

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, FEBRUARY 6, 2003
7:00 PM**

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

Talmadge Baker)

Linda Carter)

Nancy Hunter)

John McGlohon) – Council Members Present

Archie Priest)

David Smith)

Paul Trollinger) – 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
Jim Smith, Fire Chief
Gary Mason, Police Chief
Allen Oliver, Parks & Recreation Director
Kermit Williamson, Sanitation Superintendent
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. Reverend John Henderson, pastor of Cross Road Baptist Church, gave the invocation.

2. Approval of Minutes of Previous Meetings.

The minutes of the special and regular meetings of January 9, 2003 and the special meetings of January 13 and 23, 2003 were approved as presented.

3. Approval of Findings of Fact for SUP-03-08.

This item was deferred.

4. Approval of Findings of Fact for CUP-03-23.

This item was deferred.

5. Appearance and Recognition of Guests and Citizens.

Mayor Jarrell recognized Boy Scout Troop 527 and welcomed everyone in attendance.

6. Consent Agenda.

(a) Approval of Resolution Authorizing the City Manager to Enter Into a Grant Agreement Between the NC Department of Transportation and the City of Asheboro to Receive a State Grant in the Amount of \$500,000 for 90% Funding to Widen and Strengthen the Airport Runway, and Strengthen the Taxiways and a Portion of the Aircraft Parking Ramp.

(b) Approval of Ordinances to Amend the General Fund Budget.

(c) Approval of a Resolution Concerning the Solid Waste Transfer Station.

Mayor Jarrell stated that council can consider the aforementioned items together or separately.

Upon motion by Mr. Baker and seconded by Mr. McGlohon, council voted unanimously to approve all items on the Consent Agenda.

45 RES 2-03

Resolution

For Grant Agreement to Widen and Strengthen the Airport Runway, and Strengthen the Taxiways and a Portion of the Aircraft Parking Ramp

WHEREAS, a Grant in the amount of \$500,000 has been approved by the Department based on total estimated cost of \$555,555; and

WHEREAS, an amount equal to or greater than ten percent (10%) of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW THEREFORE, BE IT RESOLVED THAT THE City Manager of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

Adopted this the 6th day of February, 2003.

S/ Carol J. Cole
City Clerk
City of Asheboro

42 ORD 2-03

**ORDINANCE TO AMEND THE
GENERAL FUND BUDGET
FY 2002-2003**

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

WHEREAS, the budget as adopted requires amendment to reflect adjustments in revenues, and:

WHEREAS, the budget as adopted requires amendment to reflect a departmental reorganization moving the payroll position from Human Resources to Finance, and:

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

Section 1: That the following revenue items be increased / decreased:

LINE ITEM	DESCRIPTION	AMOUNT
10-346-0100	1/2% local Sales Tax	\$225,000
10-343-0000	Powell Bill Allocation	(\$25,000)
10-358-0000	Charges for Services- Refuse Collection	(\$25,000)
10-358-0100	Residential Dumpsters	(\$25,000)
10-358-0300	Transfer Station Revenue	(\$150,000)
	TOTAL	\$0

Section 2: That the following expense line items be increased / decreased:

LINE ITEM	DESCRIPTION	AMOUNT
10-440-0200	Salaries & Wages	\$19,386
10-590-0200	Salaries & Wages	(\$19,386)
10-440-0700	Fringe Benefits	\$1,150
10-590-0700	Fringe Benefits	(\$1,150)
10-440-2000	Computer Programming	\$2,000
10-590-2000	Computer Programming	(\$2,000)
	TOTAL	\$0

Adopted this the 6th day of February 2003.

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

ATTEST:

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

43 ORD 2-03

**Ordinance to Amend the Public Works Facility Fund
FY 2002-2003**

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

WHEREAS, the budget as adopted requires amendment to reflect adjustments in expenditures, and:

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

Section 1: That the following Revenue items be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Appropriated Amount</u>
70-329-0000	Interest on Investments	\$3,636
70-335-0100	Miscellaneous Revenue	\$216
70-367-0000	Sales Tax Refund	\$26,635
	Total:	\$30,487

Section 1: That the following Expense items be increased / decreased.

<u>Account #</u>	<u>Expenses Description</u>	<u>Appropriated Amount</u>
70-850-4500	Payment to Contractors	(\$1,000)
70-850-4503	Payment to Contractors-Indicor	\$9,371
70-860-1000	Transfer to General Fund	\$22,116
	TOTAL	\$30,487

Adopted this the 6th day of February, 2003

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

ATTEST:

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

44 ORD 2-03

**Ordinance to Close the Public Works Facility Fund
FY 2002-2003**

WHEREAS, the officers of the City of Asheboro have completed the Public Works Facility Fund and;

WHEREAS, the officers of the City of Asheboro submit the below as the final budget for the project and request that the project be closed;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA: that the below budget is accepted as the final budget and Public Works Facility Fund Project is hereby closed.

Section 1: Revenues:

<u>Account #</u>	<u>Revenue Description</u>	<u>Appropriated Amount</u>
70-329-0000	Interest on Investments	\$63,636
70335-0100	Miscellaneous	\$216
70-367-0000	Sales Tax Refund	\$66,635
70-385-0100	Proceeds- Lease Purchase	\$1,500,000
70-397-1000	Contribution- General Fund	\$1,539,380
	Total:	\$3,169,867

Section 2: Expenses

<u>Account #</u>	<u>Expenses Description</u>	<u>Appropriated Amount</u>
70-850-0400	Professional Services	\$57,000
75-850-0500	Legal & Administration	\$600
70-850-3400	Other Supplies	\$1,331,024
70-850-4500	Payment to Contractors	\$407,476
70-850-4501	Payment to Contractor-H M K	\$274,979
70-850-4502	Payment to Contractor- Asheboro	\$68,726
70-850-4503	Payment to Contractors-Indicor	\$98,846
70-850-4504	Payment to Contractors- Vick Brothers	\$73,720
70-850-7100	Capital Outlay- Land	\$755,500
70-850-7400	Capital Outlay- Equipment	\$7,400
70-850-8100	Principal on Long Term Debt	\$33,190
70-850-8200	Interest on Long Term Debt	\$39,290
70-860-1000	Transfer to General Fund	\$22,116
	TOTAL	\$3,169,867

Adopted this the 6th day of February, 2003

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

ATTEST:

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

**Ordinance to Amend the Lake Lucas Project
FY 2002-2003**

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

WHEREAS, the budget as adopted requires amendment to reflect adjustments in revenues and expenditures, and;

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

Section 1: That the following Revenue items be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Appropriated Amount</u>
68-329-0000	Interest on Investments	\$30,400
68-335-0000	Miscellaneous Revenue	\$4,980
68-349-0100	State Grant- Adopt a Trail	\$1,890
68-369-0000	Donations	\$4,000
	TOTAL	\$41,270

Section 1: That the following Expense items be increased / decreased.

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>
68-850-0400	Professional Services	(\$8,950)
68-850-2100	Rental	\$13,750
68-850-3400	Materials & Supplies	\$130,291
68-850-4500	Payment to Contractors	(\$158,041)
68-850-5700	Contingency	(\$17,550)
68-860-1000	Transfer to General Fund	\$81,770
	TOTAL	\$41,270

Adopted this the 6th day of February, 2003.

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

ATTEST:

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

**Ordinance to Close the Lake Lucas Project
FY 2002-2003**

WHEREAS, the officers of the City of Asheboro have completed the Lake Lucas Project adopted September 9, 1999 and;

WHEREAS, the officers of the City of Asheboro submit the below as the final budget for the project and request that the project be closed;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA: that the below budget is accepted as the final budget and Lake Lucas Project is hereby closed.

Section 1: Revenues

<u>Account #</u>	<u>Revenue Description</u>	<u>Appropriated Amount</u>
68-329-0000	Interest Earned on Investments	\$31,400
60-335-0000	Miscellaneous Revenue	\$4,980
68-349-0000	State Grant	\$250,000
68-349-0100	State Grant- Adopt a Trail	\$1,890
68-367-1000	Contribution- General Fund	\$459,390
68-369-0000	Donations	\$4,000
	TOTAL	\$751,660

Section 2: Expenses

<u>Account #</u>	<u>Expenses Description</u>	<u>Appropriated Amount</u>
68-850.0400	Professional Services	\$46,540
68-850-1300	Utilities, Fuel & Lights	\$1,500
68-850-2100	Rental	\$23,025
68-850-3400	Materials and Supplies	\$254,291
68-850-4500	Payment to Contractors	\$343,884
68-850-5700	Contingency	\$650
68-860-1000	Transfer to General Fund	\$81,770
	TOTAL	\$751,660

Adopted this the 6th day of February, 2003

S David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

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

WHEREAS, the City of Asheboro opened its Solid Waste Transfer Station on February 14, 2002; and

WHEREAS, after reviewing and discussing the potential of merging the solid waste streams of both the City of Asheboro and the County of Randolph, the City Council for the City of Asheboro has made certain determinations that are enumerated as follows:

- (1) The City of Asheboro Solid Waste Transfer Station is a direct benefit to the citizens of Asheboro; and
- (2) The operation by the city of its own Solid Waste Transfer Station provides a safer work environment for city employees; and
- (3) The operation by the city of its own Solid Waste Transfer Station is a more efficient means of delivering service to our citizens; and
- (4) The operation by the city of its own Solid Waste Transfer Station is environmentally responsible; and
- (5) The operation by the city of its own Solid Waste Transfer Station moves the City of Asheboro forward into the 21st century.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Based on the findings above, the City Council for the City of Asheboro does intend to manage its city-collected waste stream solely through the City of Asheboro Solid Waste Transfer Station.

Section 2. Furthermore, the City Council for the City of Asheboro is supportive of the concept of Randolph County utilizing its own discretion and best judgment as it manages its own waste stream.

Adopted this the 6th day of February, 2003.

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

ATTEST:

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

7. Presentation of Retirement Plaques to Mr. Max Benbow, Mr. Jesse Burrow, Mr. Willie Freeland, Mr. Eddie Greene, Mr. Weldon Johnson, Mr. Roger Luther, and Mr. Paul Trogdon.

Mr. Ogburn presented a plaque to Mr. Max Benbow, honoring him upon his retirement. Mr. Benbow served 26 years with the Asheboro Police Department and had the rank of captain when he retired. Police Chief Mason presented to Mr. Benbow his captain's badge and service revolver.

Mr. Ogburn presented a plaque to Mr. Willie Freeland, honoring him upon his retirement after 24 years of service with the sanitation department. Sanitation Superintendent Kermit Williamson thanked Mr. Freeland for the fine job he did.

Mr. Ogburn presented a plaque to Mr. Jesse Burrow, honoring him upon his retirement after 30 years of service with the fleet maintenance department, and thanked him for the fine job he did for the city.

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Mr. Ogburn presented a plaque to Mr. Eddie Greene, honoring him upon his retirement after 26 years of service with the parks and recreation department. Parks and Recreation Director Allen Oliver thanked Mr. Greene for the fine job he did for the city.

Mr. Ogburn presented a plaque to Mr. Paul Trogdon, honoring him upon his retirement after 30 years of service with the fire department. Mr. Trogdon had the rank of captain when

he retired.

Mr. Ogburn presented a plaque to Mr. Weldon Johnson, honoring him upon his retirement after 28 years of service with the fire department. Mr. Johnson had the rank of lieutenant when he retired.

Mr. Ogburn presented a plaque to Mr. Roger Luther, honoring him upon his retirement after 30 year of service with the fire department. Mr. Luther had the rank of firefighter II when he retired.

Fire Chief Jim Smith and former Fire Chief John McGlohon both thanked the above-named fire department personnel for the outstanding jobs they did in serving the city.

8. Presentation of Letters of Commendation to Police Officers Justin Davis, Paul Maness, and David Phillips for Meritorious Service.

Police Chief Mason read and presented Letters of Commendation to Police Officers Justin Davis, Paul Maness, and David Phillips for their quick actions in rescuing five elderly people from a burning building on Hill Street last January. These letters will be placed in their permanent personnel files. Chief Mason also presented pins of valor to these officers.

OLD BUSINESS:

9. Zoning Matters.

(a) Mayor Jarrell announced that James Fariel & Lynette Garner and Gloria Ann Grant have withdrawn their request for a Special Use Permit to allow a church in a residential district (Grant Trail and Lazy Pine Road).

(b) Consideration of Approval of Zoning Ordinance Amendment for RZ-03-17

Mayor Jarrell continued the public hearing on the aforementioned zoning ordinance amendment.

Mr. Neely reviewed the proposed amendment to the zoning ordinance pertaining to Flea Markets, Open Air Sales, Seasonal Sales, Produce/Farmers Markets, and Yard Sales and their definitions. He also reviewed the proposed fees for these uses.

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

Upon motion by Mr. McGlohon and seconded by Mr. Baker, council unanimously ordained to approve the amendment to the zoning ordinance as stated by Mr. Neely.

Upon motion by Mr. Priest and seconded by Mrs. Carter, council unanimously ordained to approve the fees as stated by Mr. Neely.

(c) Consideration of Approval of Subdivision Ordinance Amendments

Deliberation on Article IX of the Asheboro Subdivision Ordinance (Required Improvements and Design Standards) was deferred to this date.

Mr. Neely reviewed the proposed changes, which pertained to streets with valley curb section, sidewalks and a new section that requires compaction testing.

After discussion, Mayor Jarrell recommended to defer action on the sidewalk issue because the additional cost would have to be absorbed by the buyer. Mr. Smith agreed with Mayor Jarrell and suggested that the staff check with nearby cities as to their sidewalk requirements.

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Upon motion by Mr. Smith and seconded by Mr. Priest, council unanimously ordained to approve the amendments to the subdivision ordinance as presented by Mr. Neely, excluding Section C. Sidewalks.

Mayor Jarrell stated that council will have a workshop in order to discuss the sidewalk issue.

NEW BUSINESS:

10. Final Plat Approval for Forest Park Court Town Homes.

Mr. Neely presented the final plat for Forest Park Court Town Homes, which is located on Forest Park Drive. He recommended approval of the final plat, as it complies with the subdivision ordinance.

The developer, Brian Heath Craven, was available to answer questions.

Upon motion by Mr. Smith and seconded by Mr. Baker, council voted unanimously to approve the final plat.

11. Public Hearing on Consideration of Non-Contiguous Annexation of 0.9 Acre at the Intersection of Boundary Drive and Old Castle Drive (James Worth Heath).

Mayor Jarrell opened the public hearing on the aforementioned.

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

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

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

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

47 ORD 2-03

Ordinance Number 47 ORD 2-03
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO, NORTH CAROLINA
(0.900 Acre of Land Located at the Intersection of Boundary Drive and Old Castle Drive)

WHEREAS, pursuant to Section 160A-58.1 of the North Carolina General Statutes, a petition signed by the owners of all the real property within the area hereinafter described was heretofore presented to the City Council, by which petition a request was made that the 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 15th day of January, 2003, 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 6th day of February, 2003, at the City of Asheboro Municipal Building to consider the adoption of an ordinance annexing said area to the City of Asheboro; and

WHEREAS, the City Council finds that the area described in the petition meets the standards of Section 160A-58.1(b) of the North Carolina General Statutes, to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Asheboro;

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- b. No point on the proposed satellite corporate limits is closer to another municipality than to the City of Asheboro;
- c. The area described is so situated that the City of Asheboro will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in Section 160A-376 of the North Carolina General Statutes, will be fragmented by this proposed annexation;
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed twenty percent (20%) of the area within the primary corporate limits of the City of Asheboro; and

WHEREAS, the City Council further finds that the petition has been signed by all of the owners of real property in the area who are required by law to sign; and

WHEREAS, the City Council further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the City of Asheboro and of the area proposed for annexation will be best served by annexing the area described.

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

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

Franklinville Township, Randolph County, North Carolina:

BEGINNING at a control corner that is marked by an existing iron pipe set on the existing corporate limits line of the City of Asheboro, said control corner is located by means of the North Carolina Coordinate System at the coordinates of North 740,174.45 feet and East 1,763,990.63 feet (NAD 27); thence from said Beginning point South 66 degrees 41 minutes 12 seconds West 204.82 feet along the Raymond Mack Gonzales property described in Deed Book 1414, Page 279, Randolph County Registry to an existing iron pipe that is set on the Eastern right-of-way line of Boundary Drive; thence continuing along the Eastern right-of-way line of Boundary Drive the following course and distance: North 23 degrees 18 minutes 41 seconds West 372.64 feet to a new iron pipe that is set at the intersection of the Eastern right-of-way line of Boundary Drive with the Southern right-of-way line of Old Castle Drive; thence South 84 degrees 37 minutes 44 seconds East 22.77 feet along the Southern right-of-way line of Old Castle Drive to a new iron pipe that is set on the existing corporate limits line of the City of Asheboro; thence continuing along the existing corporate limits line of the City of Asheboro the following courses and distances: South 43 degrees 15 minutes 32 seconds East 78.65 feet to an existing iron pipe; thence South 52 degrees 54 minutes 39 seconds East 184.74 feet to an existing iron pipe that is labeled as a control corner; thence South 51 degrees 04 minutes 49 seconds East 30.78 feet to an existing iron pipe; thence South 50 degrees 59 minutes 45 seconds East 112.82 feet to the point and place of the BEGINNING, and containing 0.900 of an acre (39,227 square feet), more or less.

This description is in accordance with a plat of survey prepared by Philip M. Henley, PLS, and entitled "Annexation Plat(;) James Worth Heath." The plat of survey bears an original date of August 13, 2002, and a revision date of January 3, 2003.

Section 2. Upon and after February 6, 2003, 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 Minutes

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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 6th day of February, 2003

Adopted this the 6th day of February, 2003.

ATTEST:

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

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

Approved as to form:

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

12. Consideration of Adoption of a Revised Sewer Use Ordinance.

This item was deferred.

13. Consideration of an Ordinance Amending Chapter 50 of the Code of Asheboro.

Mr. Sugg stated that the water and sewer rates were adopted during the budget ordinance, but these new rates were not codified in the City Code. Mr. Sugg presented and recommended adoption of the aforementioned ordinance, which reflects the new rates in the City Code. This ordinance also includes a change in Section 50.110, which is entitled "Sewer Rates," specifically Section 3. (B).

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

48 ORD 2-03

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ASHEBORO

WHEREAS, Chapter 50 of the Code of Asheboro prescribes general water and sewer provisions for the City of Asheboro; and

WHEREAS, the Budget Ordinance for the 2002-2003 Fiscal Year made certain changes in the water and sewer rates; and

WHEREAS, the fee changes found within the Budget Ordinance for the 2002-2003 Fiscal Year inadvertently failed to address the rate applicable to customers receiving outside residential sewer service without city water; and

WHEREAS, when water and sewer rates are increased, the rate increase should be passed on to customers who receive both outside water and sewer service and customers who receive only outside residential sewer service in a proportional manner.

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

Section 1. Section 50.065 of the Code of Asheboro, which is entitled "**RATES WITHIN CITY**", shall be amended to provide as follows:

The minimum rate for each billing cycle (one month for industrial and commercial customers and two months for residential customers) for any consumer of water within the city limits shall be ~~\$9.15~~ \$10.52 for 400 cubic feet of water or less. All consumers within the city limits using more than 400 cubic feet of water per billing cycle ~~through any billing~~ shall be charged at the rate of \$1.79 per 100 cubic feet (1 cubic foot of water equals approximately 7½ gallons of water) in excess of 400 cubic feet of water. ~~in the following table:~~

Cubic Feet (Approx. 7½ gal. per cu. ft.)	Per 100 Cu. Ft.	Water	Amount
0 to 400	Minimum		\$9.15
400 and up	\$1.56		

Section 2. Section 50.066 of the Code of Asheboro, which is entitled "RATES FOR CUSTOMERS OUTSIDE CITY", shall be amended to provide as follows:

The rates to consumers of water outside the city limits shall be ~~double~~ 2.5 times the rates in § 50.065.

Section 3. Section 50.110 of the Code of Asheboro, which is entitled "SEWER RATES", shall be amended to provide as follows:

(A) For the privilege of discharging into the wastewater disposal system, a service charge is hereby imposed upon and shall be collected from all users. The rate for each billing cycle (one month for industrial and commercial customers and two months for residential customers) for all users within the city limits shall be based on 100% of total water used. Minimum sewer charge is ~~\$9.45~~ \$10.52. The rates to users outside of the city limits shall be ~~double~~ 2.5 times the rates of inside users.

(B) The rate for each dwelling, business, and institution that avails itself of outside ~~residential~~ sewer service without city water shall be ~~\$29.32~~ \$42.15 per billing cycle.

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

Section 5. This ordinance shall become effective upon adoption.

Adopted this the 6th day of February, 2003.

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

ATTEST:

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

14. Finance and Public Safety & Public Works Matters

No official meetings were held.

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15. Items Not on the Agenda.

Mr. Sugg presented and recommended adoption of a resolution authorizing the mayor to execute an amendment of an Encroachment Agreement on behalf of the City of Asheboro. The Encroachment Agreement is with Ready Telecom, Inc. The amendment extends the date to December 31, 2003, for Ready Telecom to obtain the necessary encroachment agreements from the NCDOT and to begin the actual construction of the work proposed.

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

47 RES 2-03

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT OF AN ENCROACHMENT AGREEMENT ON BEHALF OF THE CITY OF ASHEBORO

WHEREAS, Ready Telecom, Inc. has been granted a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY by the North Carolina Utilities Commission; and

WHEREAS, this CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY authorizes Ready Telecom, Inc. to provide intrastate local exchange and exchange access telephone service as a Competing Local Provider in the State of North Carolina; and

WHEREAS, the City of Asheboro and Ready Telecom, Inc. previously entered into an ENCROACHMENT AGREEMENT in order to allow the installation by Ready Telecom, Inc. of an underground fiber optic cable connecting a telephone switch at the office of Ready Telecom, Inc., which is located at 220 Sunset Avenue, to the telephone switch at Sprint's Central Office, which is located at 134 Sunset Avenue; and

WHEREAS, said previous ENCROACHMENT AGREEMENT was designed to facilitate the installation of the above-described fiber optic cable by Ready Telecom, Inc. by allowing a limited encroachment upon certain real property owned by the City of Asheboro, said real property is more particularly described in the Randolph County Public Registry in Deed Book 1149, Page 549; Deed Book 1145, Page 469; and Deed Book 1161, Page 366; and

WHEREAS, in order to make certain modifications to the original ENCROACHMENT AGREEMENT that are beneficial to both the City of Asheboro and Ready Telecom, Inc., the City Council of the City of Asheboro has decided to exercise the corporate powers of the city to adopt said AMENDMENT OF THE ENCROACHMENT AGREEMENT, which is attached hereto as Exhibit 1 and is incorporated by reference as if copied fully herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, this 6th day of February, 2003, as follows:

Section 1. The City Council finds the terms and conditions of the instrument captioned as an AMENDMENT OF THE ENCROACHMENT AGREEMENT, which is attached to this resolution as Exhibit 1, to be acceptable in that the interests of the city are preserved by this instrument while still allowing Ready Telecom, Inc., a Competing Local Provider, to offer its services as an additional option to local telephone users.

Section 2. The Mayor of the City of Asheboro is hereby authorized and directed to execute on behalf of the City of Asheboro the AMENDMENT OF THE ENCROACHMENT AGREEMENT that is attached to this resolution as Exhibit 1.

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

S/ Carol J. Cole
Carol J. Cole, City Clerk
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EXHIBIT 1

STATE OF NORTH CAROLINA

**AMENDMENT OF THE ENCROACHMENT
AGREEMENT**

COUNTY OF RANDOLPH

THIS AMENDMENT OF ENCROACHMENT AGREEMENT is made and entered into this the ___ day of _____, 2003, by and between the CITY OF ASHEBORO, a municipal corporation existing under the laws of the State of North Carolina and located in Randolph County, North Carolina, party of the first part, and READY TELECOM, INCORPORATED, a North Carolina corporation, party of the second part;

WITNESSETH:

WHEREAS, the party of the first part and the party of the second part previously entered into a written agreement on the 15th day of May, 2002, and this agreement was captioned as the "ENCROACHMENT AGREEMENT" (hereinafter referred to as the "Agreement"); and

WHEREAS, the parties have agreed to modify the Agreement in a manner that reflects the realistic needs of both parties and that is to the mutual benefit of both parties; and

WHEREAS, the parties are entering into this AMENDMENT OF THE ENCROACHMENT AGREEMENT for the purpose of setting forth their understandings with respect to the above-listed topic.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, the parties agree with respect to the Agreement as follows:

1. All references in the Agreement dated May 15, 2002, to Exhibit A shall henceforth be deemed to refer to the map attached to this instrument as Exhibit A, which is incorporated by reference as if copied fully herein.

2. The paragraph labeled as paragraph number ten (10) of the Agreement shall be amended to provide as follows:

Unless a written waiver of this condition is secured by the party of the second part from the party of the first part, it is agreed by both parties that this Encroachment Agreement shall become void if the necessary encroachment agreements are not obtained by the party of the second part from the North Carolina Department of Transportation and actual construction of the work contemplated herein is not begun ~~within one (1) year from the date on which this Agreement was made and entered into by the parties~~ by 5:00 o'clock p.m. on December 31, 2003.

3. Except as specifically hereby modified or amended, the Agreement shall remain unchanged and in full force and effect, in accordance with its terms.

[Signatures are on the next page.]

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PARTY OF THE FIRST PART:

CITY OF ASHEBORO

ATTEST:

By: _____
David H. Jarrell, Mayor

Carol J. Cole, City Clerk

(MUNICIPAL SEAL)

PARTY OF THE SECOND PART:

READY TELECOM, INC.

ATTEST:

By: _____
President

(CORPORATE SEAL)

16. Closed Session.

Mayor Jarrell entertained a motion to go into closed session in order to consult with the city attorney about an issue that is not a general policy matter and that falls within the attorney-client privilege, pursuant to the statutory provisions found in Section 143-318.11 (a)(3) of the North Carolina General Statutes.

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to go into closed session.

Mayor Jarrell called the regular meeting back to order.

City Attorney Jeff Sugg read, for council's consideration, a resolution directing the city clerk to publish notice of consideration by the city council of a waiver of the bid procedure pursuant to Section 143-129(g) of the North Carolina General Statutes.

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

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RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH NOTICE OF CONSIDERATION BY THE CITY COUNCIL OF A WAIVER OF THE BID PROCEDURE PURSUANT TO SECTION 143-129(g) OF THE NORTH CAROLINA GENERAL STATUTES

WHEREAS, Section 143-129(g) of the North Carolina General Statutes provides that the City Council may waive, if the City Council determines that such an action is in the best interest of the City of Asheboro, the bid procedures specified in Section 143-129 for the purchase of equipment when the City proposes to purchase equipment from an entity that has, within the previous twelve (12) months, completed a public, formal bid process substantially similar to the process prescribed by Article 8, Chapter 143 of the North Carolina General Statutes, has contracted, as a result of this public bid process, to furnish equipment comparable to that sought by the City of Asheboro to the State of North Carolina or any agency of the State, and is willing to furnish said equipment to the City of Asheboro at the same or more favorable prices, terms, and conditions as those provided to the State of North Carolina or any agency thereof; and

WHEREAS, the City of Asheboro desires to purchase six (6) rear wheel drive sedans suitable for use by the police department as law enforcement vehicles; and

WHEREAS, an automobile dealership, Capital Ford, Inc., has been located that can supply six (6) vehicles that meet the specifications established by the Asheboro Police Department; and

WHEREAS, within the previous twelve months, Capital Ford, Inc. has completed a public, formal bid process in compliance with Article 8 of Chapter 143 of the North Carolina General Statutes and, as a consequence of this bid process, has contracted with the State of North Carolina to provide law enforcement vehicles, which meet the desired specifications of the Asheboro Police Department, to the State Highway Patrol; and

WHEREAS, Capital Ford, Inc. is willing to furnish the City of Asheboro with comparable vehicles as those ordered by the State Highway Patrol at the same or more favorable prices, terms, and conditions as those provided to the State of North Carolina; and

WHEREAS, any purchase made under the authority of Section 143-129(g) of the North Carolina General Statutes must be approved by the City Council of the City of Asheboro at a regularly scheduled meeting held no fewer than ten (10) days after publication of notice that a waiver of the bid procedures would be considered at the meeting in order to contract with the qualified supplier.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, this 6th day of February, 2003, as follows:

Section 1. Pursuant to Section 143-129(g) of the North Carolina General Statutes, it is the intent of the City Council of the City of Asheboro to consider a waiver of the bid procedures prescribed by Section 143-129 of the North Carolina General Statutes in order to contract with a qualified supplier, Capital Ford, Inc., for six (6) rear wheel drive sedans that meet the specifications of the Asheboro Police Department for use as law enforcement vehicles.

Section 2. The City Clerk is to advertise in a newspaper of general circulation in the Asheboro area notice of the City Council's intention as stated in Section 1 of this resolution to consider at its regular March meeting, which is to be held on March 6, 2003, a waiver of the bid procedures found in Section 143-129 of the North Carolina General Statutes. This notice is to be advertised in a newspaper meeting the above-listed criteria at least ten (10) days prior to the Council's regularly scheduled March 2003 meeting.

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

ATTEST:

S/ Carol J. Cole
Carol J. Cole, City Clerk
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Mr. Ogburn announced that February 27, 2003, is scheduled for the annexation informational meeting. A city council workshop will also be held on this date.

Mr. Ogburn distributed the 2002 Annual Report of the Building Inspections Department.

There being no further business, the meeting was adjourned at 8:35 PM.

Carol J. Cole, CMC, City Clerk

David H. Jarrell, Mayor

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