

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
THURSDAY, FEBRUARY 10, 2005  
7:00 PM**

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This being the time and place for a Regular Meeting of the Mayor and City Council, a meeting was held with the following officials and members present:

David Jarrell                   ) – Mayor Presiding

Linda Carter                   )  
Keith Crisco                   )  
Nancy Hunter                  ) – Council Members Present  
John McGlohon                )  
Archie Priest                  )  
David Smith                    )

Talmadge Baker                ) – Council Member Absent

John N. Ogburn, City Manager  
Carol J. Cole, CMC, City Clerk  
Dumont Bunker, P. E., City Engineer  
Debbie Juberg, Finance Director  
Reynolds Neely, Planning Director  
Lynn Priest, CD Director  
John Evans, Code Enforcement Officer  
Trevor Nuttall, Planner  
Allen Oliver, Parks & Recreation Director  
Foster Hughes, Asst. Parks & Recreation Director  
Holly Hartman, Legal Assistant  
Jeff Sugg, City Attorney

A quorum thus being present, Mayor Jarrell called the meeting to order for the transaction of business, and business was transacted as follows:

**1. Pledge of Allegiance and Invocation.**

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. Jack N. Ogburn, Jr., Deacon with the Episcopal Church of the Good Shepherd, gave the invocation.

**2. Appearance and Recognition of Guests and Citizens.**

Mayor Jarrell welcomed everyone in attendance.

Mayor Jarrell announced that Council Member Talmadge Baker is in South Carolina attending a meeting on the I-73/74 Project. He called for a motion to formally excuse Mr. Baker from this council meeting. Upon motion by Mr. McGlohon and seconded by Mr. Crisco, council voted to formally excuse Mr. Baker from the meeting. Mrs. Hunter did not vote, as she arrived late.

**3. Consent Agenda.**

Mayor Jarrell asked council if it wished to discuss any item on the Consent Agenda separately or to vote on the items collectively.

Upon motion by Mr. Priest and seconded by Mrs. Carter, council voted to approve the following Consent Agenda items: Mrs. Hunter did not vote, as she arrived late.

(a) Minutes of Previous Meetings

The minutes of the regular meeting of January 6, 2005 and special meeting of January 27, 2005 were approved as presented.

(b) Audit Contract With Maxton McDowell, CPA, for Fiscal Year 2004-2005

Council approved the above-mentioned audit contract with Maxton McDowell, CPA, for a fee not to exceed \$31,000.

- (c) Toy Vehicle Signs for AVS and C. C. Dickson Co.

05 ORD 2-05

**AN ORDINANCE PROHIBITING ANY PERSON FROM RIDING ON A  
SKATEBOARD, ROLLER SKATES, OR ANY OTHER TYPE OF  
TOY VEHICLE ON THE POSTED PRIVATE PROPERTY OF  
AVS CATERING, INC.**

WHEREAS, Section 160A-174(a) of the North Carolina General Statutes provides that a city may define, regulate, or abate by ordinance acts, omissions, or conditions that are detrimental to the health, safety, or welfare of the city's citizens and the peace and dignity of the city; and

WHEREAS, Section 70.53 of the Code of Asheboro restricts the use of play vehicles in the following manner:

**§ 70.53 USE OF PLAY VEHICLES RESTRICTED.**

(A) It shall be unlawful for any person riding on a skateboard, roller skates, coaster, toy vehicle or similar device to ride any of such devices on the premises of the municipal buildings, on any municipal parking facility, or to ride any such devices on any sidewalk or street located in the central business district of the city, as designated on the City Zoning Map as a B-3 District.

(B) It shall be unlawful for any person riding on a skateboard, roller skate or any other toy vehicle to ride on a roadway except while crossing a street at a crosswalk or intersection; provided, that this section shall not apply upon streets set aside as play streets.

(C) It shall be unlawful for any person to ride on a skateboard, roller skates, or any other toy vehicle on private property when signs are placed, erected or installed giving notice that skateboarding, roller skating or riding any other toy vehicles is regulated, prohibited, or prohibited during certain hours, in that space or area; and

WHEREAS, AVS Catering, Incorporated has lawful possession and control of certain real property that is located at 2045 North Fayetteville Street in Asheboro; and

WHEREAS, AVS Catering, Incorporated has properly submitted a written request to the city council to have the real property at 2045 North Fayetteville Street properly posted by the city in order to prohibit, in accordance with Section 70.53(C) of the Code of Asheboro, the riding by any person of a skateboard, roller skates or any other toy vehicles on said property.

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

Section 1. Pursuant to and in accordance with Section 70.53 (C) of the Code of Asheboro, it is unlawful for any person to ride on a skateboard, roller skates, or any other toy vehicle on the premises of AVS Catering, Incorporated at 2045 North Fayetteville Street.

Section 2. The number and type of signs necessary to lawfully implement the provisions of Section 1 of this ordinance shall be erected or installed in a manner to be determined by the Chief of Police or his designee, and the entirety of the cost of erecting or installing the necessary signs shall be paid by AVS Catering, Incorporated as the applicant requesting the adoption of this ordinance.

Section 3. The city clerk shall enter a description in Schedule 20 of Chapter 72 of the Code of Asheboro of the type of prohibition imposed by this ordinance and a description of the private property subject to said prohibition.

Section 4. This ordinance shall become effective upon adoption.

Adopted this the 10<sup>th</sup> day of February, 2005.

S/ David H. Jarrell  
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole  
Carol J. Cole, CMC, City Clerk

06 ORD 2-05

**AN ORDINANCE PROHIBITING ANY PERSON FROM RIDING ON A  
SKATEBOARD, ROLLER SKATES, OR ANY OTHER TYPE OF  
TOY VEHICLE ON THE POSTED PRIVATE PROPERTY OF  
C.C. DICKSON COMPANY**

WHEREAS, Section 160A-174(a) of the North Carolina General Statutes provides that a city may define, prohibit, regulate, or abate by ordinance acts, omissions, or conditions that are detrimental to the health, safety, or welfare of the city's citizens and the peace and dignity of the city; and

WHEREAS, Section 70.53 of the Code of Asheboro restricts the use of play vehicles in the following manner:

**§ 70.53 USE OF PLAY VEHICLES RESTRICTED.**

(A) It shall be unlawful for any person riding on a skateboard, roller skates, coaster, toy vehicle or similar device to ride any of such devices on the premises of the municipal buildings, on any municipal parking facility, or to ride any such devices on any sidewalk or street located in the central business district of the city, as designated on the City Zoning Map as a B-3 District.

(B) It shall be unlawful for any person riding on a skateboard, roller skate or any other toy vehicle to ride on a roadway except while crossing a street at a crosswalk or intersection; provided, that this section shall not apply upon streets set aside as play streets.

(C) It shall be unlawful for any person to ride on a skateboard, roller skates, or any other toy vehicle on private property when signs are placed, erected, or installed giving notice that skateboarding, roller skating or riding any other toy vehicle is regulated, prohibited, or prohibited during certain hours, in that space or area; and

WHEREAS, C.C. Dickson Company has lawful possession and control of certain real property that is located at 116 West Central Avenue in Asheboro; and

WHEREAS, C.C. Dickson Company has properly submitted a written request to the city council to have a portion of the company's premises, specifically the loading ramp and the area located in front of the existing structure at 116 West Central Avenue, posted by the city in order to prohibit, in accordance with Section 70.53(C) of the Code of Asheboro, the riding by any person of a skateboard, roller skates, or any other toy vehicle on the said property.

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

Section 1. Pursuant to and in accordance with Section 70.53 (C) of the Code of Asheboro, it is unlawful for any person to ride a skateboard, roller skates, or any other toy vehicle on the loading ramp or other property located in front of the existing structure utilized by the C.C. Dickson Company at 116 West Central Avenue.

Section 2. The number and type of signs necessary to lawfully implement the provisions of Section 1 of this ordinance shall be erected or installed in a manner to be determined by the Chief of Police or his designee, and the entirety of the cost of erecting or installing the necessary signs shall be paid by the C.C. Dickson Company as the applicant requesting the adoption of this ordinance.

Section 3. The city clerk shall enter a description in Schedule 20 of Chapter 72 of the Code of Asheboro of the type of prohibition imposed by this ordinance and a description of the private property subject to said prohibition.

Section 4. This ordinance shall become effective upon adoption.

Adopted this the 10<sup>th</sup> day of February, 2005.

S/ David H. Jarrell  
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole  
Carol J. Cole, CMC, City Clerk

(d) Defer Second Reading of Cable TV Franchise

Council deferred the second reading of the Cable TV Franchise until the March 10<sup>th</sup> meeting.

(e) Resolution Requesting a Contract From Piedmont Triad Council of Governments for Strategic Plan Consulting and Facilitation

03 RES 2-05

**RESOLUTION REQUESTING THE PIEDMONT TRIAD COUNCIL OF GOVERNMENTS TO PROVIDE CONSULTING SERVICES AND FACILITATION FOR ASHEBORO'S STRATEGIC PLAN**

WHEREAS, the Asheboro City Council was briefed by the PTCOG's Assistant Director Ginger Booker on the Strategic Planning Process; and

WHEREAS, the City Council has expressed its desire to begin this process; and

WHEREAS, the Asheboro City Council is a member of the PTCOG and has had a long-term successful relationship with this organization; and

WHEREAS, the Asheboro City Council strongly believes that to continue to compete and prosper in a global market place, we must continually strive to enhance our "quality of life" and strategic planning plays a significant role in shaping our future; and

WHEREAS, by approving this resolution, the City Manager is hereby directed to request that the PTCOG develop a contract to begin these services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Asheboro shall begin its Strategic Planning Process and the Piedmont Triad Council of Governments shall provide consulting services and facilitation for Asheboro's Strategic Plan.

Adopted this the 10<sup>th</sup> day of February, 2005.

ATTEST:

S/ David H. Jarrell  
David H. Jarrell, Mayor

S/ Carol J. Cole  
Carol J. Cole, CMC, City Clerk

OLD BUSINESS:

**4. Consideration of Approval of Formal Findings of Fact, Conclusions, and Orders Entered by the City Council Under File Numbers SUP-04-05 and CUP-04-28.**

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted to approve Case No. SUP-04-05 (Asheboro Machine Shop-Special Use Permit Allowing Expansion of a Light Industrial Use in a B-2 Zoning District). Mrs. Hunter did not vote, as she arrived late.

Case No. SUP-04-05  
City Council  
City of Asheboro

IN THE MATTER OF THE APPLICATION OF ASHEBORO MACHINE SHOP FOR  
A SPECIAL USE PERMIT ALLOWING EXPANSION OF A LIGHT INDUSTRIAL  
USE IN A B2 ZONING DISTRICT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE  
SPECIAL USE PERMIT

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THIS MATTER came before the Asheboro City Council, hereinafter referred to as the "Council," for hearing during the Council's regularly scheduled meeting on November 4, 2004. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. By and through its authorized representative, Asheboro Machine Shop (hereinafter referred to as the "Applicant") properly filed an application with the City of Asheboro Planning Department for a Special Use Permit that would allow the expansion of a land use classified under the Asheboro Zoning Ordinance as "Manufacturing, Processing, and Assembly-Light" on property owned by the Applicant and located at 3027 United States Highway 220 Business South.

2. The parcels of land upon which the Applicant's existing and proposed facilities are located can be more specifically identified by Randolph County Parcel Identification Numbers 7659575782 and 7659576532.

3. The Applicant's fundamental goal is to expand an existing machine shop that has been in business since 1966.

4. In order to meet the floor area ratio requirements of the zoning ordinance, the Applicant is re-dividing the parcels of land identified in finding number two (2) so as to combine a portion of parcel number 7659576532 with the entirety of parcel number 7659575782.

5. As proposed, the Applicant's facilities will ultimately sit on one (1) parcel of land (hereinafter referred to as the "Zoning Lot") that will consist of approximately thirty-eight thousand three hundred (38,300) square feet of land.

6. The Zoning Lot is located in a B2 zoning district that is already subject to a special use permit issued under file number SUP-00-17 for a light industrial use (machine shop).

7. The Growth Strategy Map designates the area in which the Zoning Lot is located as "Adjacent Developed," and the Proposed Land Development Plan Map designates this area as "Commercial."

8. The land uses to the north and south of the Zoning Lot are commercial. The land use to the east is residential, and industrial land use is located to the west.

9. The Zoning Lot is not located within the City Limits and is not served by city services.

10. United States Highway 220 Business is a designated major thoroughfare.

11. The land use in the area consists of a mixture of industrial and/or commercial uses along the frontage of United States Highway 220 Business, while adjacent residential use can be found immediately to the east.

12. With the exception of Section 308A.1 of the Asheboro Zoning Ordinance, the Applicant's proposed site plan is in general compliance with the Asheboro Zoning Ordinance.

13. With regard to Section 308A.1, the applicant received, on November 1, 2004, a variance from the Board of Adjustment for the City of Asheboro waiving the required ten (10) foot landscape strip along the Zoning Lot's frontage. However, a quantity of sixteen (16) shrubs, as required by the zoning ordinance, must still be planted in the existing grass area.

14. The site plan and testimony submitted by the Applicant's representative do not indicate the existence of any materials or design characteristics that pose an inherent or abnormal risk to the public health and safety.

15. During the course of the Applicant's existence at its current location, no evidence has ever surfaced to indicate that the Applicant's activities as a machine shop have been detrimental to the value of surrounding properties.

Based on the foregoing findings of fact, the Council makes the following:

#### CONCLUSIONS OF LAW

1. During the hearing of this matter, the evidence submitted to the Council indicated that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

2. The proposed use meets all required conditions and specifications of the Asheboro Zoning Ordinance.

3. The Applicant's proposed use will not substantially injure the value of the adjoining or abutting property.

4. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

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

#### ORDER

The above referenced application submitted by Asheboro Machine Shop for a Special Use Permit allowing expansion of a light industrial use in a B2 zoning district is hereby approved on the express condition that the Applicant and its heirs, successors, and assigns meet and remain in compliance with the following conditions:

1. The use shall remain a machine shop with a maximum of six (6) employees on the largest shift.

2. The Applicant shall install and maintain the required buffering, landscaping, and off-street parking as indicated on the approved site plan.

3. All requirements of Section 628 of the Asheboro Zoning Ordinance shall be met and maintained.

4. The re-division of land reflected in the Applicant's proposal shall be recorded in the Office of the Randolph County Register of Deeds, and the Applicant shall demonstrate that adequate square footage is contained in the Zoning Lot to meet the applicable floor area ratio requirements prior to the issuance of a zoning permit.

5. All of the applicable requirements of the Asheboro Zoning Ordinance shall be met and maintained.

6. A no-cut buffer shall be maintained parallel to the Carl Odom property described in Deed Book 871, Page 455, Randolph County Registry with said buffer measuring a minimum of twenty (20) feet in width and extending from the southern terminus of the "Type C Buffer" identified on the approved site plan to the southernmost property line of the Zoning Lot.

Adopted in regular session this the 10<sup>th</sup> day of February, 2005.

S/ David H. Jarrell  
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole  
Carol J. Cole, CMC, City Clerk

Upon motion by Mr. Crisco and seconded by Mrs. Carter, council voted to approve Case No. CUP-04-28 (The Medical Resource Center for Randolph County, Inc.-Conditional Use Permit Allowing a Health Practitioner's Office). Mrs. Hunter did not vote, as she arrive late.

Case No. CUP-04-28  
City Council  
City of Asheboro

IN THE MATTER OF THE APPLICATION OF THE MEDICAL RESOURCE  
CENTER FOR RANDOLPH COUNTY, INC. FOR A CONDITIONAL USE PERMIT  
ALLOWING A HEALTH PRACTITIONER'S OFFICE

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

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THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during the Council's regularly scheduled meeting on December 9, 2004. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. The applicant, Medical Resource Center for Randolph County, Inc., (hereinafter referred to as the "Applicant") has properly submitted an application to have a certain portion (approximately seventeen thousand four hundred (17,400) square feet) of its property that is located on the south side of Brewer Street rezoned from a R7.5 zoning district to a Conditional Use OA6 zoning district.

2. In addition to requesting that the Council legislatively rezone the above-described property, the Applicant has also requested that the Council conduct a quasi-judicial proceeding and issue a conditional use permit allowing a use on the entire parcel of land that is classified under the Asheboro Zoning Ordinance as a Health Practitioner's Office. In this case, the Applicant specifically wishes to operate a dental clinic.

3. The property for which a conditional use permit is sought (hereinafter referred to as the "Zoning Lot") is located in an area designated on the Growth Strategy Map as "Primary Growth," and the said area is identified on the Proposed Land Development Plan Map as "Urban Residential."

4. The existing land use on the Zoning Lot is classified as undeveloped.

5. The land uses immediately surrounding the Zoning Lot are institutional and residential to the north, undeveloped to the south, undeveloped and residential to the east, and residential to the west.

6. The Zoning Lot is owned by the Medical Resource Center for Randolph County, Inc. and consists of approximately seventeen thousand four hundred (17,400) square feet.

7. The Zoning Lot is more specifically identified by Randolph County Parcel Identification Number 7761041867.

8. Brewer Street is a local street.

9. The Zoning Lot is located inside the City limits and is served by all City services.

10. The area in which the Zoning Lot is located is characterized by a mix of land uses.

11. The eastern portion of the property, which was formerly identified by Randolph County Parcel Identification Number 7751041866 and consisted of approximately 1.86 acres of land, was rezoned in 1999 to CU-OA6 for construction of a Red Cross Office. That development never occurred. In September 2004, the portion of the Zoning Lot formerly identified by Randolph County Parcel Identification Number 7751049866 was combined with the portion of the Zoning Lot formerly identified by Randolph County Parcel Identification Number 7751041866 to form the Zoning Lot with a total acreage of approximately 2.26 acres of land and a new parcel identification number, which is listed in finding number seven (7).

12. The conditional use permit sought by the Applicant for the Zoning Lot will allow the property to be used for a Health Practitioner's Office (specifically, a dental clinic).

13. Prior to addressing the question of the issuance of the requested conditional use permit, the Council, consistent with the recommendation of the Planning Board, rezoned the entirety of the Zoning Lot to a Conditional Use OA6 zoning district.

14. The Applicant has submitted a proper application, specifically including a site plan and building elevations, for the requested conditional use permit.

15. Staff members in the city's Planning Department have reviewed the Applicant's site plan and building elevations and found these documents to be in compliance with the specifications and requirements of the Asheboro Zoning Ordinance.

16. The available evidence indicates that the proposed improvements to the Zoning Lot will not be detrimental to surrounding property values and may enhance the value of adjoining parcels of land.

17. The Applicant's representative offered uncontroverted testimony that medical supplies and equipment located on the premises will be handled and utilized in a manner consistent with the applicable state guidelines.

18. No opposition to the Applicant's request for a conditional use permit was presented during the hearing of this matter.

Based on the foregoing findings of fact, the Council makes the following:

CONCLUSIONS OF LAW

1. The Council has concluded that the proposed use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted and approved.
2. The evidence received during the public hearing established that the proposed use meets all required conditions and specifications of the Asheboro Zoning Ordinance.
3. The proposed use will not substantially injure the value of the adjoining or abutting property.
4. The location and character of the Applicant's proposed use if developed according to the plan as submitted and approved is in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

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

ORDER

The above-referenced application submitted by the Medical Resource Center for Randolph County, Inc. for a conditional use permit allowing a Health Practitioner's Office (Dental) is hereby approved on the express condition that the Applicant and its heirs, successors, and assigns meet and remain in compliance with the following conditions:

1. The use approved shall be a Health Practitioner's Office – Dental.
2. The site shall be developed per the approved site plan and building elevations.
3. All required landscaping and buffering shall be installed and maintained in accordance with the requirements of the Asheboro Zoning Ordinance.
4. All mechanical equipment shall be screened per Section 306A of the Asheboro Zoning Ordinance.
5. Grade separation of building and parking areas shall occur per Section 409B.1 of the Asheboro Zoning Ordinance.
6. All other applicable requirements of the Asheboro Zoning Ordinance shall be satisfied.

Adopted by the Asheboro City Council in regular session on this the 10<sup>th</sup> day of February, 2005.

S/ David H. Jarrell  
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole  
Carol J. Cole, CMC, City Clerk

**5. Consideration of a Resolution Authorizing a 2-Year Lease to Fairway Outdoor Advertising of Certain City-Owned Real Property for an Existing Outdoor Advertising Structure.**

Mr. Sugg recommended that this item be deferred until the March meeting.

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted to defer this item until the March meeting. Mrs. Hunter did not vote, as she arrived late.

**6. Consideration of a Resolution Authorizing the Mayor and City Clerk to Execute an Economic Development Incentives Contract Between Technimark, Inc., the County of Randolph, and the City of Asheboro.**

Mr. Sugg presented and recommended adoption of the aforementioned resolution.

Upon motion by Mr. Crisco and seconded by Mrs. Carter, council voted unanimously to adopt the following resolution: (Mrs. Hunter arrived at 7:20 PM and voted on this item.)

04 RES 2-05

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ECONOMIC DEVELOPMENT INCENTIVES CONTRACT ON BEHALF OF THE CITY OF ASHEBORO**

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

WHEREAS, on August 2, 2004, the Asheboro City Council held a properly advertised public hearing to consider whether to participate in an economic development project that will result in the County of Randolph (the "County"), the City of Asheboro (the "City"), and Technimark, Inc. (the "Company") entering into an economic development incentives contract whereby the County and the City each contribute three hundred fifteen thousand dollars (\$315,000.00) for a total payment of six hundred thirty thousand dollars (\$630,000.00) to the Company to offset the site and development costs of the Company's expansion in the City of Asheboro, Randolph County, North Carolina; and

WHEREAS, upon the completion by the Company of this expansion project, the Company will have generated new value/investment in real and personal property associated with the project in an amount totaling approximately thirty-six million five hundred thousand dollars (\$36,500,000.00) and resulting in the creation of a minimum of seventy-nine (79) new jobs in the County and City; and

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

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

WHEREAS, at the conclusion of the above-referenced public hearing, the city council authorized the expenditure of up to three hundred fifteen thousand dollars (\$315,000.00) of City funds for the Technimark, Inc. economic development project; and

WHEREAS, in addition to the inclusion of standard terms found in economic development incentive contracts executed by the City in the recent past, the city council directed members of the city's administrative staff to draft an economic development incentives contract by and between the County, the City, and the Company that contains the following essential terms and conditions:

- a. The total payment made to the "Company" under this contract shall not exceed six hundred thirty thousand dollars (\$630,000.00).
- b. Fifty-percent of the contract amount will be paid by the County, and the other fifty-percent of the contract amount will be paid by the City.
- c. The contract amount will be paid in four (4) installments at a frequency not to exceed one installment per fiscal year (July 1-June 30) and tied to the completion by the Company of certain performance requirements, including but not limited to, the following:
  - i. The Company must properly obtain from the City a Certificate of Occupancy or letter/certificate of compliance, as appropriate, certifying that the approximately 31,000 square foot expansion facility may be occupied or used for Factory-Industrial Occupancy in accordance with

the provisions of zoning, building, and other applicable ordinances and laws of the City of Asheboro, County of Randolph and the State of North Carolina;

- ii. The Company must deliver to the County and the City a written certification that the actual new value/investment in real and personal property of the project equals or exceeds the sum of thirty-six million five hundred thousand dollars (\$36,500,000.00); and
- iii. The Company must deliver to the County and the City Employment Security Reports evidencing the creation of seventy-nine (79) new jobs; and

WHEREAS, the city's administrative staff has worked with officials of the County and the Company to draft an economic development incentives contract that satisfies the entirety of the above-listed criteria; and

WHEREAS, the proposed economic development incentives contract by and between the County, the City, and the Company is attached to this resolution as EXHIBIT A and is incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, the appropriate officials of the Company and the County have executed the proposed economic development incentives contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the Mayor and City Clerk of the City of Asheboro are authorized and directed to execute on behalf of the City of Asheboro the instrument reflected by EXHIBIT A so as to effectuate the economic development project discussed above.

Adopted in regular session this the 10<sup>th</sup> day of February, 2005.

S/ David H. Jarrell  
David H. Jarrell, Mayor  
City of Asheboro

ATTEST:

S/ Carol J. Cole  
Carol J. Cole, CMC, City Clerk  
City of Asheboro

("Exhibit A," as referenced in this resolution, is attached to the original resolution on file in the city clerk's office.)

**7. Public Hearing on Special Use Permit.**

Mayor Jarrell continued the public hearing on the following request:

- (a) SUP for Expansion of a Church in a Residential Zoning District: The property of Look to Jesus Christian Center, Inc., located at 418 Loach Street, totaling approximately 2.4 acres and further identified by Randolph County Parcel ID Number 7761248435.

Mr. Neely was sworn in and presented the site plan. He described the property and stated that Loach, Brewer, and Spring Streets are local streets. The property is within the corporate limits and all city services are available. The immediate surrounding area is primarily residential. The property is currently used for a church. The previous SUP issued in 2003 was never acted upon and is expired. This request is for phased development, with the fellowship hall and some parking, landscaping and buffering to be installed in Phase 1 and a new sanctuary with additional parking, landscaping, and buffering to be installed in Phase 2.

Mr. Neely stated some suggested conditions for council's consideration if it finds in favor of the request.

Dexter Trogdon, applicant and pastor of Look to Jesus Christian Center, affirmed and addressed the four standard tests. (1) The use will not materially endanger the public health or safety. Pastor Trogdon stated that the church has been in existence for over 21 years. They are doing great work in church ministry, and the crime rate has gone down in this neighborhood. The improvements to the church will not interfere with traffic. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance, as shown on the site plan submitted. (3) The use will not injure the value of adjoining or abutting property. The adjoining property owners are members of the church, and they have given their permission for the improvements. (4) The use will be in harmony with the area. The new fellowship hall will look the same as the existing church, as it will be built with the same type of materials.

Mayor Jarrell asked Pastor Trogdon if he accepted the conditions as stated by Mr. Neely. Pastor Trogdon accepted the conditions.

There being no further comments nor opposition, Mayor Jarrell closed the public hearing.

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to approve the Special Use Permit with the conditions as stated by Mr. Neely, based on the four standard tests being met per testimony of Pastor Trogdon.

The conditions will be further detailed in the city attorney's Findings of Fact, Conclusions of Law, and Order to Grant the Special Use Permit to be approved by council at its March meeting.

NEW BUSINESS:

**8. Annual Report of Building Inspection Department.**

Mr. Ogburn presented and reviewed the Building Inspection Department's Annual Report for 2004. The total valuation for permits issued in 2004 was \$23,683,470, down from \$26,143,017 issued in 2003.

**9. Public Hearings on Zoning Matters.**

Mayor Jarrell opened the public hearing on the following request:

- (a) From RA6 to OA6: The property of Jean Trogdon Sykes located at 211 Worth Street, totaling approximately .752 acre, more specifically identified as Randolph County Property ID Number 7751921855.

Mr. Neely described the aforementioned property and stated that Worth Street is a collector street with a 50-ft. right-of-way. The property is subject to the Central Business Tier 1 regulations (Article 200A) within the city limits. The area is characterized by a mix of public institutional, office, and residential uses. An existing structure, last used as a single-family residence, is located on the property. The property is currently split zoned between RA6 and OA6. This request is to rezone the entire .752 acre to OA6. The applicant has provided an "Offer to Purchase" signed by the property owner.

The planning board recommended approval, as the request is consistent with the LDP maps, goals, and policies.

Mr. Robert Moran, agent representing the applicant, Wanda Voncannon, was available to answer questions.

Mr. Jon Megerian, an Asheboro attorney and interested citizen, stated that he is against a straight rezoning. Worth Street is a transitional area, as the east side of the library is all residential and the west side of the library is all offices. Residential is more compatible with what is currently on the block. Mr. Megerian stated that with a straight rezoning, one would not know what kind of office or parking would go in or what the hours of operation would be. The city is supposed to preserve the integrity of a residential neighborhood, and he does not feel that a straight OA6 is the appropriate zoning for this neighborhood.

Mr. Charles Browne, an attorney and resident of 240 Worth Street, is against the straight OA6 zoning. He stated that he has been told that he lives in one of the three most beautiful homes in Randolph County. Homes are a part of our quality of life, and we have lost a lot of quality neighborhoods. Mr. Browne asked that council preserve this neighborhood and deny a straight OA6 zoning.

Mr. Clark Bell, an attorney and resident of 818 Worth Street, is also against the straight OA6 zoning. Mr. Bell stated that he echoes what Mr. Megerian and Mr. Browne said. The character of the subject neighborhood is one of the few left in the city and he would like to see it preserved.

Mr. Bart Walker, who grew up on Worth Street, stated that he is also against unconditional rezoning.

Mrs. Martha McCrary Toledano, who also grew up on Worth Street, wants the neighborhood preserved.

Mr. Smith stated that council has talked about preserving historic neighborhoods and he is against a straight rezoning also.

Mr. Crisco stated that he agrees with Mr. Smith.

There being no further comments, Mayor Jarrell closed the public hearing.

Upon motion by Mr. McGlohon and seconded by Mr. Crisco, council voted unanimously to deny the rezoning request.

Mayor Jarrell opened the public hearing on the following request:

- (b) From R40 to R10: A portion of the property of Rick Smith, located at 1462 Gold Hill Road (on the east side of Gold Hill Road approximately 1200 feet north of its intersection with East Allred Street), totaling approximately 23.1 acres and identified by Randolph County Property ID Number 7762846822.

Mr. Neely described the aforementioned property and stated that the property is located in the city's ETJ, just outside of the city limits. Gold Hill Road is a major thoroughfare with a 60-foot right-of-way. The area to be rezoned is a portion of PIN #7762846822 (23.1 acres of 70.2 acres). The property is split zoned. The portion along the frontage of Gold Hill Road is currently zoned R10 and the remainder of the tract is R40. Approval of this request would permit residential development with minimum lot sizes of 10,000 sq. ft. (with public water and sewer). The R10 district prohibits manufactured houses. Under the current zoning, manufactured homes could be located on the R40 portion of the property.

The planning board recommended approval, as the request is consistent with the LDP maps, goals, and policies.

Mr. Bob Luck, agent for the applicant, Terry Tucker, stated the he feels one zoning would be better for the property.

There being no further comments nor opposition, Mayor Jarrell closed the public hearing.

Upon motion by Mr. Smith and seconded by Mr. McGlohon, council unanimously ordained to accept the recommendation from the planning board for approval.

#### **10. Public Hearing on Special Use Permit.**

Mayor Jarrell opened the public hearing on the following request:

- (a) SUP to Allow a Public Facility – Telephone Exchange: The property of Richard and Linda Kennedy, located at the southeast quadrant of the intersection of Kennedy Country Drive and NC Hwy. 42 South, totaling approximately 1.03 acres and further identified as Randolph County Parcel ID Number 7770166015.

Mr. Neely was sworn in and described the aforementioned property. He stated that NC Hwy. 42 South is a major thoroughfare. Kennedy Country Drive is a local residential street. The property is not within the city's corporate limits but is within the ETJ. The surrounding area is characterized as medium-density residential and rural residential. The applicant proposes to grant Sprint Communications an easement for a telephone exchange facility. The intended use requires council's consideration for a Special Use Permit.

Mr. Neely stated some suggested conditions for council's consideration if it finds in favor of the request.

Mr. John Weldon, associate real estate negotiator with Sprint, was sworn in and addressed the four standard tests. (1) The use will not materially endanger the public health or safety, as the cabinet-type facility will be secluded and secured very well. (2) The use meets all required

conditions and specifications of the Asheboro Zoning Ordinance. (3) The use will not substantially injure the value of adjoining or abutting property, and the use is a public necessity. The facility will be located well off of NC Hwy. 42 with a minimum 30-foot setback. Mr. Weldon submitted a copy of the Certificate of Public Convenience and Necessity that was issued by the North Carolina Utilities Commission. (4) The use will be in harmony with the area, which will be screened and will be located off of a secondary road.

Mayor Jarrell asked Mr. Weldon if he accepted the conditions as stated by Mr. Neely. Mr. Weldon accepted the conditions.

There being no further comments nor opposition, Mayor Jarrell closed the public hearing.

Upon motion by Mr. Priest and seconded by Mrs. Carter, council voted unanimously to approve the Special Use Permit with the conditions as stated by Mr. Neely, based on the four standard tests being met per testimony by Mr. John Weldon.

The conditions will be further detailed in the city attorney's Findings of Fact, Conclusions of Law, and Order to Grant the Special Use Permit to be approved by council at its March meeting.

**11. Subdivision.**

(a) Preliminary Plat Approval for Executive Park Phase 2

Mr. Neely submitted the preliminary plat for Executive Park Subdivision, Phase 2, which is located at the end of Executive Way. This phase of the subdivision contains 5.2 acres and consists of one lot. All plat corrections have been made. The applicants have also requested a variance for a 2-1 slope, which has been incorporated into the site plan (A 3-1 slope is required by the subdivision ordinance.).

The planning board recommended approval of both the variance and the plat.

Upon motion by Mr. Crisco and seconded by Mrs. Carter, council voted unanimously to accept the recommendation from the planning board for approval of the variance.

Upon motion by Mr. Crisco and seconded by Mrs. Carter, council voted unanimously to accept the recommendation from the planning board for approval of the preliminary plat.

**12. Public Hearing on Contiguous Annexation of 1.50 Acres at the Intersection of Idlewild Drive Extension and Rockaway Drive (James C. and Shirley P. Allred and Patsy Lee Haynes).**

Mr. Bunker reported that notice of this public hearing was advertised as provided for by law.

Mayor Jarrell opened the public hearing on consideration of annexing the aforementioned property.

There being no comments nor opposition from the public, Mayor Jarrell closed the public hearing.

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro.

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to adopt the following ordinance by reference:

07 ORD 2-05

**ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF ASHEBORO, NORTH CAROLINA  
(1.50 Acres of Land Located at the Intersection of Idlewild Drive Extension  
and Rockaway Drive)**

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition signed by the owners of all of the real property located within the area hereinafter described was heretofore presented to the City Council, by which petition a request was made that said area be annexed to the City of Asheboro; and

WHEREAS, the City Council has by resolution directed the City Clerk of the City of Asheboro to investigate the sufficiency of the petition, and the City Clerk has certified the sufficiency of said petition; and

WHEREAS, the City Council did publish notice to the public on the 19<sup>th</sup> day of January, 2005 in the Randolph Guide, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held at 7:00 o'clock p.m. on the 10<sup>th</sup> day of February, 2005, at the City of Asheboro Municipal Building to consider the adoption of an ordinance annexing said area to the City of Asheboro; and

WHEREAS, during said public hearing that was in fact held on the 10<sup>th</sup> day of February, 2005, no person owning property within the area to be annexed alleged an error in the petition, and no resident of the municipality questioned the necessity of annexation; and

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

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

Section 1. By virtue of the authority granted in the North Carolina General Statutes, Chapter 160A, Article 4A, Part 1, the following area is annexed and attached to, and hereby becomes a part of the City of Asheboro, North Carolina, and is described as follows:

Randleman Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe that is set on the existing corporate limits line of the City of Asheboro and is located by means of the North Carolina Coordinate System at the coordinates of North 738,757.464 feet and East 1,761,669.201 feet (NAD 83), said existing iron pipe is located South 26 degrees 45 minutes 53 seconds East 4,096.88 feet from a concrete monument located by means of the North Carolina Coordinate System at the coordinates of North 742,415.425 feet and East 1,759,824.268 feet (NAD 83) and is identified as Point #6, Table One of the City of Asheboro, North Asheboro Annexation Survey by Jack R. Ragland Surveying and Mapping, November 21, 1992; thence from said Beginning point along the existing Asheboro corporate limits line South 80 degrees 45 minutes 37 seconds West 200.03 feet to an existing iron pipe set in the eastern margin of the 50-foot right-of-way for Idlewild Drive Extension; thence along the eastern margin of the 50-foot right-of-way for Idlewild Drive Extension the following courses and distances: South 11 degrees 59 minutes 41 seconds East 189.38 feet to an existing iron stake; thence South 18 degrees 13 minutes 05 seconds East 200.51 feet to an iron stake; thence North 66 degrees 57 minutes 49 seconds East 103.86 feet along the northern margin of the 50-foot right-of-way for Rockaway Drive to an iron stake; thence along the James Allred property described in Deed Book 1098, Page 863, Randolph County Registry the following courses and distances: North 23 degrees 01 minute 57 seconds West 199.85 feet to an iron stake; thence North 66 degrees 56 minutes 04 seconds East 200.00 feet to an existing iron stake; thence North 23 degrees 03 minutes 09 seconds West 99.96 feet along the Jose Morales property described in Deed Book 1757, Page 385, Randolph County Registry to an existing iron stake; thence North 22 degrees 59 minutes 30 seconds West 100.07 feet along the Manual Soto property described in Deed Book 1784, Page 2739, Randolph County Registry to an existing iron stake; thence South 82 degrees 38 minutes 55 seconds West 38.67 feet to a point not set; thence South 08 degrees 06 minutes 42 seconds East 75.00 feet to the point and place of the BEGINNING, and containing 65,382.412 square feet, more or less.

This description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR CITY OF ASHEBORO, FOREST PARK SUBDIVISION, SECT 2, REVISED, LOTS 1, 2, & 26 (BLOCK E)." Burrow Surveys, Inc. prepared this plat of survey, which is dated November 19, 2004, and identified as project number 2697.

Section 2. Upon and after February 10, 2005, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Register of Deeds of Randolph County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the North Carolina General Statutes.

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

Section 5. This ordinance shall be in full force and effect from the 10<sup>th</sup> day of February, 2005.

Adopted in regular session this 10<sup>th</sup> day of February, 2005.

S/ David H. Jarrell  
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole  
Carol J. Cole, CMC, City Clerk

Approved as to form:

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

**13. Resolution of Intent to Sell 0.064 Acre of Land at the Southeast Corner of the Loach Street/Cross Street Intersection.**

Mr. Bunker reported that Barney L. Trogdon, Jr., DD, has offered the City of Asheboro \$500 for a small strip of land it owns at the southeast corner of the Loach Street/Cross Street intersection. Mr. Bunker stated that the city will reserve a 50-foot wide easement for the entire width of each adjacent lot for access to those adjacent lots. He presented and recommended adoption of a resolution declaring the subject property as surplus and authorizing the disposal of said property.

Upon motion by Mr. Smith and seconded by Mr. Priest, council voted unanimously to adopt the following resolution by reference:

05 RES 2-05

**RESOLUTION DECLARING CERTAIN CITY-OWNED REAL PROPERTY  
LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF  
LOACH STREET AND CROSS STREET TO BE SURPLUS PROPERTY  
AND AUTHORIZING THE DISPOSAL OF SAID PROPERTY**

WHEREAS, the City of Asheboro owns a parcel of land located at the southeast corner of the intersection of Loach Street and Cross Street that is more specifically identified by Randolph County Parcel Identification Number 7761258610; and

WHEREAS, a written offer of five hundred dollars (\$500.00) has been received from Barney L. Trogdon, Jr., DD for the parcel of land described in the immediately preceding paragraph; and

WHEREAS, the city's administrative staff has determined that 0.064 of an acre of the above-described parcel of land is not needed by the city and is eligible for classification as surplus property so long as access easements are reserved for certain adjoining parcels of land that, without the ability to use the property currently owned by the city, would be denied access to a public street; and

WHEREAS, Section 160A-269 of the North Carolina General Statutes provides in part that "a city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids."

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

Section 1. As recommended by the city's administrative staff, the 0.064 of an acre of city-owned property designated on a plat of survey prepared by the City of Asheboro Engineering Department, entitled "Survey For Proposed Sale Of A Portion Of City Of Asheboro Property Located At The Loach St./Cross St. Intersection," dated January 14, 2005, and identified as Job # 04036 is hereby declared to be surplus property.

Section 2. The City Manager and City Clerk are hereby authorized to accept the first offer received for the purchase of this property so long as the tendered offer expressly accepts the city's reservation of certain utility easements and three (3) access easements as indicated on the plat of survey identified in the immediately preceding section, expressly accepts as adequate the city's use of a Non-Warranty Deed to convey the city's interest in the real property, the amount of the offer is equal to or greater than five hundred dollars (\$500), and so long as the bid is accompanied by a bid deposit equal to five percent (5%) of the bid. Once the City Clerk has received the required bid deposit, proper notice of the offer shall be given and an advertisement or advertisements, as the case may be, for upset bids shall be published in accordance with the provisions of Section 160A-269 of the North Carolina General Statutes.

Section 3. Once the procedures specified in Section 160A-269 of the North Carolina General Statutes are followed until no further qualifying upset bids are received, the final and best offer may be brought to the City Council for final action. The City Council may at any time reject any and all offers.

Adopted in regular meeting by the City Council of the City of Asheboro, North Carolina on this 10<sup>th</sup> day of February, 2005.

By S/ David H. Jarrell  
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole  
Carol J. Cole, CMC, City Clerk

**14. Resolution in Support of the Advancement of Roadway Projects in the Interstate 74 Corridor in the State of North Carolina.**

Mr. Ogburn presented and recommended adoption, by reference, of the aforementioned resolution.

Upon motion by Mr. Crisco and seconded by Mrs. Carter, council voted unanimously to adopt the following resolution by reference:

06 RES 2-05

**Resolution in Support of the Advancement of Roadway Projects  
in the Interstate 74 Corridor in the State of North Carolina**

WHEREAS, the State of North Carolina is recognized as the sixth fastest growing state in the nation and the third fastest growing state east of the Mississippi River; and

WHEREAS, the City of Asheboro is a fast growing community in the state and serves as a major destination and travel corridor in North Carolina via Interstate 74 coming from the State of Virginia, the West Virginia Turnpike, and the industrialized mid-western states and extending to the Atlantic Coast; and

WHEREAS, the approved routing of Interstate 74 which enables greater access to rural areas of the state is an integral part of the highway system for the State of North Carolina; and

WHEREAS, economic development, tourism, and job creation will benefit through the construction of Interstate 74 that serves the citizens and visitors of North Carolina; and

WHEREAS, the construction of Transportation Improvement Program Projects U-2579 (Forsyth County) and R-2606 (Randolph County) are vitally important for completion of the North Carolina segment of I-74; and

WHEREAS, this resolution is an instrument to express the unified support of communities along the Interstate 74 corridor for advancement of construction and completion of this project within the State of North Carolina.

NOW, THEREFORE, BE IT RESOLVED THAT the Asheboro City Council through the adoption of this resolution supports the advancement of projects U-2579 and R-2606 for design and construction to complete the I-74 Corridor in the Piedmont Triad Region.

Adopted on this 10<sup>th</sup> day of February, 2005.

S/ David H. Jarrell  
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole  
Carol J. Cole, City Clerk

**15. Resolution Authorizing the Submission of an Application to the Federal Government for the Transfer to the City of Asheboro of the Federal Building Located at 241 Sunset Avenue.**

Mr. Ogburn presented and reviewed the aforementioned resolution and stated that the National Park Service will be the sponsor.

Upon motion by Mr. Smith and seconded by Mr. Crisco, council voted unanimously to adopt the following resolution:

07 RES 2-05

**Part C:**

Resolution of Authority to Acquire Property

**WHEREAS**, certain real property owned by the United States of America, located in the **City of Asheboro, County of Randolph, State of North Carolina**, has been declared surplus and, at the discretion of the **General Services Administration**, may be assigned to the Secretary of the Interior for disposal for public park or recreational purposes under the provisions of Section 203(k)(2) of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. § 550 (e), formerly 40 U.S.C. § 484(k)(2)], and any regulations and policies promulgated pursuant thereto, more particularly described as follows:

**ASHEBORO FEDERAL BUILDING**  
**241 SUNSET AVENUE**  
**ASHEBORO, NC**

**0.34 ACRES**

**GSA CONTROL NUMBER: 4 – G – NC – 0746**

**WHEREAS**, the **City of Asheboro** needs and will use said property in perpetuity for public park or recreational purposes as set forth in its application and in accordance with the requirements of said Act and any regulations and policies promulgated thereunder;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Asheboro shall make application to the National Park Service for, and secure the transfer to the above-mentioned property for said use and subject to such exceptions, reservation, terms, covenants, agreements, conditions, and restrictions as the National Park Service and the Federal disposal agency may require in connection with the disposal of said property under said Act and the regulations and policies issued pursuant thereto.

**BE IT FURTHER RESOLVED**, that the City of Asheboro has legal authority, and is willing and able, to properly develop, maintain, operate, and assume liability of the property, and that John Ogburn, III, City Manager is hereby authorized, for and on behalf of the City of Asheboro to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents, the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments application and the conveyance documents in the records of the governing body, and the payment of any and all sums necessary on account of the purchase price thereof of fees or cost incurred in connection with the transfer of said property for survey, title searches, recordation or instruments, or other cost identified with the acquisition of said property.

Adopted this the 10<sup>th</sup> day of February, 2005.

S/ Carol J. Cole  
Carol J. Cole, City Clerk

**16. Consideration of Parks and Recreation Fees.**

Mr. Oliver reviewed the proposed parks and recreation user fees as recommended by the recreation advisory committee. Fees for non-residents were increased 25% to 33%. Park shelter fees will be charged for non-residents, and kayak and canoe launch fees have been added. Effective July 1, 2005, youth sports fees will increase. All other proposed fees will become effective April 1, 2005. Golf membership fees were discussed.

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to approve the Parks and Recreation Fee Schedule as presented and defer action on the golf membership fees.

**17. Approval for the Commencement in the General Courts of Justice of an Action to Abate a Public Nuisance Located at 2215 and 2221 Gant Street.**

Mr. Sugg apprised council that there is an accumulation of building debris, junked vehicles, etc. at the above-named addresses. He asked that council authorize him to request a judge to order the owners to clean up their properties or to allow city crews to go onto the properties for the purpose of cleanup.

Upon motion by Mrs. Carter and seconded by Mr. Smith, council voted unanimously to approve Mr. Sugg's request.

**18. Discussion of Date for July Council Meeting.**

Mayor Jarrell recommended that the regular July 7<sup>th</sup> council meeting be rescheduled for July 14<sup>th</sup> since it will fall during the week of the July 4<sup>th</sup> holiday and several people will be on vacation.

Upon motion by Mrs. Carter and seconded by Mr. Crisco, council voted unanimously to move the July council meeting to July 14, 2005.

**19. Finance & Public Safety & Public Works Matters.**

No official meetings were held.

There being no further business, the meeting was adjourned at 9:10 PM.

