

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
THURSDAY, FEBRUARY 5, 2004  
7:00 PM**

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

David Jarrell                    ) –Mayor Presiding  
  
Talmadge Baker                )  
Linda Carter                    )  
Keith Crisco                    )  
Nancy Hunter                   ) –Council Members Present  
John McGlohon                 )  
Archie Priest                    )  
David Smith                     )

John N. Ogburn, City Manager  
Carol J. Cole, CMC, City Clerk  
Dumont Bunker, P. E., City Engineer  
Debbie Juberg, Finance Director  
Reynolds Neely, Planning Director  
Lynn Priest, CD Director  
Wendell Holland, Zoning Administrator  
Myers Johnson, Human Resources Director  
Larry Trotter, Chief Building Inspector  
Jeff Sugg, City Attorney

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

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

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

**2. Approval of Minutes of Previous Meeting.**

The minutes of the regular meeting of January 8, 2004, were approved as presented.

**3. Presentation of Retirement Plaque to Earlene Conner.**

City Manager John Ogburn read and presented a retirement plaque to Earlene Conner in honor of her retirement after 30 years of dedicated service with the City of Asheboro. Mrs. Conner performed a variety of duties during her employment with the City. At the time of her retirement, Mrs. Conner was a secretary II for the operations division of public works.

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

Mayor Jarrell recognized some photography students from Randolph Community College and welcomed everyone in attendance.

OLD BUSINESS:

**5. Public Hearing on Zoning Matter.**

Mr. Neely reported that the applicant, Jeffrey D. Pennell, has made a written request to withdraw his request for a Special Use Permit to allow a Home Occupation –Photography Studio at his residence located at 444 Maple Avenue.

NEW BUSINESS:

**6. Consent Agenda.**

Upon motion by Mr. McGlohon and seconded by Mr. Crisco, council voted unanimously to approve the following Consent Agenda items:

- (a) Appointment of Timothy Woodle to the redevelopment commission to serve a full term of five (5) years (2-5-04 to 2-5-09).
- (b) Resolution of intent to enter into an installment purchase agreement to finance capital equipment.

04 RES 2-04

**RESOLUTION TO ENTER INTO AN INSTALLMENT FINANCING AGREEMENT TO  
PURCHASE EQUIPMENT IN FY 2003-2004**

WHEREAS, the City of Asheboro appropriated funds for the purchase and installment financing of the below referenced equipment in accordance with generally accepted accounting principals, and;

WHEREAS, the City of Asheboro has either gone through a formal bid process or is purchasing off of State contract to procure said equipment, and;

WHEREAS, the City of Asheboro has gone thru an informal bid process to obtain the most agreeable financing arrangement for the City of Asheboro for said purchase;

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

Section 1: That the following Equipment be purchased and paid for via an installment financing agreement:

- 1. 1 Automated Leaf Truck
- 2. 1 Automated Garbage Truck
- 3. 4 vehicles & safety equipment for said vehicles for the Police Department
- 4. 1 vehicle for the Fire Department
- 5. 1 vehicle for the Inspection Department

Section 2: That the City of Asheboro enter into an installment financing agreement in the amount of \$401,529 with Wachovia Bank, National Association. The installment financing agreement will be for 59 months at a rate of 2.58%.

Adopted this the 5th day of February 2004,

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

ATTEST:

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

**7. Annual Financial Audit Presented by Steve Hackett, CPA.**

Mr. Steve Hackett, CPA, presented and reviewed the City of Asheboro's annual financial audit for the period ended June 30, 2003. The audit found the City to be in sound financial condition. The Government Finance Officers Association of the United States and Canada awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Asheboro for its comprehensive annual financial report for the fiscal year ended June 30, 2002. The Certificate of Achievement is a prestigious national award recognizing conformance with the highest standards for preparation of state and local government financial reports.

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Upon motion by Mr. Baker and seconded by Mrs. Hunter, council voted unanimously to accept Mr. Hackett's audit report.

**8. Proposed Changes in Personnel Policies and Procedures Manual.**

Director of Human Resources Myers Johnson presented and reviewed the recommended changes to the City's Personnel Policies and Procedures Manual. The following Articles and Sections will be affected by these changes:

- ? Article I. General Provisions, Section 3. Administration (Addition)
- ? Article III. Pay Plan, Section 7. Overtime (Additions and Deletions)
- ? Article IV. Recruitment and Employment, Section 1. Policy (Revision)
- ? Article VI. Benefits, Section 4. Group Health and Hospitalization Insurance for Retiring Employees (Revision)
- ? Article VI. Benefits, Section 6. Special Separation Allowance for Eligible Sworn Law Enforcement Officers (Revision)
- ? Article VII. Leaves of Absence, Section 5. Vacation Leave –Terminal Pay (Revision)
- ? Article VII. Leaves of Absence, Section 12. Sick Leave –Notification (Addition)
- ? Article IX. Fair Labor Standards, Section 1. Pay Rate, Workweek, Overtime and Compensatory Time Policies Adopted (Addition)

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to approve the changes to the City's Personnel Policies and Procedures Manual as presented by Mr. Johnson.

City Attorney Jeff Sugg explained that all employment in North Carolina is "employment at will" unless there is a statute or ordinance or employment contract that confers some sort of right to continued employment on an employee. When personnel policies are only set forth in a personnel manual or policy approved by resolution of a governing board, no property interest is created and the public employee is still an employee at will. Section 35.01 of the City of Asheboro's Code of Ordinances states that "The Personnel Policies and Procedures Manual adopted January 11, 1990, and as amended, are hereby adopted by reference and made a part of the Code as if set forth at length herein."

The city manager, director of human resources and the city attorney feel that the long-term management of the work force employed by the City of Asheboro would be enhanced in terms of flexibility, responsiveness, effectiveness, and efficiency if employees of the City of Asheboro were subject to personnel policies that do not create a property interest and are set forth in a manual that is simply approved by a resolution of the city council. To accomplish this, Section 35.01 of the Code of Ordinances would have to be repealed. Before deciding whether or not to repeal Section 35.01, it is desirable to give all interested parties an opportunity to be heard on this matter. Mr Sugg presented and recommended adoption of a resolution setting a public hearing on the issue of the proposed repeal of Section 35.01 of the Code of Asheboro to be held during the city council's next regular meeting on March 4, 2004.

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

05 RES 2-04

**RESOLUTION SETTING A PUBLIC HEARING ON THE ISSUE OF THE PROPOSED REPEAL OF SECTION 35.01 OF THE CODE OF ASHEBORO**

WHEREAS, absent a statute or ordinance or employment contract that confers some sort of right to continued employment on an employee, all employment in North Carolina is "employment at will"; and

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WHEREAS, if an employee has a property right in his or her employment, he or she is not an at-will employee; and

WHEREAS, an employee has a property interest in his or her employment when the employee has a limited right to continued and indefinite employment pursuant to a local ordinance; and

WHEREAS, Section 35.01 of Chapter 35 of the Code of Asheboro provides as follows:

**§ 35.01 ADOPTION BY REFERENCE**

The Personnel Policies and Procedures Manual adopted January 11, 1990, and as amended, are hereby adopted by reference and made a part of this code as if set forth at length herein; and

WHEREAS, when personnel policies are only set forth in a personnel manual or policy approved by resolution of a governing board, no property interest is created and the public employee is still an employee at will; and

WHEREAS, the City Council of the City of Asheboro, North Carolina has received a recommendation from the City Manager, Director of Human Resources, and the City Attorney indicating that the long-term management of the work force employed by the City of Asheboro would be enhanced in terms of flexibility, responsiveness, effectiveness, and efficiency if employees of the City of Asheboro were subject to personnel policies that do not create a property interest and are set forth in a manual that is simply approved by a resolution of the City Council; and

WHEREAS, before deciding on whether or not to repeal § 35.01 of the Code of Asheboro, the City Council of the City of Asheboro, North Carolina desires to give all interested parties a reasonable opportunity to be heard on this matter;

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

Section 1. A public hearing is hereby called on the question of whether the above-listed provisions of § 35.01 of the Code of Asheboro shall be repealed, and the employees of the City of Asheboro subject to personnel policies set forth in a manual that is promulgated by the City Manager and approved by resolution by the City Council. Said public hearing shall be held during the Council's next regular meeting on March 4, 2004, at 7:00 o'clock p.m.

Section 2. The City Clerk shall publish notice of this public hearing one (1) time in the Courier-Tribune, a newspaper of general circulation in the City of Asheboro and County of Randolph, at least ten (10) calendar days prior to the date of said public hearing.

Adopted by the Asheboro City Council in regular session on this 5<sup>th</sup> day of February, 2004.

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

ATTEST:

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

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

Chief Building Inspector Larry Trotter reviewed the highlights of the Inspections Department's 2003 Annual Report. Mr. Trotter reported that 2003 was a very productive year. The total valuation for permits issued was \$26,143,017.

**10. Public Hearings on Zoning Matters.**

Mayor Jarrell opened the public hearing on the following request:

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- (a) From R-10 and CU-B-2 to B-2 (RZ-04-04): The property of Joseph M. Burrows and wife, Zelda S. Burrows, located at the northwest corner of East Dixie Drive and Dublin Road totaling approximately 1.957 acres, more specifically identified by Randolph County Parcel ID No. 7760382393.

Mr. Neely described the aforementioned property and stated that US Highway 64 East and Dublin Road are major thoroughfares. The site is served by all city services. Frontage along US Highway 64 is primarily commercial; the area north is characterized as a neighborhood residential area. The western half of the property is currently zoned CU-B-2. Mr. Neely reported that Tract #2, as shown on the submitted plat, was rezoned to CU-B-2 and issued a CU Permit on July 14, 1988. The permit has expired.

The planning board recommended approval, as the request complies with the goals and policies and map of the Land Development Plan.

Mr. Richard Cooper, real estate agent for the applicant, was present to answer questions and stated that the rezoning would increase the marketability of the property.

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

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

Mayor Jarrell opened the public hearing on the following request:

- (b) From RA-6 Residential to B-2 Commercial (RZ-04-05): The property of James W. Morgan and Garland R. Lawson located at 120 West Presnell Street, totaling approximately .29 acre, more specifically identified by Randolph County Parcel ID Number 7751867068. The applicant is William T. Mitchener.

Mr. Neely described the aforementioned property and stated that West Presnell Street is a major thoroughfare. The site is served by all city services. The area is characterized as a mixed use area, with residential, multifamily, office and commercial uses. A multifamily structure presently exists on the property.

The planning board recommended approval, as the request complies with the goals and policies and map of the Land Development Plan.

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

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

Mayor Jarrell opened the public hearing on the following request:

- (c) From R-10 to CU-I-2 (RZ-04-06): The property of Clayton Terry Tucker located on Ridgeway Circle and Ridgeway Drive, totaling approximately 4.2387 acres, more specifically identified by Randolph County Parcel ID Numbers 7750197514, 7750198533, 7750198289, 7750199672, and 7750199359.

Mr. Neely was sworn in and submitted the site plan. He stated that Ridgeway Circle and Ridgeway Drive are local streets. The site is located outside of the city limits. Water and sewer service are available. The property is contiguous with the existing industrial area; however, it extends into an area which is residential in character. Mr. Neely stated that the site plan satisfies the ordinance requirements. Mr. Neely stated some suggested conditions for council's consideration if it finds in favor of the request.

The planning board recommended approval of the district rezoning. The Board felt that even though the request does not comply with the map of the Land Development Plan, with specific conditions to mitigate conflicts with Land Development Plan goals and policies; the request will not create significant conflicts with the plan. The planning board commented that noise levels, requirement of Type D buffers, including along Ridgeway Drive, and ingress and egress controls on Ridgeway Drive should be considered.

Mr. Jon Megerian, attorney representing the applicant, was sworn in and presented photos of the property, shown from different directions of what would be seen of the proposed use.

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Mr. Megerian addressed the four standard tests. (1) The use will not materially endanger the public health or safety, as the use has been in existence for years. There will be no hazardous materials, and the use will not change. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance. The 20-foot buffer is the most restrictive. (3) The use will not substantially injure the value of adjoining or abutting property. Mr. Megerian did not have an appraisal opinion but submitted pictures of the surrounding property for council's consideration. (4) The location and character of the use will be in harmony with the area. The use meets the goals and policies of the zoning ordinance, and the property will be sufficiently buffered.

Mr. Bob Luck was sworn in and stated that letters were mailed to all adjoining property owners notifying them of the rezoning request and public hearing.

After council's discussion of the nine (9) recommended conditions stated by Mr. Neely, it amended Condition #5 to read "Vehicles weighing over one ton shall not be allowed for ingress or egress on Ridgeway Road and Ridgeway Circle from the intersection of Ridgeway Circle to Farmer Road." Council also added Condition #10 that reads "The screening shall continue along the property of Robert C. Hoover."

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

hearing.

Upon motion by Mr. Baker and seconded by Mrs. Carter, council unanimously ordained to accept the recommendation from the planning board for approval of the CU-I-2 district rezoning. Upon motion by Mr. McGlohon and seconded by Mr. Priest, council voted unanimously to approve the CU Permit with the conditions as stated and amended, based on the four standard tests being met per testimony by Mr. Megerian.

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

**11. Petition Received From Turtle Lake Properties, LLC, Requesting Contiguous Annexation of 31.128 Acres on the North Side of Caudle Road.**

Mr. Bunker presented and recommended adoption of a resolution directing the city clerk to investigate the aforementioned annexation petition.

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

06 RES 2-04

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE  
ANNEXATION PETITION  
(31.128 Acres of Land Located on the North Side of Caudle Road)**

**WHEREAS**, a petition requesting annexation of an area described in said petition as approximately 31.128 acres of land located on the north side of Caudle Road has been received by the City Council of the City of Asheboro; and

**WHEREAS**, Section 160A-31 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, on this 5th day of February, 2004, that the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as practicable to the City Council the results of her investigation.

ATTEST:

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

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

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After the city clerk certified as to the sufficiency of the petition, Mr. Bunker presented and recommended adoption of a resolution fixing the date for a public hearing on the question of annexation.

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

07 RES 2-04

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF  
ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA  
GENERAL STATUTES  
(31.128 Acres of Land Located on the North Side of Caudle Road)**

**WHEREAS**, a petition requesting annexation of the area described herein 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 said petition has been made;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina, on this 5th day of February, 2004, as follows:

**Section 1.** A public hearing on the question of annexation of the area described herein will be held at the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, at 7:00 o'clock p.m. on the 4th day of March, 2004; and

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

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

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

ATTEST:

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

**Exhibit 1**

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron rod that is set on the northern right-of-way line of Caudle Road (North Carolina Secondary Road 2123) and is located by means of the North Carolina Coordinate System at the coordinates of North 741,840.363 feet and East 1,760,948.269 feet (NAD 27); thence from said Beginning point following the existing corporate limits line of the City of Asheboro North 03 degrees 22 minutes 44 seconds East 1116.53 feet to a set new iron rod; thence along the jurisdictional boundary line between the City of Randleman and the City of Asheboro North 90 degrees 00 minutes 00 seconds East 1581.70 feet to a set new iron rod; thence South 02 degrees 02 minutes 09 seconds West 503.17 feet to an existing iron pipe and stone; thence along the Thomas Burrow, Jr. property described in Deed Book 1723, Page 948 of the Randolph County Registry the following courses and distances: North 87 degrees 26 minutes

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14 seconds West 817.43 feet to an existing iron pipe; thence South 02 degrees 54 minutes 07 seconds West 883.94 feet to an existing iron pipe located on the northern right-of-way line of Caudle Road; thence along the northern right-of-way line of Caudle Road the following courses and distances: North 74 degrees 35 minutes 19 seconds West 106.63 feet to a point not set; thence North 74 degrees 14 minutes 43 seconds West 387.34 feet to a point not set; thence North 73 degrees 33 minutes 29 seconds West 102.98 feet to a point not set; thence North 70 degrees 03 minutes 04 seconds West 110.84 feet to an existing iron pipe; thence North 69 degrees 12 minutes 58 seconds West 95.97 feet to the point and place of the BEGINNING, and containing 31.128 acres, more or less.

This description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR TURTLE LAKE PROPERTIES, LLC (sic)". This plat of survey was drawn under the supervision of Roland D. Ward, Professional Land Surveyor with Registration Number L-2728, from an actual survey made under his supervision. Said plat of survey bears an original date of December 16, 2003, and was revised on December 23, 2003; December 30, 2003; and January 28, 2004.

**12. Resolution of Intent to Permanently Close West Dorsett Avenue and the Portion of South Church Street Located South of West Walker Avenue, Scheduling a Public Hearing on April 8, 2004.**

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

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

08 RES 2-04

**RESOLUTION OF INTENT TO PERMANENTLY CLOSE WEST DORSETT AVENUE  
AND THE PORTION OF SOUTH CHURCH STREET LOCATED**

## SOUTH OF WEST WALKER AVENUE

WHEREAS, Section 160A-299 of the North Carolina General Statutes prescribes the procedure to be followed by a city in order to permanently close a street or alley; and

WHEREAS, the City Council of the City of Asheboro, North Carolina has determined that it is advisable to consider permanently closing West Dorsett Avenue and the portion of South Church Street that is located south of West Walker Avenue; and

WHEREAS, in order for a municipality to properly and lawfully permanently close a street, Section 160A-299 of the North Carolina General Statutes requires that a city council first adopt a resolution declaring its intent to permanently close the street in question and then call a public hearing on the question;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina, on this 5th day of February, 2004, as follows:

Section 1. It is the intent of the City Council of the City of Asheboro, North Carolina to permanently close West Dorsett Avenue. Said street is located within the corporate limits of the City of Asheboro and is more particularly described as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a new iron pipe that is located at the point where the southern right-of-way line of West Dorsett Avenue intersects with the western right-of-way line of the fifty (50) foot right-of-way owned by Norfolk Southern Railroad, said point is located the following courses and distances from City of Asheboro Monument 25 which is located by means of the North Carolina Coordinate System at the coordinates of North 706,322.405 feet and East 1,756,419.502 feet (NAD 27): South 09 degrees 46 minutes 30 seconds West 4.10 feet along the western right-of-way line of Norfolk Southern Railroad to a new iron pipe; thence South 89 degrees 55 minutes 13 seconds East 86.73 feet across the Norfolk Southern Railroad right-of-way and to an existing iron pipe located on the western right-of-way line of South Fayetteville Street (United States Highway 220 Business); and thence South 65 degrees 46 minutes 21 seconds West 1264.06 feet to City of Asheboro Monument 25; thence from said Beginning point across West Dorsett Avenue and along the western right-of-way line of Norfolk Southern Railroad the following course and distance: North 09 degrees 46 minutes 30 seconds East 46.62 feet to a new iron pipe located at the intersection of the northern right-of-way line of West Dorsett Avenue

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with the western right-of-way line of the Norfolk Southern Railroad right-of-way; thence along the northern right-of-way line of West Dorsett Avenue the following courses and distances: North 89 degrees 55 minutes 13 seconds West 232 feet to a new iron pipe; thence South 01 degree 02 minutes 04 seconds East 5.00 feet to a new iron pipe; and thence North 89 degrees 55 minutes 13 seconds West 160.00 feet to a nail set in concrete at the intersection of the northern right-of-way line of West Dorsett Avenue with the eastern right-of-way line of South Church Street; thence South 01 degree 02 minutes 19 seconds East 40.80 feet across West Dorsett Avenue and along the eastern right-of-way line of South Church Street to a new iron pipe located at the intersection of the eastern right-of-way line of South Church Street with the southern right-of-way line of West Dorsett Avenue; thence South 89 degrees 53 minutes 43 seconds East 384.25 feet to the point and place of the BEGINNING and being all of West Dorsett Avenue, including the entirety of the forty (40) and forty-five (45) foot rights-of-way that include West Dorsett Avenue as shown on the below-referenced plat of survey, that is located within the 0.391 of an acre, more or less, encompassed by the preceding metes and bounds description.

This description is in accordance with a plat of survey entitled "Survey Of Proposed Closing Of West Dorsett Avenue And Portion Of South Church Street For City of Asheboro"; originally dated June 28, 2003 and revised on January 30, 2004; and drawn under the supervision of Philip M. Henley, P.L.S. with Registration Number L-1494.

Section 2. It is the further intent of the City Council of the City of Asheboro, North Carolina to permanently close the portion of South Church Street that is located South of West Walker Avenue. Said street is located within the corporate limits of the City of Asheboro and is more particularly described as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at the point where the northern right-of-way line of West Dorsett Avenue intersects with the eastern right-of-way line of South Church Street, said point is marked with a nail set in concrete; thence from said Beginning point North 01 degree 02 minutes 19 seconds West 323.03 feet along the eastern right-of-way line of South Church Street to a new iron pipe; thence South 88 degrees 57 minutes 41 seconds West 40.00 feet across South Church Street to a new iron pipe; thence South 01 degree 02 minutes 19 seconds East 363.02 feet along the western right-of-way line of South Church

Street to a new iron pipe; thence South 89 degrees 53 minutes 43 seconds East 40.00 feet across South Church Street to a new iron pipe that is set at the point where the southern right-of-way line of West Dorsett Avenue intersects with the eastern right-of-way line of South Church Street; thence North 01 degree 02 minutes 19 seconds West 40.80 feet along the eastern right-of-way line of South Church Street to the point and place of the BEGINNING and being all of the portion of South Church Street located south of West Walker Avenue, including the entirety of the forty (40) foot right-of-way that includes the said portion of South Church Street located south of West Walker Avenue as shown on the below-referenced plat of survey, that is located within the 0.334 of an acre, more or less, encompassed by the preceding metes and bounds description.

This description is in accordance with a plat of survey entitled "Survey Of Proposed Closing Of West Dorsett Avenue And Portion Of South Church Street For City of Asheboro"; originally dated June 28, 2003 and revised on January 30, 2004; and drawn under the supervision of Philip M. Henley, P.L.S. with Registration Number L-1494.

Section 3. A public hearing on the matter of the above-described proposed permanent closure of West Dorsett Avenue and the portion of South Church Street located south of West Walker Avenue is hereby called and is to be held at the regular meeting of the City Council of the City of Asheboro on April 8, 2004, at 7:00 p.m. in the Council Chambers of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro, North Carolina. At said public hearing, any person may be heard on the question of whether or not the intended closing of West Dorsett Avenue or the intended closing of the portion of South Church Street located south of West Walker Avenue would be detrimental to the public interest or the property rights of any individual.

Section 4. The City Clerk is hereby directed to cause the publication of this Resolution of Intent once a week for four (4) successive weeks prior to the above-referenced public hearing in the Courier Tribune, a newspaper of general circulation in the City of Asheboro and Randolph County.

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Section 5. The City Clerk is further directed to transmit a copy of this Resolution of Intent by registered or certified mail to each owner of property adjoining the above-described West Dorsett Avenue and the portion of South Church Street located south of West Walker Avenue. The identity of said property owners is to be determined on the basis of the Randolph County Tax Department's records.

Section 6. The City Clerk is further directed to cause the prominent posting of this Resolution of Intent in a minimum of two (2) locations along West Dorsett Avenue and, at a minimum, in two (2) locations along the portion of South Church Street that is located south of West Walker Avenue.

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

ATTEST:

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

**13. Finance & Public Safety Matters.**

Mr. Ogburn reported that the finance and public safety committee met on Wednesday, January 14, 2004, and recommended that the city-owned property at West Salisbury Street be declared surplus and a minimum bid price be set at \$1,000. The committee also recommended that a minimum bid price of \$25,000 be set for the surplus city-owned property on Dennis Street.

**14. Resolutions Implementing the Finance & Public Safety Committee's Recommendations.**

Mr. Ogburn presented and recommended adoption of resolutions implementing the finance and public safety committee's recommendations as stated above.

Upon motion by Mr. Baker and seconded by Mr. McGlohon, council voted unanimously to adopt the following resolutions by reference:

09 RES 2-04

**RESOLUTION DECLARING CERTAIN CITY-OWNED REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WEST SALISBURY STREET AND PEACHTREE STREET TO BE SURPLUS PROPERTY AND**

**AUTHORIZING THE DISPOSAL OF SAID PROPERTY**

WHEREAS, the City of Asheboro, North Carolina owns a parcel of land located at the northeast corner of the intersection of West Salisbury Street and Peachtree Street, and said land is more particularly described as follows:

Lot # 36 of the Subdivision of Property of Acme Hosiery Mills, recorded Map No. 2, as recorded in the Office of the Register of Deeds for Randolph County, North Carolina in Plat Book 2 at Page 16; and

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

WHEREAS, the City Council's Finance Committee met on January 14, 2004, and recommended that the City Council declare the aforementioned property as surplus and set a minimum price of One Thousand Dollars (\$1,000) for the sale of this property;

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

Section 1. The above-listed recommendation of the Finance Committee is hereby accepted by the City Council of the City of Asheboro.

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Section 2. The City Manager and City Clerk are hereby authorized to accept the first offer received for the purchase of this property so long as the tendered offer is equal to or greater than One Thousand Dollars (\$1,000) and is accompanied by a bid deposit equal to five percent (5%) of the bid. Once the City Clerk has received the required bid deposit, proper notice of the offer shall be given and an advertisement or advertisements, as the case may be, for upset bids shall be published in accordance with the provisions of Section 160A-269 of the North Carolina General Statutes.

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

Adopted in regular meeting by the City Council of the City of Asheboro, North Carolina on this 5<sup>th</sup> day of February, 2004

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

ATTEST:

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

10 RES 2-04

**RESOLUTION DECLARING CERTAIN CITY-OWNED REAL PROPERTY LOCATED  
AT THE SOUTH END OF DENNIS STREET TO BE SURPLUS PROPERTY AND  
AUTHORIZING THE DISPOSAL OF SAID PROPERTY**

WHEREAS, the City of Asheboro, North Carolina owns approximately 3.592 acres of land located at the south end of Dennis Street, and said land is more particularly described as follows:

Lot # 2 of the Dennis Street Subdivision recorded in the Office of the Register of Deeds for Randolph County, North Carolina in Plat Book 45 at Page 79; and

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

WHEREAS, the City Council's Finance Committee met on January 14, 2004, and recommended that the City Council declare the aforementioned property as surplus and set a minimum price of Twenty-Five Thousand Dollars (\$25,000) for the sale of this property;

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

Section 1. The above-listed recommendation of the Finance Committee is hereby accepted by the City Council of the City of Asheboro.

Section 2. The City Manager and City Clerk are hereby authorized to accept the first offer received for the purchase of this property so long as the tendered offer is equal to or greater than Twenty-Five Thousand Dollars (\$25,000) and is accompanied by a bid deposit equal to five percent (5%) of the bid. Once the City Clerk has received the required bid deposit, proper

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notice of the offer shall be given and an advertisement or advertisements, as the case may be, for upset bids shall be published in accordance with the provisions of Section 160A-269 of the North Carolina General Statutes.

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

Adopted in regular meeting by the City Council of the City of Asheboro, North Carolina on this 5<sup>th</sup> day of February, 2004.

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

ATTEST:

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

**15. Public Works Matters.**

Mr. Ogburn reported that the public works committee met on Tuesday, January 13, 2004, and recommended that the extension of sanitary sewer service to Pinewood Country Club be considered. Mr. Ogburn stated that after Klaussner Investments has talked with their people, they will get back with us to discuss the particulars.

**16. Items Not on the Agenda.**

- (a) Resolution Supporting Improvements Proposed by the North Carolina Department of Transportation at the Intersection of NC 49 and SR 1144 (Mack Road).

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

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

11 RES 2-04

**Resolution Supporting Improvements Proposed by the North Carolina Department of Transportation at the Intersection of NC 49 and SR 1144 (Mack Road)**

WHEREAS, the North Carolina Department of Transportation proposes to make improvements

at the intersection of NC 49 and SR 1144 (Mack Road) that include:

- ? The extension of SR 1144 (Mack Road) north across NC 49 to US 64
- ? Widening NC 49 to a three-lane section at the intersection with SR 1144 (Mack Road)
- ? Installation of a traffic signal at the intersection of NC 49 and SR 1144 (Mack Road);

and

WHEREAS, the North Carolina Department of Transportation Division 8 Engineer is requesting funding for survey, design and engineering work for this project; and

WHEREAS, the Asheboro City Council has reviewed this project and has previously requested funding for this project by a Resolution dated November 7, 2002; and

WHEREAS, the Asheboro City Council has determined that the proposed project is compatible with the City of Asheboro's transportation system.

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NOW, THEREFORE, BE IT RESOLVED by the Asheboro City Council that the above-mentioned project is approved for the City of Asheboro, and that the City of Asheboro petitions the Board of Transportation to include this project in their Transportation Improvement Program.

Adopted by the Asheboro City Council this 5<sup>th</sup> day of February, 2004.

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

ATTEST:

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

There being no further business, the meeting was adjourned at 8:50 PM.

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Carol J. Cole, CMC, City Clerk

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David H. Jarrell, Mayor

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