

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, JUNE 8, 2006
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)
Keith Crisco)
Nancy Hunter) – Council Members Present
Walker Moffitt)
Archie Priest)
David Smith)

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
John Evans, Code Enforcement Officer
Holly J. Hartman, Legal Assistant/Deputy City Clerk
R. Wendell Holland, Zoning Administrator
Deborah P. Juberg, Finance Director
R. Reynolds Neely, Jr., Planning Director
Trevor L. Nuttall, Planner
O. Lynn Priest, Community Development Director
James W. Smith, Fire Chief
Jeffrey C. Sugg, City Attorney
Anthony C. York, Police Major

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 Mark Beane gave the invocation.

2. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

3. Request from North Carolina Zoological Society.

Mr. Russ Williams, Executive Director of the North Carolina Zoological Society, a non-profit corporation that assists with funding for the North Carolina Zoological Park, presented a request that the city provide \$100,000.00 over a period of three (3) years for assistance in completing a seven (7) acre exhibit for elephants, "Watani Grasslands." Said exhibit would increase the educational and recreational opportunities for the zoo's visitors in addition to the possibility of having a significant economic impact on the City of Asheboro.

Mayor Jarrell reported that the consensus of the Finance Committee was that funding should be considered for the zoo's project, but the timing of the request was problematic in light of the ongoing strategic planning process and other recent expenditures by the city.

Upon motion by Mr. Crisco and seconded by Mr. Moffitt, Council voted to approve the expenditure of the funds requested by the North Carolina Zoological Society. Mr. Priest, Mr. Baker, and Ms. Hunter opposed.

4. Consent Agenda.

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

- Minutes of a special meeting of the City Council held on April 27, 2006.
- Minutes of the regular meeting of the City Council held on May 4, 2006.
- Minutes of a special meeting of the City Council held on May 16, 2006.
- Minutes of a special meeting of the City Council held on May 18, 2006.
- Findings of fact, conclusions of law, and order in the matter of CUP-06-13.

Case No. CUP-06-13
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION OF HOWARD MITCHELL BREEDLOVE FOR A
CONDITIONAL USE PERMIT ALLOWING THE EXPANSION OF AN EXISTING RETAIL BUSINESS

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

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council held on May 4, 2006. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Howard Mitchell Breedlove (hereinafter referred to as the "Applicant") has properly submitted an application to amend an existing Conditional Use Permit, which was issued under file number CUP-01-18, to allow the expansion of a retail business on the Applicant's property at 182 Dublin Square Road in Asheboro.
2. The Applicant's lot at 182 Dublin Square Road (hereinafter referred to as the "Zoning Lot") consists of approximately 23,522 square feet of land and is more specifically identified by Randolph County Parcel Identification Number 7761328281.
3. The existing land use on the Zoning Lot is retail shoppers' goods, more precisely a Carquest Auto Parts store, and the Applicant is seeking to physically expand his store by 1,250 square feet on the southern end of the existing building.
4. The proposed addition itself is 25 feet in depth and 50 feet in width.
5. The Zoning Lot is located in an area that is designated on the Growth Strategy Map as a "Primary Growth" area, and said area is identified on the Proposed Land Development Plan Map as "Office and Institutional."
6. The Zoning Lot is located in a CU-B2 zoning district.
7. The land uses immediately surrounding the Zoning Lot are multi-family residential to the north, industrial and commercial to the south, commercial to the east, and office and commercial uses are located to the west.
8. The Zoning Lot is located within the corporate limits of the City of Asheboro and is served by all city services.
9. The Zoning Lot has frontage along Dublin Square Road and East Salisbury Street, which are both major thoroughfares.
10. The area in which the Zoning Lot is located is primarily commercial with multi-family developments north and south of the subject property.
11. The B2 General Business zoning district is intended to provide convenience and shoppers' goods and services along major and minor thoroughfares.
12. The Applicant's business has been in operation on the Zoning Lot since 2001, and, as a property owner in the area, the Applicant has witnessed an increase in the value of his property value since 2001.

city a new 40-foot wide sanitary sewer easement encompassing approximately twelve thousand one hundred fifty-seven (12,157) square feet as part of the relocation process; and

WHEREAS, the city attorney has drafted a proposed DEED OF EASEMENT that will effectuate the proposed abandonment of a portion of the existing sanitary sewer easement in exchange for the granting of a new sanitary sewer easement to accommodate the relocated sewer line; and

WHEREAS, the proposed DEED OF EASEMENT is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, upon the recommendation of the city's professional staff, the city council has determined that the Developers' proposed relocation of the existing sewer line is not detrimental to the interests of the City.

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

Section 1. The request submitted by the Developers to relocate the existing 8-inch sewer line at the north end of Executive Way is hereby approved.

Section 2. In order to effectuate the above-described transaction, the Mayor and the City Clerk of the City of Asheboro are hereby authorized and directed to execute on behalf of the City of Asheboro a legal instrument prepared by the City Attorney that is substantially similar to the document attached to this resolution as EXHIBIT 1.

Adopted by the Asheboro City Council in regular session on the 8th day of June, 2006.

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

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

EXHIBIT 1

DEED OF EASEMENT

Prepared by Jeffrey C. Sugg, City Attorney for the City of Asheboro, North Carolina 27203.

Mail after recording to the City of Asheboro, Post Office Box 1106, Asheboro, NC 27204.

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

THIS DEED OF EASEMENT is made this _____ day of _____, 2006, by and between the following Grantor and Grantee:

GRANTOR: KEARNS & MCDOWELL DEVELOPERS, LLC, a North Carolina limited liability company

GRANTEE: CITY OF ASHEBORO, a North Carolina municipal corporation

The designation of Grantor and Grantee as used herein shall include said parties and their heirs, successors, and assigns, and the designation shall signify either singular, plural, masculine, feminine, or neuter as required by context.

WITNESSETH:

WHEREAS, the Grantor owns in fee simple two (2) parcels of land that are located in the City of Asheboro, Asheboro Township, Randolph County, North Carolina, and these parcels of land are described in the Randolph County Registry in Deed Book 1618, Page 1204 and in Deed Book 1399, Page 1449; and

WHEREAS, the Grantor's above-described lands are burdened by an existing 40-foot wide sanitary sewer easement granted in favor of the Grantee and recorded in Deed Book 695, Page 83, Randolph County Registry; and

WHEREAS, at the request of the Grantor, the Grantee has agreed to abandon a certain eleven thousand five hundred twenty-four (11,524) square feet, more or less, of the existing sanitary sewer

easement described in Deed Book 695, Page 83, Randolph County Registry in exchange for the Grantor constructing a new 8-inch sanitary sewer line, in accordance with the Grantee's specifications, within a new 40-foot wide sanitary sewer easement to be granted in, along, through, and over the Grantor's above-described lands.

NOW THEREFORE, for and in consideration of the abandonment by the Grantee of eleven thousand five hundred twenty-four (11,524) square feet, more or less, of the existing sanitary sewer easement and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor has bargained and sold, and by these presents does hereby grant, bargain, sell, and convey unto the Grantee, and its successors and assigns, a 40-foot wide right-of-way and easement encompassing a total area of twelve thousand one hundred fifty-seven (12,157) square feet, more or less, for the construction, inspection, repair, operation, and maintenance of a sanitary sewer line in, along, through, and over that certain portion of the above-described lands needed for the new sanitary sewer easement. The said new sanitary sewer easement is more particularly defined and described as follows:

Asheboro Township, Randolph County, North Carolina:

All of those new permanent sanitary sewer easements located upon Grantor's parcels or tracts of land as shown on the plat of survey entitled "SANITARY SEWER EASEMENT FOR THE CITY OF ASHEBORO", dated April 13, 2006, and recorded in Plat Book 105, Page 10, Randolph County Registry. Jerry A. King, Professional Land Surveyor with license number L-3373, prepared this plat of survey under job number 4257 A 10.

This plat of survey is hereby incorporated into this instrument by reference as if copied fully herein.

The Grantee is hereby given and shall have the perpetual right, privilege, and easement of going in, upon, and over the above-described easement area at any and all times deemed necessary or appropriate by the Grantee for the purpose of constructing, operating, inspecting, repairing, and maintaining a sanitary sewer line or lines, including without limitation the right and privilege to alter, replace, and expand the capacity of the sanitary sewer line(s), as part of the municipal sanitary sewer system operated by the City of Asheboro, North Carolina. This grant of a perpetual right, privilege, and easement over the above-described area to the Grantee includes without limitation the right of the Grantee to do all things necessary to keep the easement area cleared of trees, shrubs, undergrowth, buildings, structures, or any other type of obstruction that hinders or interferes with the construction, operation, inspection, repair, and maintenance of the Grantee's sanitary sewer line(s).

THE FURTHER TERMS AND CONDITIONS of the easement herein conveyed are as follows:

1. The Grantor agrees not to plant, cultivate, install, erect, or maintain any tree, shrub, building, structure, or any other type of obstruction in the easement area that may hinder or interfere with the construction, operation, inspection, repair, and maintenance of the Grantee's sanitary sewer line(s).

2. The Grantor agrees not to conduct, permit, or facilitate any grading within the easement area that would impair the ability of the Grantee to construct, operate, inspect, repair, and maintain its sanitary sewer line(s) in accordance with generally accepted industry standards, including without limitation any grading that would impair or impede the ability of sewer line and right-of-way maintenance vehicles to safely and reasonably utilize the easement area.

3. The Grantor hereby releases the Grantee from all claims for damages arising from this DEED OF EASEMENT and from all claims for damages arising from the future use by the Grantee of the above-described right-of-way for all purposes for which the Grantee is authorized by law to subject the said easement area.

4. The Grantee does not waive or forfeit the right to take action to insure compliance with the terms, conditions, and purposes of this DEED OF EASEMENT as a consequence of prior failures to act to insure compliance with terms, conditions, and purposes of the easement granted and conveyed herein.

5. By means of the execution of this instrument, the Grantee hereby abandons that certain eleven thousand five hundred twenty-four (11,524) square feet, more or less, of the existing 40-foot wide sanitary sewer easement designated as "to be abandoned" on the plat of survey recorded in Plat Book 105, Page 10, Randolph County Registry. Except as expressly provided in the immediately preceding sentence, the sanitary sewer easement recorded in Deed Book 695, Page 83, Randolph County Registry is unimpaired by this instrument and remains in full force and effect.

6. There are no conditions to this DEED OF EASEMENT not expressed herein.

TO HAVE AND TO HOLD the aforesaid right-of-way and easement and all pipes, connections, and fittings together with all privileges and appurtenances thereunto belonging or in any wise appertaining to said City of Asheboro, North Carolina, and its successors and assigns, forever. The covenants agreed

to and the terms, conditions, and restrictions imposed herein shall be binding upon the said Grantor and shall continue as a servitude running in perpetuity with the above-described lands.

The Grantor covenants and warrants that it is the sole owner of the said property; that it solely has the right to convey this easement and right-of-way; and that it will forever warrant and defend title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor and Grantee have caused this instrument to be executed under authority given, the day and year first above written.

KEARNS & MCDOWELL DEVELOPERS, LLC

By: _____
W. Reid Kearns, Member-Manager

By: _____
Herman K. McDowell, Jr., Member-Manager

CITY OF ASHEBORO

By: _____
David H. Jarrell, Mayor

ATTEST:

Holly J. Hartman, Deputy City Clerk

- Resolution authorizing the Mayor to enter into a Utility Agreement between the City of Asheboro and the North Carolina Department of Transportation to replace water and sewer lines on East and West Salisbury Street (NC 42) between North McCrary and North Elm Street for the North Carolina Department of Transportation Street Improvements Project, wherein the estimated cost to the City is \$361,272.30, to be paid over three (3) years.

(The aforementioned resolution is on file in the City Clerk's Office.)

- Change order #2 on the W.L. Brown, Jr. Water Treatment Plant and Lake Lucas Pump Station Generator Project (Cooper Electrical Construction Company) decreasing the contract amount by \$28,832.00 to \$1,200,989 for site modifications, and for deleting the telemetry equipment installation, which will be provided by a separate contract.
- Ordinance authorizing a stop sign to be installed to stop traffic on Cracklin Drive entering Humble Street.

21 ORD 6-06

**AN ORDINANCE AUTHORIZING A STOP SIGN
TO BE INSTALLED TO STOP TRAFFIC ON CRACKLIN DRIVE
ENTERING HUMBLE STREET
BY THE CITY COUNCIL
CITY OF ASHEBORO, NORTH CAROLINA**

BE IT ORDAINED by the City Council of the City of Asheboro:

Pursuant to Chapter 70, Section 70.29 of the Code of the City of Asheboro, the City Manager is hereby ordered to cause the installation of a stop sign as described below on a street that lies within the corporate boundary of the City of Asheboro:

- Stop Traffic on Cracklin Drive entering Humble Street

Adopted in Regular Meeting held on June 8, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

- Acceptance of the low bid received by National Waterworks, Inc. of Greensboro, NC to supply materials for water and sewer line extensions along East Presnell Street and Old Cedar Falls Road for the contract amount of \$136,001.99, including freight and sales tax.
- Approval of a resolution of support of the 2006 Clean Water Bond

27 RES 6-06

**Resolution of Support of the
2006 Clean Water Bond**

WHEREAS, North Carolina's continued prosperity depends on protecting the state's water resources for current use and future generations, and

WHEREAS, North Carolina is expected to grow by 3.5 million people to exceed 12 million by the year 2030, placing pressures on the state's water resources and local water providers, and

WHEREAS, North Carolina's businesses, traditional and emerging industries all depend on reliable supplies of clean water, reasonable utility costs and an attractive natural environment, and

WHEREAS, the 1998 Clean Water Bonds delivered significant benefits to North Carolina communities and citizens, supporting 1,103 projects in 97 counties, which

- helped create or retain 42, 000 jobs
- corrected major regulatory violations in 97 communities
- addressed failing septic systems and contaminated well in 59 counties
- resulted in 50 communities receiving sewer service for the first time,
- encouraged regional efficiencies, sound planning and conservation practices, and

WHEREAS, North Carolina's public water, sewer and storm water utilities will require investments totaling \$16.63 billion to keep pace with necessary improvements and population growth over the next 25 years, including \$6.85 billion in investments within the next five years.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Asheboro urges the North Carolina General Assembly to enact a \$1 billion bond bill in the 2006 session to fund construction and repair of urgently needed water, sewer and storm water facilities.

BE IT FURTHER RESOLVED that the City Council of the City of Asheboro calls upon the Governor and the General Assembly activate the State Water Infrastructure Commission to address the state's long-term water infrastructure needs with a visionary plan for sustained funding of water, sewer and storm water systems improvements.

Adopted by the City Council of the City of Asheboro during a regular session held on the 8th day of June, 2006.

s/ David H. Jarrell
David H. Jarrell
Mayor

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

- Ordinance to Amend the General Fund Budget FY 2005-2006

22 ORD 6-06

**ORDINANCE TO AMEND THE
GENERAL FUND BUDGET
FY 2005-2006**

WHEREAS, The City of Asheboro entered into a contract to purchase approximately nine thousand two hundred twenty seven (9,227) square feet of real property that is contiguous with the city-owned lot upon which the Farmer's Market is located from Charles G. Willard, Jr. and Dena H. Willard for an amount of twenty five thousand and no/100 dollars (\$25,000) and;

WHEREAS, The City of Asheboro entered into a contract to purchase approximately four thousand three hundred fifty three (4,353) square feet of real property that is contiguous with the city-owned lot upon

which the Asheboro Public Library is located from Abraham Investments, LLC for an amount of thirty thousand and no/100 dollars (\$30,000) and amended its budget for this principal purchase at the May 2006 meeting and;

WHEREAS, The City of Asheboro entered into a contract to purchase approximately two thousand three hundred seventy two (2,372) square feet of real property that is contiguous with the city-owned property commonly known as the "Sunset Theater" from Charlie S. Hancock for an amount of one hundred fifty thousand and no/100 dollars (\$150,000) and;

WHEREAS, the closing costs associated with the purchase of these properties amount to two thousand thirty seven dollars (\$2, 037) and;

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

WHEREAS, the budget as adopted requires amendment to reflect adjustments fund balance appropriations and expenditures necessary for these purchases:

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

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

10-399-0000	Fund Balance Appropriation	\$177,037
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Section 2: That the following Expenditure line items be increased:

10-500-7100	Capital Outlay- land (purchase)	\$25,000
10-500-7100	Capital Outlay- land (closing costs)	\$613
10-610-7400	Capital Outlay- building (purchase)	\$150,000
10-610-7400	Capital Outlay- building (closing costs)	\$580
10-630-7100	Capital Outlay- land (closing costs)	\$844

Adopted this the 8th day of June 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

- Resolution Consenting to the Assignment of a Hangar Lease at the Asheboro Regional Airport

28 RES 6-06

RESOLUTION CONSENTING TO THE ASSIGNMENT OF A HANGAR LEASE AT THE ASHEBORO REGIONAL AIRPORT

WHEREAS, Larry Richardson currently leases from the city Hangar C at the Asheboro Regional Airport (formerly known as the Asheboro Municipal Airport); and

WHEREAS, Larry Richardson wishes to assign his hangar lease to C.T. Mendenhall; and

WHEREAS, during a meeting held on April 18, 2006, the Asheboro Airport Authority recommended that the city council approve the requested lease assignment; and

WHEREAS, in order to effectuate the proposed lease assignment between Mr. Richardson and Mr. Mendenhall, the city attorney has drafted an instrument entitled ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT and a second instrument entitled CONSENT TO ASSIGNMENT OF LEASE; and

WHEREAS, the proposed instruments cited in the immediately preceding paragraph are attached to this resolution as EXHIBIT 1 and are hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, based upon the recommendation of the Asheboro Airport Authority, the city council has determined that the proposed assignment of the lease is not detrimental to the interests of the city.

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

Section 1. Subject to Section 2 of this resolution, Consent is hereby given to the assignment by Larry Richardson to C.T. Mendenhall of the lease agreement demising Hangar C at the Asheboro Regional Airport.

Section 2. In order to effectuate the above-described transaction, the city manager is hereby authorized and directed to execute on behalf of the City of Asheboro the legal instruments attached to this resolution as EXHIBIT 1.

Adopted in regular session on the 8th day of June, 2006.

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

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

(Exhibit 1 that is referred to in this resolution is on file in the City Clerk's Office.)

OLD BUSINESS

5. (a) CUP-06-12 Conditional Use Permit Modification / 841 Cross Street. The property of Barney L. Trogdon, Jr. is located at 841 Cross Street and consists of approximately 12,736 square feet of land. Randolph County Parcel Identification Number 7761258757

Mr. Neely was sworn in and presented the staff's analysis of the Applicant's request including the submitted site plan. The Applicant, Barney L. Trogdon, requested that an existing Conditional Use Permit issued under the Planning Department's file number CUP-05-13 be amended to allow the enclosure of an existing porch and the addition of drive-up service.

Mr. Barney L. Trogdon was sworn in and addressed the four standard tests.

Ms. Mary Freeland, an adjoining property owner, presented comments and concerns in opposition the Applicant's request.

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.

As a consequence of discussion about the impact of a drive-up service and the hours of operation of the business, Mr. Crisco suggested that 9:00 p.m. should be designated for closing in consideration of the surrounding neighbors. Upon motion by Ms. Carter and seconded by Mr. Priest, Council found that the Applicant satisfied the four standard tests and approved the requested Conditional Use Permit with one staff recommended condition and a modified condition limiting the business' operational hours to the hours of 6:00 a.m. to 9:00 p.m. daily. Mr. Moffitt voted no.

The formal Findings of Fact, Conclusions of Law, and Order granting this Conditional Use Permit will be entered by the Council in regular session on July 13, 2006.

- (b) By consensus, Council agreed to add an item to the agenda at the request of Mr. Baker and to revisit the previous decision in regards to the financial request by the North Carolina Zoological Society. Upon motion by Mr. Baker and seconded by Mr. Moffitt, Council voted to reconsider the acceptance of the Society's request for \$100,000.00 over a period of three (3) years to aid in the construction of a new elephant exhibit at the North Carolina Zoological Park. Mr. Priest and Ms. Hunter opposed.

Upon motion by Mr. Crisco and seconded by Mr. Moffitt, Council voted to accept the request by the North Carolina Zoological Society for the city's payment of \$100,000.00 over a period of three (3) years for the construction of an elephant exhibit at the North Carolina Zoological Park. Mr. Priest and Ms. Hunter opposed.

- (c) Request by Delbert Ragsdale for authorization to connect his property at 1801 and 1819 U.S. Highway 64 East to the City maintained water line in front of the Stuart-Bowman Auto Centre.

On behalf of Mr. Delbert Ragsdale, Mr. H.R. Gallimore presented a request for authorization to connect the property located at 1801 and 1819 U.S. Highway 64 East to the City maintained water line in front of the Stuart-Bowman Auto Centre. This request had previously been submitted in writing in accordance with Section 50.008 of the Code of Asheboro.

Upon motion by Ms. Carter and seconded by Mr. Baker, Council voted unanimously to approve the aforementioned request.

6. **NEW BUSINESS**

LAND USE ISSUES

Mayor Jarrell opened the public hearing on the following request:

- (a) RZ-06-15: Zoning Ordinance Technical Amendments. (1) Amend Section 306A of the Asheboro Zoning Ordinance to further define how mechanical equipment is to be screened. (2) Amend Table 200-2 of the Asheboro Zoning Ordinance to permit churches in the Light and General Industrial zoning districts. (3) Amend Section 303 of the Asheboro Zoning Ordinance to allow moveable recreational equipment to be located within front yard setbacks in residential and commercial zoning districts.

Mr. Neely presented the Planning Department Staff's proposed amendment to Section 306A of the Asheboro Zoning Ordinance along with the Planning Board's suggestions and comments. The proposed amendment would explicitly address "that mechanical screening shall apply only to new equipment associated with new construction, including additions or expansions of existing buildings."

Additionally, Mr. Neely presented the Planning Department Staff's proposed amendment to Table 200-2. This amendment would "ensure consistency with a federal law requiring that ordinances treat religious land uses similar to other non-religious assembly land uses."

The amendment to Section 303 would "ensure that equipment structures, and rides associated with Circuses, Carnivals, Fairs, and Limited Duration Events comply with the standard setbacks as established in Table 200-1."

The Planning Department Staff and the Planning Board recommended approval of the requested amendments to the Asheboro Zoning Ordinance.

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

Upon motion by Ms. Carter and seconded by Mr. Smith, Council adopted the recommendation of the Planning Board, and approved the requested amendments to Section 306A, Table 200-2, and Section 303 of the Asheboro Zoning Ordinance. Copies of the approved text of the amendments are on file in the City Clerk's office.

Mayor Jarrell opened the public hearing on the following request:

- (b) RZ-06-16: Zoning Ordinance Technical Amendments. (1) Amend Table 400-1 of the Asheboro Zoning Ordinance changing parking requirements for businesses identified as Rental/Sales of Commercial and Heavy Equipment. (2) Amend Article 500 of the Asheboro Zoning Ordinance to permit additional professionally-made outdoor sales signs for businesses with 95 percent of their standard inventory located out of doors. (3) Amend Article 500 of the Asheboro Zoning Ordinance changing the separation requirements for secondary free-standing advertising signs.

Mr. Neely presented the staff and Planning Board analysis of the respective technical amendments sought by Clyde Phillips of Piedmont Tractors, LLC, the North Carolina Dealers Association, and Wayne Thomas Chevrolet to amend Table 400-1 and Article 500 of the Asheboro Zoning Ordinance.

The proposed amendment to Table 400-1 "seeks to change required parking calculations from one based only on building square footage (3 per 1000 square feet of GFA) to one based on bay/work areas, number of employees, business vehicles, and retail space. The proposed requirement resembles the city's parking requirements for motor vehicle repair businesses with the addition of parking provisions for retail square footage."

The proposed amendment to Article 500 would "permit additional outdoor advertising for business whose standard inventory (at least 95%) is kept out of doors. The amendment would permit uses such as, but not limited to, roadside agricultural stands, amusement parks, farmers markets, open air markets (flea markets), junkyards, carnivals, fairs, outdoor lumber yards, manufactured home sales lots, rental/sales of commercial vehicles, heavy equipment, and domestic vehicles, and outdoors seasonal sales to erect an unlimited number of professionally made signs, banners pennants, flags, streamers, balloons, or other windblown devices."

Additionally the proposed amendment to Article 500 would "modify the allowances for secondary freestanding advertising signs for properties on U.S. Highway 64 (Dixie Drive). The current regulations permit a second sign for certain properties provided that one hundred (100) feet of separation is maintained between signs. The proposed regulations would allow a second sign to be erected that does not meet the one hundred (100) feet of separation as long as it is a minimum of fifty (50) feet from street right-of-way and no more than twenty-five (25) feet from a structure's street-fronting wall or façade."

The Planning Department Staff and the Planning Department recommended approval of the requested amendments to the Asheboro Zoning Ordinance.

Mr. Clyde Phillips, Mr. Jerry Bowman, and Mr. Wayne Thomas presented comments in support of the requested amendments. Additionally, Mr. John Policastro, General Counsel of the North Carolina Dealer's Association, presented comments in support of the request. No individuals spoke in opposition to the proposed amendments.

After substantive discussion and upon motion by Mr. Baker and seconded by Mr. Smith, Council adopted the recommendation of the Planning Board and approved the requested amendments to Table 400-1 and Article 500 of the Asheboro Zoning Ordinance. Copies of the approved text of the amendments are on file in the City Clerk's office.

Mayor Jarrell opened the public hearing on the following request:

- (c) RZ/CUP-16-17: Rezone from R10 to CU-B2 and Issue Conditional Use Permit / 505 NC Highway 42 North. The property of Eric Michael Davis is located at 505 NC Highway 42 North and consists of approximately 22,215 square feet of land. Randolph County Parcel Identification Number 7761318346 more specifically describes the property.

Mr. Neely was sworn in and presented the staff's analysis of the applicant's request, including the submitted site plan. The Applicant, Eric Michael Davis, requested the rezoning of the above-described property from R10 Medium-Density Residential to CU-B2 Conditional Use General Business. In addition to having the property rezoned, the Applicant requested a Conditional Use Permit for Business and Professional Services.

The Planning Department Staff recommended denial of the requested rezoning, while the Planning Board recommended approval of the requested rezoning. The Planning Board relied on the transitional elements of the area as the rationale for deviating from the recommendation of the Land Development Plan's proposed land use map. Additionally, the Planning Board recommended that Council evaluate the need for permit conditions.

On behalf of the Applicant, Mr. Ben Morgan, Esq., was sworn in and addressed the four standard tests. The Applicant, Mr. Eric Michael Davis, affirmed his testimony and addressed certain questions in regards to the proposed driveway for the existing structure located on the property in question.

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. Hunter, Council adopted the recommendation of the Planning Board and placed the above-described property in a CU-B2 Conditional Use General Business district.

Upon motion by Mr. Smith and seconded by Mr. Baker, Council unanimously voted to approve the requested Conditional Use Permit, to allow Business and Professional Services to be located on the above-referenced 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 for this Conditional Use Permit will be entered by the Council in regular session on July 13, 2006.

Mayor Jarrell opened the public hearing on the following request:

- (d) CUP-06-18: Conditional Use Permit Modification / 1302-1368 Old Cox Road. The properties of Cross Road Rest and Retirement Center, Inc. is located at 1302-1368 Old Cox Road and consists of approximately 32.25 acres of land. Randolph County Parcel Identification Numbers 7669560493, 7669564321, 7669551809, 7769557913, 7669554855, and 7769466475 more specifically describe the property.

Mr. Neely was sworn in and presented the staff's analysis of the Applicant's request including the submitted site plan. The Applicant, Cross Road Rest and Retirement Center, Inc., requested a

Conditional Use Permit to allow renovation and expansion of a Nursing, Convalescent, and Extended Care Facility.

On behalf of the Applicant, Mr. Steve Rumley 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 Mr. Smith and seconded by Mr. Priest, Council voted unanimously to approve the Conditional Use Permit to allow the renovation and expansion of a Nursing, Convalescent, and Extended Care Facility. The issuance of this permit was based on the four standard tests being met. No conditions were attached to this permit.

The formal Findings of Fact, Conclusions of Law, and Order granting this Conditional Use Permit will be entered by the Council in regular session on July 13, 2006.

(e) SUB-06-02: Habitat for Humanity.

Upon motion by Mr. Smith and seconded by Mr. Priest, Council voted unanimously to defer this item to immediately follow agenda item nine (9).

(f) SUB -01-01: Humble Ridge Subdivision. Final Plat Approval.

Mr. Neely presented the staff's analysis of the request by Lanier, Inc. for final plat approval for Humble Ridge. This subdivision is located on Cracklin Drive at Humble Street and contains approximately 17,195 square feet of land, consisting of approximately seven (7) lots.

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

Upon motion by Mr. Smith and seconded by Mr. Baker, 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-05-03: Townhomes on Springwood. Preliminary Plat Approval.

Mr. Neely presented the staff's analysis of the request by E&C Investments, LLC for preliminary plat approval for Townhomes on Springwood. This subdivision is located at the terminus of Springwood Road and contains approximately 6.75 acres of land, consisting of approximately twenty-two (22) lots.

All departments have reviewed the plat. The Planning Department Staff and the Planning Board recommended approval of the request with the comment that certain corrections are to be addressed as recommended by various departments. All corrections have been addressed.

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

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

(h) SUB-95-03: Executive Park Phase 2. Request for Preliminary Plat Approval Extension.

Mr. Neely read to the Council the Applicant's written request to extend the preliminary plat approval for an additional year. The project is currently under active construction and improvements are being installed.

Upon motion by Mr. Smith and seconded by Mr. Priest, Council unanimously voted to extend the preliminary plat approval for another year as requested.

6. Consideration of closing of Cedar Drive (Connecting to Skycrest Country Road – SR #1203) as requested by Annette Crofts of 622 Skycrest Country Road.

Mayor Jarrell opened the public hearing on the closing of Cedar Drive.

Mr. Bunker reported that the resolution declaring the city council's intent to permanently close Cedar Drive was published in *The Courier Tribune* once a week for four successive weeks,

and East 1,751,553.76 feet (NAD 83); thence from the said Beginning point following the curve of the northern margin of the right-of-way for Skycrest Country Road a chord bearing and chord distance of North 53 degrees 01 minute 48 seconds West 151.97 feet (Delta Angle = 21 degrees 04 minutes 00 seconds, Radius = 415.66 feet, Arc Distance = 152.83 feet, Tangent = 77.29 feet) to a point not set; thence continuing along the northern margin of Skycrest Country Road North 63 degrees 35 minutes 00 seconds West 129.48 feet to a point not set; thence following a curve along the Nancy Swaney property described in Deed Book 1204, Page 765, Randolph County Registry a chord bearing and chord distance of North 89 degrees 21 minutes 29 seconds East 88.31 feet (Delta Angle = 53 degrees 38 minutes 53 seconds, Radius = 97.85 feet, Arc Distance = 91.62 feet, Tangent = 49.48 feet) to a point not set; thence continuing along the Nancy Swaney property North 62 degrees 16 minutes 00 seconds East 178.00 feet to an existing iron rod control corner; thence South 72 degrees 57 minutes 11 seconds East 71.63 feet along the Gregory and Annette Crofts property described in Deed Book 1954, Page 267, Randolph County Registry to an existing iron pipe control corner; thence along the Annette Crofts property described in Deed Book 1241, Page 874, Randolph County Registry the following courses and distances: South 62 degrees 16 minutes 00 seconds West 156.85 feet to a point not set; thence along a curve a chord bearing and chord distance of South 09 degrees 52 minutes 31 seconds West 61.00 feet (Delta Angle = 104 degrees 40 minutes 02 seconds, Radius = 38.53 feet, Arc Distance = 70.39 feet, Tangent = 49.91 feet) to a point not set; thence South 42 degrees 34 minutes 10 seconds East 83.00 feet to an existing iron rod; thence along the Gregory and Annette Crofts property described in Deed Book 1954, Page 267, Randolph County Registry the following course and distance: South 42 degrees 35 minutes 15 seconds East 23.92 feet to the point and place of the BEGINNING, and being all of that 14,488 square feet of land, more or less, encompassed by the preceding metes and bounds description.

Also included is the 50-foot right-of-way for the above-described Cedar Drive, the said right-of-way to be permanently closed is shown on the plat of survey referenced below.

This description is in accordance with a plat of survey entitled "PROPOSED CLOSURE OF CEDAR DRIVE" that was drawn under the supervision of Jerry A. King, a professional land surveyor with registration number L-3373. The said plat of survey is dated March 31, 2006, identified as Job No. 4629 C 10, and is hereby incorporated into this resolution by reference as if copied fully herein.

Section 2. This ordinance and order shall become effective upon adoption.

Section 3. Any person aggrieved by the permanent closure of Cedar Drive may appeal the adoption of this ordinance and order to the General Court of Justice of Randolph County, North Carolina within thirty (30) days after the adoption of this ordinance and order.

Section 4. In the event there is no appeal within thirty (30) days after the adoption of this ordinance and order, a certified copy of the ordinance and order shall be filed in the Office of the Register of Deeds of Randolph County, North Carolina as provided by law.

Adopted by the Asheboro City Council in regular session on this 8th day of June, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

7. Consideration of closing a portion of Dennis Street, as requested by Loretta Long, Treasurer of Habitat for Humanity of Randolph County, Inc.

Mayor Jarrell opened the public hearing on the closing of a portion of Dennis Street.

Mr. Bunker reported that the resolution declaring the city council's intent to permanently close a portion of Dennis Street was published in *The Courier Tribune* once a week for four successive weeks, property owners have been notified by mail in accordance with the North Carolina General Statutes, and signs were posted along the street.

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

Mr. Bunker presented and recommended adoption, by reference, of an ordinance and order to permanently close a portion of Dennis Street.

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

CITY OF ASHEBORO STREET CLOSURE ORDINANCE NO. 24 ORD 6-06

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

**IN RE THE CLOSING OF A CERTAIN)
PORTION OF DENNIS STREET) ORDER
)**

WHEREAS, pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Asheboro adopted on the 4th day of May, 2006, during a regular meeting, a resolution (22 RES 5-06) declaring the intent of the City Council to permanently close a certain portion of Dennis Street; and

WHEREAS, Resolution Number 22 RES 5-06 properly called for a public hearing to be held at 7:00 o'clock p.m. on the 8th day of June, 2006, in the Council Chamber of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro, on the question of whether or not such closing would be detrimental to the public interest or the property rights of any individual; and

WHEREAS, pursuant to Section 160A-299 of the North Carolina General Statutes, the said resolution of intent was published in the Courier Tribune, a newspaper published in the City of Asheboro, Randolph County, North Carolina, once a week for four successive weeks prior to the public hearing called on the question of the permanent closure of the described portion of Dennis Street (this notice was published on May 11, 2006, May 18, 2006, May 25, 2006, and June 1, 2006); and

WHEREAS, a copy of the said resolution of intent was sent by certified mail to all of the owners, as determined by reviewing the county tax records, of property adjoining Dennis Street, said property owners are more particularly identified as follows:

1. Elizabeth Maness Fair
2. Habitat for Humanity of Randolph County, North Carolina, Inc.
3. Charles Glenn Lewis and Martha Lewis
4. Jimmie E. Throckmartin and Hye Kyong Throckmartin
5. Charles D. Johnson and Melissa L. Johnson
6. Richard Oakley and Karen Oakley
7. Louis C. Gaines and Patricia L. Carter
8. Martin Enriquez and Cirila Enriquez
9. Mike Bennett and Tricia D. Bennett
10. Alpha Solutions, LLC
11. Roy Lee Pierce
12. B. Keith Morgan and G. Ellen Byrum Morgan
13. Paula L. Gales
14. Byron C. Owens and Lynne M. Owens
15. Blanche Hill Cavender and William Cavender
16. Asheboro Housing Authority
17. Darryl Allen Hendrix

WHEREAS, notice of the city council's intention to permanently close the described portion of Dennis Street and the call for a public hearing on the question of the proposed street closure was prominently posted in two places along the portion of Dennis Street for which permanent closure is proposed; and

WHEREAS, after holding the public hearing called by the adopted resolution of intent to permanently close the described portion of Dennis Street, it appears to the satisfaction of the City Council of the City of Asheboro that the permanent closure of the portion of Dennis Street described below is not contrary to the public interest and that no individual owning property in the vicinity of the said portion of Dennis Street proposed for closure would thereby be deprived of reasonable means of ingress and egress to his or her property.

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

Section 1. The portion of Dennis Street described below by metes and bounds is hereby permanently closed. The permanently closed portion of Dennis Street is located partially within the corporate limits of the City of Asheboro and partially within the extraterritorial jurisdiction of the City of Asheboro and is more particularly described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:
BEGINNING at an existing iron pipe that is set in the western margin of the 50-foot right-of-way for Dennis Street, this existing iron pipe is located North 83 degrees 49 minutes 15 seconds West 25.24 feet from a point not set that is itself located by means of the North Carolina Coordinate System at the coordinates of North 703,322.85 feet and East 1,754,321.25 feet (NAD 83); thence from the said Beginning point South 01 degree 43 minutes 33 seconds East 63.90 feet along the western margin of the right-of-way for Dennis Street to a point not set; thence along the curve of the cul-de-sac, which serves as the southern terminus of Dennis Street, a chord bearing and chord distance of South 22 degrees 22 minutes 09 seconds West 20.41 feet (Arc Distance = 21.03 feet, Radius = 25 feet) to a point not set; thence continuing along the cul-de-sac as follows: a chord bearing and chord distance of South 28 degrees 01 minute 01 second West 31.64 feet (Arc Distance = 32.20 feet, Radius = 50 feet) to a point not set; thence a chord bearing and chord distance of South 19 degrees 04 minutes 40 seconds East 47.94 feet (Arc Distance = 50.00 feet, Radius = 50 feet) to a point not set; thence a chord bearing and chord distance of North 89 degrees 03 minutes 11 seconds East 68.48 feet (Arc Distance = 75.44 feet, Radius = 50 feet) to a point not set; thence a chord bearing and chord distance of North 17 degrees 11 minutes 02 seconds East 47.94 feet (Arc Distance = 50.00 feet, Radius = 50 feet) to a point not set; thence a chord bearing and chord distance of North 30 degrees 41 minutes 23 seconds West 32.93 feet (Arc Distance = 33.56 feet, Radius = 50 feet) to a point not set; thence a chord bearing and chord distance of North 25 degrees 49 minutes 14 seconds West 20.41 feet (Arc Distance = 21.03 feet, Radius = 25 feet) to a point not set; thence continuing along the eastern margin of the 50-foot right-of-way for Dennis Street the following course and distance: North 01 degree 43 minutes 33 seconds West 56.96 feet to an existing iron pipe; thence across the right-of-way for Dennis Street North 83 degrees 49 minutes 15 seconds West 50.48 feet to the point and place of the BEGINNING, and being all of that certain 0.260 of an acre of land, more or less, encompassed by the preceding metes and bounds description.

Also included is the right-of-way for the above-described portion of Dennis Street, the said portion of right-of-way to be permanently closed is shown on the plat of survey referenced below.

This description is in accordance with a plat of survey entitled "Proposed Closing Of A Portion Of Dennis Street" that was drawn under the supervision of Michael R. Stout, a professional land surveyor with registration number L-3492. The said plat of survey is dated April 1, 2006, identified as Job No. 06105-12, and is hereby incorporated into this resolution by reference as if copied fully herein.

Section 2. This ordinance and order shall become effective upon adoption.

Section 3. Any person aggrieved by the permanent closure of the above-described portion of Dennis Street may appeal the adoption of this ordinance and order to the General Court of Justice of Randolph County, North Carolina within thirty (30) days after the adoption of the ordinance and order.

Section 4. In the event there is no appeal within thirty (30) days after the adoption of this ordinance and order, a certified copy of this ordinance and order shall be filed in the Office of the Register of Deeds of Randolph County, North Carolina as provided by law.

Adopted by the Asheboro City Council in regular session on this 8th day of June, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

5. (e) (This item was moved by action of the Council to this point on the agenda.)

SUB-06-02: Habitat for Humanity. Sketch Design Approval.

Mr. Neely presented the staff's analysis of this request for sketch design approval of a proposed Habitat for Humanity of Randolph County, N.C., Inc. subdivision. This subdivision is located at

the terminus of Dennis Street and contains approximately 1.79 acres of land, consisting of approximately five (5) lots.

All Departments have reviewed the plat. The Planning Department Staff and the Planning Department 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 sketch design.

8. With the consent of the Council, this first reading of an ordinance granting to Tony Hafez of Asheboro Taxi Service a renewal of a certificate of convenience and necessity to operate seven (7) taxicabs was heard ahead of the public hearing on the proposed budget for fiscal year 2006-2007.

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. Hafez presented a request for Council's consideration to increase the cab fare. Based on a consensus from the Council, the Legal Services Department Staff will review the submitted request and present its findings for Council's consideration during a future regular session of the Council.

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

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

26 ORD 6-06

AN ORDINANCE GRANTING A RENEWAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY TO ASHEBORO TAXI

WHEREAS, Mr. Wael Hafez currently owns and operates a properly licensed taxicab service known as Asheboro Taxi, which has an office located at 402 North Fayetteville Street, Asheboro, North Carolina; and

WHEREAS, Asheboro Taxi has properly submitted the requisite application for a renewal of a Certificate of Convenience and Necessity from the City of Asheboro for a taxicab service; and

WHEREAS, no negative comments were received during a properly noticed public hearing that was held by the city council on June 8, 2006 on the question of granting the requested franchise to Asheboro Taxi.

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 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, 2007.

Section 2. Upon its second passage at a regular meeting of the City Council of the City of Asheboro, this ordinance shall be deemed to be effective from and after July 12, 2006.

Adopted after first reading in regular session on the 8th day of June, 2006.

Adopted after first reading in regular session on the 13th day of July, 2006.

David H. Jarrell, Mayor

ATTEST:

Holly J. Hartman, Deputy City Clerk

9. Public hearing on proposed fiscal year 2006-2007 annual budget.

Mayor Jarrell opened the public hearing on the proposed fiscal year 2006-2007 annual budget.

Ms. Juberg presented the proposed budget for fiscal year 2006-2007, including the total allocation of \$29,886,623.00 for said budget. A copy of the proposed budget is on file in the City Clerk's office in accordance with the North Carolina General Statutes.

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

10. Public comment period.

Mr. Ben Morgan presented comments in support of the city entering into a Pedestrian Planning Grant Initiative with the North Carolina Department of Transportation.

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

11. Ordinance extending the corporate limits of the City of Asheboro in the Sherwood Avenue area.

Mr. Ogburn presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro, North Carolina effective as of June 30, 2007.

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEBORO UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA (Sherwood Avenue Area)

Ordinance Number 25 ORD 6-06

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of the City of Asheboro has taken into full consideration the statements presented at the public hearing held on May 18, 2006 on the question of this annexation; and

WHEREAS, the City Council of the City of Asheboro has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Asheboro.

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

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Asheboro, and the corporate limits of the City of Asheboro shall be extended to include said territory more particularly described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe/rod set in the southern margin of the right-of-way for West Dixie Drive (United States Highway 64 and North Carolina Highway 49) and located South 11 degrees 54 minutes 45 seconds East 31.34 feet from North Carolina Geodetic Survey Monument "Holiday", which is itself located by means of the North Carolina Coordinate System at the coordinates of North 705,503.991 feet and East 1,753,504.069 feet (NAD 27); thence from said Beginning point along the existing corporate limits line for the City of Asheboro and the southern margin of the right-of-way for West Dixie Drive North 69 degrees 16 minutes 34 seconds East 424.71 feet to an existing iron pipe/rod; thence along the existing corporate limits line for the City of Asheboro the following courses and distances: South 00 degrees 46 minutes 20 seconds East 904.63 feet to an existing iron pipe/rod; thence South 12 degrees 43 minutes 58 seconds East 442.73 feet to an existing iron pipe/rod; thence North 89 degrees 11 minutes 13 seconds West 147.36 feet to an existing iron pipe/rod set in the eastern margin of the right-of-way for United States Highway 220 Bypass (I-73/I-74); thence along the eastern margin of the right-of-way for United States Highway 220 Bypass the following courses and distances: South 16 degrees 44 minutes 40 seconds East 62.93 feet to an existing iron pipe/rod; thence South 16 degrees 04 minutes 31 seconds East 26.59 feet to an existing iron pipe/rod; thence South 15 degrees 42 minutes 09 seconds East 50.47 feet to an existing iron pipe/rod; thence South 15 degrees 41 minutes 29 seconds East 39.80 feet to an existing iron pipe/rod; thence South 14 degrees 56 minutes 22 seconds East 50.27 feet to an existing iron

pipe/rod; thence South 12 degrees 07 minutes 44 seconds East 50.17 feet to an existing iron pipe/rod; thence South 12 degrees 37 minutes 49 seconds East 88.14 feet to an existing iron pipe/rod; thence South 10 degrees 23 minutes 38 seconds East 35.94 feet to an existing iron pipe/rod; thence South 08 degrees 55 minutes 23 seconds East 64.82 feet to an existing iron pipe/rod; thence South 09 degrees 42 minutes 42 seconds East 103.28 feet to an existing iron pipe/rod; thence South 07 degrees 43 minutes 29 seconds East 54.93 feet to a concrete monument; thence North 83 degrees 50 minutes 50 seconds East 39.79 feet to a concrete monument; thence along the eastern property line of the BSR, LLC property described in Deed Book 1916, Page 146, Randolph County Registry the following courses and distances: North 02 degrees 40 minutes 57 seconds West 67.98 feet to an existing iron pipe/rod; thence North 02 degrees 40 minutes 04 seconds West 77.59 feet to an existing iron pipe/rod; thence North 02 degrees 45 minutes 19 seconds West 100.34 feet to an existing iron pipe/rod; thence North 02 degrees 39 minutes 33 seconds West 99.97 feet to an existing iron pipe/rod; thence North 02 degrees 48 minutes 57 seconds West 4.61 feet to an existing iron pipe/rod; thence North 02 degrees 43 minutes 45 seconds West 195.04 feet to an existing iron pipe/rod set in the southern margin of the 60-foot right-of-way for Sherwood Road; thence North 88 degrees 21 minutes 46 seconds East 13.16 feet along the southern margin of the right-of-way for Sherwood Road to an existing iron pipe/rod; thence continuing along the existing corporate limits line for the City of Asheboro the following courses and distances: South 12 degrees 43 minutes 58 seconds East 558.90 feet to an existing iron pipe/rod; thence South 12 degrees 29 minutes 58 seconds East 562.83 feet to an existing iron pipe/rod; thence South 61 degrees 10 minutes 37 seconds West 1,213.57 feet across United States Highway 220 Bypass to a concrete monument; thence continuing along the existing corporate limits line for the City of Asheboro the following courses and distances: North 13 degrees 01 minute 14 seconds East 169.06 feet to an existing iron pipe/rod; thence North 13 degrees 15 minutes 01 second East 99.96 feet to an existing iron pipe/rod; thence North 13 degrees 22 minutes 19 seconds East 99.99 feet to an existing pipe/rod; thence North 13 degrees 14 minutes 24 seconds East 99.77 feet to an existing iron pipe/rod; thence North 13 degrees 16 minutes 20 seconds East 300.06 feet to an existing iron pipe/rod; thence North 13 degrees 15 minutes 55 seconds East 99.99 feet to an existing iron pipe/rod; thence North 13 degrees 45 minutes 14 seconds East 110.98 feet to a concrete monument; thence North 83 degrees 42 minutes 54 seconds West 241.18 feet to an existing iron pipe/rod; thence North 83 degrees 46 minutes 48 seconds West 51.72 feet across the 50-foot right-of-way for Harvell Street to an existing iron pipe/rod; thence continuing along the existing corporate limits line for the City of Asheboro the following courses and distances: North 83 degrees 34 minutes 06 seconds West 229.64 feet to an existing iron pipe/rod; thence North 83 degrees 45 minutes 01 second West 195.81 feet to an existing iron pipe/rod; thence across the 50-foot right-of-way for Sunny Lane (North Carolina Secondary Road 1229) and along the northern line of the Phillip Cox property described in Deed Book 1258, Page 634, Randolph County Registry the following courses and distances: North 82 degrees 59 minutes 26 seconds West 39.60 feet to an existing iron pipe/rod; thence North 83 degrees 44 minutes 21 seconds West 206.82 feet to a concrete monument; thence North 01 degree 45 minutes 55 seconds West 99.89 feet to a concrete monument; thence departing from the existing corporate limits line and continuing the following courses and distances: North 01 degree 58 minutes 10 seconds West 82.68 feet to an existing iron pipe/rod; thence North 01 degree 17 minutes 04 seconds West 84.08 feet to an existing iron pipe/rod; thence North 02 degrees 41 minutes 29 seconds West 7.95 feet to an existing iron pipe/rod; thence North 01 degree 18 minutes 23 seconds West 74.93 feet to an existing iron pipe/rod; thence North 01 degree 51 minutes 55 seconds West 82.60 feet to an existing iron pipe/rod; thence North 01 degree 51 minutes 16 seconds West 33.69 feet to an existing iron pipe/rod; thence North 01 degree 33 minutes 22 seconds West 48.80 feet to an existing iron pipe/rod; thence North 01 degree 51 minutes 15 seconds West 85.13 feet to an existing iron pipe/rod; thence North 85 degrees 42 minutes 41 seconds West 204.50 to an existing iron pipe/rod set in the 60-foot right-of-way for Lambert Drive (North Carolina Secondary Road 1157); thence North 85 degrees 42 minutes 41 seconds West 24.56 feet to an existing iron pipe/rod set in the right-of-way for Lambert Drive; thence South 01 degree 35 minutes 37 seconds East 89.51 feet to an existing iron pipe/rod set in the right-of-way for Lambert Drive; thence South 86 degrees 53 minutes 10 seconds West 198.27 feet along the Douglas Hensley property described in Deed Book 1630, Page 295, Randolph County Registry to an existing iron pipe/rod; thence along the Mark Thompson property described in Deed Book 1690, Page 1504, Randolph County Registry the following courses and distances: North 00 degrees 31 minutes 36 seconds West 36.39 feet to an existing iron pipe/rod; thence North 01 degree 05 minutes 39 seconds West 174.99 feet to an existing iron pipe/rod set in the 50-foot right-of-way for Sherwood Avenue (North Carolina Secondary Road 1204); thence North 04 degrees 19 minutes 22 seconds West 38.54 feet to an existing iron pipe/rod set in the right-of-way for Sherwood Avenue; thence North 03 degrees 49 minutes 19 seconds West 62.18 feet to an existing iron pipe/rod; thence North 01 degree 50 minutes 54 seconds West 74.95 feet to an existing iron pipe/rod; thence

North 01 degree 48 minutes 08 seconds West 74.99 feet to an existing iron pipe/rod; thence North 87 degrees 32 minutes 26 seconds West 86.80 feet to an existing iron pipe/rod; thence along the existing corporate limits line the following courses and distances: North 03 degrees 19 minutes 32 seconds East 99.02 feet to an existing iron pipe/rod; thence North 03 degrees 35 minutes 27 seconds East 49.77 feet to an existing iron pipe/rod; thence North 02 degrees 34 minutes 14 seconds East 49.84 feet to an existing iron pipe/rod; thence North 02 degrees 38 minutes 58 seconds East 24.92 feet to an existing iron pipe/rod; thence North 07 degrees 39 minutes 32 seconds East 13.78 feet to an existing iron pipe/rod; thence along the northern line of the Mental Health Association property described in Deed Book 1875, Page 768, Randolph County Registry the following courses and distances: North 87 degrees 31 minutes 52 seconds West 75.02 feet to an existing iron pipe/rod; thence North 87 degrees 21 minutes 13 seconds West 75.00 feet to an existing iron pipe/rod; thence North 87 degrees 27 minutes 09 seconds West 12.94 feet to an existing iron pipe/rod; thence North 05 degrees 28 minutes 42 seconds East 89.75 feet to an existing iron pipe/rod; thence along the Schwarz property described in Deed Book 1731, Page 948, Randolph County Registry the following courses and distances: South 87 degrees 26 minutes 04 seconds East 165.69 feet to an existing iron pipe/rod; thence North 07 degrees 25 minutes 34 seconds East 78.92 feet to an existing iron pipe/rod; thence North 06 degrees 59 minutes 42 seconds East 29.53 feet to an existing iron pipe/rod; thence North 08 degrees 04 minutes 51 seconds East 20.92 feet to an existing iron pipe/rod; thence along the BSR, LLC property described in Deed Book 1902, Page 1858, Randolph County Registry the following courses and distances: North 87 degrees 54 minutes 39 seconds East 203.07 feet to an existing iron pipe/rod; thence North 07 degrees 58 minutes 40 seconds West 41.49 feet to an existing iron pipe/rod; thence North 03 degrees 53 minutes 16 seconds West 58.10 feet to an existing iron pipe/rod; thence North 88 degrees 19 minutes 45 seconds East 67.79 feet across Lambert Drive to an existing iron pipe/rod; thence North 26 degrees 37 minutes 38 seconds East 70.15 feet to an existing iron pipe/rod; thence North 60 degrees 17 minutes 16 seconds East 89.47 feet to a concrete monument; thence along the southern margin of the right-of-way for West Dixie Drive the following courses and distances: South 86 degrees 02 minutes 19 seconds East 122.74 feet to an existing iron pipe/rod; thence South 89 degrees 57 minutes 55 seconds East 135.17 feet to an existing iron pipe/rod; thence North 86 degrees 26 minutes 47 seconds East 121.11 feet to an existing iron pipe/rod; thence North 83 degrees 05 minutes 08 seconds East 124.14 feet to an existing iron pipe/rod; thence North 79 degrees 45 minutes 07 seconds East 114.39 feet to an existing iron pipe/rod; thence North 76 degrees 24 minutes 00 seconds East 124.66 feet to an existing iron pipe/rod; thence North 73 degrees 04 minutes 06 seconds East 124.50 feet to an existing iron pipe/rod; thence continuing along the existing corporate limits line for the City of Asheboro the following courses and distances: South 05 degrees 02 minutes 14 seconds West 466.93 feet to a concrete monument; thence South 05 degrees 34 minutes 18 seconds East 118.32 feet to an existing iron pipe/rod; thence North 89 degrees 03 minutes 51 seconds East 60.46 feet to an existing iron pipe/rod; thence along the eastern margin of the 60-foot right-of-way for Harvell Street Extension (North Carolina Secondary Road 1241) the following courses and distances: South 00 degrees 53 minutes 47 seconds East 106.60 feet to an existing iron pipe/rod; thence South 17 degrees 17 minutes 04 seconds East 58.31 feet to an existing iron pipe/rod; thence South 22 degrees 26 minutes 00 seconds East 348.42 feet to an existing iron pipe/rod; thence along the northern margin of the 50-foot right-of-way for Sherwood Avenue (North Carolina Secondary Road 1204) the following courses and distances: South 83 degrees 28 minutes 22 seconds East 74.29 feet to an existing iron pipe/rod; thence North 89 degrees 23 minutes 25 seconds East 204.08 feet to a concrete monument set in the western margin of the right-of-way for the United States Highway 220 Bypass; thence along the western margin of the right-of-way for the United States Highway 220 Bypass the following courses and distances: North 17 degrees 19 minutes 08 seconds West 130.60 feet to an existing iron pipe/rod; thence North 21 degrees 28 minutes 06 seconds West 90.65 feet to an existing iron pipe/rod; thence North 27 degrees 52 minutes 36 seconds West 109.78 feet to a concrete monument; thence North 01 degree 53 minutes 23 seconds West 881.60 feet along the existing corporate limit line to the point and place of the BEGINNING, containing 80.317 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR CITY OF ASHEBORO(;) AREA SOUTHWEST OF WEST DIXIE DRIVE AND US HIGHWAY 220 BYPASS". This plat of survey was dated December 29, 2005, and was prepared by Jerry A. King, who is a Professional Land Surveyor with Registration Number L-3373.

Section 2. The City Council of the City of Asheboro hereby finds and declares that the above-described territory meets the requirements of Section 160A-48 of the North Carolina General Statutes in that:

- A. The above-described territory is contiguous to the existing boundaries of the City of Asheboro.
- B. 89% of the aggregate external boundaries of the area to be annexed coincide with the existing boundaries of the City of Asheboro.
- C. No part of the area to be annexed is included within the boundary of another incorporated municipality.
- D. The area to be annexed is developed for urban purposes according to the standards prescribed by Section 160A-48(c)(1) of the North Carolina General Statutes in that:
 - (1) The area to be annexed, excluding street rights-of-way, consists of a total acreage of approximately 55 acres;
 - (2) The area to be annexed contains 71 dwelling units;
 - (3) Using the federal decennial census, the total resident population is calculated to be 170 persons;
 - (4) The statutory standard set by Section 160A-48(c)(1) is that the area proposed for annexation must have a total resident population of at least 2.3 persons per acre of land included within the boundaries of the area proposed for annexation; and
 - (5) Thus, the calculated total resident population of 170 persons within the annexation area exceeds the statutorily prescribed minimum total resident population of 127 persons.
- E. The area to be annexed is developed for urban purposes according to the standards prescribed by Section 160A-48(c)(2) of the North Carolina General Statutes. These standards provide that the area proposed for annexation must have a resident population of at least 1 person per acre of land within the boundaries of the annexation area and the area must be subdivided into lots and tracts such that at least 60% of the total acreage is comprised of lots/tracts that are 3 acres or less in size. Furthermore, at least 65% of the total number of lots/tracts in the annexation area must be 1 acre or less in size. An analysis of the area proposed for annexation demonstrates that this area meets these standards in that:
 - (1) The area to be annexed, excluding street rights-of-way, consists of a total acreage of approximately 55 acres;
 - (2) The area to be annexed contains 71 dwelling units;
 - (3) Using the federal decennial census, the total resident population is calculated to be 170 persons, which far exceeds the minimum total resident population of 55 persons;
 - (4) Out of 55 acres, the statutory standard requires that a minimum of 33 lots/tracts must be 3 acres or less in size;
 - (5) In fact, 51 lots in the annexation area consist of 3 acres or less;
 - (6) Of a total of 78 lots/tracts within the annexation area, the statutory standard prescribes that a minimum of 51 of these lots/tracts must be 1 acre or less in size; and
 - (7) In fact, 74 of the area's lots/tracts consist of 1 acre or less.

Section 3. It is the purpose and intent of the City of Asheboro to provide the area being annexed under this ordinance with services as set forth in the report of plans for services that was approved by the city council on March 23, 2006. The approved report of plans for services was initially filed in the Office of the City Clerk for public inspection on March 24, 2006. As previously detailed in the approved report, the costs incurred in order to provide services to the above-described territory shall be absorbed into the normal operating budgets of the affected departments during fiscal year 2006-2007 and fiscal year 2007-2008.

Section 4. Due to the fact that the Sunny Lane sewer line discussed in the approved annexation report will be installed during the 2006-2007 fiscal year, and due to the current availability of city water and sewer service elsewhere in the area to be annexed, the City Council of the City of Asheboro hereby finds and declares that, on the effective date of annexation prescribed in Section 8 hereof, the City of Asheboro will not need to appropriate funds to extend water and sewer lines into the above-described territory. No property owners have requested the extension of water and/or sewer lines to individual properties pursuant to Section 160A-47(3)(b) of the North Carolina General Statutes. The City of Asheboro will have sufficient funds appropriated to satisfy the normal operational costs incurred by the City of Asheboro as a consequence of the annexation of the above-described territory.

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. The newly annexed territory described above shall be subject to City of Asheboro taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 7. The Mayor of the City of Asheboro shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of Randolph County and in the Office of the Secretary of State in

Raleigh. Such a map shall also be delivered to the Randolph County Board of Elections as required by Section 163-288.1 of the North Carolina General Statutes.

Section 8. This ordinance shall become effective on June 30, 2007. As to qualified tracts of agricultural land, horticultural land, and forestland, the annexation will become effective on the last day of the month in which the tract or part thereof becomes ineligible for present-use classification under Section 105-277.4 of the North Carolina General Statutes or no longer meets the requirements of Section 160A-49(f1)(2) of the North Carolina General Statutes.

Section 9. Notice of the adoption of this ordinance shall be published once in the Courier Tribune, which is a newspaper having general circulation in the City of Asheboro.

Adopted by the Asheboro City Council in regular session of this 8th day of June, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

12. Resolution Approving a Pedestrian Planning Grant Initiative with the North Carolina Department of Transportation.

Mr. Lynn Priest presented and recommended adoption, by reference, of a resolution approving a Comprehensive Pedestrian Planning Project.

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

29 RES 6-06

RESOLUTION APPROVING A COMPREHENSIVE PEDESTRIAN PLAN PROJECT

WHEREAS, pursuant to Section 136-66.2(1) of the North Carolina General Statutes, each municipality, in cooperation with the North Carolina Department of Transportation (hereinafter referred to as "DOT"), is to develop a comprehensive transportation plan that will serve present and anticipated travel demand; and

WHEREAS, DOT may provide financial assistance in the preparation of such plans; and

WHEREAS, DOT has initiated a program to encourage the development of comprehensive municipal bicycle plans and pedestrian plans whereby the DOT's Division of Bicycle and Pedestrian Transportation (hereinafter referred to as "DBPT") and the Transportation Planning Branch have created a matching grant program to fund plan development; and

WHEREAS, DOT and the City of Asheboro (hereinafter referred to as the "Municipality") have agreed that a comprehensive plan is needed to evaluate and identify critical municipal needs for planning and/or implementation of pedestrian improvements; and

WHEREAS, DOT and the Municipality have agreed to participate in the cost of this comprehensive plan with the Municipality agreeing to coordinate and oversee the plan development process (hereinafter referred to as the "Project") in accordance with the provisions set forth herein; and

WHEREAS, the Municipality desires to enter into an agreement with DOT whereby the Municipality shall develop a pedestrian comprehensive plan at an estimated project cost of thirty thousand and no/100 dollars (\$30,000.00); and

WHEREAS, the proposed agreement between DOT and the Municipality is attached to this resolution as Exhibit 1 and is hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, in accordance with the amount requested in the 2006 application submitted by the Municipality for the Pedestrian Planning Grant Initiative, DOT shall reimburse the Municipality's actual costs of the Project in an amount not to exceed twenty-one thousand and no/100 dollars (\$21,000).

NOW, THEREFORE, BE IT RESOLVED that this Project is hereby formally approved by the City Council of the City of Asheboro and that the Mayor and City Clerk of the City of Asheboro are hereby empowered to sign and execute the Agreement with the Department of Transportation.

Adopted by the Asheboro City Council in regular session on the 8th day of June, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

(Exhibit 1 that is referred to in this resolution is on file in the City Clerk's Office.)

13. Resolution in support of the City of Asheboro Fire Department Applications for U.S. Department of Homeland Security Grant Funding.

Chief Smith presented and recommended adoption, by reference, of the aforementioned resolution.

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

30 RES 6-06

RESOLUTION IN SUPPORT OF THE
CITY OF ASHEBORO FIRE DEPARTMENT
APPLICATIONS FOR
US DEPARTMENT OF HOMELAND SECURITY GRANT FUNDING

WHEREAS, the City of Asheboro Fire Department has personnel and equipment needs; and

WHEREAS, the US Department Of Homeland Security has funds available through a series of Federal grant programs; and

WHEREAS, the City intends to apply for grant funding for the following:

Assistance to Firefighters Grant: This grant is for a fire engine in the amount of approximately \$230,000.00, with a local match of \$23,000.00 plus approximately \$20,000.00 to equip the truck.

Fire Prevention and Safety Grant (2005): This grant is for fire prevention materials and equipment in the amount of approximately \$6,000.00 with a local match of \$600.00.

Staffing For Adequate Fire And Emergency Response Grant: This grant is for three (3) new positions in the amount of approximately \$125,000.00 with a local match of \$12,500.00 for the first year.

Fire Prevention And Safety Grant (2006): This grant, in the amount of approximately \$30,000.00, is for monitoring equipment and data communications.

THEREFORE, BE IT RESOLVED that the City Council of the City of Asheboro hereby endorses and supports the Asheboro Fire Department grant applications to the US Department of Homeland Security for these Fire Department uses.

Upon motion by David Smith and seconded by, the Resolution was voted upon and adopted by the City Council of the City of Asheboro in a regular meeting on June 8, 2006.

Certified to be a true and correct copy of the Resolution this the 8th day of June 2006.

s/ Holly J. Hartman
Deputy City Clerk

14. Resolution approving the appointment of a City Clerk and a Deputy City Clerk.

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

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

31 RES 6-06

**RESOLUTION APPROVING THE APPOINTMENT BY THE CITY MANAGER OF HOLLY J. HARTMAN
AS CITY CLERK/SENIOR LEGAL ASSISTANT AND JUDITH OWENS AS PERMITS
TECHNICIAN/DEPUTY CITY CLERK**

WHEREAS, Article VII, Section 7.4 of the Charter of the City of Asheboro authorizes the City Manager, with the approval of the City Council, to assign the functions of any administrative officer or employee of the city to the holder of any other administrative office or position of employment with the city; and

WHEREAS, the City Manager has recommended the assignment and consolidation of the functions of City Clerk into the position of City Clerk/Senior Legal Assistant within the city's Legal Services Department; and

WHEREAS, the City Manager has recommended the maintenance of the existing position of Legal Assistant within the Legal Services Department at a pay grade of 15; and

WHEREAS, the City of Asheboro Personnel Policies and Procedures Manual, which was promulgated by the City Manager and approved by resolution of the City Council of the City of Asheboro on March 4, 2004, 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, under the adopted position classification plan, the classification of City Clerk has been established with a pay grade of 21 under the city's pay plan; and

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

When . . . 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, in his capacity as the supervisor of the Legal Services Department, the City Attorney has prepared a comprehensive job description for the City Clerk/Senior Legal Assistant position and has submitted this job description to the Director of Human Resources and to the City Manager for review; and

WHEREAS, the proposed job description for the City Clerk/Senior Legal Assistant is attached to this resolution as Exhibit 1 and is hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, the Director of Human Resources and the City Manager have approved this job description, and the City Manager has determined that the duties of the City Clerk/Senior Legal Assistant are substantively similar to the current classification of the City Clerk position under the city's position classification plan; and

WHEREAS, the existing position of Permits Technician within the Inspections Department performs a variety of tasks, including without limitation the processing of privilege licenses; and

WHEREAS, Chapter 110 of the Code of Asheboro charges the City Clerk with the responsibility of collecting the privilege license tax and issuing privilege licenses; and

WHEREAS, the City Manager has determined that the operational efficiency of the city will be enhanced if a Deputy City Clerk is appointed to discharge the functions of the City Clerk during any periods of time when the City Clerk is absent; and

WHEREAS, on the basis of the need to enhance operational efficiency and the existing responsibility of the Permits Technician for the processing of privilege licenses, the City Manager has recommended the assignment and consolidation of the functions of Deputy City Clerk into the position of Permits Technician/Deputy City Clerk within the city's Inspections Department; and

WHEREAS, in his capacity as the supervisor of the Inspections Department, the Chief Building Inspector has prepared a comprehensive job description for the Permits Technician/ Deputy City Clerk position and has submitted this job description to the Director of Human Resources and to the City Manager for review; and

WHEREAS, the proposed job description for the Permits Technician/Deputy City Clerk position is attached to this resolution as Exhibit 2 and is hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, the Director of Human Resources and the City Manager have approved this job description; and

WHEREAS, the classification of Permits Technician has been established with a pay grade of 13 under the city's pay plan; and

WHEREAS, the City Manager has determined that, due to the added responsibilities of the position of Permits Technician/Deputy City Clerk, this new position should be allocated at a pay grade of 14; and

WHEREAS, Holly J. Hartman is currently the Legal Assistant in the Legal Services Department and has been discharging the duties of Deputy City Clerk; and

WHEREAS, Judith Owens is currently the Permits Technician in the Inspections Department and has extensive experience in processing privilege licenses for the city; and

WHEREAS, the City Manager recommends appointing Holly J. Hartman to serve in the consolidated position of City Clerk/Senior Legal Assistant; and

WHEREAS, City Manager recommends appointing Judith Owens to serve in the consolidated position of Permits Technician/Deputy City Clerk; and

WHEREAS, the City Council concurs with the above-listed recommendations.

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

Section 1. The City Manager is hereby authorized to consolidate the functions of City Clerk into the newly created position in the Legal Services Department of City Clerk/Senior Legal Assistant, and this new position shall be allocated at a pay grade of 21.

Section 2. The existing position within the Legal Services Department of Legal Assistant shall be retained within the city's position classification plan at the pay grade of 15.

Section 3. The existing position of City Clerk shall be deleted from the city's position classification plan.

Section 4. The City Manager is hereby authorized to consolidate the functions of Deputy City Clerk into the newly created position in the Inspections Department of Permits Technician/Deputy City Clerk, and this new position shall be allocated at a pay grade of 14.

Section 5. The existing position within the Inspections Department of Permits Technician shall be deleted from the city's position classification plan.

Section 6. The job descriptions attached hereto as Exhibit 1 and Exhibit 2 are hereby approved.

Section 7. The concurrences and authorizations granted by this resolution shall become effective as of July 1, 2006.

Adopted by the Asheboro City Council in regular session on the 8th day of June, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

(Exhibits 1 and 2 that are referred to in the aforementioned resolution are on file in the City Clerk's Office.)

15. Resolution authorizing the transfer of surplus ballistics vests to the Department of Correction.

Major York presented and recommended adoption, by reference, of the aforementioned resolution.

Upon motion by Ms. Carter and seconded by Ms. Hunter, council voted unanimously to adopt the following resolution by reference.

32 RES 6-06

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SELL TO THE NORTH CAROLINA
DEPARTMENT OF CORRECTION CERTAIN CITY-OWNED
PERSONAL PROPERTY**

WHEREAS, Section 160A-274 of the North Carolina General Statutes authorizes the city to sell, with or without consideration, city-owned personal property to the North Carolina Department of Correction upon such terms and conditions as the city deems wise; and

WHEREAS, due to the age and resultant concerns about the effectiveness of eight (8) American Body Armor ballistics vests, two (2) Second Chance ballistics vests, three (3) Safariland ballistics vests, and five (5) associated carriers for the protective panels, the Chief of Police and City Manager have determined that the city should dispose of the said ballistics vests and carriers in a manner that minimizes the liability exposure for the city while promoting the public safety; and

WHEREAS, the North Carolina Department of Correction has notified the Asheboro Police Department of its need for donated vests to use as part of that department's firearms training; and

WHEREAS, in consultation with the Chief of Police, the City Manager has recommended to the City Council that the above-described personal property be declared surplus property and transferred to the North Carolina Department of Correction for firearms training on the condition that a hold harmless agreement must be executed by the Department of Correction in order to minimize the city's liability exposure.

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

Section 1. The above-described ballistics vests and associated carriers are hereby declared to be surplus personal property.

Section 2. The City Manager is hereby authorized to transfer the city's ownership interest in the above-described personal property to the North Carolina Department of Correction for the sole consideration of the execution by an authorized representative of the North Carolina Department of Correction of a hold harmless agreement drafted by the City Attorney.

Adopted by the Asheboro City Council in regular session on the 8th day of June, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

16. Discussion of items not on the agenda.

(a) The following events were brought to the collective attention of the Council.

- Special Council Meeting to adopt the fiscal year 2006-2007 budget – Tuesday, June 20, 2006 at 12:00 p.m. in the Council Chamber.
- Randolph County Economic Development Corporation Breakfast and Annual Meeting – Tuesday, June 27, 2006.
- Regular Council Meeting – Thursday, July 13, 2006 at 7:00 p.m. in the Council Chamber.

(b) Mr. Nuttall presented a memorandum on behalf of the City of Asheboro Board of Adjustment. Said memorandum reports of the Board's concerns with Section 322A of the Asheboro Zoning Ordinance in regards to sidewalks. The Board requests that the City Council consider re-examining the current sidewalk policy. No formal action was taken by the Council on this issue.

There being no further business, the meeting was adjourned at 10:25 p.m.

Holly J. Hartman, Deputy City Clerk

David H. Jarrell, Mayor