy Goodall updated the Board regarding this request. Since the last meeting, the property owner has agreed to hours being limited from 6 a.m. – 11 p.m. The conditions further agreed upon include three parking spaces in the front of the building; four parking spaces in the rear of the building; installation of a 5’ curbed landscaped island between Westwood Drive and the front parking area; and installation of an 8’ privacy fence to the rear of the parking area in the back of the property. The owner also requested that the Board consider allowing office uses in addition to the use as a convenience/food store, in case the convenience store doesn’t work out.

On motion by Commissioner Yokeley and passed with a three to one vote, the following Statement of Consistency was approved:

“The proposed conditional district zoning (including the amended preliminary site plan) and listed conditions are consistent with *Medium Intensity* land use recommendation (low-intensity retail uses designed to keep the impact on adjacent residential areas to a minimum) in the *City of Mount Airy Comprehensive Plan*. The proposed conditional district zoning with listed conditions limit the impact on adjacent residential properties and are reasonable and in the public interest.”

Vote Aye: Commissioners Wood, Yokeley, Niland

Vote Nay: Commissioner Cawley

Commissioner Wood feels that after meeting with the adjacent property owners that their issues have largely been addressed by the conditions on this request. Commissioner Cawley received clarification that no other B-3 uses could operate at this location under this ordinance. He is in favor of only allowing the office use at this location.

On motion by Commissioner Wood and passed by a three to one vote, Ordinance 2021-019 was approved as follows:

Vote Aye: Commissioners Wood, Yokeley, Niland

Vote Nay: Commissioner Cawley

ORDINANCE NUMBER 2021-019

**AN ORDINANCE TO REZONE PROPERTY IN THE CORPORATE LIMITS
OF THE CITY OF MOUNT AIRY, NORTH CAROLINA
1515 FANCY GAP ROAD**

WHEREAS, the City of Mount Airy Board of Commissioners have received a request from Ibrahim Kaya to rezone a 0.18-acre parcel located at 1515 Fancy Gap Road,

Tax ID Number 5011-12-97-1299, from R-20 (Residential) to B-3 CD (Neighborhood Business- Conditional District); and

WHEREAS, the City of Mount Airy Planning Board and Staff have reviewed the petition and recommended the request to the Board of Commissioners for their consideration and approval with the following conditions:

1. Usage of the parcel shall be limited to:
 - a. ‘Convenience Food Store’;
 - b. Agencies and offices rendering specialized services not involving retail trade such as real estate, advertising, insurance, architecture, engineering, and accounting and not listed elsewhere;
 - c. Law office; and
 - d. Office not classified elsewhere (no retail).
2. Future development of the property shall be limited to the amended preliminary site plan with the following site improvements to be made prior to the issuance of a Certificate of Compliance:
 - a. Striping of three (3) parking spaces (including one (1) handicap space) in front parking area;
 - b. Installation of four (4) angled parking spaces to rear of structure;
 - c. Installation of a five (5’) foot curbed landscaping island between roadway (Westwood Drive) and front parking area; and
 - d. Installation of eight (8’) foot privacy fence set between the rear parking area and natural vegetative buffer.
3. Additional uses may be approved by the City of Mount Airy Board of Commissioners through the required hearing process as necessary; and

WHEREAS, the Board of Commissioners of the City of Mount Airy adopted a resolution directing that a public hearing be conducted on the 18th day of March, 2021; and

WHEREAS, the Board of Commissioners, having conducted the public hearing and reviewed the recommendations of the Planning Board, concur that the property herein described be rezoned and adopt the following Statement of Consistency:

STATEMENT OF CONSISTENCY

“The proposed conditional district zoning (including the amended preliminary site plan) and listed conditions are consistent with the *Medium Intensity* land use recommendation (low- intensity retail uses designed to keep the impact on adjacent residential areas to a minimum) in the *City of Mount Airy Comprehensive Plan*. The proposed conditional district zoning with listed conditions limit the impact on adjacent residential properties and are reasonable and in the public interest.”

NOW, THEREFORE BE IT ORDAINED by the City of Mount Airy Board of Commissioners that this 0.18-acre parcel shown on the attached Exhibit A identified as 1515 Fancy Gap Road, Tax ID Number 5011-12-97-1299, be rezoned from R-20

(Residential) to B-3 CD (Neighborhood Business- Conditional District) with the following conditions:

1. Usage of the parcel shall be limited to ‘Convenience Food Store’;
2. Hours of operation shall be limited to between the hours of 6:00AM and 11:00PM;
3. Future development of the property shall be limited to the amended preliminary site plan with the following site improvements to be made prior to the issuance of a Certificate of Compliance:
 - a. Striping of three (3) parking spaces (including one (1) handicap space) in front parking area;
 - b. Installation of four (4) angled parking spaces to rear of structure;
 - c. Installation of a five (5’) foot curbed landscaping island between roadway (Westwood Drive) and front parking area; and
 - d. Installation of eight (8’) foot privacy fence set between the rear parking area and natural vegetative buffer.
4. Additional uses may be approved by the City of Mount Airy Board of Commissioners through the required hearing process as necessary;

BE IT FURTHER ORDAINED that the Zoning Map of the City of Mount Airy be amended to reflect this change.

Approved and adopted this the 1st day of April, 2021.

NEW BUSINESS:

RESOLUTION 2021-061 APPROVING TEMPORARY PERSONNEL POLICY ETENSION OF EMERGENCY PAID SICK LEAVE FOR CITY EMPLOYEES:

On motion by Commissioner Yokeley and approved unanimously, the following resolution was approved:

RESOLUTION NUMBER 2021-061

RESOLUTION APPROVING TEMPORARY PERSONNEL POLICY-EXTENSION OF EMERGENCY PAID SICK LEAVE FOR CITY EMPLOYEES

WHEREAS, in April 2020, the President of the United States signed the Families First Coronavirus Response Act into law; and

WHEREAS, the Act provides employees with up to eighty (80) hours of emergency paid sick leave if they are seeking testing, have tested positive, or have been instructed to quarantine at home following a Covid-19 exposure; and

WHEREAS, these Federal benefits expired December 31, 2020 but were extended for City employees through March 31, 2021; and

WHEREAS, it is recommended for the City to adopt a temporary Personnel Policy to allow City employees to qualify for continued emergency paid sick leave benefits through June 30, 2021 in which employees would only be eligible for a maximum of eighty (80) hours of emergency paid sick leave; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF MOUNT AIRY BOARD OF COMMISSIONERS MEETING IN OPEN SESSION THAT:

- Section 1. The Board of Commissioners does hereby adopt a temporary Personnel Policy to extend emergency paid sick leave benefits for City employees through June 30, 2021.
- Section 2. The Board of Commissioners does hereby authorize the Mayor Pro Tempore to execute any documents relating to said temporary Personnel Policy.
- Section 3. This resolution shall become effective upon approval.

Approved and adopted this the 1st day of April, 2021.

REMARKS BY OFFICIALS:

City Manager Barbara Jones: Wished everyone a Happy Easter.

Commissioner Cawley: No comments

Commissioner Yokeley: Happy Easter to everyone, remember the reason for the holiday.

Commissioner Wood: No comments.

City Attorney Hugh Campbell: Developers and City have signed the option on the Spencer's development.

Mayor Pro Tem Niland: Wished everyone a wonderful and safe Easter holiday.

ADJOURN:

On motion by Commissioner Cawley and approved unanimously, the meeting was adjourned.

Approved and adopted this the 15th day of April, 2021.

Ronald M. Niland, Mayor Pro Tempore

ATTEST:

Carolyn Hegler, Deputy Clerk