

**MOUNT AIRY, NORTH CAROLINA
REGULAR MEETING MINUTES
May 6, 2021**

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

APPROVAL OF AGENDA:

Mayor Pro Tempore Niland amended the agenda to include an item under Consent Agenda 2g-Board to Consider Approval of a Deed of Easement for Public Recreation Facility (Greenway Extension) at Riverside Park. There were no objections from the Board of Commissioners.

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

- **APPROVAL OF MINUTES:**

 - April 15, 2021 Board Meeting Minutes
- **RESOLUTION 2021-051 SETTING PUBLIC HEARING FOR REQUEST TO REZONE MULTIPLE PROPERTIES LOCATED AT 758 BLUEMONT RD., 760 BLUEMONT RD., 768 E. BLUEMONT RD., 214 CRESTVIEW ST., AND 215 CRESTVIEW ST.:**

RESOLUTION NUMBER 2021-063

RESOLUTION SETTING PUBLIC HEARING FOR REQUEST TO REZONE MULTIPLE PROPERTIES LOCATED ON BLUEMONT ROAD AND CRESTVIEW DRIVE (758 Bluemont Road, 760 Bluemont Road, 768 E. Bluemont Road, 214 Crestview Street, and 215 Crestview Street)

WHEREAS, The City of Mount Airy has made the request to rezone properties (5.3 total acres) located at 758 Bluemont Road, 760 Bluemont Road, 768 E. Bluemont Road, 214 Crestview Street, and 215 Crestview Street (TAX ID's 5020-14-33-3438, 5020-14-33-4288, 5020-14-33-6220, 5020-14-33-6199, 5020-14-33-2384, 5020-14-33-3489, 5020-14-33-3655, 5020-14-33-2554, 5020-14-33-3742, 5020-14-33-3814, 5020-14-33-5700 & 5020-14-33-4970) from B-4 (Highway Business) to R-6 (General Residential); 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, May 20, 2021 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 the 6th day of May, 2021.

• **BOARD TO CONSIDER RESOLUTION SETTING PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO CITY OF MOUNT AIRY MINIMUM HOUSING CODE:**

RESOLUTION NUMBER 2021-064

RESOLUTION SETTING PUBLIC HEARING FOR AMENDMENTS TO THE CITY OF MOUNT AIRY MINIMUM HOUSING CODE 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, the City of Mount Airy Planning Board has reviewed the proposed amendments to the Minimum Housing Code (Chapter 4-Article V of the Code of Ordinances) 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, May 20, 2021 at 6:00 pm to hear public comment on the above mentioned item.

Section 2. The review copy of the City of Mount Airy Minimum Housing Code is located at <http://www.mountairy.org/175/Planning-Department>.

Section 3. 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 4. This resolution shall become effective upon approval.

Approved and adopted this the 6th day of May, 2021.

- **BOARD TO CONSIDER RESOLUTION SETTING PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO ARTICLE X OF THE CITY OF MOUNT AIRY CODE OF ORDINANCES:**
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RESOLUTION NUMBER 2021-065

RESOLUTION SETTING PUBLIC HEARING FOR AMENDMENTS TO ARTICLE X OF THE CITY OF MOUNT AIRY ZONING ORDINANCE

WHEREAS, in 2020, the City of Mount Airy Planning Board and staff began reviewing the City's landscaping provisions and it became apparent that they were outdated and difficult to use in comparison to other municipalities; and

WHEREAS, staff also reviewed the landscaping of several non-residential properties that have been developed over the last decade and found that the current provisions require inadequate vegetation in some areas and excessive amounts in others. The latter led to a noticeable decline in the health and in some cases the death of vegetation; and

WHEREAS, the City of Mount Airy Planning Board has reviewed the proposed amendments to Article X of the City of Mount Airy Zoning Ordinance and recommend approval 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 held on Thursday, May 20, 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 4. This resolution shall become effective upon approval.

Approved and adopted this the 6th day of May, 2021.

- **BOARD TO CONSIDER RESOLUTION SETTING PUBLIC HEARING REGARDING PROPOSED AMENDMENTS AND REORGANIZATION OF THE CITY OF MOUNT AIRY ZONING ORDINANCE:**
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RESOLUTION NUMBER 2021-066

RESOLUTION SETTING PUBLIC HEARING REGARDING PROPOSED AMENDMENTS AND REORGANIZATION OF THE CITY OF MOUNT AIRY ZONING ORDINANCE

WHEREAS, the City of Mount Airy Zoning Ordinance has been amended over the years by several different authors and in doing so, many of the organizational elements in the ordinance have become disjointed and inconsistent; and

WHEREAS, the City Planning Director and Planning Board Chair have reorganized each Article of the Zoning Ordinance to provide consistency among them; and

WHEREAS, no policy changes occurred with the exception of language in Section 13.4 in regards to amendment proposals originated by the Board of Commissioners not being required to be submitted to the Planning Board, which has been struck from the Ordinance; and

WHEREAS, the City of Mount Airy Planning Board has reviewed the proposed amendments and reorganization of the Zoning Ordinance 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, May 20, 2021 at 6:00 pm to hear public comment on the above mentioned item.
- Section 2. The review copy of the City of Mount Airy Zoning Ordinance is located at <http://www.mountairy.org/369/Zoning-Ordinance>.
- Section 3. 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 4. This resolution shall become effective upon approval.

Approved and adopted this the 6th day of May, 2021.

- **BOARD TO CONSIDER PROJECT ORDINANCE AMENDMENT FOR CORONAVIRUS RELIEF FUND:**

**ORDINANCE NUMBER 2021-025
PROJECT ORDINANCE AMENDMENT #2
FOR
FUNDING FROM THE CORONAVIRUS RELIEF FUND (CRF)
ESTABLISHED UNDER THE CARES ACT**

WHEREAS the City of Mount Airy has entered into an interlocal agreement with Surry County accepting funds for expenditures incurred to address the COVID-19 pandemic, which has been designated as the COVID-19 Cares Act Grant Project;

BE IT ORDAINED by the Board of Commissioners of the City of Mount Airy, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance amendment is hereby adopted:

Section 1

The project authorized is for the expenditure of funds under the COVID-19 Cares Act Grant Project:

Amount: \$175,350 original grant
 \$240,991 additional grant
 \$416,341 total grant
 \$23 Investment Earnings
 \$416,364 Total Project

Section 2

The officers of this unit are hereby directed to proceed with the project within the terms of the award documents and the budget contained herein.

Section 3

The following amounts are appropriated for the project:

COVID-19 Expenditures	<u>\$ 23</u>
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Section 4

The following revenues are anticipated to be available to complete this project:

Investment Earnings	<u>\$ 23</u>
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Section 5

The Finance Officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations.

Section 6

Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7

Copies of this project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 6th day of May, 2021.

- **BOARD TO CONSIDER DEED OF EASEMENT FOR PUBLIC RECREATION FACILITY (GREENWAY EXTENSION) AT RIVERSIDE PARK:**

**DEED OF EASEMENT
 FOR PUBLIC RECREATION FACILITY (GREENWAY EXTENSION)**

STATE OF NORTH CAROLINA

COUNTY OF SURRY

**Prepared by and After Recording
 Return to:**

**City of Mount Airy
 P.O. Box 70
 Mount Airy, NC 27030
 Attn: _____**

THIS DEED OF EASEMENT FOR PUBLIC RECREATION FACILITY is being made and entered into this _____ day of MAY 2021 by and between the **CITY OF MOUNT AIRY, a North Carolina municipal corporation** hereinafter the “Grantor,” and the **CITY OF MOUNT AIRY, a North Carolina municipal corporation**, the “Grantee,” whose address is Post Office Box 70, Mount Airy, North Carolina 27030. The designations Grantor and Grantee as used herein shall include said parties, their heirs, successors, and permitted assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context.

WITNESSETH:

WHEREAS, Grantor owns in fee simple certain real property situate, lying, and being located in Mount Airy, Surry County, North Carolina containing 10.00 acres, more or less, having tax parcel ID 5020-12-96-2421 referred to herein as the Servient Tract. The Servient Tract, commonly known as Riverside Park, is illustrated on the map which is attached hereto and incorporated herein by reference as if fully set out. Some or all of the Servient Tract is legally described in the following deeds which are duly recorded in the office of the Surry County Register of Deeds: Book 315, Page 111; Book 317, Page 175; Book 318, Page 587; and Book 318, Page 685; and

WHEREAS, the City has constructed several miles of paved walking trails that are very popular public recreational facilities (the “Greenway System”), and the City is desirous of extending a portion of its Greenway System over, upon and through a portion of the Servient Tract as hereinafter described; and

WHEREAS, Grantor is willing to grant an easement as set forth herein over, upon and through a portion of the Servient Tract described below, thereby restricting and limiting the use of such portion of the Servient Tract; provided, however, that **only the portion of the Servient Tract within the Easement Area (as defined herein) shall be limited and restricted, and the remainder of the Servient Tract (i.e. the area not encumbered by this Easement) shall remain unrestricted and not limited in any way by virtue of the grant of this easement;** and

WHEREAS, by resolution duly adopted by the City of Mount Airy at its regularly called meeting on May 06, 2021, the Board of Commissioners of the City of Mount Airy voted to grant the Easement as hereinafter described, thereby restricting and limiting the use of such Servient Tract to the extent set forth herein.

NOW, THEREFORE, in consideration of the sum of \$10.00 paid to the Grantor and the mutual covenants, terms, conditions, and restrictions hereinafter set forth, the Grantor unconditionally and irrevocably hereby grants and conveys unto Grantee, its successors and permitted assigns, forever and in perpetuity, this Deed of Easement for Public Recreation Facility to the extent hereinafter set forth on the Servient Tract for the benefit of the people of North Carolina. The Easement Area is more particularly described as follows:

ALL THAT AREA from the top of the river bank of the Ararat River to a line measured one hundred (100’) feet from and running parallel with the top of the WEST bank of the Ararat River as it meanders and/or is restored across the Servient Tract. A map showing the area of the easement is attached hereto as Exhibit A and incorporated herein by reference as if fully set out (the “Easement Area”).

PURPOSES OF EASEMENT. The grant of this easement will allow the City construct, install and maintain a new walking trail as an extension of the Greenway System, with the additional rights to repair, replace and remove the walking trail in the City’s sole discretion. Grantor expressly gives, grants and conveys to the Grantee the right to allow the public to engage in passive recreational uses, including

walking, running, biking, fishing, hiking, canoeing and kayaking, and access to the Easement Area for similar passive uses. The City anticipates that it will (1) maintain, restore and enhance the Easement Area, which will create a wetland and/or riparian resource on the Servient Tract that contributes to the protection and improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and public outdoor recreational opportunities; (2) maintain permanently the Easement Area in its natural condition, consistent with these purposes; and (3) prevent any use of the Easement Area that will significantly impair or interfere with these purposes.

By this grant of easement, Grantor hereby agrees to the following terms, conditions and restrictions:

I. DURATION OF EASEMENT

This Easement shall be perpetual. It is an easement in gross, runs with the land and is enforceable by Grantee against Grantor, its personal representatives, heirs, successors, and assigns, lessees, agents, and licensees.

II. RESERVED USES AND RESTRICTED ACTIVITIES

It is acknowledged that the Grantor retains significant rights in and to the use of the Easement Area not inconsistent with the purposes thereof. Grantor reserves the right to continue using the Servient Tract, including the Easement Area, for public purposes. It is further acknowledged that the area of the Easement Area shall be restricted from any usage that would impair or interfere with the purposes of this Easement. As such, unless expressly reserved as a compatible use herein, any new activity on, or use of, the area within the Easement Area by the Grantor is prohibited as inconsistent with the purposes of this Easement. Any rights not expressly reserved hereunder by the Grantor have been acquired by the Grantee. Specific uses prohibited, restricted, or reserved include as indicated but are not necessarily limited to the following:

1. **Current Use.** It is hereby acknowledged and agreed that Grantor's current use of the Servient Tract, including the Easement Area, may continue. Such use is deemed to be for a public purpose and consistent with the purposes of this Conservation Easement.
2. **Sale or Transfer of Property.** Grantor retains the right to sell, lease, convey or otherwise transfer the Servient Tract to anyone the owner chooses; provided, however, that the property shall remain subject to this Easement.
3. **Installation of Utilities.** The Grantor and the Grantee reserve the right to install public utilities, including but not limited to connections and extensions of water and sewer lines, so long as the following conditions and limitations are observed:
 - 3.1 Such use shall not be inconsistent with the stated purposes contained in this Easement and the rights, uses and activities contemplated by this Easement on, or use of, the Servient Tract;
 - 3.2 All disturbed facilities; features and vegetation will be restored to their original condition to the greatest extent reasonably practicable and revegetated with suitable vegetation. Due to the environmental sensitivity of the Servient Tract, disturbed and removed vegetation in access areas, staging areas, constructed areas, excluding the permanent utility easement, will be replaced with herbaceous species such that the Servient Tract achieves a rapid recovery from the disturbance. The permanent utility area will be revegetated with suitable grass vegetation.

- 3.3 Corridor and clearing width for both crossings and parallel construction will be limited to the minimum necessary to construct the needed facilities, subject to line size, equipment size and work zone. Any temporary construction areas will be re-vegetated with native herbaceous species at the completion of construction.
- 3.4 Utility corridors shall be located outside the wooded buffer (50 feet from the top of the stream bank) to the extent practicable.
- E. **Vegetative Cutting.** Cutting, removal, mowing, harming, or destruction of any vegetation within the wooded buffer is prohibited. Possible exceptions include construction and project maintenance of the Greenway, control of non-native species, etc.
- F. **Residential Use.** No houses, residential structures, accessory buildings, fence, gate or other temporary or permanent improvements are permitted within the Easement Area without the consent of Grantee, which shall not be unreasonably withheld, conditioned or delayed.
- G. **Commercial Use.** Commercial activities within the Easement Area are prohibited.
- H. **Signs.** No signs shall be permitted within the Easement Area except: interpretive signs describing restoration activities and the conservation values of the Servient Tract, signs identifying the owner of the Servient Tract and the holder of the Easement Area, signs giving directions or proscribing rules and regulations for the use of the Easement Area, and signs identifying the Fund as the source of funds for the establishment of the Easement.
- I. **Grading, Excavation, Dredging.** There shall be no grading, filling, excavation, dredging, mining, or drilling; no removal of topsoil, sand, gravel, rock, peat, minerals, or other materials.
- J. **Subdivision.** Subdividing or partitioning the Servient Tract is permitted, provided, however, that the Servient Tract shall remain subject to this Deed of Easement.
- K. **Drainage Patterns.** Except as may be otherwise set forth herein, there shall be no diking, draining, dredging, channeling, filling, leveling, pumping, impounding or related activities, or altering or tampering with water control structures or devices, or disruption or alteration of the restored, enhanced, or created drainage patterns. In addition, diverting or causing or permitting the diversion of surface or underground water into, within or out of the easement area by any means, removal of wetlands, polluting or discharging into waters, springs, seeps, or wetlands, or use of pesticide or biocides is prohibited. Minimal water withdrawal for irrigating gardens is permitted, as long as withdrawal does not affect base flow, and/or impede fish or macroinvertebrate habitat.
- Q. **Stream Restoration.** Stream restoration work in conjunction with Grantee is an exception to above items. If at any time restoration or alterations are necessary or required to maintain or restore the stream banks or water quality, all restoration work will be performed in compliance with then-current best management practices of the North Carolina Division of Water Resources

III. ACCESS

The Grantee, and authorized representatives of the Grantee, shall have the right to enter upon and traverse the Servient Tract as a means of access to the Easement Area at all reasonable times to undertake

any activities necessary to construct, repair, restore, manage, maintain, enhance, and monitor the Easement Area. These activities include, but are not limited to, constructing facilities for public outdoor recreational activities, planting of trees, shrubs and herbaceous vegetation, utilization of heavy equipment to grade, fill, and prepare the soil, modification of the hydrology of the site, and installation of natural and manmade materials as needed to direct in-stream, above ground, and subterranean water flow. In addition, the Grantee, and authorized representatives of the Grantee, shall have the right to enter the Servient Tract at all reasonable times for the purpose of inspecting said property to determine if the Grantor is complying with the terms, conditions, restrictions, and purposes of this Easement. The access rights granted in this Article III do not include public access rights. Grantee shall indemnify and hold harmless the Grantor against damage to the Servient Tract arising from the Grantee's activities in connection with this Easement, and Grantee shall repair, restore and fix, to the extent necessary, to restore the property to its former condition in the event of any damage caused by the acts or negligence of Grantee or its agents and employees.

The Grantor may request permission to vary from the above restrictions for good cause shown, provided that any such request is consistent with the purposes of this Easement.

The State shall have a right of access in order to exercise its third party right of enforcement as set forth in Section IV below.

IV. ENFORCEMENT AND REMEDIES

In the event that Grantee determines that Grantor has violated or is threatening to violate any of these terms, conditions, or restrictions, the Grantee may institute a suit to enjoin such violation and if necessary, to require the restoration of the Servient Tract to its prior condition at the Grantor's expense.

No failure on the part of Grantee to enforce any covenant or provision hereof shall discharge or invalidate such covenant or any other covenant, condition, or provision hereof or affect the right to Grantee to enforce the same in the event of a subsequent breach or default.

V. MISCELLANEOUS

This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Easement. If any provision is found to be invalid, the remainder of the provisions of this Deed of Easement, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

Any notices shall be sent by registered or certified mail, return receipt requested to the parties at their addresses shown above or to other addresses as either party establishes in writing upon notification to the other.

Grantor shall notify Grantee in writing of the name and address and any party to whom the Servient Tract or any part thereof is to be transferred at or prior to the time said transfer is made. Grantor further agrees to make any subsequent lease, deed, or other legal instrument by which any interest in the Servient Tract is conveyed subject to the Easement herein created.

Transfer of Easement: The Grantee shall have the right to transfer this easement to Piedmont Land Conservancy or other qualified conservation organization under Section 170(h) of the US Internal Revenue Code and Chapter 121, Article 4 of the North Carolina General Statutes, (including, without limitation, the Conservation Trust of North Carolina) and only (1) if the agency or organization expressly agrees to assume the responsibility imposed on the Grantee by this Deed and (2) said transfer is approved by the State of North Carolina (acting through the Clean Water Management Trust Fund). If Grantee ever ceases to exist or no longer qualifies under Section 170 (h) or applicable state law, a court with jurisdiction shall transfer this easement to the State of North Carolina (acting through Clean Water

Management Trust Fund) or another qualified organization having similar purposes that agrees to assume the responsibility.

No Extinguishment through Merger. The Parties agree that the terms of this Easement shall survive any merger of the fee and easement interest in the Servient Tract. Further, the Parties agree that should Grantee, or any successor in interest to Grantee, acquire title to all or a portion of the fee interest in the Servient Tract subject to this Easement, (i) said owner shall observe and be bound by the obligations and the restrictions imposed upon the Servient Tract by this Easement, and (ii) this Easement shall not be extinguished through the doctrine of merger in whole or in part in view of the public interest in its enforcement.

VI. QUIET ENJOYMENT

Grantor reserves all rights accruing from ownership of the Servient Tract, including the right to engage in or permit or invite others to engage in only those uses of the Servient Tract that are expressly reserved herein, not prohibited or restricted herein, and are not inconsistent with the purposes of this Easement. Without limiting the generality of the foregoing, Grantor expressly reserves to Grantor, and Grantor's invitees and licensees, the right of access to the Easement Area and the right of quiet enjoyment of the Servient Tract.

VII. GRANTING CLAUSE AND WARRANTY OF TITLE

TO HAVE AND TO HOLD the said rights and easements perpetually unto Grantee for the aforesaid purposes.

AND Grantor covenants that they are seized of said premises in fee and have the right to convey the permanent easement herein granted; that the same are free from encumbrances and that they will warrant and defend title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the Grantor has executed this Deed of Easement for Public Recreation Facility (Greenway) or, if corporate, has caused this instrument to be executed in its name by its President or other officer by authority duly given.

EXHIBIT A

SKETCH OF EASEMENT AREA
PROPERTY OF _____
TOWNSHIP
SURRY COUNTY, NORTH CAROLINA

FOR ILLUSTRATIVE PURPOSES ONLY

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS

(end of consent agenda)

SPECIAL RECOGNITIONS:

a) Swearing In of Tax Collector-Cindy Lux

Melissa N. Brame administered the following oath to Cindy Lux, Tax Collector:

I, Cindy Lux, do hereby affirm that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent

therewith, and that I will faithfully discharge the duties of the office of Tax Collector for the City of Mount Airy, according to the best of my skills and abilities, in all things according to law and that I will not allow my actions as Tax Collector to be influenced by personal or political friendships or obligations.

b) Public Works Week Proclamation

Mayor Pro Tempore Niland read the Proclamation declaring the week of May 16-22, 2021 as Public Works Week in the City of Mount Airy and presented it to Mitch Williams, Public Works Director.

Board Members thanked Mitch and the Public Works employees for their hard work and commitment to the City. Barbara Jones commended Mitch and the Public Works Department for their fantastic work and their great representation of the City.

SPECIAL PRESENTATIONS:

a) Northern Regional Hospital Update: Chris Lumsden and Brian Beasley

Chris Lumsden, CEO and President of the Northern Regional Hospital gave a summary on the Hospital's Master Campus Plan for expansion. The estimated project investment is \$11 million. The hospital employees just over 1,000 caregivers and has 100 volunteers. The three objectives for this presentation are: 1-provide a brief overview of the hospital; 2-present the Master Campus Plan; 3-request to close Worth Street to make the campus safer and help with the growth of the hospital and campus.

The hospital is a great asset to Mount Airy, Surry County, and the region. The hospital is one of the largest employers in the region and the largest employer in Mount Airy. The hospital provides over 250,000 patient encounters per year-including medical practices, inpatient/outpatient services, and skilled nursing unit. The hospital serves a large region-prompting their name change. Their focus now is in the role they play in delivering high quality health care as well as economic development and giving back to the community and region. Northern Regional Hospital is in the top 100 community hospitals (out of 2,500 hospitals), is a 5-star CMS hospital and was recognized this year with the Business Partnership Award through the Chamber. The hospital has also been announced as a finalist for the best places to work by the *Triad Business Journal*.

The Master Campus Plan will be implemented as soon as possible. Mr. Lumsden gave an overview of the Plan, which includes phases with an estimated cost of \$11 million. The plan is to focus on five areas: 1-provide a safe and secure environment for staff and patients; 2-provide convenient and ample parking; 3-provide easier accessibility in/out of hospital; 4-determine best locations for design/construction of a variety of different outpatient medical office buildings on the campus; 5-Design/create a master campus plan that can be used as a foundation for years to come.

Phase 1A is along Worth Street-the development of the North Campus. Phase 1B is south of the existing surgery center-add 50 parking spaces in this area. Phase 1C is construction of a 25,000 sf medical office building and developing the entire site for parking as well as designing to be able to expand in the future. Phase 2A is the construction of a one-level parking deck atop the existing surgery center parking area and will add 70 parking spaces. Phase 2B is to build out about 25,000 sf of unoccupied space below the first level of the

surgery center building to be used after more parking is added. Phase 3 is the Worth Street medical office building-a 40,000 sf building to be constructed oriented to specialty services. They have designed the space across from South South Street to construct another 25,000 sf medical office building and on the North side of Worth Street, they can also add another building approximately 15,000 sf.

Of this Master Campus Plan, they have received approval to move forward with four phases-1A, 1B, 1C, and 2A. The immediate plan of action is, if the City and State approve, to close a portion of Worth Street to develop the North campus and make it a safer environment. The hope is to begin work as soon as late Summer 2021.

Mr. Lumsden requested from the Board to begin the process of closing Worth Street from Rockford Street to South South Street. This will provide a safer environment for employees, visitors, and patients as well as enable the hospital to begin work on the Master Campus Plan.

Commissioner Koch made a motion to approve Resolution 2021-069-Resolution of Intent to Close Portion of Worth Street Between Rockford Street and S. South Street and it was approved unanimously.

RESOLUTION NUMBER 2021-069

RESOLUTION OF INTENT TO CLOSE THE PORTION OF WORTH STREET BETWEEN ROCKFORD STREET AND SOUTH SOUTH STREET

WHEREAS, the City of Mount Airy Planning and Development Department has received an application from Northern Regional Hospital, owner of properties adjoining the portion of the subject street, requesting that the City of Mount Airy close the designated areas; and

WHEREAS, the North Carolina General Statute (NCGS) that governs the closing of streets and alleyways within the corporate limits of municipalities requires that a Resolution of Intent to close a street or alleyway be adopted; that all owner(s) of property adjoining the street or alleyway to be closed be notified by certified mail; that a notice of public hearing be posted prominently at two (2) places along the street or alleyway to be closed; that the Resolution of Intent to close a street or alleyway be published once each week for four (4) successive weeks; that persons wanting to be heard should be allowed to say whether the closing would be detrimental to the public interest or to the property rights of any individual; and

WHEREAS, the Board of Commissioners of the City of Mount Airy declares its intent to close this portion of Worth Street;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the City of Mount Airy:

1. That a public hearing be scheduled and held on the 17th day of June 2021, at the City of Mount Airy Municipal Building, at 6:00PM, in the matter of closing said portion of Worth Street. At said time, citizens and residents of the City of Mount Airy shall have the right to be heard on the issue as to whether the closing would be detrimental to the public interest or to the property rights of any individual.
2. That the City Clerk is hereby directed to give public notice as required by law.

Approved and adopted this the 6th day of May, 2021.

b) International Property Maintenance Code Request: Chuck Morris, Codes Enforcement Officer:

Chuck Morris, Codes Enforcement Officer explained the changes he is requesting. The IPMC was adopted for the City of Mount Airy. When the adoption was codified, the editor included the following note “ Ord. No. 2018-036, S3 adopted May 17, 2018, repealed Art.V SS 4-50-----4-77, and enacted a new Property Maintenance Code provided as set forth in Appendix D of this Code. **However, at the direction of the city, Art.V and Section 6-9 will not be struck from this Code until further review.**”

His goal is to repeal the IPMC and reinstate Chapter 4-Article V and Article VI-Section 6-9 and adopt a new Mount Airy Non-Residential Maintenance Code. He has found the IPMC too broad brushed and lacking in specificity. He found himself having to reference back to the original municipal code many times as well as looking for the NC General Statutes references that the ordinance was based on. The IPMC is a template for each municipality to use and modify according to their General Statutes of their State or community. Every municipality he has researched has made multiple revisions, additions, and deletions to the IPMC before they adopted it-Mount Airy did not. One of the reasons of adopting the IPMC was to get verbiage relating to non-residential structures. There is very little in the IPMC that is specific to non-residential structures-they lump all buildings under the same ordinance. You wouldn't regulate a 30,000 sf warehouse the same way you would a 1,500 sf home. He and the Planning Director have researched other municipalities similar to Mount Airy and developed a Non-Residential Building Maintenance Code and that is something they want to add into the Code of Ordinances. This Non-Residential Building Maintenance Code will be more specific than the IPMC.

He is asking for the Board's approval for this request to go before the Planning Board for approval. Once that occurs, it will come back to this Board and to a Public Hearing for citizens to comment and this Board will then consider the request.

The Board approved sending the request to the Planning Board for review and approval.

c) Vision Committee (Community Development/Connectivity) Update:

Commissioner Yokeley thanked the committee members for their optimism for the future of Mount Airy. The areas of interest of the committee were parks and recreation, social media, tourism, broadband internet, entryways/gateways into city, and planning and zoning. There are 15 recommendations in the report for immediate action. He thanked Darren Lewis for his inclusion and preparation of the minutes.

Amy Zalescik reviewed the short-term and long-term recommendations for quality of life in Mount Airy, which include:

Short-term recommendations:

- ~To become a Tree City USA Community. The benefits would be signage seen throughout the city. They could use this info on social media.
- ~Community Gardens-inexpensive and bring communities together.
- ~Farmer's Market-bringing closer to downtown with benefits of more foot traffic. Since only open on Friday's, the shelter could be used by other organizations.
- ~Splash pad/water feature-if they decide on a water fountain, it is less expensive than splash pad.

Long-term recommendations:

- ~Revisit need for the ETJ. This is something to discuss with Planning Department.
- ~Entryways/gateways into the City. Could help businesses with grants along the corridor.
- ~Wayfinding signage-installation of more signage for tourists.
- ~More free parking downtown. In talking with people, they do not want metered parking.
- ~Downtown businesses extending their hours during weekends.

Brandon McCann reviewed the following recommendations:

- ~Branding-the City, Downtown Merchants, TDA, who all have a different brand and message. Unifying the look and feel of the City's website-quality of life, tourism, economic development, etc.
- ~Hire a Communications Director/Grant Writer. Mount Airy isn't doing a good enough job "tooting its own horn" on what Mount Airy offers and for the great jobs that city staff is doing. A lot of cities promote staff members and highlight them. This person would also be a grant writer.
- ~Broadband internet availabilities. Looking to expand Wi-Fi downtown and better access to broadband. This will improve economic development as well.

Darren Lewis reviewed how to incorporate all of these different vision plans into the existing plans. This needs to be the road map for the future of Mount Airy. Some of the plans the city currently has is the Comprehensive Master Plan, Pedestrian Plan, Parks & Recreation Master Plan, Greenway Master Plan, Sidewalk Master Plan. Some of these plans need updating because they are 10+ years old. All of the four different Vision Committees need to come together and prioritize all of the ideas moving forward.

A lot of different ideas came about for the City-owned Cherry Street Property. A farmer's market, splash pad, additional parking, combination of farmer's market and parking for downtown, future parking for RCC. Many of those same discussions for those facilities were talked about at the Spencer's property as well. He personally feels that if the hotel and conference center come about, there is going to be a lot of private development that wants to be in that area so he feels they board needs to be cautious on taking up those spaces that private development wants. He mentioned that Gather Greenville is a neat concept to look at.

Commissioner Yokeley made a motion to accept the report and city staff begin a feasibility study as soon as possible on these recommendations.

Commissioner Wood asked if this includes the farmer's market. Mayor Pro Tem Niland said yes but doesn't think staff will be able to make a suggestion until they hear from the other committees. They will have to take each item individually because they are all different. Commissioner Cawley suggests that all report updates be heard before staff begins to look at the feasibility of the recommendations. Barbara Jones stated if they accept the report and they take each item, a community garden and some of the other things she feels they could go ahead and start the study on. She feels all committees need to give their reports and at that point, look at prioritization and feasibility, then do the studies and wrap it all together. To organize it well, all the committees need to give their reports and at that time, staff can put everything on a chart and begin prioritizing what is immediately feasible and what will take more study or might need to go to a larger study. A process needs to be organized because there is a lot of overlap in the committees. Staff can start the process but won't have the final product until all reports are presented.

Commissioner Yokeley stated this is just to begin the study, not to make any decision about how and when they can implement any recommendations.

Commissioner Yokeley made a motion for the Board to accept the report, city staff to look at the recommendations mentioned and begin a feasibility study of those recommendations with suggestions on how to move forward as soon as possible and it was passed unanimously.

d) Vision Committee (Non-Profits/NGO Partnerships/County Government/Schools)
Update:

Commissioner Koch commended and thanked the committee members for their input. He also thanked Nicki Brame for preparation of the minutes as well as preparing the non-profit list for distribution. The group came up with a two page listing of the different organizations and groups in the area that provide help for those in need in Mount Airy. If the Board approves, this list will be distributed among entities that might find it useful and have contact with people in need as well as asking the Mt. Airy News to print the list in the paper.

Commissioner Koch made a motion for the Board to accept the non-profit list and to approve a city-wide distribution among the community and it was approved unanimously.

Mayor Pro Tempore Niland stated his goal is have all four committees to meet and discuss all recommendations and priorities.

PUBLIC FORUM:

Mayor Pro Tempore Niland declared the public forum open.

City Clerk Nicki Brame read comment(s) on behalf of:

John Pritchard, 128 Ridgecrest Drive: Spoke about concerns with at least one Board Member wanting to purchase yard waste carts. Opposed to this and the City wasting taxpayer's money.

In-Person Comments:

Teresa Lewis, 538 Montclair Drive, announced her intention to run for Mayor in the next city election or, if the Board decides to appoint someone, she is ready and willing to serve. She also thanked the Board for their service to the citizens.

Joseph Zalescik, 1541 W. Devon Drive, appreciates Mitch Williams and the Public Works staff. The times he has had to contact the Public Works Department, they are always willing and able to help. The Mount Airy Farmers Market is open-Friday's at the Post Office parking lot. He thanked the City for their support.

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

OLD BUSINESS:

Brush Cart Discussion:

Commissioner Koch made a motion to approve a budget amendment in the amount of \$150,000 to order 2,500 brush carts to fully automate the sanitation services and it was not approved by a four to one vote:

Vote Aye: Commissioner Koch

Vote Nay: Commissioners Cawley, Commissioner Wood, Commissioner Yokeley, and Mayor Pro Tem Niland

NEW BUSINESS:

Board to Consider Offer to Purchase City-Owned Property:

Martin Collins stated that Jimmy Hill has submitted a request to purchase city-owned property that is adjacent to his property. The property is a piece of a tract that is across from Westwood Recreational Park-it is a wooded tract and starts on Galax Trail and goes over to North Franklin Road. This property isn't part of Westwood Industrial Park. Mr. Hill wants to purchase 5.13 acres from the 57-acre city-owned tract. The offer is for \$22,500.

Commissioner made a motion to accept Mr. Hill's offer and put the property through the upset bid process and it was passed unanimously.

Board to Consider Resolution Approving Private Property Encroachment Agreement for "Melva's Alley":

Commissioner Yokeley made a motion to approve Resolution 2021-067 and it was approved unanimously.

RESOLUTION NUMBER 2021-067

RESOLUTION TO APPROVE PRIVATE PROPERTY ENCROACHMENT AGREEMENT FOR MELVA'S ALLEY

WHEREAS, the City of Mount Airy Board of Commissioners (City) established the Market Street Arts and Entertainment District (District) on September 3, 2020 with the approval of Ordinance 2021-001, which amended Chamber 10 of the City of Mount Airy Code of Ordinances; and

WHEREAS, there is an alleyway between the properties owned by Kriska-Shelton, LLC (Thirsty Souls Community Brewing) and CCLA Properties, LLC; and

WHEREAS, in connection with the District, the City approved the closure of the alley to vehicular traffic, transforming it into a permanent pedestrian area called “Melva’s Alley”; and

WHEREAS, the City has requested permission to encroach upon a portion of the Kriska-Shelton property to install a mural with lighting, signage, security cameras and related facilities affixed to that wall as well as seating and a performance stage within the Alley; and

WHEREAS, the City has also requested permission to encroach upon a portion of the CCLA property to attach lighting, signage, security cameras and related facilities, including seating units, on the north-facing exterior wall of the building as well as well as artwork complimentary to the mural on the opposite wall; and

WHEREAS, it is recommended to approve a private property encroachment agreement for “Melva’s Alley”:

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 the Private Property Encroachment Agreement between the City of Mount Airy, Kriska-Shelton LLC, and CCLA Properties, LLC for “Melva’s Alley”.
- Section 2. The Board of Commissioners does hereby authorize the Mayor Pro Tempore to execute said agreement per review and approval by the City Attorney.
- Section 3. This resolution shall become effective upon approval.

Approved and adopted this the 6th day of May, 2021.

Board to Consider Resolution Adopting the CDBG Fair Housing Complaint Procedure:

Commissioner Yokeley asked a hypothetical question-what happens if someone has a very low credit score and a 50-page criminal background history who is turned down for rental and they file a complaint?

Martin Collins stated he would have advised them to contact legal aid because they will do a good job of listening to your complaint and advise that person whether there is any basis to proceed. He is pretty certain the things Commissioner Yokeley mentioned are valid reasons for someone to decline to rent. There is still the federal protection but the purpose of the procedure is to advise people that they can pursue a complaint if they feel they have one.

Commissioner Yokeley stated he doesn’t think they have to hire an attorney to file a complaint. He can see these complaints get filed and there is a headline in the paper which would ruin the landlord’s reputation although they had a good reason to deny. He has a problem with how the complaints would be handled.

Martin Collins stated this is a requirement of the grant. Things like this are auditable. The construction is complete and they are going through the process of getting the grant closed.

Commissioner Koch made a motion to adopt the Fair Housing Complaint Procedure.

Commissioner Yokeley asked if a few sentences in the document could be left out like number 3 and number 4. Martin stated this is the granting agency's template so he doesn't have the discretion to take their template and change it. Commissioner Yokeley asked to postpone the vote for clarification on eliminating some sentences in the procedure. Martin Collins asked for the changes that the Board asks for and he will get them to the granting agency. Commissioner Yokeley doesn't feel it should be the City Clerk's responsibility to do this-that isn't her job, it is the job of the Human Relations Commission or another federal agency. He is in favor of the intent of this but he can see some people will take advantage of it and try to get revenge on landlord's who wouldn't rent to them.

Barbara Jones stated staff can speak with the granting agency and find out if someone else can be put in place of the City Clerk as well as get clearer meaning of the complaint process. This needs to be approved so the City can move forward with the grant.

Commissioner Koch made a motion to approve the Fair Housing Complaint Procedure with staff looking into modifying the specified language if possible.

Commissioner Wood made a motion to table this item to the next meeting and it was not approved by a three to two vote:

Vote Aye: Commissioners Yokeley and Wood

Vote Nay: Commissioners Koch, Cawley, Mayor Pro Tem Niland

(A motion to table takes priority over any previous motion and requires no discussion)

Commissioner Koch restated his motion to approve the Fair Housing Complaint Procedure with staff looking into modifying the specified language if possible and it was approved by a four to one vote:

Vote Aye: Commissioners Cawley, Koch, Wood, Mayor Pro Tem Niland

Vote Nay: Commissioner Yokeley

REMARKS BY OFFICIALS:

Commissioner Cawley: Great to live in a city where people want to visit.

Commissioner Koch: Thanked his vision committee members for their hard work. Thanked City Staff for all they do for the City.

Commissioner Yokeley: Thanked Mayor Pro Tem Niland for his idea for the vision committees. Thanked his vision committee members for their work.

Commissioner Wood: Announced that a Restaurant Revitalization Fund Grant was launched on May 3rd and for the first 21 days of the program, the SBA will prioritize applications from businesses owned and controlled by women, veterans, and socially/economically disadvantaged individuals. Following the 21 days, all eligible applicants will be funded on a first come, first served basis. To apply, go to [restaurants.sba.gov](https://www.restaurants.sba.gov).

Thanked city staff for their great jobs.

Barbara Jones: No comments.

Hugh Campbell: No comments.

Mayor Pro Tem Niland: Honor to be at this seat with the Board Members. Asked the Finance Director and City Manager to bring a Budget Ordinance Amendment/Project Ordinance for the downtown redevelopment project to the next meeting for Board consideration.

ADJOURNMENT:

Commissioner Wood made a motion to adjourn the meeting and it was approved unanimously.

Approved and adopted this the 3rd day of June, 2021.

Ronald M. Niland, Mayor Pro Tempore

ATTEST:

Melissa N. Brame, City Clerk