

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, JUNE 7, 2007
7:00 p.m.**

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

David H. Jarrell) - Mayor Presiding

Talmadge Baker)
Linda Carter)
Nancy Hunter)
Walker Moffitt) - Council Members Present
Archie Priest)
David Smith)

Keith Crisco) - Council Member Absent

John N. Ogburn, III, City Manager
Dumont Bunker, P.E. City Engineer
Eddie Brown, Code Compliance Inspector
John Evans, Planner
Tamela D. Garner, Permits Technician/Deputy City Clerk
Deborah P. Juberg, Finance Director
R. Reynolds Neely, Jr., Planning Director
Jeffrey C. Sugg, City Attorney

1. Call to order.

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

2. Pledge of Allegiance and Invocation.

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. Dr. Richard Crider, Pastor of Oakhurst Baptist Church, gave the invocation.

3. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

4. Presentation of retirement plaque and proclamation to Mrs. Sue Itson who is retiring with 45 years of service in the finance department.

In honor of Ms. Itson's dedicated service to the City of Asheboro, the following proclamation was made by Mayor Jarrell:

PROCLAMATION

WHEREAS, City of Asheboro, North Carolina hereby desires to express appreciation and commendation for the untiring and valuable service rendered to the City by

Sue B. Itson

and that the City Clerk is hereby authorized and instructed to spread a copy of this proclamation upon the city records and to transmit a copy thereof to Mrs. Itson; and

WHEREAS, Mrs. Itson has over forty five years of outstanding service and has the record for being employed with the City for the longest period of time, and

WHEREAS, Mrs. Itson has served the City of Asheboro as Assistant Finance Officer,

NOW, THEREFORE, be it proclaimed that the Asheboro City

Council, Mayor and City Staff extends to Mrs. Itson its humble expression of esteem for her serving faithfully and well, and its best wishes for good health, success, and prosperity for many years to come.

IN WITNESS THEREOF, I hereunto set my hand and have caused the Seal of the City of Asheboro to be affixed this 7th day of June, 2007.

s/ David H. Jarrell
David H. Jarrell
Mayor

Mr. Ogburn presented Ms. Itson with the Order of the Long Leaf Pine from Governor Michael F. Easley along with a pottery commemorative plate picturing Asheboro City Hall. On behalf of the City of Asheboro and employees, Mr. Ogburn thanked Ms. Itson for her forty-five (45) years of service to the City. Ms. Itson thanked the City Council and the City Staff for their acts of kindness and allowing her to serve as part of the City Staff.

5. Presentation by Amy Byrd, Chairperson of the Events Committee at the North Carolina Aviation Museum.

Ms. Amy Byrd, Chairperson of the Events Committee at the North Carolina Aviation Museum, shared with the Mayor and Council the details of how she and the rest of her committee intend to discharge their assignment to promote the North Carolina Aviation Museum by planning and hosting various events involving the community. A letter explaining the proposed events was distributed to the Council and is on file in the City Clerk's office.

6. Consent Agenda.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to continue the following consent agenda items to the Council's special meeting on June 20, 2007:

- Approval of findings of fact, conclusions of law, and order in the matter of CUP-07-11.
- Approval of findings of fact, conclusions of law, and order in the matter of CUP-07-13.
- Approval of findings of fact, conclusions of law, and order in the matter of CUP-07-16.
- Approval of findings of fact, conclusions of law, and order in the matter of SUP-07-02.
- Approval of findings of fact, conclusions of law, and order in the matter of SUP-07-03.

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

- The minutes of a special meeting of the City Council held on May 10, 2007.
- The minutes of the regular meeting of the City Council held on May 10, 2007.
- An ordinance establishing a "No Parking Any Time" zone within 100 feet of the west end of Hampton Road.

19 ORD 6-07

ORDINANCE PROHIBITING ON-STREET PARKING AT THE WESTERN TERMINUS OF HAMPTON ROAD

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Section 71.01(A)(1) of the Code of Asheboro provides as follows:

Pursuant to instructions given to him by the City Council from time to time and entered in the council minute book, the City Manager shall [c]ause all streets and parts of streets where parking shall be prohibited at all times to be posted accordingly, or cause the curbs thereof to be painted yellow. He shall then notify the City Clerk, who shall enter the description of such streets or parts of streets in Schedule 1 of § 72.02; and

WHEREAS, Hampton Road (North Carolina Secondary Road 1485) is located within the corporate limits of the City of Asheboro; and

WHEREAS, concerns have been raised by a property owner, Mr. Edwin R. McGrath, about his inability to access a storage building located on his property that adjoins Hampton Road at the street's western terminus due to the presence of on-street parking in front of his building; and

WHEREAS, the city's sanitation superintendent has also expressed concerns about the difficulty encountered by his employees when they attempt to service a dumpster located at the western terminus of Hampton Road. Due to on-street parking at this turn around point, sanitation department employees have difficulty accessing the dumpster and subsequently safely turning around the large sanitation trucks without striking vehicles parked in the turn around area of the street's terminus.

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

Section 1. In accordance with Section 71.01(A)(1) of the Code of Asheboro, on-street parking is hereby prohibited at all times at the western terminus of Hampton Road and on the northern and southern sides of Hampton Road for a distance of one hundred feet (100') eastward from the western terminus of the street.

Section 2. The City Manager is hereby authorized and directed to cause the portion of Hampton Road described in the immediately preceding paragraph to be posted and/or painted in accordance with the provisions of Section 71.01(A)(1) of the Code of Asheboro and in accordance with the provisions of Section 1 of this ordinance.

Section 3. The City Manager and the City Clerk are hereby directed to revise Schedule 1 of Section 72.02 of the Code of Asheboro to reflect the on-street parking prohibition imposed by this ordinance.

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

Section 5. This ordinance shall take effect and be in force from and after the date of its adoption.

Adopted by the Asheboro City Council in regular session on this 7th day of June, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

- A resolution approving certain job descriptions and class allocations under the City of Asheboro Position Classification Plan within the Community Planning and Development Department, the Finance Department, the Parks and Recreation Department, and the Water/Sewer Maintenance Department.

26 RES 6-07

**RESOLUTION APPROVING CERTAIN JOB DESCRIPTIONS AND CLASS ALLOCATIONS UNDER
THE CITY OF ASHEBORO POSITION CLASSIFICATION PLAN**

WHEREAS, the City of Asheboro Personnel Policies and Procedures Manual, promulgated by the City Manager and approved by resolution of the City Council of the City of Asheboro on March 4, 2004, and as amended, provides in Section 1 of Article II of the said manual that a position classification plan shall be prepared by the City Manager and adopted by the City Council; and

WHEREAS, such a position classification plan has been duly adopted by the City Council; and

WHEREAS, Section 10 of Article II of the City of Asheboro Personnel Policies and Procedures Manual provides, in pertinent part, as follows:

When a new position is established or the duties of an existing position change, the department head shall submit in writing a comprehensive job description describing in detail the duties of such a position. The city manager shall investigate the actual or suggested duties and recommend the appropriate class allocation or the establishment of a new class to the City Council for approval; and

WHEREAS, under the adopted position classification plan, the following positions have previously been established with the indicated pay grades:

<u>Position</u>	<u>Department</u>	<u>Grade</u>
Accounts Payable Coordinator	Finance	13
Meter Reader	Water/Sewer Maintenance	8
Water Meter Foreman	Water/Sewer Maintenance	14
Park Manager	Parks and Recreation	1
Recreation Program Assistant	Parks and Recreation	10
Secretary II	Planning and Community Development	10

WHEREAS, the department heads for the respective departments listed in the immediately preceding paragraph have recommended to the Director of Human Resources and the City Manager changing the duties, the corresponding job descriptions, and, where appropriate, the title and pay grade of the positions of employment listed above as well as creating a new position in the Water/Sewer Maintenance Department; and

WHEREAS, revised/new job descriptions submitted by the respective department heads to the Director of Human Resources and the City Manager for approval have been attached to this resolution as exhibits and are hereby incorporated into this resolution by reference as if copied fully herein. The revised/new job descriptions, job titles, and pay grades proposed for approval are identified as follows:

<u>Current Job Title</u>	<u>Proposed Title and Pay Grade</u>
Accounts Payable Coordinator	Accounts Payable Coordinator Grade 15 (Revised job description is attached as Exhibit 1)
Meter Reader	Meter Reader Grade 10 (Revised job description is attached as Exhibit 2)
Not Applicable/New Position	Water Meter Supervisor Grade 12 (Job description is attached as Exhibit 3)
Water Meter Foreman	Water Meter Foreman Grade 14 (Revised job description is attached as Exhibit 4)
Park Manager	Park Manager I (Lake Reese) Grade 1 (Revised job description is attached as Exhibit 5)
Park Manager	Park Manager II (Lake Lucas) Grade 3 (Revised job description is attached as Exhibit 6)
Recreation Program Assistant	Program Specialist Grade 12 (Revised job description is attached as Exhibit 7)
Secretary II	Planning Technician Grade 15 (Revised job description is attached as Exhibit 8)

WHEREAS, on the basis of their determination that the city's personnel system and overall operations would be enhanced by adopting the proposals submitted by the respective department heads, the Director of Human Resources and the City Manager have recommended approval of the proposed job titles, job descriptions, and pay grades listed in the immediately preceding paragraph.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the proposed job titles, revised/new job descriptions, and proposed pay grades listed above are hereby approved without modification. The effective date of the approvals granted for the positions of Meter Reader, Water Meter Supervisor, and Water Meter Foreman is June 23, 2007. As to the remainder of the approved positions, the effective date of the approvals granted by this resolution is July 1, 2007; and

BE IT FURTHER RESOLVED that any existing job title(s) and job description(s) found to be in conflict with the job titles and job descriptions that come into effect on either June 23, 2007 or July 1, 2007 are to be deleted from the City of Asheboro Position Classification Plan as of July 1, 2007.

Adopted by the Asheboro City Council in regular session on the 7th day of June, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

(The above-referenced Exhibits 1-8 are attached to the original resolution on file in the City Clerk's office.)

- Adoption of a resolution approving certain salary level adjustments within the City of Asheboro Pay Plan.

27 RES 6-07

**RESOLUTION APPROVING SALARY LEVEL ADJUSTMENTS WITHIN THE
CITY OF ASHEBORO PAY PLAN**

WHEREAS, the City of Asheboro Personnel Policies and Procedures Manual, which was initially promulgated by the City Manager and approved by resolution of the City Council of the City of Asheboro on March 4, 2004, and as amended, provides in Section 1 of Article III of the said manual that the City of Asheboro Pay Plan includes the basic salary schedule adopted and amended by the City Council for all classes of positions included in the city's position classification plan; and

WHEREAS, Section 2 of Article III of the city's personnel policies and procedures manual provides that "adjustments to the assigned salary level for the class of employees affected will be recommended by the City Manager for council approval;" and

WHEREAS, in conjunction with the Director of Human Resources, the City Manager conducts an on-going review of the city's pay plan in an effort to recruit and maintain the desired level of experience and training within the city's work force; and

WHEREAS, as part of the budgeting process for the 2007-2008 fiscal year, the City Manager has concluded that certain salary level adjustments need to be made in order to maintain and improve the long-term capabilities of the city's work force; and

WHEREAS, the City Manager's recommended salary level adjustments within the City of Asheboro Pay Plan are reflected in the attached chart which is identified as EXHIBIT A and is hereby incorporated by reference into this resolution as if copied fully herein; and

WHEREAS, the City Council agrees with the City Manager's recommendations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City Manager's recommended salary level adjustments as reflected in EXHIBIT A are hereby adopted and approved; and

BE IT FURTHER RESOLVED that the approved salary level adjustments shall become effective as of July 1, 2007.

Adopted by the Asheboro City Council in regular session on the 7th day of June, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

(The above-referenced Exhibit A is attached to the original resolution on file in the City Clerk's office.)

OLD BUSINESS:

7. RZ-07-12: Technical Amendments to the Asheboro Zoning Ordinance. Amending Table 200-2 and Notes to Table 200-2 adding "Large Scale Integrated Commercial Developments" as a permitted use, amending Article 300A, Section 317 by adding Section E ("Design Standards for all Large Scale Integrated Commercial Districts") and Article 1100 Definitions (adding definition for "Large Scale Integrated Commercial Development") to the Asheboro Zoning Ordinance.

Mr. Neely presented a request by city staff to continue this item to the Council's regular July meeting, which will be held on July 5, 2007.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to continue this item to the regular July meeting.

8. Subdivision Ordinance Technical Amendment. Amending Article V of the Subdivision Ordinance in order to add a definition for a "Large Scale Integrated Commercial Development" and adding a new Article XIII to regulate a "Large Scale Integrated Commercial Development."

Mr. Neely presented a request by city staff to continue this item to the Council's regular July meeting, which will be held on July 5, 2007.

Upon motion by Mr. Moffitt and seconded by Mr. Smith, Council voted unanimously to continue this item to the regular July meeting.

NEW BUSINESS

9. Land Use Issues

- (a) SUP-07-04: Special Use Permit for a Planned Unit Development with a Floor Area Ratio not to exceed 22 percent. This zoning request pertains to two (2) parcels of land located along Meadowbrook Road and Eastview Drive. The property of Dolores Steed consists of approximately 5.11 acres of land and is further described by Randolph County Parcel Identification Number 7761171522. The property of First Assembly of God consists of approximately 0.63 acres of land and is further described by Randolph County Parcel Identification Number 7761173733.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely affirmed his testimony and presented the staff's analysis of the proposed site plan and the request by Craven Ventures, Inc. for a Special Use Permit for a Residential Planned Unit Development with a Floor Area Ratio not to exceed 22 percent. As proposed, the residential planned unit development would consist of 18 duplex townhouses with a total of 36 residential townhouse units.

On behalf of the Applicant, Mr. Ben Morgan, Esq., was sworn in and addressed the four standard tests. At a later point during the hearing, Mr. Heath Craven testified under oath on behalf of the Applicant and in response to questions from Council members.

Mr. Mike O'Kelley, a neighboring property owner, affirmed his testimony and presented comments and concerns in opposition to the request. Mr. O'Kelley was concerned with the possible increase in traffic along Meadowbrook Road. Additionally, Mr. O'Kelley was concerned that neighbors along Meadowbrook Road were not adequately informed about the zoning hearing because no sign was posted along Meadowbrook Road. Signage giving notice of this hearing was posted along Eastview Drive only.

Additionally, Ms. Pamela Voncannon and Mr. Ray Voncannon affirmed their testimony and presented similar comments and concerns in opposition to the request.

Mr. Neely informed the Council that the city's past practice would have led to the posting of a sign along Meadowbrook Road, but erroneous communications between the planning department and the sign department resulted in a sign along Eastview Drive only. The statutorily required advertisements were placed in the newspaper in a timely manner, and notices were properly mailed to affected property owners.

Upon motion by Ms. Carter and seconded by Ms. Hunter, Council voted unanimously to allow the Planning Department time to address the signage issue by continuing this item to the Council's regular July meeting, which will be held on July 5, 2007

(A copy of the audio tape recording of this hearing is on file in the City Clerk's office.)

- (b) SUP-07-05: Special Use Permit for a Public Use Facility. The property of the City of Asheboro located at 3005 Zoo Parkway consists of approximately 64.94 acres of land. Randolph County Parcel Identification Number 7669589611 more specifically describes the property.

Mayor Jarrell opened the public hearing on the following request.

At the request of city staff and upon motion by Mr. Baker and seconded by Mr. Priest, Council voted unanimously to continue the above-referenced item to the Council's regular July meeting, which will be held on July 5, 2007.

- (c) RZ-07-17: Rezone from CU-B2/RA-6 to B-2. This rezoning request pertains to two (2) parcels of land. The property of Russell Terry Investments, LLC located at 1411 Old Liberty Road and the adjoining parcel to the north consist of approximately 1.3 acres of land. Randolph County Parcel Identification Numbers 7763937224 and 7763936379 more specifically describe the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Russell Terry to rezone the above-described property from CU-B2 and RA-6 to B2 Commercial. The Planning Department Staff and the Planning Board recommended approval of the request in that the rezoning is generally supported by the Land Development Plan, and the staff advises that "the rezoning is in the public's interest as it implements the recommendations of the Land Development Plan and encourages a reasonable use of the property."

Mr. Russell Terry presented comments in support of the request.

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

Upon motion by Mr. Moffitt and seconded by Ms. Carter, Council voted unanimously to adopt the Planning Board's recommendation and placed the above-described property in a B2 Commercial zoning district.

- (d) CUP-07-18: Modification of existing conditional use permit for addition of a pool house. The property of Summers Run, LLC is located at 2159 and 2201 North Fayetteville Street and consists of approximately 13.69 acres of land. Randolph County Parcel Identification Number 7763033224 more specifically describes the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely affirmed his testimony and presented the staff's analysis of the Applicant's request, including the submitted site plan. The Applicant, Summers Run LLC requested a Conditional Use Permit to allow an in ground concrete pool with a pool house to be located on the Summers Run property for use by renters and their guests.

On behalf of the Applicant, Mr. Jon Megerian, Esq., was sworn in and addressed the four standard tests.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing. An audiotape of the testimony presented during this hearing is on file in the City Clerk's office.

Upon motion by Ms. Hunter and seconded by Mr. Priest, Council voted unanimously to approve the requested Conditional Use Permit to allow an in-ground concrete pool with a pool house to be located on the above-described property. The issuance of this new Conditional Use Permit for the existing development was based on the four standard tests being met.

The formal Findings of Fact, Conclusions of Law, and Order authorizing this Conditional Use Permit will be entered by the Council during regular session on July 5, 2007. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

- (e) RZ/CUP-07-19: Request to rezone from I-1 to Conditional Use I-2 and issue a Conditional Use Permit for Combustible/Flammable Liquids Storage over 100,000 gallons aggregate. The property of Pugh Oil Company is located at 701 McDowell Road and consists of approximately 7.24 acres of land. Randolph County Parcel identification Number 7659385885 more specifically describes the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely affirmed his testimony and presented the staff's analysis of the applicant's combined request, including the submitted site plan. The Applicant, Pugh Oil Company, requested the rezoning of the above-described property from I-1 to Conditional Use I-2. In addition to having the property rezoned, the Applicant requested a Conditional Use Permit to allow the storage of combustible/flammable liquids.

The Planning Department Staff and the Planning Board recommended approval of the Applicant's request for a legislative rezoning of the property in that the request is supported by the Land Development Plan, and the rezoning is in the public's interest as it implements the recommendations of the Land Development Plan by allowing a reasonable use of the property.

Mr. Mack Summey with Summey Engineering was available to provide expert testimony in support of the request. Additionally, Mr. Ronnie Pugh, a representative from Pugh Oil Company, affirmed his testimony and presented information within his knowledge in support of the application.

During a discussion regarding the presentation of expert opinion during a quasi-judicial hearing, the City Attorney stated that individuals must be mindful of not engaging in the unauthorized practice of law when they are not the applicant and not properly licensed to practice law. Accordingly, Mr. Summey chose not to offer any testimony when it became clear that no engineering questions were being raised for discussion during this hearing.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing. An audiotape of the testimony presented during this hearing is on file in the City Clerk's office.

Upon motion by Mr. Smith and seconded by Ms. Carter, Council adopted the recommendation of the Planning Board and placed the above-described property in a Conditional Use I-2 zoning district.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to approve the requested Conditional Use Permit to allow the storage of combustible/flammable liquids on the above-described property. The issuance of this permit was based on the four standard tests being met.

The formal Findings of Fact, Conclusions of Law, and Order authorizing this Conditional Use Permit will be entered by the Council during regular session on July 5, 2007.

Subdivisions

(f) SUB-01-3: Lexington Commons: Final Plat Approval.

Mr. Neely presented the staff's analysis of the request by Mid-Atlantic Townhomes for final plat approval for Lexington Commons Phase 3. This subdivision is located at 131 Southway Road and contains approximately 0.661 acres of land, consisting of approximately one (1) lot.

All departments have reviewed the plat. The Planning Department Staff and the Planning Board recommended approval of the request.

Upon motion by Ms. Carter and seconded by Mr. Priest, Council accepted the recommendation of the Planning Board and approved the final plat.

(The aforementioned final plat is on file in the City Clerk's office.)

(g) SUB 06-2: Habitat for Humanity: (i) Variance Request
(ii) Final Plat Approval

This subdivision consists of approximately 1.79 acres of land with five (5) lots. The following Randolph County Parcel Identification Numbers more specifically describe this property: 7750432227, 7750431197, 7750433102, 7750434227, 7750434157.

Mr. Neely presented the request for a variance from the Subdivision Ordinance. Habitat for Humanity of Randolph County, Inc. requested a variance from Article VIII, Section II, C.1 (Improvements, Installations or Guarantees) and Article VIII, Section II, C.6.b5 (As Built Engineering Data) for the proposed subdivision located at the terminus of Dennis Street.

In addition to comments offered by Mike Desjardin of Habitat for Humanity of Randolph County during the consideration of this matter, the Applicant's Executive Director, Ms. Wanda Lucas, submitted a written request to the Planning Department for this variance on May 16, 2007. A copy of this request is on file in the Planning Department.

After weighing the information presented to the Council concerning the efforts being made by Habitat for Humanity to place people in homes before the end of June in spite of delays and hardships encountered due to unique problems with acquiring sewer easements for the property and working around rock found during the construction phase, the Council members expressed their support for enabling the timely placement of families in homes by granting the requested variance. Thus, the Council expressed a willingness to allow the project to proceed to final plat approval even though items that must normally be completely installed and for which as built data is required are not yet at this point of completion. The main reservation expressed by Council members was a concern that this variance not be viewed as unlimited.

Information was submitted to the Council during its consideration of this matter indicating that the Operations Department of the City's Public Works Division had estimated that financial guarantees in the amount of \$26,523.00 would be needed to ensure that this proposed subdivision would be completed in accordance with the Subdivision Ordinance. Approximately \$16,000.00 of this amount covers items that normally have to be completed rather than guaranteed prior to final plat approval.

Upon motion by Mr. Moffitt and seconded by Ms. Hunter, Council voted unanimously to grant the requested variance on the condition that the variance is capped in that the amount of the financial guarantees in excess of the amount designated for items permitted by the ordinance to be bonded or guaranteed as a matter of right cannot exceed a value of \$16,000.00. Subsequent to adopting this motion, and prior to considering final plat approval for the subdivision, the Council voted to amend this approved variance by adding an additional condition. Upon motion by Mr. Moffitt and seconded by Ms. Hunter, Council voted unanimously to amend the previously approved variance to specify that, in addition to the previously stated condition to the approved variance, the full amount of the financial guarantees estimated by the Public Works Division and presented to the Council must be paid to the City before staff can approve the final plat for recordation.

With the Council's approval of the requested variances, the Planning Department Staff and the Planning Board recommended approval of the final plat.

Upon motion by Mr. Smith and seconded by Mr. Baker, Council voted unanimously to approve the final plat for the Habitat for Humanity Subdivision.

(h) SUB-07-2: Patriot Woods: Preliminary Plat Approval.

Mr. Neely presented the Planning Department Staff's analysis of the preliminary plat for the proposed Patriot Woods Subdivision. Herman K. McDowell, III requested the approval of a preliminary plat for a subdivision to be located along the south side of Tory Lane. The proposed subdivision contains approximately 64.478 acres of land with approximately 21 lots.

All departments have reviewed the plat. The Planning Department Staff and the Planning Board recommended approval with the comment that certain Engineering and Planning Department issues needed to be addressed prior to construction.

Upon motion by Mr. Smith and seconded by Ms. Carter, Council voted unanimously to approve the preliminary plat with the comments noted above and in the Planning Department Staff's report.

(The aforementioned preliminary plat is on file in the City Clerk's office.)

(i) SUB-07-4: McKenzie, Tyler and Randolph County: Sketch Design Approval.

Mr. Neely presented the Planning Department Staff's analysis of the sketch design for the proposed McKenzie, Tyler and Randolph County Subdivision. Mr. Larry McKenzie requested the approval of a sketch design plat for a subdivision to be located along New Century Drive. The proposed subdivision contains approximately 18.83 acres of land, consisting of approximately 16 lots.

All departments have reviewed the sketch design. The Planning Department Staff and the Planning Board recommended approval of the sketch design plat with comments from the various departments.

Upon motion by Mr. Smith and seconded by Ms. Carter, Council voted unanimously to approve the sketch design plat for the McKenzie, Tyler and Randolph County Subdivision with the comments noted in the Planning Department Staff's report.

(The aforementioned sketch design is on file in the City Clerk's office.)

(j) SUB-07-05: Townhomes on Meadobrook: Sketch Design Approval.

Due to the previous continuance of the Special Use Permit hearing involving this subdivision, Mr. Neely requested a continuance of the above-referenced item to the Council's regular July meeting, which will be held on July 5, 2007.

Upon motion by Mr. Priest and seconded by Ms. Hunter, Council voted unanimously to continue this item to the Council's regular July meeting.

10. Consideration of a petition received from Brim & Craven, LLC and CES Investments, LLC for non-contiguous annexation of 0.93 acre at the south end of Holly Drive.

- (a) Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting non-contiguous annexation of 0.93 of an acre of land located at the South End of Holly Drive.

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

28 RES 6-07

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION

(0.93 of an Acre of Land Located at the South End of Holly Drive)

WHEREAS, a petition requesting the annexation of an area described in said petition as 0.93 of an acre of land located at the south end of Holly Drive has been received by the City Council of the City of Asheboro from CES Investments LLC and Brim & Craven LLC; and

WHEREAS, Section 160A-58.2 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Asheboro deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the council the results of her investigation.

Adopted by the Asheboro City Council in regular session on the 7th day of June, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

CERTIFICATE OF SUFFICIENCY

(0.93 of an Acre of Land Located at the South End of Holly Drive)

TO: The City Council of the City of Asheboro, North Carolina:

I, Tamela D. Garner, Deputy City Clerk for the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto. As a consequence of that investigation, I have found as a fact that said petition is signed by all of the owners of the real property lying in the area described therein, and the petition appears to be sufficient to satisfy the provisions of Section 160A-58.1 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina on this the 7th day of June, 2007.

(SEAL)

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

- (b) As a consequence of the receipt of written certification from the Deputy City Clerk as to the sufficiency of said annexation petition, Mr. Bunker presented and recommended adoption, by reference, of a resolution fixing the date for a public hearing on the question of annexation.

Upon motion by Mr. Priest and seconded by Ms. Carter, Council voted unanimously to adopt the following resolution by reference.

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION
PURSUANT TO SECTION 160A-58.2 OF THE
NORTH CAROLINA GENERAL STATUTES**

(0.93 of an Acre of Land Located at the South End of Holly Drive)

WHEREAS, a petition requesting annexation of the non-contiguous area described therein has been received; and

WHEREAS, the City Council of the City of Asheboro, North Carolina has, by resolution, directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of the said petition has been made.

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

Section 1. A public hearing on the question of the annexation of the non-contiguous area described herein will be held at 7:00 o'clock p.m. on the 5th day of July, 2007 in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina.

Section 2. The area proposed for annexation is described on the attached sheet, which is identified as Exhibit 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

Section 3. Notice of said public hearing shall be published in *The Courier Tribune*, a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of said public hearing.

Adopted by the Asheboro City Council in regular session on the 7th day of June, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron rod set at the northeast corner of the CES Investments, LLC property described in Deed Book 1928, Page 2111, Randolph County Public Registry, the said point is located by means of the North Carolina Coordinate System at the coordinates of North 700,581.584 feet and East 1,762,546.056 feet (NAD 83); thence from said Beginning point South 82 degrees 47 minutes 18 seconds West 174.88 feet along the Samuel Bass property described in Deed Book 1083, Page 353, Randolph County Public Registry to an existing iron rod set in concrete in the eastern margin of the 60-foot right-of-way for Holly Drive (North Carolina Secondary Road Number 2942); thence across the right-of-way for Holly Drive the following courses and distances: South 82 degrees 39 minutes 01 second West 42.39 feet to a nail at an existing iron pipe; thence South 82 degrees 59 minutes 57 seconds West 27.73 feet to an existing iron rod set in the western margin of the right-of-way for Holly Drive; thence along the William Tommy Hancock property described in Deed Book 1144, Page 533, Randolph County Public Registry the following courses and distances: South 38 degrees 26 minutes 35 seconds East 257.45 feet to an existing iron pipe; thence South 38 degrees 26 minutes 35 seconds East 9.50 feet to a point in the centerline of a creek; thence along the Chandler Legacy Family Limited Partnership property described in Deed Book 1849, Page 1035, Randolph County Public Registry the following courses and distances: North 40 degrees 06 minutes 46 seconds East 91.03 feet to a point in the centerline of a creek; thence North 71 degrees 00 minutes 34 seconds East 27.02 feet to a point in the centerline of a creek; thence North 71 degrees 00 minutes 27 seconds East 54.67 feet to a point in the centerline of a creek; thence South 82 degrees 49 minutes 11 seconds East 26.00 feet to a point in the centerline of a creek; thence continuing along the Chandler Legacy Family Limited Partnership property and away from the creek the following courses and distances: North 29 degrees 56 minutes 28 seconds West 5.16 feet to an existing iron rod; thence North 29 degrees 56 minutes 28 seconds West 164.35 feet to the point and place of the BEGINNING, and containing 0.93 of an acre of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION SURVEY FOR THE CITY OF ASHEBORO" that was drawn under the supervision of Jerry A. King, Professional Land Surveyor with Registration No. L-3373. The said plat of survey was dated May 8, 2007 and was identified as Job # 5070 C 10.

11. Consideration of acceptance of the low bid received for construction of the Hangar Taxiway/Taxilane, Hangar Access Road and Museum Parking Lot Improvements Project at the Asheboro Regional Airport. (Bids received at 11:00 a.m. on June 5, 2007).

Mr. Bunker presented a request to continue this item to the Council's regular July meeting, which will be held on July 5, 2007.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to continue the above-referenced item the Council's regular July meeting.

12. Public hearing of proposed fiscal year 2007-2008 annual budget.

Mayor Jarrell opened the public hearing on the proposed fiscal year 2007-2008 annual budget.

Mr. Ogburn presented the proposed budget for fiscal year 2007-2008. A copy of the proposed budget is on file in the City Clerk's office in accordance with the North Carolina General Statutes.

Mr. Mike Miller presented comments in general support of the city's initiative and willingness to undertake projects such as the downtown improvements and the proposed soccer fields in an effort to enhance the quality of life for the community over the long term.

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

13. Public Comment Period.

Mayor Jarrell opened the public comment period and invited members of the public to address the Council.

Mr. Kenny McDowell presented comments in regards to the Council's positive and measured consideration of variances from the City's Subdivision Ordinance. In addition, Mr. McDowell commented on the positive changes that have taken place within the city over the years.

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

14. First reading and vote on an ordinance granting a renewal of a certificate of convenience and necessity for Asheboro Taxi Service.

Mayor Jarrell opened the public hearing on the request by Tony Hafez, Asheboro Taxi Service for a renewal of a certificate of convenience and necessity to operate seven (7) taxicabs.

Mr. Sugg reported that Mr. Hafez has properly submitted an application for renewal of a certificate of convenience and necessity to operate seven (7) taxicabs along with proof of financial responsibility. Mr. Sugg also reported that legal notice of this hearing had been properly advertised. Mr. Hafez was present to answer questions.

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

Mr. Sugg recommended adoption, by reference, of the first reading of an ordinance granting a renewal of a certificate of convenience and necessity to Asheboro Taxi Service to operate seven (7) taxicabs.

Upon motion by Mr. Baker and seconded by Mr. Smith, Council voted unanimously to adopt the first reading of the following ordinance by reference.

TAXICAB FRANCHISE FOR ASHEBORO TAXI SERVICE

WHEREAS, N & W Corporation, Inc. d/b/a Asheboro Taxi Service currently operates a taxicab service within the corporate limits of the City of Asheboro pursuant to an existing Certificate of Convenience and Necessity; and

WHEREAS, the evidence available to city staff members indicates that Asheboro Taxi Service has complied with the terms and conditions of the existing Certificate of Convenience and Necessity as well as all other applicable laws during the preceding year; and

WHEREAS, Mr. Wael Hafez, who is President of N & W Corporation, Inc., has properly submitted to the City of Asheboro the requisite application for a renewal of the existing Certificate of Convenience and Necessity in order to allow Asheboro Taxi Service to continue to operate for another year seven (7) taxicabs out of a facility located at 402 North Fayetteville Street in Asheboro; and

WHEREAS, no negative comments were received during a properly noticed public hearing that was conducted by the City Council on June 7, 2007 on the question of granting the requested franchise to Asheboro Taxi Service.

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

Section 1. Pursuant to and in accordance with Chapter 114 of the Code of Asheboro, Asheboro Taxi Service is hereby granted a renewal of its Certificate of Convenience and Necessity to operate seven (7) taxicabs for hire upon and over the public streets within the corporate limits of the City of Asheboro for a term of one year, expiring on July 12, 2008.

Section 2. Upon adoption of this ordinance after a second reading, this franchise shall be deemed to be effective from and after July 12, 2007.

Adopted after first reading on the 7th day of June, 2007.

Adopted after second reading on the 5th day of July, 2007.

David H. Jarrell, Mayor

ATTEST:

Holly H. Doerr, City Clerk

15. Consideration of a resolution approving a lease agreement between the City of Asheboro and Fairway Outdoor Advertising.

Mr. Sugg presented and recommended adoption, by reference, of a resolution approving a lease agreement between the City of Asheboro and Fairway Outdoor Advertising.

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

30 RES 6-07

RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF ASHEBORO AND FAIRWAY OUTDOOR ADVERTISING

WHEREAS, the City of Asheboro (hereinafter referred to as the "City") owns a certain parcel of land located along United States Highway 220 Business South at McCranford Road and upon which is located an outdoor advertising structure titled to Fairway Outdoor Advertising, a division of Morris Communications Company, LLC (hereinafter referred to as "Fairway"); and

WHEREAS, Fairway has expressed its desire to continue leasing from the City the portion of the above-described premises needed by Fairway to maintain the existing outdoor advertising structure; and

WHEREAS, Section 160A-272 of the North Carolina General Statutes provides that property owned by the City may be leased to a tenant if the desired property will not be needed by the City for the term of the lease; and

WHEREAS, in compliance with the pertinent provisions of the North Carolina General Statutes, public notice has been properly given of the City Council's intent to consider a resolution authorizing a new lease agreement with Fairway with a rental rate of one thousand three hundred and no/100 dollars (\$1,300.00) per year and a lease term that expires on January 31, 2009; and

WHEREAS, the City Council of the City of Asheboro has determined that the specific premises encumbered by the proposed lease agreement with Fairway will not be needed by the City during the term of the lease; and

WHEREAS, the proposed lease agreement, which is attached herewith as "EXHIBIT 1" and is hereby incorporated into this resolution by reference as if copied fully herein, has been submitted to the City Council by City staff members with a favorable recommendation.

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

Section 1. The proposed lease agreement attached to this resolution as "EXHIBIT 1" is hereby approved.

Section 2. The Mayor and City Clerk of the City of Asheboro are hereby authorized and directed to execute any and all documents and instruments necessary to carry into full force and effect the lease agreement referenced above in Section 1.

Adopted by the Asheboro City Council in regular session on the 7th day of June, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

(The above-referenced Exhibit 1 is attached to the original resolution on file in the City Clerk's office.)

16. Consideration of an ordinance amending Chapter 50 (water and sewer services) of the Code of Asheboro.

Mr. Sugg presented and recommended adoption, by reference, of an ordinance amending Chapter 50 (water and sewer services) of the Code of Asheboro.

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

20 ORD 6-07

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 proposed Budget Ordinance for the 2007-2008 Fiscal Year amends certain fees paid into the city's water and sewer fund.

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

Section 1. Section 50.016 of the Code of Asheboro, which is entitled "**DEPOSIT REQUIRED FOR WATER SERVICE**", is hereby amended to provide as follows:

All occupants of residential, business or commercial dwellings or buildings, other than owners thereof, are required to make a deposit of ~~one hundred~~ one hundred ten and no/100 dollars (\$100.00 \$110.00) for customers charged inside rates and ~~one hundred thirty dollars~~ one hundred forty and no/100 dollars (\$130.00 \$140.00) for customers charged outside rates. In cases where a line of credit can be established with the City Finance Officer, the deposit will be waived.

Section 2. Section 50.065 of the Code of Asheboro, which is entitled "**RATES WITHIN CITY**", is hereby amended to provide as follows:

The minimum rate for residential customers within the city limits for each billing cycle (two months for residential customers) shall be ~~\$44.20~~ \$15.34 for 300 cubic feet of water or less. The minimum rate for all other customers within the city limits for each billing cycle (one month) shall be ~~\$44.36~~ \$12.27 for 300 cubic feet of water or less. In addition to the minimum rates prescribed by this section, all customers within the city limits using more than 300 cubic feet of water per billing cycle shall be charged at the rate of ~~\$2.32~~ \$2.51 per 100 cubic feet, or any portion thereof, (1 cubic foot of water equals approximately 7½ gallons of water) in excess of 300 cubic feet of water.

Section 3. Section 50.110 of the Code of Asheboro, which is entitled "**SEWER RATES**", is hereby 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. Except as provided in § 50.111, § 50.112, § 50.115, and division (B) of this section, the service charge imposed upon and collected from a person availing himself or herself of the wastewater disposal system shall be based on the amount of water such a person uses from the city water supply system. The minimum sewer rate for residential customers within the city limits for each billing cycle (two months for residential customers) shall be ~~\$17.82~~ \$19.25 for 300 cubic feet or less of water used from the city water supply system. The minimum rate for all other customers within the city limits for each billing cycle (one month) shall be ~~\$44.36~~ \$12.27 for 300 cubic feet or less of water used from the city water supply system. In addition to the minimum sewer rates prescribed by this section, all users within the city limits using more than 300 cubic feet of water per billing cycle from the city water supply system shall be charged for use of the city wastewater disposal system at the rate of ~~\$2.32~~ \$2.51 per 100 cubic feet of water, or any portion

thereof, used in excess of the minimum amount of 300 cubic feet. The rates to users outside of the city limits shall be 2.5 times the rates of inside users.

(B) The rate for each dwelling, business, and institution that avails itself of outside sewer service without city water shall be ~~\$42.15~~ \$48.13 per billing cycle.

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

Section 5. This ordinance shall take effect and be in force from and after July 1, 2007.

Adopted by the Asheboro City Council in regular session on the 7th day of June, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

17. Consideration of an ordinance amending Chapter 51 (sanitation department services) of the Code of Asheboro.

Mr. Sugg presented and recommended adoption, by reference, of an ordinance amending Chapter 51 of the Code of Asheboro.

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

21 ORD 6-07

AN ORDINANCE AMENDING CHAPTER 51 OF THE CODE OF ASHEBORO

WHEREAS, Chapter 51 of the Code of Asheboro prescribes general regulations and certain fees pertaining to the operation of the city's sanitation department and the maintenance of environmental health in the City of Asheboro; and

WHEREAS, the proposed Budget Ordinance for the 2007-2008 Fiscal Year amends certain fees generated by the sanitation department.

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

Section 1. Section 51.35 of the Code of Asheboro, which is entitled "USER CHARGES FOR COMMERCIAL SANITATION CUSTOMERS", shall be amended to provide as follows:

(A) A charge of ~~\$20.00~~ \$25.00 per regularly scheduled pick-up of a dumpster or ~~\$8.00~~ \$10.00 per month per can for commercial sanitation customers is hereby established. The charge for compaction dumpsters shall be ~~\$34.00~~ \$39.00 per regularly scheduled pick-up. Additional pick-ups for commercial dumpsters shall be ~~\$30.00~~ \$35.00 per pick-up, and additional pick-ups for compaction dumpsters shall be ~~\$42.00~~ \$49.00.

(B) For purposes of this section and throughout Chapter 51, commercial customer is hereby defined as any customer which is a non-residential or non-industrial user.

(C) Ninety gallon cans provided exclusively by the city may be used as a substitute for dumpsters in areas approved by the Sanitation Department. A maximum of two cans will be provided free of charge to commercial customers. If more than two cans are required, a dumpster must be used.

(D) A one pick-up per week minimum is hereby established for any commercial customer using a dumpster. A two pick-up per week minimum is hereby established for any commercial customer using cans to dispose of refuse.

(E) The collection charges instituted in this section will be added to the sanitation customer's water and sewer bill. Payment terms will be the same as for the water and sewer bill. In the event of nonpayment of this charge, collection of the customer's refuse will be discontinued until payment is remitted in full. In the event of a partial payment on a combined water-sewer and sanitation bill, the payment shall be first applied to the sanitation charge and the remainder, if any, shall be applied to the water-sewer charges. Failure to pay the full balance of the water-sewer bill shall result in the consequences specified in the city code; generally, termination of service.

(F) Unless arrangements are made otherwise and the city is notified of these arrangements, all property owners renting premises to a commercial sanitation customer shall be responsible for the charges specified in this section. Responsibility for payment of the charges may be passed to the renter of the premises if the city billing department is notified of this arrangement.

(G) All property owners are deemed responsible to maintain their lots and locate their dumpsters or cans in a fashion that allows the city sanitation trucks acceptable access to the dumpsters or cans.

(H) All property owners must complete a Can/Dumpster Permit and sign a hold harmless agreement.

(I) The city is not liable for any damages resulting to parking lots, drives, and the like caused by the weight of the trucks used for the dumpster pick-ups. Each property owner is expected to maintain a lot or drive of sufficient structure to support the weight of the collection trucks.

(J) No refuse which is unacceptable as routine refuse at the landfill will be collected from commercial sanitation customers. Examples of unacceptable waste include but are not limited to: hazardous waste, tires, batteries, medical waste, yard waste, liquid waste, and white goods. Any receptacles containing any of these materials will not be picked-up by the sanitation department until the unacceptable materials are removed.

(K) The commercial customer is responsible for the contents of its containers. The city is not responsible for policing containers to prevent the dumping of unacceptable waste, or refuse from individuals not related to the commercial customer.

Section 2. Section 51.36 of the Code of Asheboro, which is entitled “**USER CHARGES FOR RESIDENTIAL SANITATION CUSTOMERS**”, shall be amended to provide as follows:

(A) A charge of ~~\$20.00~~ \$25.00 per regularly scheduled pick-up of a dumpster for residential sanitation customers is hereby established; provided, however, no charge shall be made for the pick-up of dumpsters utilized by residential sanitation customers residing in developments or portions of developments that have been designed for occupancy by owner-occupants and that have, in fact, been conveyed primarily to owner-occupants. Subject to the exception specified in the immediately preceding sentence, all additional pick-ups for such dumpsters shall be ~~\$30.00~~ \$35.00 per pick-up. No charge shall be made for pick-ups of cans for residential sanitation customers.

(B) A one pick-up per week minimum is hereby established for any residential customer using a dumpster.

(C) The collection charges instituted in this section will be added to the sanitation customer's water and sewer bill. Payment terms will be the same as for the water and sewer bill. In the event of nonpayment of this charge, collection of the customer's refuse will be discontinued until payment is remitted in full. In the event of a partial payment on a combined water-sewer and sanitation bill, the payment shall be first applied to the sanitation charge and the remainder, if any, shall be applied to the water-sewer charges. Failure to pay the full balance of the water-sewer bill shall result in the consequences specified in the city code; generally, termination of service.

(D) Unless arrangements are made otherwise and the city is notified of and agrees to these arrangements, the owner(s) of the real property where a residential dumpster is located shall be responsible for the charges specified in this section.

(E) The owner(s) of the property upon which a dumpster is located is deemed responsible for the maintenance of his or her lot(s) in general and the location of the dumpster site in particular so as to allow the city sanitation trucks reasonable access to the dumpster.

(F) In order to receive residential dumpster service, all property owners must complete a dumpster permit and sign a hold harmless agreement in favor of the city.

(G) The city is not liable for any damages resulting to parking lots, drives, and the like caused by the weight of the trucks used for dumpster pick-up. Each property owner is expected to maintain a lot or drive of sufficient structure to support the weight of the collection trucks.

(H) No refuse which is unacceptable as routine refuse at the landfill will be collected from residential sanitation customers. Examples of unacceptable waste include but are not limited to: hazardous waste, tires, batteries, medical waste, yard waste, liquid waste,

and white goods. Any receptacles containing any of these materials will not be picked-up by the sanitation department until the unacceptable materials are removed.

(l) The owner of the premises where the dumpsters are located and the residents utilizing the dumpsters/containers are responsible for the contents of the containers. The city is not responsible for policing containers to prevent the dumping of unacceptable waste, or refuse from individuals not related to the customer(s).

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

Section 4. This ordinance shall take effect and be in force from and after July 1, 2007.

Adopted by the Asheboro City Council in regular session on the 7th day of June, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

18. Consideration of an ordinance amending Chapter 91 (animal control) of the Code of Asheboro.

Mr. Sugg presented and recommended adoption, by reference, of an ordinance amending Chapter 91 of the Code of Asheboro.

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

22 ORD 6-07

AN ORDINANCE AMENDING CHAPTER 91 OF THE CODE OF ASHEBORO

WHEREAS, animal control ordinances adopted by the Asheboro City Council are codified in Chapter 91 of the Code of Asheboro; and

WHEREAS, Sections 91.15 through 91.30 of the Code of Asheboro specifically address the regulation of dogs within the City of Asheboro; and

WHEREAS, in pertinent part, Section 67-4.1(c) of the North Carolina General Statutes provides that the "municipal authority responsible for animal control shall designate a person or a Board to be responsible for determining when a dog is a 'potentially dangerous dog' and shall designate a separate Board to hear any appeal."

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

Section 1. Pursuant to Section 67-4.1(c) of the North Carolina General Statutes, and in order to fully enable the Randolph County Health Director to utilize within the corporate limits of the City of Asheboro the provisions pertaining to dangerous dogs that are prescribed by Article 1A of Chapter 67 of the North Carolina General Statutes, the Randolph County Health Director is hereby designated as the person responsible for determining when a dog is a "potentially dangerous dog" under Section 67-4.1 of the North Carolina General Statutes. Any appeal from a determination by the Randolph County Health Director that a dog is a "potentially dangerous dog" shall be made in accordance with Section 67-4.1 of the North Carolina General Statutes to the Dangerous Dog Appeal Board established by the Randolph County Animal Control Ordinance.

Section 2. The designations made in Section 1 of this ordinance shall be codified in the Code of Asheboro as a new section that shall be identified as Section 91.31 and shall provide as follows:

§ 91.31 OFFICIAL RESPONSIBLE FOR POTENTIALLY DANGEROUS DOG DETERMINATIONS AND APPEALS

Pursuant to Section 67-4.1(c) of the North Carolina General Statutes, and in order to fully enable the Randolph County Health Director to utilize within the corporate limits of the City of Asheboro the provisions pertaining to dangerous dogs that are prescribed by Article 1A of Chapter 67 of the North Carolina General Statutes, the Randolph County Health Director is hereby designated as the person responsible for determining when a dog is a "potentially dangerous dog" under Section 67-4.1 of the North Carolina General Statutes. Any appeal from a determination by the Randolph County Health Director that a dog is a "potentially dangerous dog" shall be made in accordance with Section 67-4.1 of

the North Carolina General Statutes to the Dangerous Dog Appeal Board established by the Randolph County Animal Control Ordinance.

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

Section 4. This ordinance shall take effect and be in force from and after the date of its adoption.

Adopted by the Asheboro City Council in regular session on the 7th day of June, 2007.

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

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

19. Discussion of items not on the agenda.

- Sunday, June 17, 2007 – Concert in the Park Series
- Tuesday, June 19, 2007 – Public Hearing regarding proposed improvements for Highway 220/Fayetteville Street – North Asheboro Middle School
- Wednesday, June 20, 2007 at 12:00 p.m. – Special Meeting of the City Council
- Monday, June 25, 2007 – Mayor Jarrell's Cleanup Day
- Tuesday, June 26, 2007 at 8:00 a.m. – Randolph County Economic Development Annual Meeting
- Tuesday, June 26, 2007 at 10:30 a.m. – Malt-O-Meal Ground Breaking Ceremony

There being no further business, the meeting was adjourned at 9:40 p.m.

Tamela D. Garner Deputy City Clerk

David H. Jarrell, Mayor