

**REGULAR MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
MARCH 4, 2010
7:00 p.m.**

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

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Stuart B. Fountain)
Michael W. Hunter)
Walker B. Moffitt)

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
Edsel L. Brown, Code Enforcement Officer
Holly H. Doerr, City Clerk/Senior Legal Assistant
John L. Evans, Planner
Casandra M. Fletcher, Marketing Specialist
R. Wendell Holland, Jr., Zoning Administrator
David Hutchins, Street Maintenance Superintendent
Justin T. Luck, Community Planning and Development Department Intern
R. Reynolds Neely, Jr., Planning Director
Deborah P. Reaves, Finance Director
Terry Reeder, Fleet Maintenance Superintendent
Jonathan M. Sermon, Recreation Services Superintendent
James O. Smith, Police Captain
Jeffrey C. Sugg, City Attorney
Felix L. Ward, Cultural and Recreation Services Director

1. Call to order.

Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Moment of silence and pledge of allegiance.

After a moment of silence was observed in order to allow council members, staff, and guests to collect their thoughts and private meditations, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

3. Appearance and recognition of guests and citizens.

Mayor Smith welcomed everyone in attendance and recognized three (3) Girl Scouts who were in attendance as a requirement for their Gold Award. Likewise, Mayor Smith recognized one (1) Boy Scout who was in attendance as a requirement for his Communication Merit Badge.

4. Presentation on United States 2010 Census by Ms. Lynette Garner.

Ms. Lynette Garner, a representative from the United States Census Bureau, explained the importance of the census and asked the Council to encourage citizens to participate in the 2010 United States Census by properly completing and returning a census form that will be mailed in the upcoming weeks. By doing so, the costs associated with follow up efforts to contact addresses that did not respond will be reduced, and the City of Asheboro will be better positioned to receive its allocation of federal funds and congressional representation on the basis of accurate data.

5. Presentation by Ms. Jane Parker of the North Carolina Zoological Society regarding Earth Hour.

Ms. Jane Parker of the North Carolina Zoological Society and Ms. Melinda Prior of the North Carolina Zoological Park asked the Council to embrace the idea of Earth Hour and sanction it as a city project. Earth Hour started in Sydney, Australia in 2007, and the purpose is to raise

awareness about the global climate change. Additionally, Earth Hour is designed to show how individuals working together can make changes within the world.

On March 27, 2010 at 8:30 p.m., everyone in the world is asked to turn off all unnecessary lights in order to look up into the sky and see constellations that may not be seen otherwise. The North Carolina Zoological Park will open its parking lot for viewers to come with telescopes and observe the sky. Additionally, Ms. Parker explained that two of Asheboro's power providers are going to measure the amount of energy that will be saved during this time.

Upon motion by Mr. Baker and seconded by Dr. Fountain, Council voted unanimously to support Earth Hour by endorsing the concept. No funding was requested or appropriated as part of this request.

6. Consent Agenda:

Upon motion by Dr. Fountain and seconded by Mr. Baker, Council voted unanimously to approve the following consent agenda items.

- (a) **The minutes of the regular meeting of the City Council that was held on February 4, 2010.**
- (b) **The minutes of the regular meeting of the City Council that was held on February 15, 2010.**
- (c) **The following budget amendments:**
 - (i) **Ordinance to amend Water and Sewer Improvements Project (#71)**

15 ORD 3-10

**ORDINANCE TO AMEND WATER & SEWER SYSTEM IMPROVEMENTS PROJECT (FUND #71)
FY 2009-2010**

WHEREAS, the scope of work outlined to be completed and paid for out of the Water and Sewer System Improvements Fund (#71) has been completed, and;

WHEREAS, the excess funds of \$169,919 need to flow back to the Water and Sewer Fund from where the funds were originally allocated, and;

WHEREAS, revenues and expenditures have changed in relation to the revenues and expenditures shown in the project, and;

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law, and;

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles.

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

Section 1: That the following Revenue Line items be increased / (decreased):

| <u>Account #</u> | <u>Revenue Description</u> | <u>Increase / (Decrease)</u> | <u>Amended Budget</u> |
|------------------|-------------------------------|----------------------------------|---------------------------|
| 71-329-0000 | Interest Earned on Investment | 3,561 | 3,561 |
| 71-367-0000 | Sales Tax Refund | 199,513 | 199,513 |
| 71-385-0000 | State Water Loan | (344,614) | 4,987,267 |
| 71-385-0100 | State Sewer Loan | (79,179) | 2,462,993 |
| 71-397-3000 | Contribution- W&S Fund | 0 | 358,000 |
| | Total Decrease | (220,719) | 8,011,334 |

Section 2: That the following Expense line items be increased / (decreased):

| <u>Account #</u> | <u>Expense Description</u> | <u>Increase / (Decrease)</u> | <u>Amended Budget</u> |
|------------------|--------------------------------|----------------------------------|---------------------------|
| 71-660-0362 | Randolph County Tax | 104 | 104 |

| | | | |
|-------------|------------------------------------|-----------|-----------|
| 71-660-6100 | State Sales Tax | 220 | 220 |
| 71-660-6200 | Randolph County Tax | 19 | 19 |
| 71-810-0400 | Professional Services | (65,909) | 300,521 |
| 71-810-0401 | Professional Services | (27) | 31,393 |
| 71-810-0500 | Administrative | (3,312) | 81,188 |
| 71-810-4500 | Payment to Contractors | (214,597) | 3,176,410 |
| 71-810-5200 | Right of Way /Easements | (45,230) | 104,770 |
| 71-810-5700 | Contingency | 740 | 740 |
| 71-820-0401 | Professional Services- Sewer | 3,075 | 257,212 |
| 71-820-0402 | Professional Services- Legal | 0 | 3,850 |
| 71-820-0500 | Administrative | 49,395 | 51,395 |
| 71-820-4500 | Payment to Contractors- General | 23,907 | 576,332 |
| 71-820-4501 | Payment to Contractors- Line work | (34,246) | 1,074,449 |
| 71-820-4502 | Payment to Contractors- Electrical | 0 | 231,000 |
| 71-820-5200 | Right of Way- Easements | 0 | 20,764 |
| 71-820-5700 | Contingency | (94,600) | 0 |
| 71-830-0400 | Professional Services | (8,047) | 61,358 |
| 71-830-0500 | Administrative | (312) | 2,518 |
| 71-830-4500 | Payment to Contractors | (18,610) | 415,590 |
| 71-830-5200 | Right of Way /Easements | 0 | 4,566 |
| 71-830-5700 | Contingency | 21,253 | 42,953 |
| 71-840-0400 | Professional Services | (3,747) | 116,936 |
| 71-840-0500 | Administrative | (451) | 27,549 |
| 71-840-4500 | Payment to Contractors | (263) | 1,200,726 |
| 71-840-4501 | Payment to Contractors | 0 | 58,852 |
| 71-850-3000 | Contribution to W&S Fund | 169,919 | 169,919 |
| | Total Decrease | (220,719) | 8,011,334 |

Adopted this the 4th day of March 2010.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

(ii) Ordinance to close Water and Sewer Improvements Project (#71)

16 ORD 3-10

**ORDINANCE TO CLOSE WATER & SEWER SYSTEM IMPROVEMENTS PROJECT (FUND #71)
FY 2009-2010**

WHEREAS, the officers of the City of Asheboro have completed the improvements outlined for this project 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 the Water & Sewer System Improvements Project (fund #71) is hereby closed.

Section 1: That the following is the final Revenue Budget:

| <u>Account #</u> | <u>Revenue Description</u> | <u>Budget</u> |
|------------------|-------------------------------|---------------|
| 71-329-0000 | Interest Earned on Investment | 3,561 |
| 71-367-0000 | Sales Tax Refund | 199,513 |
| 71-385-0000 | State Water Loan | 4,987,267 |
| 71-385-0100 | State Sewer Loan | 2,462,993 |
| 71-397-3000 | Contribution- W&S Fund | 358,000 |
| | Total Revenues | 8,011,334 |

Section 2: That the following is the final Expense Budget:

| <u>Account #</u> | <u>Expense Description</u> | <u>Budget</u> |
|------------------|------------------------------------|------------------|
| 71-660-0362 | Randolph County Tax | 104 |
| 71-660-6100 | State Sales Tax | 220 |
| 71-660-6200 | Randolph County Tax | 19 |
| 71-810-0400 | Professional Services | 300,521 |
| 71-810-0401 | Professional Services | 31,393 |
| 71-810-0500 | Administrative | 81,188 |
| 71-810-4500 | Payment to Contractors | 3,176,410 |
| 71-810-5200 | Right of Way /Easements | 104,770 |
| 71-810-5700 | Contingency | 740 |
| 71-820-0401 | Professional Services- Sewer | 257,212 |
| 71-820-0402 | Professional Services- Legal | 3,850 |
| 71-820-0500 | Administrative | 51,395 |
| 71-820-4500 | Payment to Contractors- General | 576,332 |
| 71-820-4501 | Payment to Contractors- Line work | 1,074,449 |
| 71-820-4502 | Payment to Contractors- Electrical | 231,000 |
| 71-820-5200 | Right of Way- Easements | 20,764 |
| 71-820-5700 | Contingency | 0 |
| 71-830-0400 | Professional Services | 61,358 |
| 71-830-0500 | Administrative | 2,518 |
| 71-830-4500 | Payment to Contractors | 415,590 |
| 71-830-5200 | Right of Way /Easements | 4,566 |
| 71-830-5700 | Contingency | 42,953 |
| 71-840-0400 | Professional Services | 116,936 |
| 71-840-0500 | Administrative | 27,549 |
| 71-840-4500 | Payment to Contractors | 1,200,726 |
| 71-840-4501 | Payment to Contractors | 58,852 |
| 71-850-3000 | Contribution to W&S Fund | 169,919 |
| | Total Expenses | 8,011,334 |

Adopted this the 4th day of March 2010.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

(iii) Ordinance to amend NCDOT/Water and Sewer Improvements Project (#65)

17 ORD 3-10

**ORDINANCE TO AMEND THE NCDOT / WATER & SEWER SYSTEM IMPROVEMENT FUND (#65)
FY 2009-2010**

WHEREAS, the costs associated with the improvements to Booker T. Washington, Highridge Rd and Rushwood Rd. waterlines funded in the NC DOT Water & Sewer Improvements Fund (#65) are less than originally estimated, and;

WHEREAS, City Council of the City of Asheboro wish to reallocate the unneeded funds from the above referenced water line replacement projects to cover shortage for the Pine Hill Rd sewer line replacement project also contained in this project and remit the remaining amount back to the Water and Sewer Fund where the funds originally were allocated, and;

WHEREAS, the budget as adopted requires amendment to reflect adjustments in expenditures from the amount shown in the NCDOT Water and Sewer System Improvements Fund, and;

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law, and:

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles.

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina that the following expense line items are changed:

| <u>Account #</u> | <u>Expense Description</u> | <u>Increase / (Decrease)</u> | <u>Amended Budget</u> |
|------------------|--------------------------------------|----------------------------------|---------------------------|
| 65-870-4500 | Contractor Pmt. Booker T. Washington | (110,000) | 85,000 |
| 65-870-4501 | Contractor Pmt- Highridge / Rushwood | (46,000) | 32,000 |
| 65-880-4500 | Pine Hill Rd. Sewer Line | 5,000 | 19,000 |
| 65-900-0000 | Contribution to Water & Sewer Fund | 151,000 | 151,000 |
| Total | | (0) | |

Adopted this the 4th day of March 2010.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

(iv) Ordinance to amend the Water and Sewer Fund (#30)

18 ORD 3-10

**ORDINANCE TO AMEND THE WATER AND SEWER FUND (#30)
FY 2009-2010**

WHEREAS, the scope of work outlined to be completed and paid for out of the Water and Sewer System Improvements Fund (#71) has been completed and thus the Water and Sewer System Improvements Fund (#71) has been closed with a final transfer of excess funding to the Water and Sewer Fund, and;

WHEREAS, the costs associated with the improvements to the Booker T. Washington Rd, Highridge Rd and Rushwood Rd. waterline funded in the NC DOT Water & Sewer Improvements Fund (#65) are less than originally estimated and thus extra funds are available to be transferred to the Water and Sewer Fund from where the allocation originally came, and;

WHEREAS, the revenue budget as adopted requires amendment to reflect the contribution of \$169,919 from Water and Sewer System Improvements Fund (#71) and \$151,000 from the NCDOT Water & Sewer System Improvements Fund (#65) to the Water and Sewer Fund, and;

WHEREAS, City Council of the City of Asheboro wish to reallocate the above reference funds to the Water and Sewer Systems Improvement Fund (#70) to be available to provide for some other water and sewer system improvements that are planned but not adequately funded, and;

WHEREAS, revenues and expenditures have changed in relation to that reflected in the Water and Sewer fund, and;

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law, and;

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles.

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: That the following revenue line items are changed:

| <u>Account</u> | <u>Description</u> | <u>Increase</u> | <u>Amended Budget</u> |
|----------------|-----------------------------------|-----------------|-----------------------|
| 30-397-7100 | Contribution from Capital Project | 169,919 | 169,919 |
| 30-397-6500 | Contribution from Capital Project | 151,000 | 151,000 |
| Total | | 320,919 | |

Section 2: That the following expense line items are changed:

| <u>Account</u> | <u>Description</u> | <u>Increase</u> | <u>Amended Budget</u> |
|----------------|-----------------------------|-----------------|-----------------------|
| 30-840-7000 | Transfer to Capital Project | 320,919 | 328,016 |

Adopted this the 4th day of March 2010.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

(v) Ordinance to amend Water and Sewer System Improvement Fund (#70)

19 ORD 3-10

**ORDINANCE TO AMEND THE WATER AND SEWER SYSTEMS IMPROVEMENT FUND (#70)
FY 2009-2010**

WHEREAS, the scope of work outlined to be completed and paid for out of the Water and Sewer System Improvements Fund (#71) has been completed and thus the Water and Sewer System Improvements Fund (#71) has been closed with of excess funding available to be remitted back to the Water and Sewer Fund, and;

WHEREAS, the costs associated with the improvements to the Booker T. Washington Rd., Highridge Rd., and Rushwood Rd waterlines funded in the NC DOT Water & Sewer Improvements Fund (#65) are less than originally estimated, and;

WHEREAS, as a result, these excess funds that have been remitted back to the Water and Sewer Fund, and;

WHEREAS, City Council of the City of Asheboro wishes to reallocate the excess funds from the above referenced project funds to the Water and Sewer Systems Improvement Fund (#70) to fund other planned water and sewer system improvements that are not yet fully funded, and;

WHEREAS, the complete cost estimates are now available to set up the Tot Hill Farm / Airport Sewer Pump Station and Force Main project budget, and;

WHEREAS, the budget in the Water and Sewer Systems Improvement Fund (#70) as adopted requires amendment to reflect adjustments in revenues and expenses from the amount currently shown in the project fund, and;

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law, and:

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles.

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: That the following revenue line items are changed:

| <u>Account</u> | <u>Revenue Description</u> | <u>Increase</u> | <u>Amended Budget</u> |
|----------------|--|-----------------|-----------------------|
| 70-367-3002 | Contr. from W&S Fund- Tot Hill / Airport | 804,638 | 1,220,005 |
| 70-367-3003 | Contr. from W&S Fund- Giles Chapel | 150,000 | 150,000 |
| 70-367-3004 | Contr. from W&S Fund- Cedar Rd | 45,000 | 45,000 |
| | Total Increase | 999,638 | |

Section 2: That the following expense line items are changed:

| <u>Account</u> | <u>Expense Description</u> | <u>Increase/ (Decrease)</u> | <u>Amended Budget</u> |
|----------------|--|---------------------------------|-----------------------|
| 70-850-0000 | Construction- Tot Hill / Airport | 665,263 | 1,025,000 |
| 70-850-0001 | Engineering- Tot Hill / Airport | 147,275 | 202,905 |
| 70-850-0002 | Land Acquisition- Tot Hill / Airport | (9,900) | 2,100 |
| 70-850-0003 | Administration- Tot Hill / Airport | 2,000 | 2,000 |
| 70-860-0001 | Const.- 8" water line Giles Chapel Rd. | 150,000 | 150,000 |

| | | | |
|-------------|--------------------------------|----------------|---------|
| 70-860-0002 | Const.- 6" water line Cedar Rd | 45,000 | 45,000 |
| | | Total Increase | 999,638 |

Adopted this the 4th day of March 2010.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

(d) An ordinance that clarifies certain provisions in Chapter 110 (General License Provisions) of the Code of Asheboro.

20 ORD 3-10

AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF ASHEBORO

WHEREAS, Section 160A-211 of the North Carolina General Statutes authorizes a city "to levy privilege license taxes on all trades, occupations, professions, businesses, and franchises carried on within the city;" and

WHEREAS, the City Council of the City of Asheboro has previously exercised this taxing authority by means of enacting Chapter 110 of the Code of Asheboro; and

WHEREAS, the City Council of the City of Asheboro has concluded that Section 110.34 and Section 110.35 of the Code of Asheboro should be amended to update and clarify the manner in which the city clerk is to administer these provisions.

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

Section 1. Section 110.34 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 110.34 SCHEDULE OF PRIVILEGE LICENSE TAXES FORMERLY TAXED BY THE STATE UNDER ARTICLE 2 OF CHAPTER 105 OF THE NORTH CAROLINA GENERAL STATUTES.

(a) *Tax Schedule.* The following businesses shall pay a tax in accordance with the amounts set forth in G.S. Chapter 105:

| | |
|--|-------------------|
| Outdoor theaters | 105-36.1 |
| Movie theaters | 105-37 |
| General amusements | 105-37.1 |
| Circuses and animal shows | 105-38 |
| Collection agencies | 105-45 |
| Undertakers | 105-46 |
| Bicycle dealers | 105-49 |
| Pawnbrokers | 105-50 |
| Automatic machines | 105-51 |
| Peddlers, itinerant merchants, and flea market operators and vendors specialty market operators | 105-53 |
| Contractors | 105-54 |
| Installing elevators and sprinkler systems | 105-55 |
| Fortune tellers | 105-58 |
| Day care centers | 105-60 |
| Hotel and motels | 105-61 |
| Campgrounds and trailer parks | 105-61.1 |
| Pool tables | 105-64 |
| Bowling alleys | 105-64.1 |
| Music machines | 105-65 |
| Sundries | 105-65.2 |
| Pinball and similar amusements | 105-66 |
| Electronic video games | 105-66.1 |
| Security dealers | 105-67 |
| Packing house | 105-70 |
| Sale of certain oils | 105-72 |
| Barber shops and beauty parlors | 105-75.1 |

| | |
|---|----------|
| Dealers in firearms and other weapons | 105-80 |
| Sale of piano and record players | 105-82 |
| Outdoor advertising | 105-86 |
| Loan agencies | 105-88 |
| Service stations, wholesale supply dealers, and automobile dealers | 105-89 |
| Motorcycle dealers | 105-89.1 |
| Emigrant and employment agents | 105-90 |
| Manufactures and sellers of ice cream | 105-97 |
| Chain stores | 105-98 |

(b) *Restaurants.* Every person engaging in the business of operating a restaurant, café, cafeteria, hotel with a dining service on the European plan, drugstore, or other place where prepared food is sold shall pay a privilege license tax of:

(1) Twenty-five dollars (\$25.00) for a business that has seats for four customers or less; or

(2) Forty-two dollars and fifty cents (\$42.50) for a business that has seating for at least five customers.

(3) The provisions of this division of § 110.34 are not applicable to either food items sold through vending machines or nonprofit cafés or cafeterias located in industrial plants for the convenience of employees.

(c) *Dry Cleaners.* Every person engaging in the business of operating a cleaning plant, pressing club, or hat-blocking establishment shall pay a privilege license tax of fifty dollars (\$50.00) for each business location if the licensee does not solicit business outside of Randolph County. If the licensee solicits business outside of Randolph County, the privilege license tax shall be one hundred dollars (\$100.00) for each business location. The tax levied under this division shall only be charged if the business is located in the corporate limits of the city. If a dry cleaning or pressing business has several pick-up stations or receiving outlets in the city, only one privilege license tax shall be levied on the business; a separate tax may not be charged for each station.

(d) *Laundries.* Every person engaging in the business of operating a laundry, including wet- or damp-wash laundries and businesses known as launderettes, laundralls, and similar types of businesses, shall pay a privilege license tax of fifty dollars (\$50.00) for each business location if the licensee does not solicit business outside of Randolph County. If the licensee solicits business outside of Randolph County, the privilege license tax shall be one hundred dollars (\$100.00) for each business location. For purposes of this division, a laundry includes a person engaging in the business of supplying or renting clean linen or towels or wearing apparel. The tax levied under this division shall only be charged if the business is located in the corporate limits of the city. If a laundry has several pick-up stations or receiving outlets in the city, only one privilege license tax shall be levied on the business; a separate tax may not be charged for each station.

(e) *Plumbers, Heating Contractors, and Electricians.*

(1) Every person engaging in the business of a plumber or installing plumbing fixtures, piping, or equipment; a steam or gas fitter or installing hot-air heating systems; installing electrical equipment; or offering to perform such services shall pay a privilege license tax of fifty dollars (\$50.00). Any person engaged exclusively in the businesses enumerated in and licensed under this division shall not be liable for the tax on contractors, construction companies, installers of elevators and automatic sprinkler systems, and persons repairing elevators and automatic sprinkler systems.

(2) With respect to electricians and electrical contractors, a license procured under this division shall cover the installation of electrical equipment, fixtures, and wiring in or upon the consumer's premises, or on the "customer's side" of the point of delivery of electric service, but shall not cover the installation of or service to transmission or distribution lines or work on the "distributor's side" of the point of delivery of electric service. With respect to plumbers and plumbing contractors, a license procured under this division shall cover plumbing work and plumbing installation in buildings, upon the premises upon which the buildings are situated, and up to the connection with the sewer or water mains, but shall not cover the construction of or work upon water or sewer systems or mains.

Section 2. Section 110.35 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 110.35 SUPPLEMENTAL SCHEDULE OF PRIVILEGE LICENSE TAXES.

The following business shall pay the amounts specified in this schedule.

ABATTOIRS. Every person engages in the business of operating an abattoir (establishment where animals are butchered), per annum \$50.00

ADVERTISING. Advertising not otherwise specifically taxed (outdoor advertising another classification), per annum \$17.50

AUTOMOTIVE CAR WASH. Per annum \$25.00

BALLOONS, NOVELTIES, SOUVENIRS, CURIOS, AND FLAGS. Every person offering for sale balloons, novelties, souvenirs, curios, flags:
Per person per day \$5.00
Per person per week \$20.00

BED AND BREAKFAST. Every person offering their residence for the purpose of paying guest and serving at least one meal a day for as many as ten people shall pay per annum. \$10.00

CONCRETE-READY MIX. Every person engaged in the business of selling ready-mixed concrete, per annum \$25.00

DELIVERY SERVICE. Every person engaged in the business of parcel delivery or engaged in the business of contracting to perform deliveries, per annum, \$25.00

DIRECTORIES. Every person compiling and selling directories, per annum \$25.00

DRAYS, MOVING CONCERNS, AND TRANSFER COMPANIES. Every person engaged in the business of operating a moving or transfer company, per annum \$10.00

DEMOLITION CONTRACTOR. Every person engaged in the business of wrecking and demolition, per annum \$10.00

ELDERLY DAY CARE FACILITY.

Less than ten persons, per annum \$15.00
10 to 25 persons, per annum \$25.00
Over 25 persons, per annum \$40.00

FLORIST/LANDSCAPING. Every person engaged in the business of horticulture, growing, planting, or selling flowers, bulbs, plants, shrubs or nursery stock and every person selling or offering for sale cut flowers, bulbs, shrubs, nursery stock, evergreens, artificial flowers or wreaths shall pay per annum, \$25.00

The foregoing shall not apply to the sale of Christmas Trees, loose holly, mistletoe, or similar loose decorations that are sold by the producer during the Christmas season.

FORTUNE-TELLERS, CLAIRVOYANTS, AND SIMILAR TRADES. Every fortune-teller, clairvoyant or person following similar trades, per annum \$1,000.00

FOUNDRY AND MACHINE SHOP. Every person operating a foundry or machine shop, per annum \$25.00

HARVESTING AND AGRICULTURAL MACHINERY. Every person engaged in the business of selling, trading or dealing in harvesting and agricultural machinery, per annum \$27.50

LUMBER BROKER. Per annum \$25.00

MANUFACTURERS. Every person engaged in the business of manufacturing shall pay a license tax as follows:

| Annual gross business of not over | Per annum |
|---|-----------|
| \$ 80,000 | \$15.00 |
| 160,000 | 30.00 |
| 240,000 | 45.00 |
| 320,000 | 60.00 |
| 400,000 | 75.00 |
| 480,000 | 90.00 |
| 560,000 | 105.00 |
| 640,000 | 120.00 |
| 720,000 | 135.00 |
| Annual gross business of over \$720,000 | 150.00 |

MARBLE YARD/MONUMENTS. Every person engaged in the business of erection, selling or offering for sale monuments or articles of like kind, per annum \$30.00

MISCELLANEOUS. Every person engaged in any business not specifically taxed herein and not exempt by state law or by this code or other ordinance shall pay a license tax of, per annum \$25.00

~~MOTOR VEHICLES. Upon every motor vehicle resident within the municipality a license plate fee, per annum \$1.00~~

MUSICAL INSTRUMENTS. Every person engaged in the business of selling or offering for sale pianos, organs, phonographs, or phonograph records, radios, television sets or radio or television accessories, per annum \$10.00

NURSING HOME/ADULT CARE FACILITY. Every person engaged in the business of a nursing home/adult care facility which includes the mentally and physically infirm, homes for the aged, group homes, (not more than ten person) convalescent and rest homes. This section shall not apply to any hospital licensed under the General Assembly, per annum \$50.00

PAINTING. Every person engaged in the business as a painting contractor either by a contract or by the hour, per annum \$15.00

~~PEDDLER-FURNITURE BY TRUCK. Every person selling furniture from a truck, not having an established permanent location in the city, per annum \$200.00~~

PRINTING ESTABLISHMENT. Every person engaged in the business of operating a printing establishment, engraver for printing, or newspaper printing, per annum \$25.00

REPAIR SHOP/SERVICE. Every person engaged in the business of operating a repair business not otherwise taxed, per annum \$15.00

RETAIL BUSINESS. Every person selling at retail not specifically taxed herein shall pay license as follows (not pertaining to outside city merchants):

- (1) Annual gross sales or receipts of not over \$20,000 per annum \$15.00
- (2) For each \$1,000 or fraction thereof in excess of \$20,000, per annum \$.65

ROOFING CONTRACTORS, ROOFING PATCHERS, REPAIRERS. Every person engaged in the business of roofing shall pay, per annum \$15.00

SANDWICHES, WHOLESALE DEALERS. Every person engaged in the business of preparing and selling sandwiches at wholesale, per annum \$10.00

SHEET METAL, SIDING, TINNING. Every person engaged in the business as a sheet metal, siding, tinning contractor or operating a tin shop, per annum \$15.00

STORAGE WAREHOUSE. Every person engaged in the business of operating a warehouse, storage or transfer warehouse wherein anything not belonging to the owner or operator of the same is stored for compensation, per annum \$50.00

TELEGRAPH COMPANIES. Every telegraph company engaged in business within the corporate limits, per annum \$15.00

TELEPHONE ANSWERING SERVICE. Every person engaged in the business of answering telephones for other companies, per annum \$15.00

TREE SERVICES. Every person engaged in the business of trimming, cutting, pruning trees, per annum \$25.00

UPHOLSTERS. Every person operating a place of business where any kind of upholstery is done (other than upholstering of automobiles or trucks) shall pay, per annum \$25.00

WHOLESALE BUSINESS. Every person selling at wholesale shall pay a privilege license tax as follows:

| Annual Gross Sales or Receipts of Not Over | Per Annum |
|---|-----------|
| \$ 40,000 | \$ 15.00 |
| 80,000 | 30.00 |
| 120,000 | 45.00 |
| 160,000 | 60.00 |
| 200,000 | 75.00 |
| 240,000 | 90.00 |
| 280,000 | 105.00 |
| 320,000 | 120.00 |
| 360,000 | 135.00 |
| Annual Gross Sales or Receipts of Over \$360,000 | \$ 150.00 |

WRESTLING AND BOXING. Every promoter or exhibitor of any wrestling or boxing matches for which an admission charge is made, per annum \$50.00

Section 3. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be in full force and effect upon and after the 4th day of March, 2010.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of March, 2010.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

(e) A resolution authorizing the disposal of a wrecked police vehicle.

06 RES 3-10

RESOLUTION AUTHORIZING THE DISPOSAL OF A DAMAGED POLICE VEHICLE

WHEREAS, Article IX, Section 9.3 of the Charter of the City of Asheboro provides that the City Council shall have the power granted by Chapter 160A, Article 12 of the General Statutes of North Carolina to sell any personal property belonging to the City of Asheboro; and

WHEREAS, Section 160A-265 of the North Carolina General Statutes authorizes the City of Asheboro (hereinafter referred to as the City), in the discretion of the City Council, to dispose of personal property belonging to the City regardless of the method utilized by the City to acquire the property; and

WHEREAS, Section 160A-266 of the North Carolina General Statutes authorizes the utilization of private negotiation and sale for the disposal of an item of personal property belonging to the City where the item of personal property is valued at less than thirty thousand and no/100 dollars (\$30,000.00); and

WHEREAS, Section 160A-267 provides that if the City Council proposes to dispose of property by private sale, a resolution must be adopted authorizing a city official to dispose of the personal property by private sale at a negotiated price and notice of the contents of the resolution authorizing the private sale shall be published once after the adoption of the resolution; and

WHEREAS, a city-owned 2003 Chevrolet Blazer (VIN 1GNNDT13X63K142909) assigned to the municipal police department was damaged when it collided with another vehicle on February 16, 2010; and

WHEREAS, the damaged vehicle has been deemed to be a total loss; and

WHEREAS, in settlement of the city's claim for damages against the driver found to be at fault for the collision, Travelers Insurance has offered to pay to the city the sum of eight thousand four hundred thirty and no/100 dollars (\$8,430.00) if the city will assign title to the vehicle to Travelers Insurance so that the said vehicle can be sold for salvage; and

WHEREAS, the Asheboro City Council has concluded that the proposed settlement of the City's claim is reasonable.

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

Section 1. The City-owned 2003 Chevrolet Blazer (VIN 1GNNDT13X63K142909), which is deemed to be a total loss as a consequence of the collision with another motor vehicle that occurred on February 16, 2010, is hereby declared to be surplus property.

Section 2. The Asheboro City Manager is hereby authorized to assign the title to this surplus vehicle to Travelers Insurance, or a designee of the insurance company, in order to settle the city's pending claim for damages.

Section 3. In accordance with Section 160A-267 of the North Carolina General Statutes, a summary of the contents of this resolution shall be published once in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, and the sale of this surplus vehicle shall not be consummated until ten (10) days have elapsed since the date of publication of the said notice.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on March 4, 2010.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

- RZ-09-16: Technical Amendments to the Asheboro Zoning Ordinance.** An application filed by the City of Asheboro to amend Article 200, Article 300A, Article 400, Article 600, and Article 1100 of the Asheboro Zoning Ordinance.

Mayor Smith opened the public hearing on the following request.

Mr. Neely presented an overview of the Planning Department Staff's proposed amendments to the Asheboro Zoning Ordinance. During his presentation, Mr. Neely reported that the community center portion of the amendment (Article 200, Table 200-2) is withdrawn at this time. The staff will present this portion to the Council for its consideration at a later date. Additionally with the exception of the definitional amendments proposed for Article 1100, the planning department staff members withdrew the proposed commercial vehicle regulations in order to research the issue further in light of concerns raised during the planning board meeting about the impact of these proposed regulations.

The remaining amendments pertain to emergency/transitional shelters, off-street parking (grade separation requirements and inclusion of bollards between parking and buildings), outdoor lighting, junkyards, boarding/rooming houses, banquet facilities, classification of when a structure

is considered open or enclosed, and correction of cross references to applicable sections within the Design Standards for Industrial/Commercial Districts.

With regard to these remaining amendments, the Planning Department Staff, joined by the Planning Board, recommended approval based on the following:

“Staff recommends approval based on these technical amendments complying with many goals and policies contained in the Land Development Plan and in improving the administration of the Zoning Ordinance. Moreover, staff reminds the City Council and Planning Board that several topics outside the scope of these technical amendments will be addressed in upcoming technical amendments to the Zoning Ordinance (i.e. general design standards, Traditional Neighborhood Developments (TNDs) and the update of the Subdivision Ordinance). Considering all factors, staff believes the technical amendments contained in this case are within the public interest in supporting a reasonable use of property and staff recommends approval.”

There being no further comments and no opposition from the public, Mayor Smith closed the public hearing.

Upon motion by Mr. Bell and seconded by Mr. Hunter, Council voted unanimously to approve the proposed amendments to the Asheboro Zoning Ordinance that were not withdrawn by staff during the public hearing. As part of its action on the issue, the Council found that the proposal is consistent with the city's adopted comprehensive plans.

[Copies of the adopted amendments are on file in the City Clerk's office and in the City of Asheboro Community Development and Planning Department.]

8. Public hearing to discuss the closeout of Community Development Block Grant 07-E-1680 for Malt-O-Meal Rail Project.

Mayor Smith opened the public hearing to discuss the closeout of Community Development Block Grant 07-E-1680 for the Malt-O-Meal Rail Project.

Ms. Reaves reported that the city received \$750,000.00 through a community development block grant to construct 4,204 feet of rail spur for Malt-O-Meal. The award of the community development block grant funds for the project was based on the creation of 112 jobs by Malt-O-Meal. The company has created 170 jobs. The company pays \$467,284.14 in property taxes each year to the city.

Ms. Reaves further reported that an audit has been successfully completed. The public hearing is the last step for the conclusion of this grant project, and she asked the council to consider formally closing the grant.

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

Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to close Community Development Block Grant 07-E-1680 for the Malt-O-Meal Rail Project.

9. Public comment period.

There being no comments from the public, Mayor Smith closed the public comment period.

10. McCrary Park Items:

(a) Consideration of awarding a contract for synthetic baseball field turf for McCrary Park.

Mr. Ward submitted the bid summary for the Baseball Synthetic Turf Project. Four bids were received on February 24, 2010. Due to the fact that the lowest responsive bidder, Southwest Greens International, was not properly licensed as required by the North Carolina General Statutes, Mr. Ward recommended that the Council accept the second lowest responsive bid from Carolina Green Corp., of Indian Trail, North Carolina at \$263,081.18.

Mr. Ward further recommended that city crews excavate the field to a rough grade and take a deduction from the contract price; therefore a contract would be awarded to Carolina Green Corp. for the Baseball Synthetic Turf Project at a price of \$254,999.18 plus sales tax. The city will fund this project with the help of the following additional revenues:

- Acme-Mcrary to contribute \$10,000.00
- Asheboro Kiwanis Club to contribute \$10,000.00
- Pugh Oil Company to contribute \$50,000.00

Upon motion by Dr. Fountain and seconded by Mr. Moffitt, Council voted unanimously to accept the bid by Carolina Green Corp. in the amount of \$254,999.18.

[A copy of the above-referenced bid summary is on file in the City Clerk's office.]

(b) Consideration of approval of an ordinance to amend the general fund to appropriate funds for synthetic baseball field turf for McCrary Park.

Ms. Reaves presented and recommended adoption, by reference, of the aforementioned ordinance.

Upon motion by Dr. Fountain and seconded by Ms. Carter, Council voted unanimously to adopt the following ordinance by reference.

21 ORD 3-10

ORDINANCE TO AMEND THE GENERAL FUND FY 2009-2010

WHEREAS, The City of Asheboro opened bids for Baseball Field Synthetic Turf at 2:00 pm on February 24, 2010, and;

WHEREAS, four bids were received which will provide 31,375 square feet of synthetic turf infield with drainage system installed at McCrary Park located at 138 Southway Road, Asheboro, North Carolina, and;

WHEREAS, the bidders provided a lump sum cost that included all materials, supplies and labor needed to properly install the synthetic turf, and;

WHEREAS, the lowest qualified bid received was in the amount of \$263,081.18 before taxes with a deduct of \$8,082 if the City of Asheboro staff would do the excavation, and;

WHEREAS, The City of Asheboro is planning on doing the excavation leaving a net cost of 254,999.18, and;

WHEREAS, the City Council of the City of Asheboro desires to amend the General Fund budget as required by law to appropriate funds for this expense, and;

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

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

Section 1: That the following Revenue line item be increased:

| <u>Account #</u> | <u>Revenue Description</u> | <u>Increase</u> | <u>Amended Budget</u> |
|------------------|----------------------------|-----------------|-----------------------|
| 10-399-0000 | Fund Balance Allocation | 255,000 | 1,232,744 |

Section 2: That the following Expense line item be increased:

| <u>Account #</u> | <u>Expense Description</u> | <u>Increase</u> |
|------------------|----------------------------|-----------------|
| 10-620-7400 | Capital Outlay | 255,000 |

Adopted this 4th day of March, 2010.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

11. Public works items:

(a) Update on fuel conservation efforts.

Mr. Terry Reeder, the city's Fleet Maintenance Superintendent, updated the Council on his department's efforts to conserve fuel. During September 2007 through September 2008, the city used approximately 227,264.98 gallons of fuel. During October 2008 through October 2009, the city used approximately 216,774.00 gallons of fuel, a 4.62% reduction from the previous year. Mr. Reeder noted that this reduction saved the city approximately \$22,712.97 during that time.

Mr. Reeder credited the fuel savings to the minimization of equipment and vehicle idling and the city's new Mobile 311 service that facilitates more efficient operation of fleet vehicles. Additionally, Mr. Reeder reported that studies are underway researching other ways to continue conserving fuel by considering the purchase of an electric truck, bio-diesel, and compressed natural gas.

(b) Report on snow removal efforts.

Mr. David Hutchins, the city's Street Maintenance Superintendent, reported on the city's snow removal efforts during the 2009-2010 winter season. Mr. Hutchins estimated approximately \$78,327.00 in snow removal costs for the season.

(c) Approval of a resolution for the City of Asheboro to maintain certain streets that are currently part of the NC Department of Transportation's secondary road system (Snowdon Court – SR 2309, North Shore Drive – SR 2291, Winnetka Court – SR 2361, Itasca Court – SR 2362, and a portion of Brookwood Drive – SR 2246 and Twain Drive – SR 2249) to be effective June 30, 2010.

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

Upon motion by Mr. Moffitt and seconded by Mr. Baker, Council voted unanimously to adopt the following resolution by reference.

07 RES 3-10

RESOLUTION FOR THE CITY OF ASHEBORO TO MAINTAIN CERTAIN STREETS THAT ARE CURRENTLY PART OF THE NC DEPARTMENT OF TRANSPORTATION'S SECONDARY ROAD SYSTEM (SNOWDON COURT - SR 2309, NORTH SHORE DRIVE - SR 2291, WINNETKA COURT - SR 2361, ITASCA COURT - SR 2362, AND A PORTION OF BROOKWOOD DRIVE - SR 2246 AND TWAIN DRIVE - SR 2249)

WHEREAS, the NC Department of Transportation (NCDOT) currently maintains the streets listed below as part of the NCDOT Secondary Road (SR) System:

| NCDOT SR # | STREET NAME | LOCATION FROM STREET (SR NUMBER) |
|---------------|-------------------|--|
| 2309 | Snowdon Court | Windsor Trail (SR 2308) to End of Street |
| 2291 | North Shore Drive | East Allred Street (SR 2182) to End of Street |
| 2361 | Winnetka Court | North Shore Drive (SR 2291) to End of Street |
| 2362 | Itasca Court | North Shore Drive (SR 2291) to End of Street |
| 2246 | Brookwood Drive | Keystone Drive (SR 2247) to East End of Street |
| 2249 | Twain Drive | Keystone Drive (SR 2247) to East End of Street |

WHEREAS, the above referenced streets are within an area annexed to the City of Asheboro by Ordinance # 31 ORD 6-09 effective June 30, 2010, and;

WHEREAS, the Annexation Report and Services Plan approved by the City Council on January 8, 2009 for the above referenced annexation stated that the above referenced streets will become City-maintained upon the effective date of the annexation.

