



AGENDA
City of Archdale
City Council Meeting
September 22, 2020 – 7:00 p.m.
Please note there will be a pre-agenda session at 6:30
p.m.

1. Call To Order
2. Invocation And Pledge Of Allegiance
3. Council Action To Accept Or Amend The Agenda
4. Consideration Of Consent Agenda
These items are considered routine, non-controversial and are considered and approved by a single motion and vote.
 - 4.A. Approval Of The Minutes For The August 2020 City Council Meeting
Documents:
[AUGUST 2020 CITY COUNCIL MINUTES \(PDF\).PDF](#)
 - 4.B. Approval Of The Minutes For The September 8, 2020 Special Called City Council Meeting
Documents:
[SEPTEMBER 8, 2020 SPECIAL CALLED MEETING MINUTES \(PDF\).PDF](#)
 - 4.C. Financial Summary Report
Documents:

[FINANCIAL SUMMARY REPORT \(PDF\).PDF](#)

4.D. Budget Amendment 2021-2

Documents:

[BUDGET AMENDMENT 2021-2 \(PDF\).PDF](#)

4.E. Resolution Designating The Week Of September 26th - October 3rd, 2020 As "A Week For Archdale"

Documents:

[RESOLUTION DESIGNATING SEPT. 26-OCT. 3, 2020 AS A WEEK FOR ARCHDALE \(PDF\).PDF](#)

4.F. Resolution In Support Of A City Of Archdale Application For An Asset Inventory And Assessment Grant: Drinking Water Distribution System

Documents:

[RESOLUTION IN SUPPORT OF APPLICATION FOR AIA GRANT-DRINKING WATER DISTRIBUTION SYSTEM \(PDF\).PDF](#)

4.G. Resolution In Support Of A City Of Archdale Application For An Asset Inventory And Assessment Grant: Wastewater Collection System

Documents:

[RESOLUTION IN SUUPPORT OF APPLICATION FOR AIA GRANT-WASTEWATER COLLECTION SYSTEM \(PDF\).PDF](#)

5. Public Comment Time: Notices, Petitions, And Comments From The Public On Items That Are Not On The Agenda

6. Public Hearing: Request By Bryan Hebert To Rezone Property From R-10 (Single Family Residential) To B-1 (General Business), For Property Located In The 200 Block Of Freeman Place, Being Randolph County Parcel #7718095335

Documents:

[REQUEST TO REZONE PROPERTY LOCATED IN THE 200 BLOCK OF FREEMAN PLACE \(PDF\).PDF](#)

7. Public Hearing: Text Amendment To The Zoning Ordinance; Article VI, SR 43 (Yard Sales)

Documents:

TEXT AMENDMENT TO ZONING ORDINANCE-YARD SALES
(PDF).PDF

8. Authorization For Manager To Enter Contract To Purchase Property Located
At 413 Balfour Drive

Documents:

AUTHORIZATION FOR MANAGER TO ENTER CONTRACT TO
PURCHASE 413 BALFOUR DRIVE (PDF).PDF

9. Randolph County Economic Development Annual Report - Kevin Franklin
10. Additional Items
11. Adjournment

Anyone who needs an accommodation to participate in the meeting should notify
the City Clerk's Office at 336-434-7343 at least forty-eight (48) hours prior to the meeting or call
North Carolina Relay at 1-800-735-8262.

MINUTES

City Council
Pre-Agenda Session
Tuesday, August 25, 2020

Members Present: Bert Lance-Stone, Mayor; Roger Blackwell, Mayor Pro Tem; Council Members: Lewis Dorsett, John Glass, Robert (Trey) Gray, and Tim Williams.

Members Absent: Larry Warlick.

Others Present: Zeb Holden, City Manager; Beth Koonce, City Attorney; Shannon Craddock, Police Chief; Jason Miller, Planning Director; John Harrison, IT Director; DJ Señeres, Stormwater Manager; and Susan Swaim, City Clerk.

Media Present: None.

Mayor Stone asked if there were any additions, deletions, or changes to the agenda as presented. Being none, City Manager Holden shared that the newly purchased knuckle boom truck was parked out front and further shared this knuckle boom truck replaces the first knuckle boom truck purchased in 2008. Councilman Dorsett mentioned that the PTRWA Board met and discussions continue to be centered around plant expansion in 4-5 years.

Discussion was had regarding street conditions in Center Point subdivision and Manager Holden advised that the developer is aware and is being held responsible for the repair of those issues.

Discussion was also had regarding the grant application for expansion of the greenway trail from Roby Drive to ATMS. Manager Holden shared that he and staff believe that the City is in a good position to be considered for the grant.

With no further discussion, Mayor Stone adjourned the August 25, 2020 Pre-Agenda session.

MINUTES

City of Archdale
City Council
Tuesday, August 25, 2020

Members Present: Bert Lance-Stone, Mayor; Roger Blackwell, Mayor Pro Tem; Council Members: Lewis Dorsett, John Glass, Robert (Trey) Gray, and Tim Williams.

Members Absent: Larry Warlick.

Others Present: Zeb Holden, City Manager; Beth Koonce, City Attorney; Shannon Craddock, Police Chief; Jason Miller, Planning Director; John Harrison, IT Director; Brian Clodfelter, P&R Director; DJ Señeres, Stormwater Manager; and Susan Swaim, City Clerk.

Media Present: None.

Item 1. Call to Order.

Mayor Stone called the meeting to order, welcomed everyone, and asked Chief Craddock to see that their attendance was registered.

Item 2. Invocation and Pledge of Allegiance.

Mayor Stone gave the invocation and Mayor Pro Tem Blackwell led those present in the pledge of allegiance to the flag.

Item 3. Council Action to Accept or Amend the Agenda.

Mayor Pro Tem Blackwell made a motion to accept the agenda as presented. The motion was seconded by Councilman Dorsett and was approved unanimously.

Item 4. Consideration of Consent Agenda: These items are considered routine, non-controversial, and are considered and approved by a single motion and vote.

- A. Approval of the Minutes for the July 28, 2020 City Council Meeting.
- B. Financial Summary Report.
- C. Resolution of Support to Apply for a Grant through the North Carolina Recreational Trails Program for Extension of Greenway Trail from Roby Drive to Archdale Trinity Middle School (ATMS).
- D. Disposal of Surplus Property FY20 Annual Report.
- E. Budget Amendments 2021-1 and 2021-1WS.
- F. Reappointment of Councilman Lewis Dorsett to the Piedmont Triad Regional Water Authority Board of Directors for a three (3) year term.
- G. Appointment of Brooke Johnson and Shirley Cheek and Reappointment of Dara Matthews and Helen Sikes to the Community Appearance Commission.

Mayor Pro Tem Blackwell made a motion to approve the Consent Agenda as presented. The motion was seconded by Councilman Dorsett and was approved unanimously.

Item 5. Public Comment Time.

There was no one to speak during this time.

Item 6. Application for Extension of Water & Sewer Service to a proposed single-family subdivision (Quaker Field) along Robbins Country and Deaton Roads.

DJ Señeres, Stormwater Manager addressed Council on this item. Mr. Señeres stated that the City received an application from P.R.O. Development, LLC to extend the public water & sewer system to serve a proposed single-family subdivision (Quaker Field). He further stated that the property was annexed into the City and re-zoned to R-12.5 in August of 2019 in preparation for a proposed single-family subdivision. Mr. Señeres offered to answer any questions Council may have at this time.

With no further discussion, Mayor Pro Tem Blackwell made a motion to approve the application for extension of water & sewer service to a proposed single-family subdivision (Quaker Field) along Robbins Country and Deaton Roads. The motion was seconded by Councilman Glass and was approved unanimously.

Item 7. Resolution Creating CARES Act Special Revenue Fund.

Manager Holden addressed Council on this item. Manager Holden explained that the Federal Government passed the CARES Act which provides funding to help state and local governments cover expenses directly associated with the COVID-19 public health emergency. He advised that the North Carolina General Assembly distributed amounts to each county from the State's CARES allocation of which Archdale has been allocated \$289,081. Manager Holden stated that these funds should be budgeted and accounted for in a special revenue fund to provide transparency and demonstrate that funds have been used appropriately.

Manager Holden advised that staff recommends approving a resolution to create a CARES Act Special Revenue Fund Budget Ordinance as an addition to the City of Archdale Operating Budget for the fiscal year ending June 30, 2021.

With no further discussion, Mayor Pro Tem Blackwell made a motion to adopt a Resolution creating a CARES Act Special Revenue Fund. The motion was seconded by Councilman Glass and was approved unanimously.

Item 8. Award of Contract for Resurfacing of Selected Streets.

Manager Holden addressed Council on this item. Manager Holden shared that staff received bids on August 20, 2020 for the City's annual street resurfacing contract which includes annual greenway maintenance as funded in the FY21 General Fund. He further shared that the City received 9 bids for this year's resurfacing project with the lowest adjusted bid being \$354,945.40 from Sharpe Bros. Manager Holden advised that staff recommends awarding the annual resurfacing contract to Sharpe Bros. in the amount of \$354,945.40.

After further discussion, Mayor Pro Tem Blackwell made a motion to award the contract for resurfacing of selected streets to Sharpe Bros. in the amount of \$354,945.40. The motion was seconded by Councilman Dorsett and was approved unanimously.

Item 9. Additional Items.

Manager Holden mentioned that in past years, the Serco Club has held a community event providing music, food trucks, etc. but due to current COVID-19 restrictions, that will not be held event this year. He reported that the Serco Club is wanting to hold a food truck only event to support local food truck vendors. Manager Holden stated that the event would be held on Saturday, October 10th on Bonnie Place and they are requesting that Bonnie Place be closed from 4:00 p.m. until 9:00 p.m.

With no further discussion, Mayor Pro Tem Blackwell made a motion to close Bonnie Place for a food truck event sponsored by the Serco Club on October 10, 2020 from 4:00 – 9:00 p.m. The motion was seconded by Councilman Dorsett and was approved unanimously.

Item 10. Adjournment.

With no further business, Mayor Stone adjourned the Tuesday, August 25, 2020 City Council meeting.

ATTEST:

Bert Lance-Stone, Mayor

Susan T. Swaim, City Clerk

MINUTES
City Council
Special Called Meeting
September 8, 2020

Members Present: Bert Lance-Stone, Mayor; Roger Blackwell, Mayor Pro Tem; Council Members: Lewis Dorsett, John Glass, Robert (Trey) Gray, Larry Warlick, and Tim Williams.

Members Absent: None.

Others Present: Zeb Holden, City Manager; Beth Koonce, City Attorney, and Susan Swaim, City Clerk.

Media Present: None

Item 1. Call to Order.

Mayor Stone called the meeting to order.

Item 2. Consider a Short-Term CARES Act Funded COVID-19 Utility Assistance Program.

Zeb Holden, City Manager addressed Council on this item. Manager Holden thanked Council for convening tonight to discuss this issue. He shared that much research and discussion has taken place to create a COVID-19 Utility Assistance Program which, if approved, will be made available for customers whom have fallen behind in their utility bill payments due to causes related to the pandemic.

Manager Holden reviewed with Council the proposed program, qualifications, application process, and associated changes to the Customer Service Policy. He provided examples of how the program will work using various circumstances. Manager Holden shared that CARES Act funds for this program are available only through December 2020, therefore there will be only 4 months in which eligible applicants may apply for and receive assistance. He shared that a list of agencies will also be provided to customers which provides recommendations for possible additional financial assistance.

Manager Holden outlined eligibility qualifications to be met for participation in this program. He stated that he is waiting on clarification from the State Pandemic Recovery Office (PRO) regarding the qualification that utility customers must live within the corporate City limits given that some customers live outside of the City limits. Manager Holden advised that the State and Federal government have acknowledged that self-certification of application information will be sufficient for participation in this program. He further advised that after City staff approve the applications, a request will

be made to Randolph County for payment of funds. Manager Holden shared that Randolph County will review all applications submitted by the City and is ultimately responsible for the distribution of CARES Act funds.

Manager Holden asked that Council consider approving the COVID-19 Utility Assistance Program for all eligible customers and also approve changes to the Utility Customer Service Policy associated with providing required alternate payment programs.

After further discussion regarding income qualification for participation in the program, it was determined that clarification was needed on the application stating that the annual household income qualification limit should be calculated prior to any COVID-19 impact (i.e. based on 2019 tax returns).

With no further discussion, Mayor Pro Blackwell made a motion to approve the implementation of the COVID-19 Utility Assistance Plan as presented adding clarification regarding calculation of household income qualifications and to adopt the associated recommended changes to the Utility Customer Service Policy. The motion was seconded by Councilman Dorsett and was approved unanimously.

Item 3. Closed Session pursuant to NCGS 143-318.11(a)(4) to Discuss Matters Relating to the Location or Expansion of Business in the Area Served by this body.

Councilman Warlick made a motion to go into closed session pursuant to NCGS 143-318.11(a)(4) to discuss matters relating to the location or expansion of business in the area served by this body. The motion was seconded by Mayor Pro Tem Blackwell and was approved unanimously.

Mayor Pro Tem Blackwell made a motion to return to open session. The motion was seconded by Councilman Warlick and was approved unanimously.

Mayor Stone stated that no action was taken.

4. Adjournment.

With no further business, Mayor Stone adjourned the September 8, 2020 Special Called meeting.

Bert Lance-Stone, Mayor

ATTEST:

Susan T. Swaim, City Clerk



**CITY OF ARCHDALE
FINANCIAL SUMMARY REPORT
FOR PERIOD OF 08/01/20 - 08/31/20**

GENERAL FUND

REVENUES	CURRENT	ACTUAL	UNCOLLECTED	Y-T-D %	FYE 06/30/20
	BUDGET	TO DATE	TO DATE	COLLECTED	PRIOR YEAR ACTUAL TO DATE
PROPERTY TAXES	\$ 3,015,000	\$ 261,666	\$ 2,753,334	8.68%	\$ 202,626
SALES TAXES/HOLD HARMLESS	2,500,000	-	2,500,000	0.00%	-
UTILITIES SALES TAXES	642,000	-	642,000	0.00%	-
GARBAGE & RECYCLING FEES	893,500	140,682	752,818	15.75%	135,051
RECREATION FEES	187,000	34,388	152,612	18.39%	66,659
INTEREST	40,000	1,473	38,527	3.68%	34,765
RESTRICTED INTERGOVERNMENTAL & OTHER	774,368	42	774,326	0.01%	138
OTHER REVENUES	160,700	60,873	99,827	37.88%	17,910
BALANCING APPROPRIATION	1,547,672	-	1,547,672	0.00%	-
	\$ 9,760,240	\$ 499,124	\$ 9,261,116	5.11%	\$ 457,149

EXPENDITURES & ENCUMBRANCES	CURRENT	EXPENDITURES	ENCUMBRANCES	UNSPENT	Y-T-D %	FYE 06/30/20
	BUDGET	TO DATE	TO DATE	TO DATE	SPENT	PRIOR YEAR ACTUAL TO DATE
GOVERNING BODY	\$ 51,860	\$ 9,201	\$ 424	\$ 42,235	18.56%	\$ 8,834
ADMINISTRATION	271,030	41,037	-	229,993	15.14%	40,488
INFORMATION/COMMUNICATIONS TECHNOLOGY	534,810	71,928	74,855	388,027	27.45%	76,042
FINANCE	367,450	55,261	-	312,189	15.04%	54,616
LEGAL	45,000	-	-	45,000	0.00%	977
BUILDINGS & GROUNDS	499,565	68,494	46,473	384,598	23.01%	105,303
POLICE	2,982,320	414,407	67,876	2,500,037	16.17%	470,739
FIRE	32,950	32,945	-	5	99.98%	32,945
PLANNING/ZONING	435,970	39,158	-	396,812	8.98%	77,371
STREET	721,850	71,834	137,350	512,666	28.98%	216,609
POWELL BILL	529,000	-	-	529,000	0.00%	323
SANITATION	963,700	79,003	-	884,697	8.20%	72,403
PARKS & RECREATION	1,579,550	138,147	73,043	1,368,360	13.37%	151,164
SENIOR BUILDING	15,310	1,816	7,945	5,549	63.76%	2,606
LIBRARY	150,300	12,945	19,025	118,330	21.27%	13,205
COMMUNITY PROMOTIONS	569,575	43,104	28,500	497,971	12.57%	41,986
CONTINGENCY TO GF (Original Budget of \$10,000)	10,000	-	-	10,000	0.00%	-
	\$ 9,760,240	\$ 1,079,279	\$ 455,491	\$ 8,225,471	15.72%	\$ 1,365,610
GENERAL FUND CAPITAL (Included in figures above)	\$ 1,173,300	\$ 8,041	\$ 30,658	\$ 1,134,601	3.30%	\$ 181,152

CASH BALANCES AS OF AUGUST 31, 2020

GENERAL FUND	\$ 8,921,455
PARTF GRANT	78,926
FEDERAL DRUG SEIZURE	213,757
POWELL BILL	655,903
	<u>\$ 9,870,040</u>

ARCHDALE LEOSSA TRUST

MARKET VALUE BASE	<u>\$ 593,195</u>
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SRF - CARES ACT FUND

REVENUES	CURRENT	ACTUAL	UNCOLLECTED	Y-T-D %
	BUDGET	TO DATE	TO DATE	COLLECTED
CARES ACT	\$ 289,081	\$ -	\$ 289,081	0.00%

EXPENDITURES & ENCUMBRANCES	CURRENT	EXPENDITURES	ENCUMBRANCES	UNSPENT	Y-T-D %
	BUDGET	TO DATE	TO DATE	TO DATE	SPENT
ADMINISTRATION	150,000	59	-	149,941	0.04%
POLICE	55,000	86	-	54,914	0.16%
PARKS & RECREATION	50,981	341	17,460	33,180	34.92%
TRANSFER FOR PY EXPENSES	33,100	-	-	33,100	0.00%
	\$ 289,081	\$ 487	\$ 17,460	\$ 271,134	6.21%

WATER & SEWER FUND

REVENUES	CURRENT BUDGET	ACTUAL TO DATE	UNCOLLECTED TO DATE	Y-T-D % COLLECTED	FYE 06/30/20
					PRIOR YEAR ACTUAL TO DATE
WATER CHARGES	\$ 1,716,400	\$ 211,458	\$ 1,504,942	12.32%	\$ 210,631
SEWER CHARGES	2,277,600	268,372	2,009,228	11.78%	263,695
INTEREST	32,000	299	31,701	0.93%	340
GRANTS & CONTRIBUTIONS	-	-	-	0.00%	-
OTHER REVENUES	180,380	41,109	139,271	22.79%	39,905
BALANCING APPROPRIATION	(210,080)	-	(210,080)	0.00%	-
	\$ 3,996,300	\$ 521,238	\$ 3,475,062	13.04%	\$ 514,572
OTHER REVENUES (FUND 70)					
INTEREST	\$ 32,000	\$ 82	\$ 31,918	0.26%	\$ 253
APPROPRIATED NET ASSETS	\$ 793,000	-	793,000	0.00%	-
TRANSFER FROM WATER/SEWER	-	-	-	0.00%	-
	\$ 825,000	\$ 82	\$ 824,918	0.01%	\$ 253
SPECIAL REVENUE (FUND 35)					
INTEREST	\$ -	\$ 6	\$ -	0.00%	\$ 7
CONNECTION FEES	\$ 25,000	\$ 3,460	\$ 21,540	13.84%	\$ 280
APPROPRIATED NET ASSETS	\$ (25,000)	\$ -	\$ -	0.00%	\$ -
	\$ -	\$ 3,466	\$ 21,540	0.00%	\$ 287

EXPENDITURES & ENCUMBRANCES	CURRENT BUDGET	EXPENDITURES TO DATE	ENCUMBRANCES TO DATE	UNSPENT TO DATE	Y-T-D % SPENT	FYE 06/30/20
						PRIOR YEAR ACTUAL TO DATE
PERSONNEL	\$ 605,170	\$ 62,192	\$ -	\$ 542,978	10.28%	\$ 67,521
WATER PURCHASES	372,000	32,169	-	339,831	8.65%	32,137
SEWER TREATMENT	576,000	-	-	576,000	0.00%	-
DEBT SERVICE	863,340	228,449	-	634,891	26.46%	203,302
CONTRACT SERVICES & MAINTENANCE	244,000	13,666	30,686	199,649	18.18%	1,690
CAPITAL	549,500	760	-	548,740	0.14%	5,894
OTHER OPERATING EXPENDITURES	786,290	160,949	86,693	538,648	31.49%	164,484
	\$ 3,996,300	\$ 498,184	\$ 117,378	\$ 3,380,738	15.40%	\$ 475,028

OTHER EXPENDITURES & ENCUMBRANCES (FUND 70)	CURRENT BUDGET	EXPENDITURES TO DATE	ENCUMBRANCES TO DATE	UNSPENT TO DATE	Y-T-D % SPENT	FYE 06/30/20
						PRIOR YEAR ACTUAL TO DATE
CAPITAL OUTLAY	\$ 350,000	\$ 5,735	\$ -	\$ 344,265	1.64%	\$ 1,815
SPECIAL PROJECT	475,000	-	-	475,000	0.00%	-
UTILITY EASEMENTS	-	-	-	-	0.00%	-
	\$ 825,000	\$ 5,735	\$ -	\$ 819,265	0.70%	\$ 1,815

CASH BALANCES AS OF AUGUST 31, 2020

WATER & SEWER FUND	\$ 4,628,157
CAPITAL RESERVE FUND	2,470,417
SPECIAL REVENUE FUND	68,031
	<u>\$ 7,166,605</u>

STORMWATER FUND

REVENUES	CURRENT BUDGET	ACTUAL TO DATE	UNCOLLECTED TO DATE	Y-T-D % COLLECTED	FYE 06/30/20
					PRIOR YEAR ACTUAL TO DATE
STORMWATER CHARGES	\$ 493,000	\$ 80,118	\$ 412,883	16.25%	\$ 80,428
INTEREST	1,300	157	1,143	12.11%	361
GRANTS & CONTRIBUTIONS	-	-	-	0.00%	-
OTHER REVENUES	-	-	-	0.00%	-
BALANCING APPROPRIATION	108,500	-	108,500	0.00%	-
	\$ 602,800	\$ 80,275	\$ 522,525	13.32%	\$ 80,789

EXPENDITURES & ENCUMBRANCES	CURRENT BUDGET	EXPENDITURES TO DATE	ENCUMBRANCES TO DATE	UNSPENT TO DATE	Y-T-D % SPENT	FYE 06/30/20
						PRIOR YEAR ACTUAL TO DATE
PERSONNEL	\$ 214,940	\$ 16,917	\$ -	\$ 198,023	7.87%	\$ 23,253
CAPITAL	155,000	144,923	-	10,077	93.50%	-
OTHER OPERATING EXPENDITURES	232,860	23,566	28,696	180,598	22.44%	35,711
	\$ 602,800	\$ 185,406	\$ 28,696	\$ 388,698	35.52%	\$ 58,964

CASH BALANCES AS OF AUGUST 31, 2020

STORMWATER FUND	<u>\$ 966,364</u>
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BUDGET AMENDMENT 2021-2
FISCAL YEAR ENDED JUNE 30, 2021

Whereas, the Archdale City Council desires to provide proper public facilities now and in the future; and,

Now therefore be it ordained by the Mayor and the City Council of the City of Archdale that the following amendment is made to the Budget Ordinance for the fiscal year ending June 30, 2021.

Section 1. The General Fund expenditures are to be changed as follows:

	<u>Budget Adopted Or Previously Amended</u>	<u>Increase/ (Decrease) per this Amendment</u>	<u>New Budget as Amended</u>
<u>EXPENDITURE</u>			
10-501 Facilities and Grounds	\$ 499,565	\$ 250,000	\$ 749,565
<u>REVENUE</u>			
10-390 Fund Balance Appropriated	\$ (99,428)	\$ -	\$ (99,428)
10-390 Restricted Fund Balance	\$ 283,600	\$ -	\$ 283,600
10-390 Assigned for Capital	\$ 1,363,500	\$ 250,000	\$ 1,613,500

Section 2. This amendment increases General Fund appropriations by \$250,000 to \$10,010,240.

Section 3. Copies of this budget amendment shall be furnished to the City Clerk and the Finance Director for their direction.

Adopted this 22nd day of September 2020.

ATTEST

Bert Lance-Stone, Mayor

Susan T. Swaim, City Clerk



RESOLUTION

DESIGNATING THE WEEK OF SEPTEMBER 26TH - October 3rd, 2020 AS “A WEEK FOR ARCHDALE”

WHEREAS, the City of Archdale celebrated its 50th Anniversary in July 2019; and

WHEREAS, an inaugural “*A Week For Archdale*” was established in the fall of 2019 with great success; and

WHEREAS, several events and programs are scheduled in the fall of 2020 to improve the quality of life for the citizens of Archdale and offerings for residents to show pride in their community, and

WHEREAS, many of these events are scheduled to occur within the week of September 26th - October 3rd, and

WHEREAS, said events shall include the Community Appearance Commission's Fall Litter Sweep, the Fall Cleanup event at the City Yard, an e-recycle event, numerous programs at Creekside Park, the Mayor's Fitness walk, and more; and

WHEREAS, Archdale City Council takes great pride in the appearance of the community and quality of life of its citizens;

NOW, THEREFORE, the Archdale City Council designates the week of September 26th - October 3rd 2020 as the second annual “*A Week For Archdale*”.

Adopted this 22nd day of September, 2020.

Bert Lance-Stone, Mayor

ATTEST:

Susan T. Swaim, City Clerk



RESOLUTION

IN SUPPORT OF A CITY OF ARCHDALE APPLICATION FOR AN ASSET INVENTORY AND ASSESSMENT GRANT: DRINKING WATER DISTRIBUTION SYSTEM

WHEREAS, The City of Archdale has need for improved mapping and a current assessment of the drinking water distribution system; and

WHEREAS, The City intends to contract with an engineering firm to conduct an Asset Inventory and Assessment (AIA) of the existing system to determine prioritization of maintenance projects, plan for system growth and expansion, and prepare for a rate sustainability study; and

WHEREAS, The City intends to request State grant assistance for the project.

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ARCHDALE:

That the City of Archdale, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for completion of the AIA project.

That Zeb Holden, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the AIA project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this 22nd day of September, 2020 in Archdale, North Carolina.

Bert Lance-Stone, Mayor

ATTEST:

Susan T. Swaim, City Clerk

(Signature of Chief Executive Officer)

Zeb Holden, City Manager

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Archdale does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City of Archdale duly held on the 22nd day of September, 2020; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of September, 2020.

(Signature of Recording Officer)

(Title of Recording Officer)



RESOLUTION

IN SUPPORT OF A CITY OF ARCHDALE APPLICATION FOR AN ASSET INVENTORY AND ASSESSMENT GRANT: WASTEWATER COLLECTION SYSTEM

WHEREAS, The City of Archdale has need for improved mapping and a current assessment of the wastewater collection system; and

WHEREAS, The City intends to contract with an engineering firm to conduct an Asset Inventory and Assessment (AIA) of the existing system to determine prioritization of maintenance projects, plan for system growth and line expansion, and prepare for a rate sustainability study; and

WHEREAS, The City intends to request State grant assistance for the project.

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ARCHDALE:

That the City of Archdale, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for completion of the AIA project.

That Zeb Holden, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the AIA project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this 22nd day of September, 2020 in Archdale, North Carolina.

Bert Lance-Stone, Mayor

ATTEST:

Susan T. Swaim, City Clerk

(Signature of Chief Executive Officer)

Zeb Holden, City Manager

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Archdale does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City of Archdale duly held on the 22nd day of September, 2020; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of September, 2020.

(Signature of Recording Officer)

(Title of Recording Officer)



CITY OF ARCHDALE

CITY COUNCIL

MEETING DATE: Tuesday September 22, 2020

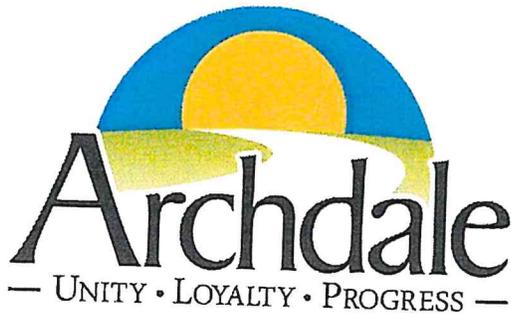
SUBJECT: Public Hearing: Request by Bryan Hebert to rezone property from *R-10* (Single Family Residential) to *B-1* (General Business), for property located in the 200 block of Freeman Place, being Randolph County Parcel # 7718095335.

RECOMMENDATIONS OR COMMENTS: The applicant wishes to rezone this vacant property from R-10 (Single-Family Residential) to B-1 (General Business). The subject property is designated as General Business on the City's adopted Future Land Use Plan (FLUP). Staff recommends approval of the rezoning request.

PLANNING BOARD RECOMMENDATION: The Planning and Zoning Board unanimously recommended approval of this rezoning at their September meeting (August 31st).

SUMMARY OF INFORMATION: Rezoning Application, Staff Report, Small-Scale Rezoning Statement, Consistency Statement, GIS Map, & Aerial Photo.

ATTACHMENTS: YES NO



REZONING APPLICATION

THE UNDERSIGNED do/does hereby respectfully make application and request to the City of Archdale to amend the **Zoning Ordinance** and change the Official Zoning Map of the city as hereafter requested, and in support of this application the following facts are shown:

1. It is desired and requested that the property hereinafter described be rezoned from R-10 zone to B-1

2. The property sought to be rezoned is owned by: M. Albion (Al) English III & Linda English

Address: 2354 Hohn Rd, Archdale, NC 27263

Phone #: 336-587-4381

3. Legal Description:

Address and PIN Number: 0 Freeman Pl (200 block) - #7718095335

Lot(s): N/A

Name of Subdivision: Archdale Rd; Freeman Pl Plat Book: N/A Page: N/A

4. If the property is rezoned, it is understood by all that development must conform to the minimum requirements of the City of Archdale Development Ordinance where applicable.

5. The applicant shall present a map showing the property being requested for rezoning. He/she shall also present the names and addresses of those persons owning property which adjoins the land sought for rezoning.

Bryan Hubert
Name of Applicant

[Signature]
Signature of Applicant

Marilyn A. English
Signature of Owner (if different)

This application must be filed with the **Director of Planning and Zoning** forty-five (45) days prior to the scheduled Planning Board meeting and must be accompanied by a **(\$500.00)** filing fee.



City of Archdale

INVOICE #
21-00014

ACCOUNT ID: HEBER005
 INVOICE DATE: 08/07/20
 DUE DATE: 09/06/20

Hebert, Bryan
 301 Trindale Rd
 Archdale, NC 27263

PERMIT INFORMATION
 PERMIT NO: 21-00007
 LOCATION: 0 Freeman Pl
 OWNER: English, M Albion Iii (English, Lin

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
		Permit No: 21-00007		
1.0000/QTY	GEN-REZO	General Rezoning Permit No: 21-00007	500.000000	500.00
			TOTAL DUE:	<u>\$ 500.00</u>

PAYMENT COUPON - PLEASE DETACH AND RETURN THIS PORTION ALONG WITH YOUR PAYMENT

City of Archdale

INVOICE #: 21-00014
 DESCRIPTION: Permit No: 21-00007
 ACCOUNT ID: HEBER005
 DUE DATE: 09/06/20
 TOTAL DUE: \$ 500.00

Hebert, Bryan
 301 Trindale Rd
 Archdale, NC 27263





APPLICATION FOR REZONING - TECHNICAL REPORT:

0 FREEMAN PL (200 Block)

STAFF REPORT: City of Archdale Planning Department
Matthew Wells, Planning Administrator

Property Location 0 Freeman Pl (200 Block)	Randolph County PIN # 7718095335	Meeting Date September 22, 2020	Applicant(s) Bryan Hebert 312 Aldridge Rd Archdale, NC 27263	Owner(s) M Albion III & Linda English 2354 Hohn Rd Archdale, NC 27263
Current Land Use Vacant		Current Zoning R-10 (Single-Family Residential)	Proposed Zoning B-1 (General Business)	FLUP Designation General Business
Surrounding Land Uses and Zoning <ul style="list-style-type: none"> • North - Vacant CU B-1 (Conditional Use General Business) • South – Funeral Home B-1 (General Business) • East – Warehouse and Auto Lot M-1 (Heavy Industrial) • West – Multi-Family and Hair Salon B-2 (Neighborhood Business) 				
Acreage 1.17 acres or 50,966 ft ²	Road Frontage 256 ft. along Archdale Rd, 190 ft along Freeman Pl	Roadway Ownership City of Archdale	Sidewalks or Greenways No	
Overview The applicant, Bryan Hebert, is looking to rezone this vacant property from R-10 (Single-Family Residential) to B-1 (General Business). There is no immediate long-term plans for this property, but the applicant is proposing to use it for a temporary use of selling sheds and accessory structures.				
Decision Points <ul style="list-style-type: none"> • Any future permanent structure will require a TRC if its impervious surface is over 12% of the land area. • A Consistency Statement is included and will need to be read prior to approval. • A Small-Scale Rezoning Statement is included and will need to be read prior to approval. • Staff is in favor of the rezoning request. • Planning Board recommended approval of the rezoning request. 				



CITY OF ARCHDALE

CITY COUNCIL

MEETING DATE: Tuesday September 22, 2020

SUBJECT: Public Hearing: Request by Bryan Hebert to rezone property from *R-10* (Single Family Residential) to *B-1* (General Business), for property located in the 200 block of Freeman Place, being Randolph County Parcel # 7718095335

SMALL SCALE REZONING STATEMENT: Bryan Hebert is seeking to rezone a parcel totaling 1.17 acres on Freeman Place and Archdale Road from R-10 to B-1.

Given that the rezoning is for an area less than 2 acres, a small-scale rezoning 'statement of reasonableness' is necessary. Staff has reviewed the requested zoning district and feels that it is reasonable given the current land use (Vacant) of the subject property and other nearby commercial properties. In addition, staff feels that the requested zoning of B1 is reasonable for the future, as the subject property and adjoining property is designated for General Business on the Future Land Use Plan.



ORDINANCE

**TO REZONE PROPERTY ALONG FREEMAN PLACE (PIN # 7718095335)
FROM SINGLE FAMILY RESIDENTIAL (R-10) TO GENERAL BUSINESS (B-1)**

THE CITY OF ARCHDALE, NORTH CAROLINA

BE IT ORDAINED by the City Council of the City of Archdale, North Carolina that:

Section 1. Pursuant to Article XV Section 15.5 of the Zoning Ordinance of the City of Archdale, the property owned by M. Albion English III and Linda English, located along Freeman Pl. and Archdale Rd., identified as a 1.17 acres of Randolph County parcel #7718095335 is rezoned from Single-Family Residential (R-10) to General Business (B-1).

Section 2. This ordinance is adopted in accordance with N.C.G.S. 160A-383 and the City Council has found the amendment to be reasonable and consistent with the City's adopted plans.

Consistency Statement

The City Council finds that the proposed rezoning is consistent with the Future Land Use Plan (FLUP), which has the property designated for General Business. Due to surrounding uses being zoned B-1 and B-2, staff feels this is an appropriate zoning for this area. The parcel is on the corner of Archdale Road and possesses approximately 256 feet of road frontage along this major thoroughfare. The property is conducive to commercial activity; B-1 uses surround the property to the north and south and B-2 uses are to the west.

Section 3. As required by statute, the City Council finds the action reasonable and in the public interest.

The City Council finds that its action with regard to the rezoning of property along Freeman Place is reasonable. The City Council believes that its action with respect to the rezoning is in the public interest as the request allows for future development, as called for within the Future Land Use Plan (FLUP). The action protects the health, safety, and welfare of the public.

Section 4. This ordinance shall be in full force and effect from and after its adoption.

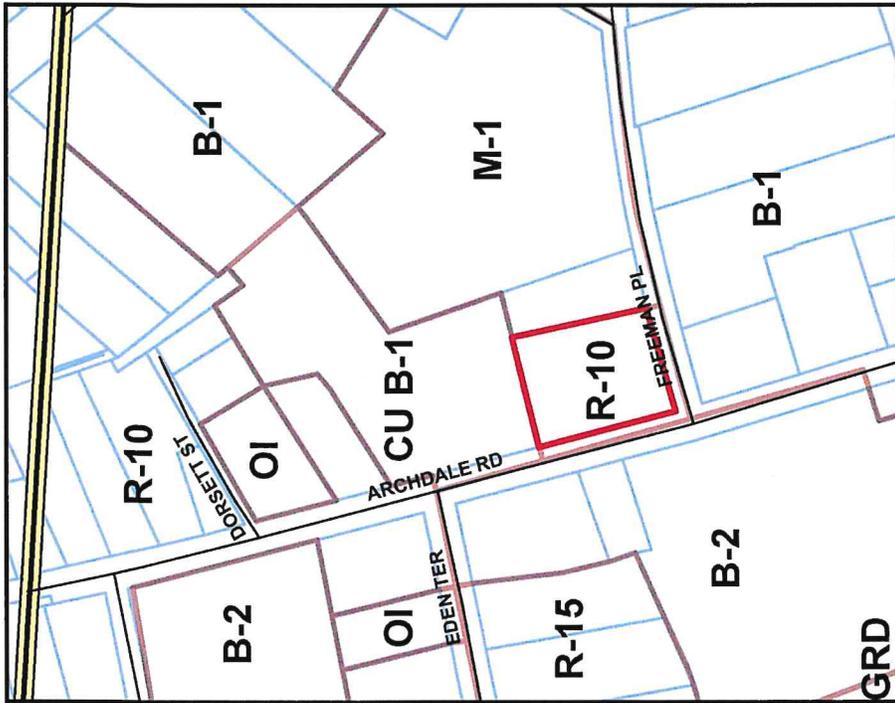
Adopted the 22nd day of September 2020.

ATTEST:

Bert Lance-Stone, Mayor

Susan T. Swaim, City Clerk

Zoning Map & Aerial View

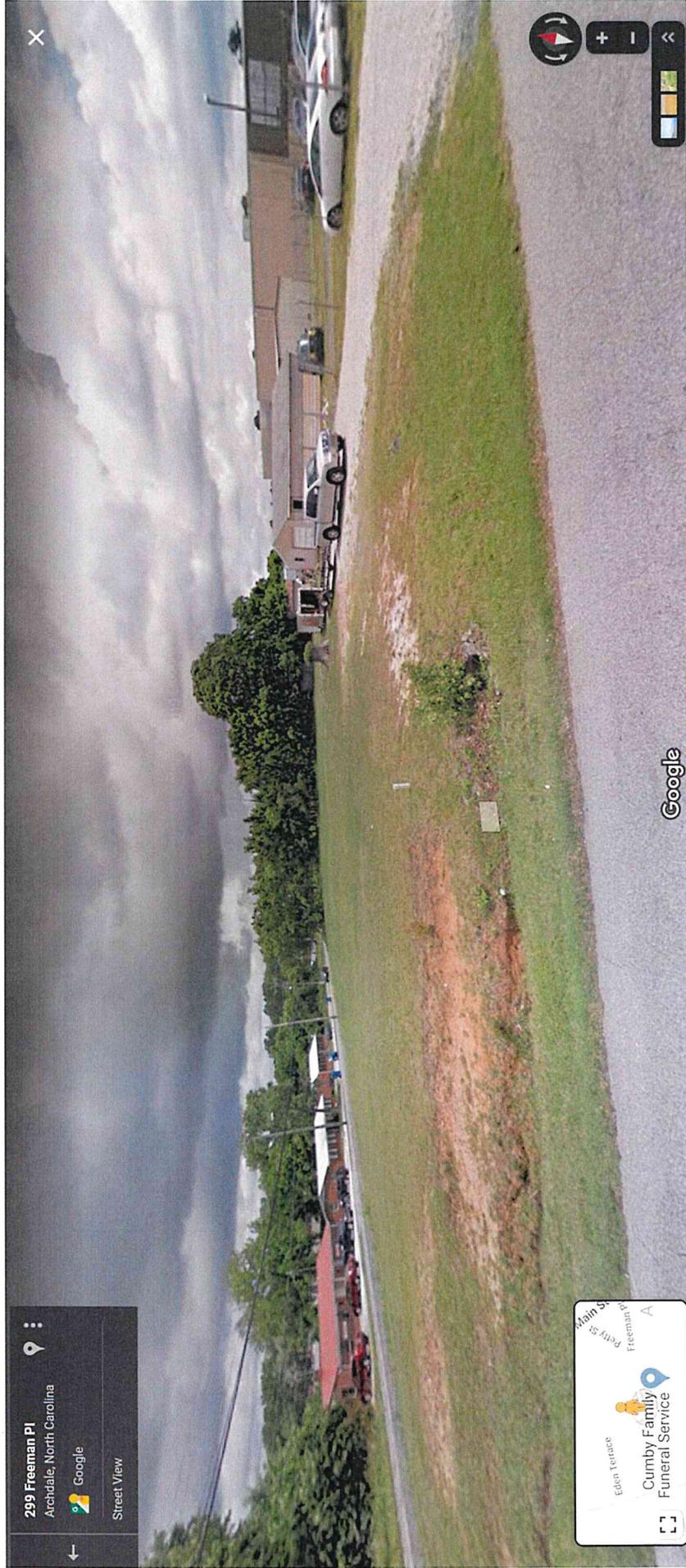


Rezoning Request from R-10 to B-1
for Property Located in the 200 block of Freeman Pl
being Randolph County parcel # 7718095335

-  Subject Property
-  City Limits
-  Zoning

Owner : M. Albion III & Linda English Size: 1.17 Acres

Street View





CITY OF ARCHDALE

CITY COUNCIL

MEETING DATE: Tuesday September 22, 2020

SUBJECT: Public Hearing: Text Amendment to the Zoning Ordinance; Article VI, SR 43 (Yard Sales)

RECOMMENDATIONS OR COMMENTS: The City of Archdale has recently (as of July 1, 2020) stopped requiring residents to get Yard Sale permits. As a result, the current zoning ordinance needs to be updated to not include language about permits. Furthermore, clarifications were made to the ordinance about time and days of yard sales as well as location of signage.

PLANNING BOARD RECOMMENDATION: The Planning and Zoning Board unanimously recommended approval of this rezoning at their September meeting (August 31st).

SUMMARY OF INFORMATION: Revised SR 43 Ordinance

ATTACHMENTS: YES NO

ORIGINAL ORDINANCE – AUGUST 1, 2020

SR 43. Yard Sales

“Yard sale” shall mean a sale from a residence or residential property of personal property which has been owned or used by a person residing on or owning the premises where the sale is conducted. In addition, yard sales may be held on property owned by religious institutions and other civic, non-profit organizations. The term “yard sale” shall include all sales entitled “garage sale”, “lawn sale”, “attic sale”, “moving sale”, “rummage sale”, etc.

1. Yard Sale Permit Required: It shall be unlawful for a person to conduct a yard sale in the City without first obtaining from the City a permit to do so, to be known as a “Yard Sale Permit”.

2. Issuance of Permit:

a. A permit shall be issued for a fee of \$5.00 to conduct a yard sale on the premises no more than twice in a 12 month period; provided, however, a permit for a third yard sale shall be issued if satisfactory proof of a bona fide change in ownership of real property.

b. A permit shall be issued for the conduct of a yard sale for 2 consecutive days during daylight hours only.

~~e. Each permit issued under this Ordinance must be prominently displayed on the premises upon which the yard sale is conducted throughout the entire period of the permitted sale.~~

3. Signs:

a. Directional signs may not be placed until a yard sale permit has been issued.

b. Signs may not be attached to utility poles, public signs, or other public utility structures.

c. No signs may be placed in the public right-of-way or in any location that may impede the vision of passing motorists.

d. All signs shall be removed at the conclusion of the yard sale event.

4. Exceptions:

a. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

b. Persons acting in accordance with their powers and duties as public officials.

- c. Any person conducting an incidental sale or one or two separate items which such sale is not part of a general sale or a number of items of personal property.
5. Penalty: Violation of this Section is subject to the penalties found in Article XVI, Sections 16.8 and 16.9.

PLANNING BOARD REVISIONS – AUGUST 31ST, 2020

SR 43. Yard Sales

“Yard sale” shall mean a sale from a residence or residential property of personal property which has been owned or used by a person residing on or owning the premises where the sale is conducted. In addition, yard sales may be held on property owned by religious institutions and other civic, non-profit organizations. The term “yard sale” shall include all sales entitled “garage sale”, “lawn sale”, “attic sale”, “moving sale”, “rummage sale”, etc.

1. A yard sale is allowed no more than twice per dwelling unit in a calendar year (January through December).
 - a. Yard sales are allowed during daylight hours only.
 - b. Yard sales are allowed only Thursday through Sunday and on public holidays.
2. Signs:
 - a. Signs may only be placed on the premises of the dwelling unit that is conducting the sale.
 - b. Signs may not be attached to utility poles, public signs, or other public utility structures.
 - c. No signs may be placed in the public right-of-way or in any location that may impede the vision of passing motorists.
 - d. All signs shall be removed at the conclusion of the yard sale event.
3. Exceptions:
 - a. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
 - b. Persons acting in accordance with their powers and duties as public officials.
 - c. Any person conducting an incidental sale or one or two separate items which such sale is not part of a general sale or a number of items of personal property.
4. Penalty: Violation of this Section is subject to the penalties found in Article XVI, Sections 16.8 and 16.9.

FINAL DRAFT – SEPTEMBER 17, 2020

SR 43. Yard Sales

“Yard sale” shall mean a sale from a residence or residential property of personal property which has been owned or used by a person residing on or owning the premises where the sale is conducted. In addition, yard sales may be held on property owned by religious institutions and other civic, non-profit organizations. The term “yard sale” shall include all sales entitled “garage sale,” “lawn sale,” “attic sale,” “moving sale,” “rummage sale”, etc.

1. A yard sale is allowed no more than twice per dwelling unit (physical street address) in a calendar year (January through December).
 - a. Yard sales are allowed during daylight hours only.
 - b. Yard sales are allowed only Thursday through Sunday and on public holidays.
2. Signs:
 - a. Signs may only be placed on the premises of the dwelling unit that is conducting the sale.
 - b. Signs may not be attached to utility poles, public signs, or other public utility structures.
 - c. No signs may be placed in the public right-of-way or in any location that may impede the vision of passing motorists.
 - d. All signs shall be removed at the conclusion of the yard sale event.
3. Exceptions:
 - a. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
 - b. Persons acting in accordance with their powers and duties as public officials.
 - c. Any person conducting an incidental sale of one or two separate items which such sale is not part of a general sale or a number of items of personal property.
4. Penalty: Violation of this Section is subject to the penalties found in Article XVI, Sections 16.8 and 16.9.



CITY OF ARCHDALE

CITY COUNCIL

MEETING DATE: Tuesday September 22, 2020

SUBJECT: Authorization for Manager to Enter Contract to Purchase Property Located at 413 Balfour Drive

RECOMMENDATIONS OR COMMENTS: An opportunity has presented itself to purchase land adjacent to city-owned property on Balfour Drive. The property, 413 Balfour Drive, is Randolph County parcel #7718435577 and totals 1.45 acres. There is a 2,000+/- square foot single-family home on the western side of the property.

SUMMARY OF ATTACHED INFORMATION: Map of Property and Contract Document pages 1-2.

ATTACHMENTS: YES NO

OFFER TO PURCHASE AND CONTRACT
 [Consult "Guidelines" (Form 2G) for guidance in completing this form]

For valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Buyer offers to purchase and Seller upon acceptance agrees to sell and convey the Property on the terms and conditions of this Offer To Purchase and Contract and any addendum or modification made in accordance with its terms (together the "Contract").

1. **TERMS AND DEFINITIONS:** The terms listed below shall have the respective meaning given them as set forth adjacent to each term.

(a) "Seller": John V. Richardson, Trustee of Barbara Gailey Irrevocable Trust

(b) "Buyer": City of Archdale

(c) "Property": The Property shall include all that real estate described below together with all appurtenances thereto including the improvements located thereon and the fixtures and personal property listed in Paragraphs 2 and 3 below.

NOTE: If the Property will include a manufactured (mobile) home(s), Buyer and Seller should consider including the Manufactured (Mobile) Home provision in the Additional Provisions Addendum (Standard Form 2A11-T) with this offer.

Street Address: 413 Balfour Dr.
 City: Archdale Zip: 27263
 County: Randolph, North Carolina

NOTE: Governmental authority over taxes, zoning, school districts, utilities and mail delivery may differ from address shown.

Legal Description: (Complete ALL applicable)
 Plat Reference: Lot/Unit 2, Block/Section _____, Subdivision/Condominium Ravenwood
 _____, as shown on Plat Book/Slide 16 at Page(s) 23

The PIN/PID or other identification number of the Property is: 7718-43-5577

Other description: RAVENWOOD;L2-4 SC2 BMPB16-PG23

Some or all of the Property may be described in Deed Book 2681 at Page 161

(d) "Purchase Price":
 \$ 220,000.00 paid in U.S. Dollars upon the following terms:
 \$ _____ BY DUE DILIGENCE FEE made payable and delivered to Seller by the Effective Date.
 \$ _____ BY INITIAL EARNEST MONEY DEPOSIT made payable and delivered to Escrow Agent
 named in Paragraph 1(f) by cash personal check official bank check wire
 transfer, electronic transfer, EITHER with this offer OR within five (5) days of the
 Effective Date of this Contract.
 \$ _____ BY (ADDITIONAL) EARNEST MONEY DEPOSIT made payable and delivered to Escrow
 Agent named in Paragraph 1(f) by cash, official bank check, wire transfer or electronic
 transfer no later than 5 p.m. on _____,
TIME BEING OF THE ESSENCE.
 \$ _____ BY ASSUMPTION of the unpaid principal balance and all obligations of Seller on the
 existing loan(s) secured by a deed of trust on the Property in accordance with the attached
 Loan Assumption Addendum (Standard Form 2A6-T).
 \$ _____ BY SELLER FINANCING in accordance with the attached Seller Financing Addendum
 (Standard Form 2A5-T).
 \$ _____ BY BUILDING DEPOSIT in accordance with the attached New Construction Addendum
 (Standard Form 2A3-T).
 \$ 220,000.00 BALANCE of the Purchase Price in cash at Settlement (some or all of which may be paid
 with the proceeds of a new loan).

Should Buyer fail to deliver either the Due Diligence Fee or any Initial Earnest Money Deposit by their due dates, or should any check or other funds paid by Buyer be dishonored, for any reason, by the institution upon which the payment is drawn, Buyer shall have one (1) banking day after written notice to deliver cash, official bank check, wire transfer or electronic transfer to the payee. In the event Buyer does not timely deliver the required funds, Seller shall have the right to terminate this Contract upon written notice to Buyer.

(e) **"Earnest Money Deposit"**: The Initial Earnest Money Deposit, the Additional Earnest Money Deposit and any other earnest monies paid or required to be paid in connection with this transaction, collectively the "Earnest Money Deposit", shall be deposited and held in escrow by Escrow Agent until Closing, at which time it will be credited to Buyer, or until this Contract is otherwise terminated. In the event: (1) this offer is not accepted; or (2) a condition of any resulting contract is not satisfied, then the Earnest Money Deposit shall be refunded to Buyer. In the event of breach of this Contract by Seller, the Earnest Money Deposit shall be refunded to Buyer upon Buyer's request, but such return shall not affect any other remedies available to Buyer for such breach. In the event of breach of this Contract by Buyer, the Earnest Money Deposit shall be paid to Seller. The payment of the Earnest Money Deposit to Seller and the retention of any Due Diligence Fee by Seller (without regard to their respective amounts, including zero) together shall serve as liquidated damages ("Liquidated Damages") and as Seller's sole and exclusive remedy for such breach, but without limiting Seller's rights under Paragraphs 4(d) and 4(e) for damage to the Property. It is acknowledged by the parties that the amount of the Liquidated Damages is compensatory and not punitive, such amount being a reasonable estimation of the actual loss that Seller would incur as a result of a breach of this Contract by Buyer. The payment to Seller and/or retention by Seller of the Liquidated Damages shall not constitute a penalty or forfeiture but actual compensation for Seller's anticipated loss, both parties acknowledging the difficulty determining Seller's actual damages for such breach. If legal proceedings are brought by Buyer or Seller against the other to recover the Earnest Money Deposit, the prevailing party in the proceeding shall be entitled to recover from the non-prevailing party reasonable attorney fees and court costs incurred in connection with the proceeding.

(f) **"Escrow Agent"** (insert name): n/a
Buyer and Seller consent to disclosure by the Escrow Agent of any material facts pertaining to the Earnest Money Deposit to the parties to this transaction, their real estate agent(s) and Buyer's lender(s).

NOTE: In the event of a dispute between Seller and Buyer over the disposition of the Earnest Money Deposit held in escrow, a licensed real estate broker ("Broker") is required by state law (and Escrow Agent, if not a Broker, hereby agrees) to retain the Earnest Money Deposit in the Escrow Agent's trust or escrow account until Escrow Agent has obtained a written release from the parties consenting to its disposition or until disbursement is ordered by a court of competent jurisdiction. Alternatively, if a Broker or an attorney licensed to practice law in North Carolina ("Attorney") is holding the Earnest Money Deposit, the Broker or Attorney may deposit the disputed monies with the appropriate clerk of court in accordance with the provisions of N.C.G.S. §93A-12.

THE PARTIES AGREE THAT A REAL ESTATE BROKERAGE FIRM ACTING AS ESCROW AGENT MAY PLACE THE EARNEST MONEY DEPOSIT IN AN INTEREST BEARING TRUST ACCOUNT AND THAT ANY INTEREST EARNED THEREON SHALL BE DISBURSED TO THE ESCROW AGENT MONTHLY IN CONSIDERATION OF THE EXPENSES INCURRED BY MAINTAINING SUCH ACCOUNT AND RECORDS ASSOCIATED THEREWITH.

(g) **"Effective Date"**: The date that: (1) the last one of Buyer and Seller has signed or initialed this offer or the final counteroffer, if any, and (2) such signing or initialing is communicated to the party making the offer or counteroffer, as the case may be. The parties acknowledge and agree that the initials lines at the bottom of each page of this Contract are merely evidence of their having reviewed the terms of each page, and that the complete execution of such initials lines shall not be a condition of the effectiveness of this Agreement.

(h) **"Due Diligence"**: Buyer's opportunity to investigate the Property and the transaction contemplated by this Contract, including but not necessarily limited to the matters described in Paragraph 4 below, to decide whether Buyer, in Buyer's sole discretion, will proceed with or terminate the transaction.

(i) **"Due Diligence Fee"**: A negotiated amount, if any, paid by Buyer to Seller with this Contract for Buyer's right to terminate the Contract for any reason or no reason during the Due Diligence Period. It shall be the property of Seller upon the Effective Date and shall be a credit to Buyer at Closing. The Due Diligence Fee shall be non-refundable except in the event of a material breach of this Contract by Seller, or if this Contract is terminated under Paragraph 8(n) or as otherwise provided in any addendum hereto. Buyer and Seller each expressly waive any right that they may have to deny the right to conduct Due Diligence or to assert any defense as to the enforceability of this Contract based on the absence or alleged insufficiency of any Due Diligence Fee, it being the intent of the parties to create a legally binding contract for the purchase and sale of the Property without regard to the existence or amount of any Due Diligence Fee.

(j) **"Due Diligence Period"**: The period beginning on the Effective Date and extending through 5:00 p.m. on _____ **TIME BEING OF THE ESSENCE.**

(k) **"Settlement"**: The proper execution and delivery to the closing attorney of all documents necessary to complete the transaction contemplated by this Contract, including the deed, settlement statement, deed of trust and other loan or conveyance documents, and the closing attorney's receipt of all funds necessary to complete such transaction.

(l) **"Settlement Date"**: The parties agree that Settlement will take place on November 6, 2020
(the "Settlement Date"), unless otherwise agreed in writing, at a time and place designated by Buyer.