

**REGULAR MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, SEPTEMBER 10, 2009
7:00 p.m.**

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

David H. Jarrell) – Mayor Presiding

Talmadge S. Baker)
Edward J. Burks)
Linda H. Carter)
Stuart B. Fountain) – Council Members Present
Walker B. Moffitt)
Archie B. Priest, Sr.)
David H. Smith)

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
Edsel L. Brown, Code Enforcement Officer
Richard L. Cox, Jr., Community Planning and Development Department Intern
Holly H. Doerr, City Clerk/Senior Legal Assistant
John L. Evans, Planner
T. Myers Johnson, Human Resources Director
Justin T. Luck, Community Planning and Development Department Intern
R. Reynolds Neely, Jr., Planning Director
Jeffrey C. Sugg, City Attorney
Deborah P. Reaves, Finance Director
Sanford A. Vuncannon, Jr., Police Captain

1. Call to order.

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

2. Invocation and Pledge of Allegiance.

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. After a moment of silence was observed for the late Senator Russell Walker, Reverend Mark Beane of First Wesleyan Church of Asheboro gave the invocation.

3. Appearance and recognition of guests and citizens.

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

4. Consent agenda:

At the request of city staff, Mayor Jarrell announced that consent agenda item (e) had been withdrawn from consideration.

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

- (a) **The minutes of the special meeting of the City Council that was held on July 28, 2009.**
- (b) **The minutes of the regular meeting of the City Council that was held on August 6, 2009.**
- (c) **The general account of the closed session that was conducted by the City Council during its regular meeting on August 6, 2009.**
- (d) **A resolution to seal the general account of the closed session held on August 6, 2009.**

38 RES 9-09

RESOLUTION TO SEAL THE GENERAL ACCOUNT OF A CLOSED SESSION

WHEREAS, Section 143-318.10(e) of the North Carolina General Statutes provides, in pertinent part, that the "minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session;" and

WHEREAS, pursuant to Section 143-318.11(a)(5) of the North Carolina General Statutes, the City Council of the City of Asheboro properly conducted a closed session on August 6, 2009, during a regular meeting, in order to instruct city staff concerning the position to be taken on behalf of the city in negotiating for the acquisition of real property by purchase, option, exchange, or lease.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the general account of the closed session held by the City Council on August 6, 2009, is to be sealed so long as public inspection of the records would frustrate the purpose of the closed session; and

BE IT FURTHER RESOLVED that the City Manager is authorized to act as the Asheboro City Council's agent with the authority to unseal these records when the purpose of the closed session would no longer be frustrated by making the records available for public inspection or when the unsealing of the said general account is otherwise required by law.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on September 10, 2009.

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

ATTEST:

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

- (e) **The findings of fact, conclusions of law, and order in the matter of SUP-09-03.**

[This item was previously withdrawn by staff.]

- (f) **An ordinance amending the fiscal year 2009-2010 budget ordinance as it pertains to the General Fund.**

40 ORD 9-09

Ordinance to Amend the General Fund FY 2009-2010

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

WHEREAS, the budget as adopted requires amendment to reflect the movement of budgeted funds for salaries and fringe benefits among departments to reflect changes as to where actual positions are currently assigned in the City of Asheboro "assignment of classes to salary grades" in relation to where they were anticipated to be assigned for fiscal year 2009-2010 at time of budget preparation;

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

That the following expense items be increased (decreased):

<u>Account #</u>	<u>Description</u>	<u>Amount</u>
10-615-0200	Salaries & Wages	(35,000)
10-615-0200	Part Time Wages	(20,000)
10-615-0701	Fringe Benefits	(225)
10-615-0702	Fringe Benefits- FICA	(3,355)
10-615-0703	Fringe Benefits- Medicare	(785)
10-615-0704	Fringe Benefits- Insurance	(4,900)
10-615-0705	Fringe Benefits- Retirement	(1,706)
10-620-0200	Salaries & Wages	35,000
10-620-0200	Part Time Wages	20,000
10-620-0701	Fringe Benefits	225

10-620-0702	Fringe Benefits- FICA	3,355
10-620-0703	Fringe Benefits- Medicare	785
10-620-0704	Fringe Benefits- Insurance	4,900
10-620-0705	Fringe Benefits- Retirement	1,706
10-610-0200	Salaries & Wages	(33,999)
10-610-0702	Fringe Benefits- FICA	(2,108)
10-610-0703	Fringe Benefits- Medicare	(493)
10-610-0704	Fringe Benefits- Insurance	(2,450)
10-610-0705	Fringe Benefits- Retirement	(1,700)
10-490-0200	Salaries & Wages	33,999
10-490-0702	Fringe Benefits- FICA	2,108
10-490-0703	Fringe Benefits- Medicare	493
10-490-0704	Fringe Benefits- Insurance	2,450
10-490-0705	Fringe Benefits- Retirement	1,700
		\$0

Adopted this the 10th day of September, 2009.

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

ATTEST:

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

- (g) **An ordinance amending Chapter 50 of the Code of Asheboro to require separate water meters for new in-ground irrigation systems as required by the 2008 drought preparedness and management law, S.L. 2008-143, North Carolina General Statutes Section 143-355.4**

41 ORD 9-09

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ASHEBORO

WHEREAS, Chapter 50 of the Code of Asheboro prescribes regulations governing the operation of the City of Asheboro water and sewer systems; and

WHEREAS, Section 143-355.4 of the North Carolina General Statutes provides that "(l)ocal government water systems . . . shall require separate meters for new in-ground irrigation systems that are connected to . . ." the local government's system; and

WHEREAS, the City Council of the City of Asheboro has determined that Chapter 50 of the Code of Asheboro has to be amended in order to come into compliance with the above-stated statutory provision.

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

Section 1 Section 50.044 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.044 WATER METERS; TESTING AND FEES

(A) The meter shall determine the quantity of water for which the consumer shall be charged, and all water passing through the meter shall be charged for, whether such water shall have been used or wasted or the premises shall not have been occupied. Where any meter shall have become locked, so that it has not registered correctly the quantity of water which has passed through since the last reading, the quantity for the month during which the meter has failed to register shall be determined by taking an average of the water consumed during the three months next preceding the month in which the meter has failed to register, and the consumer or owner shall be charged for that quantity.

(B) Each consumer of water from the city water system shall be required to have a separate water meter; provided, that one meter may be used for several premises, apartments, blocks of stores, shops and tenement houses, where they shall be the property of the same owner and such owner shall agree to pay for all water consumed by the tenants of such property. In case the ownership of one or more of such premises shall pass to another person, separate meters shall be installed at once.

(C) Testing and fees.

- (1) Meters shall be tested by the Water and Sewer Department upon request of the consumer and the payment in advance of \$20 for a testing fee.
- (2) Meters found to have a malfunction will be repaired or replaced and the \$20 fee for testing will be credited to the customer account.
- (3) Meters found to be functioning correctly will be put back in service and the \$20 testing fee retained by the city.

(D) In-Ground Irrigation Systems Connected to the City Water System

- (1) On and after September 11, 2009, all new in-ground irrigation systems that are to be supplied with water from the city water system shall be independently connected to the system, and water consumption shall be measured through a separate irrigation meter. Notwithstanding any other provision found in this Chapter, and regardless of whether the irrigation system is located within or outside of the corporate limits of the City of Asheboro, it shall be unlawful for any person to install a new in-ground irrigation system in a manner that does not strictly conform to the requirements specified in division (D) of this Section.
- (2) An irrigation service line may be installed by means of a direct tap into the water main or by means of a split line that connects to the non-irrigation service line at a point between the main and the non-irrigation meter. Either method of connection shall be performed by the city's water maintenance department or by a licensed contractor that has obtained a permit from the city authorizing the installation of an irrigation service line. The decision as to whether to permit a licensed contractor to make the connection or to utilize city forces to make the connection shall be in the sole discretion of the Water Resources Director or his designee. It shall be unlawful for a contractor to install an irrigation service line without first obtaining from the city's Water Resources Director or his designee a permit authorizing the installation of an irrigation service line. At a minimum, the applicant for such a permit will not be eligible for the issuance of the requested permit until the city has received payment in good funds for the meter and any related items to be provided by the city.
- (3) Unless specifically addressed by a provision in division (D) of this Section, an irrigation service line, the irrigation meter, and all related appurtenances shall be installed in accordance with the same regulations, policies, and procedures that apply to non-irrigation meters.

Section 2 All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3 This ordinance shall be in full force and effect upon and after the 11th day of September, 2009.

This ordinance was adopted by the City Council of the City of Asheboro in open session during a regular meeting held on the 10th day of September, 2009.

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

ATTEST:

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

- (h) **An ordinance amending Chapter 50 (Water and Sewer) of the Code of Asheboro in order to make technical corrections reflecting recent changes in job description titles.**

42 ORD 9-09

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ASHEBORO

WHEREAS, the Human Resources Department for the City of Asheboro has recently modified its personnel system records, specifically including job descriptions maintained for certain positions of employment within various departments, to reflect changes in jobs and departments that have gradually occurred over time; and

WHEREAS, during the course of implementing these modifications, the Human Resources Department received the approval of the city manager to convert the name of the Division of Water Resources to the Water Resources Division and to change the job title of the Director of Water Resources to that of Water Resources Director; and

WHEREAS, Chapter 50 of the Code of Asheboro prescribes regulations governing the operation of the City of Asheboro water and sewer systems; and

WHEREAS, the City Council of the City of Asheboro has determined that Chapter 50 of the Code of Asheboro must be updated to reflect the correct division name and job title for the former Division of Water Resources and Director of Water Resources.

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

Section 1 Section 50.001 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.001 WATER AND SEWER DEPARTMENT; ~~DIRECTOR OF WATER RESOURCES~~ WATER RESOURCES DIRECTOR.

Subject to the general control and orders of the City Manager, the ~~Director of Water Resources~~ **Water Resources Director** shall be head of the Water and Sewer Department, and shall have general control and administrative authority over the personnel and property of the department and the city water and sewer systems, and be responsible for the efficient and economical employment thereof for their intended purposes and uses.

Section 2 Section 50.024 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.024 USE OF FIRE HYDRANTS.

It shall be unlawful for any person to open, turn on, or use water from any fire hydrant connected to the City of Asheboro water distribution system, or to attach any hose, pipe, or any other type of apparatus to such a fire hydrant, without a written revocable permit issued by the ~~Director of Water Resources~~ **Water Resources Director** or his or her designee; provided, that this prohibition shall not apply to employees of the City of Asheboro qualified to use fire hydrants in the course of performing their official duties. Portable meters for connection to fire hydrants may be furnished by the city after a permit application and security deposit have been submitted to the ~~Director of Water Resources~~ **Water Resources Director** or his or her designee. The permit holder shall be responsible for any damage to the hydrant, portable meter, connections, or any other component of the city's water distribution system. Such damages will be billed to the permit holder. Subject to the following exception, all charges for water consumption shall be billed to the permit holder in accordance with the adopted rate schedule. Contractors performing work for the city and contractors blowing off newly constructed water lines will not be billed for the water used for these particular tasks. While a hydrant is in use, no wrench shall be used on the hydrant other than an approved hydrant wrench.

Section 3 Section 50.027 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.027 EMERGENCY WATER MANAGEMENT PROCEDURES.

(A) Subject to review by the City Council at any regular or special meeting of the City Council, a "water emergency" may be declared by the City Manager or his or her designee to exist when any condition or situation exists that may threaten the availability and/or safety of either treated or potable water from the water supply, treatment, and distribution system operated and maintained by the city. A "water emergency" shall be declared by the City Manager or his or her designee to exist when users of the city water system cannot be supplied with treated or potable water without substantially curtailing the water demand placed on the city's water system. Furthermore, a "water emergency" shall be declared to exist when production, treatment, transmission, and storage facilities are incapable of meeting all daily water demands or when projections of available water show that the available supply of water will not meet the daily water demands.

(B) A declaration of the existence of a "water emergency" by the City Manager or his designee shall specify the level of severity of the emergency and be in the form of a signed executive order that, upon its issuance, shall be distributed to the Mayor and members of the City Council in a manner calculated to provide the most expeditious notification possible. Once the distribution of the declaration of the existence of a "water emergency" to the Mayor and members of the City Council has been undertaken, the City Manager or his or her designee shall give notice to the general public by means of a public press announcement of the existence of a "water emergency" and the severity thereof. The regulatory provisions authorized by this section will become effective 24 hours after the issuance of the public press announcement specified in the preceding sentence.

(C) In the event of a sudden and severe water shortage created by a disrupted waterline or some other malfunction/disruption of the city's water system, the City Manager or his or her designee may immediately place into effect the appropriate restrictive provisions authorized herein. The restrictive

provisions implemented by the City Manager or his or her designee may include, but are not limited to, the temporary discontinuance of service without prior notice to any person, entity, or structure receiving water from the city water system. Furthermore, such restrictive provisions implemented as a consequence of a sudden and severe disruption of water service may also include, but are not limited to, any combination of the various restrictions found within the different levels of staged water use restrictions prescribed by division (D) below. Any restrictive provisions implemented pursuant to this division shall may be city-wide in scope or limited to the geographic area of the city affected by a localized disruption of the city's water system. The necessity of such restrictive provisions shall be reevaluated on a daily basis by the City Manager or his or her designee, in consultation with the ~~Director of Water Resources~~ Water Resources Director, and the restrictive provisions authorized by this division shall be terminated by the City Manager or his or her designee as soon as is practicable. In the event of the imposition of such temporary restrictive provisions due to a sudden disruption to the water system, the notification requirements prescribed by division (B) above shall be implemented as soon as is practicable.

(D) The severity of a "water emergency" shall be classified and expressed by the City Manager or his or her designee in terms of the level of staged water use restrictions imposed on consumers of water from the city water system. For the purpose of this section, the staged water use restrictions are as follows:

(1) *Level I (Voluntary)*. During a declared Level I water emergency, consumers of water from the city water system shall be encouraged to implement the following voluntary water conservation practices:

- (a) Watering of lawns, ornamental plants, and gardens should be limited to the hours between 7:00 p.m. and 7:00 a.m.;
- (b) Use of water for wash down of outside areas such as driveways, parking lots, and sidewalks should be curtailed;
- (c) Faucets should not be left running while shaving, brushing teeth, or washing dishes;
- (d) The use of clothes and dishwashers should be limited where possible, and these units should be operated with full loads;
- (e) Washing cars and other vehicles should be curtailed to Saturday and Sundays, and hoses should not be left running while washing;
- (f) The use of flow restriction and other water saving devices is encouraged;
- (g) Showers should be used for bathing, and showers should be limited to four minutes or less; and
- (h) Filling of pools should be deferred or limited to hours between 7:00 p.m. and 7:00 a.m.

(2) *Level II (Mandatory)* During a declared Level II water emergency, the following mandatory water use restrictions shall be in effect for consumers of water from the city water system:

- (a) The watering of lawns, ornamental plants, and gardens shall be limited to the hours between 7:00 p.m. and 7:00 a.m.;
- (b) The watering of lawns, ornamental plants, and gardens shall not be done except by handheld containers (buckets, jugs, etc.), and no applications for irrigation meters will be accepted or approved;
- (c) With the exception of situations where a wash down of outside areas is necessary due to public health and safety concerns, the residential use of water for wash down of outside areas is prohibited. Commercial pressure washers shall be permitted to continue normal operations. However, the commercial pressure washer owners and/or operators shall ensure that water wastage does not occur;
- (d) Residential washing of cars and other vehicles is prohibited. Automobile retail establishments and commercial automobile washing facilities including those providing hand held washing nozzles shall be permitted to continue normal operations. However, the facility owner/operator shall ensure that water wastage does not occur;
- (e) Restaurants and other food serving establishments shall serve water to patrons only at the request of the patron(s);
- (f) Commercial, industrial and construction operations shall eliminate all possible waste of water. Large scale commercial and industrial operations and construction activities that utilize 20,000 cubic feet or more of water per month shall submit a water reduction compliance plan to achieve 25%, 50%, or 75% water reduction as specified under the Level II water emergency declaration within 14 days of the effective date of the regulations and restrictions specified in the Level II water emergency declaration; and
- (g) Above-ground pools, Jacuzzis, and hot tubs having a capacity of 500 gallons or more and all newly constructed or drained in-ground pools shall be filled by permit only. The ~~Director of Water Resources~~ Water Resources Director or his or her designee shall review applications for such fill permits. The issuance of such a permit may be denied on the basis of the assessment by the ~~Director of Water Resources~~ Water Resources Director of the severity of the situation.

(3) *Level III (Mandatory)*. During a declared Level III water emergency, the following mandatory use restrictions shall be in effect for consumers of water from the city water system:

- (a) Any form of watering or irrigating lawns, gardens, and/or other plants is prohibited;
- (b) With the exception of situations where the wash down of certain outside areas is necessary due to public health and safety concerns, the use of water for wash down of outside areas is prohibited;
- (c) With the exception of situations where the washing of certain items is necessary due to public health and safety concerns, the washing of cars, vehicles, and/or other equipment is prohibited;
- (d) Restaurants and other food serving establishments shall utilize single serving utensils and plates in addition to serving water to patrons only at the request of the patron(s);
- (e) Recreational use of potable water, including filling of pools, is prohibited;
- (f) Large scale commercial and industrial water customers and construction activities utilizing 20,000 cubic feet or more of water per month shall achieve mandatory reductions in daily water usage of 25%, 50%, or 75% through whatever means are available. The target reduction percentage shall be determined by the severity of the water emergency and shall be publicly announced as part of the emergency declaration. The ~~Director of Water Resources~~ **Water Resources Director** shall determine compliance with the daily usage reduction targets. Variances to this restriction may be granted by the ~~Director of Water Resources~~ **Water Resources Director** to public health facilities including, but not limited to, hospitals and nursing homes;
- (g) Drinking water taps or hydrant permits shall be issued or revoked at the discretion of the ~~Director of Water Resources~~ **Water Resources Director**; and
- (h) Unless a bulk water sale is made pursuant to an existing contract, bulk water sales shall be prohibited.

(4) *Level IV (Mandatory)*. During a declared Level IV water emergency, the following mandatory water use restrictions shall be in effect for consumers of water from the city water system:

- (a) All use of water for purposes other than the maintenance of public health and safety is prohibited;
- (b) Unless a bulk water sale is made pursuant to an existing contract, bulk water sales shall be prohibited;
- (c) Where the city water system is functional, monthly residential water use shall not exceed 1,200 cubic feet of water at each metered location;
- (d) Where the city water system is not functional, National Guard and emergency services vehicles shall be utilized to distribute water for household use at prearranged locations within the effected area. Usage by individuals shall be limited to those amounts necessary to sustain life through drinking, food preparation, and personal hygiene; and
- (e) The compliance plan for industries during Level IV remains the same as Level III or as directed by the State Public Health Officials.

(E) In the event of the declaration of a "water emergency" by the City Manager or his or her designee in accordance with the provisions of this section, it shall be unlawful for any person to use or permit the use of water from the water system of the city in violation of any of the provisions set forth in this section until such time as the City Manager or his or her designee has declared the restrictive provision(s) in question to be no longer in effect.

(F) Once a "water emergency" has been declared and the appropriate staged restrictions imposed, the ~~Director of Water Resources~~ **Water Resources Director** or his or her designee shall review the operational status of the city's water system and the supply of water available to the city's water system at least once per calendar day. On a daily basis, the ~~Director of Water Resources~~ **Water Resources Director** shall notify the City Manager or his or her designee of the operational status of the city's water system and the available water supply. On the basis of the information gathered in order to provide this notification, the ~~Director of Water Resources~~ **Water Resources Director** or his or her designee shall recommend to the City Manager or his or her designee during the course of this daily notification procedure whether a different stage of restriction should be implemented. The City Manager or his or her designee shall make the final determination as to whether any change in the stage of restriction is warranted. If such a change in the stage of restriction is warranted, the notification procedures prescribed by division (B) above shall be followed in the same manner as for the initial declaration of a "water emergency".

(G) Compliance with the provisions of this section shall be enforced by personnel of the ~~Division of Water Resources~~ **Water Resources Division**, the Police Department, and any other personnel designated by the City Manager. Failure to comply with any of the regulations or restrictions of this section shall be unlawful and a violation of this section. All remedies authorized by law for noncompliance with this section, including the issuance of a civil penalty citation or an action for injunctive relief, may be exercised to enforce the provisions of this section. It shall be unlawful to fail to act in accordance with the

provisions of this section or to use water in any manner that constitutes an attempted and /or actual evasion or avoidance of the water restrictions prescribed by this section.

(H) (1) Any consumer of water from the city water system who violates any provision of this section shall be subject to civil penalties as follows:

(a) During a declared Level II water emergency, residential users who violate any of the mandatory restrictions of this section shall be subject to a written warning for the first offense; a civil penalty in the amount of \$100 for the second offense; and a civil penalty in the amount of \$200 for the third and successive offenses. During a declared Level III or Level IV water emergency, there shall be no warnings issued, and residential users who violate any of the mandatory restrictions of this section shall be subject to a civil penalty in the amount of \$100 for the first offense and a civil penalty in the amount of \$200 for the second and successive offenses.

(b) During any declared water emergency, any non-residential user who violates any of the mandatory restrictions of this section shall be subject to a written warning for the first offense; a civil penalty of \$200 for the second offense; a civil penalty of \$500 for the third offense; and a civil penalty of \$1,000 for the fourth and successive offenses.

(2) Violations shall be accumulated by all consumers of water from the city water system so long as a declared "water emergency", in any stage, is continuously in effect and until no stage of this section has been in effect for one calendar year. Violations of any of the mandatory restrictions of any stage of a declared "water emergency" under the provisions of this section shall accumulate with violations of the mandatory restrictions of any of the other stages under this section. If a customer of the water system moves or ceases service and subsequently renews service during any of the stages of a declared "water emergency" under this section, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.

(I) Any citation that is issued by authorized personnel under this section and that is enforceable by civil penalties shall be subject to administrative review by the Zoning Administrator or his or her designee. This administrative review shall occur only when the alleged violator has made a written request for such a review within 15 calendar days of the issuance of the citation at issue. This written request for administrative review must be hand delivered or sent by certified mail to the Zoning Administrator at his office in City Hall. If a request for administrative review is not received in person by the Zoning Administrator or his or her designee or postmarked within 15 calendar days of the date of issuance of a citation, administrative review of the matter shall be deemed to have been waived.

(J) When an alleged violator of the provisions of this section has filed in a timely manner a written request for administrative review that conforms to the provisions of division (I) above, the Zoning Administrator or his or her designee shall hold a hearing within 30 calendar days of the date of receipt of the written request for such a hearing. At this hearing, the Zoning Administrator or his or her designee shall review the violation alleged in the citation and shall provide the alleged violator an opportunity to be heard in response to the allegations alleged in the citation under review. Within five calendar days of the date on which the administrative hearing is held, the Zoning Administrator or his or her designee shall render a written decision whereby liability or no liability on the part of the alleged violator is found to exist. Such a decision shall be delivered to the person or entity that filed the request for administrative review by means of hand delivery or certified mail, return receipt requested. Upon receipt of notification of any decision finding liability, the violator shall make payment of any civil penalty incurred within 15 calendar days. If payment of any civil penalty due is not received within 15 calendar days following receipt of notice of liability after administrative review, the violator shall be liable for an additional civil penalty of \$100.

(K) A water customer that fails to pay a civil penalty assessed against the customer after the later of either 30 calendar days from the date of receipt of a citation or the date of receipt of notice finding liability following administrative review shall have his or her water disconnected and shall be assessed a disconnect fee of \$30. In order to have his or her water service restored, the customer will have to pay the past due civil penalty and any other outstanding fees or charges in accordance with § 50.007(D).

(L) Upon a fourth violation of this section, a violator shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500 as provided by G.S. §14-4, and, in addition thereto, such violation may be enjoined and restrained as provided in G.S. §160A-175. The issuing of a criminal warrant shall not prohibit the imposition of further civil penalties.

(M) The ~~Director of Water Resources~~ **Water Resources Director** or his or her designee shall have the authority to discontinue or restrict water service to any person, entity, or structure in the event of any violation of the mandatory restrictions imposed pursuant to this section. With the exception of the imposition of a discontinuance of service pursuant to division (C) above, the ~~Director of Water Resources~~ **Water Resources Director** shall provide by the most expeditious means reasonably available a minimum of two working days written notice of his or her intent to discontinue or restrict water service to a particular person, entity, or structure before such discontinuance or restriction of service is implemented. During the period of the two day notice, any person or entity claiming the status of an aggrieved party may make a request of the City Manager or his or her designee to be heard as to why such discontinuance or restriction of water service should not be enforced. If such a request is received by the City Manager or

his or her designee in a timely manner, the requesting party shall be heard by the City Manager or his or her designee on the said matter as soon as is practicable. Once a matter is scheduled by the City Manager for hearing, the decision of the Director or her designee renders a decision as to the aggrieved party's request. The decision rendered by the City Manager or his or her designee in such a matter shall be final. When water service has been discontinued or restricted pursuant to and in accordance with this division, it shall be unlawful to reactivate such service without the permission of the Director of Water Resources Water Resources Director.

(N) Each day's continuing violation of this section shall be a separate and distinct criminal and civil offense. Each violation of this section shall be a separate offense even if occurring on the same day.

(O) (1) Termination of any stage of a declared "water emergency" shall be determined and ordered by the City Manager or his or her designee when he or she, in direct consultation with the Director of Water Resources Water Resources Director or his or her designee, determines that the water supply available for use by the city water system is no longer so low as to constitute a "water emergency" under the terms of this section. Upon termination of any "water emergency" and any stage thereof, all fines or penalties incurred by any consumer of water from the city's water system shall remain in effect until paid. Upon such termination, discontinued users may have their service restored upon payment of the regular fees charged to customers who have had their water service disconnected.

(2) However, no such fees shall be charged to consumers who had their water service discontinued pursuant to division (C).

(P) The provisions of this section shall apply to all such persons or entities using public water both in and outside the city, regardless of whether any such person or entity using water shall have a contract for water service with the city.

(Q) If any division, clause, or provision of this section shall be judged invalid, such adjudication shall apply only to such division, clause, or provision so adjudged, and the remainder of this section shall be declared valid and effective.

(R) All ordinances and clauses of ordinances in conflict herewith are stayed while any provision of this section is in effect during a declared "water emergency". Such conflicting ordinances and clauses shall become effective upon termination of the "water emergency".

Section 4 Section 50.057 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.057 EXTENSIONS TO THE CITY WATER SYSTEM.

Extensions to the city water system shall be subject to the following conditions:

(A) The water mains, fixtures and installations and the connection of such system to the city water system, shall conform to the requirements of this chapter and the work shall be done in as full and ample manner as if the system or connection shall be constructed under the supervision, direction and control of the Director of Water Resources Water Resources Director at the expense of the applicant;

(B) All repairs to such system, its mains, pipes, connections, fixtures and meters shall be under the control, direction and supervision of the Director of Water Resources Water Resources Director and shall be made at the expense of the owners or developers during a one-year warranty after completion.

(C) All risks shall be assumed by the applicant and the owners of the property supplied with water and the city shall not be responsible for any damage or injury to persons or property by reason of such water system, its construction, maintenance or repairs;

(D) The city shall not be liable to anyone for failure to supply water or for the character thereof;

(E) The water system together with the fixtures, equipment, easements, rights and privileges pertaining thereto shall become the property of the city whenever the system is completed;

(F) All water mains in such system shall be not less than six inches in diameter, except when a smaller size is recommended by the Director of Water Resources Water Resources Director or City Engineer and authorized by the City Council;

(G) All extensions to the city water system shall be done in accordance with the city's standard specifications and details and the plans for all pipes, fixtures, meters and equipment connected therewith shall be approved by the City Engineer and the appropriate state agency;

(H) The city reserves the right to discontinue the service to such system or to any connection therewith at any time within its discretion; and

- (I) Such system and all connections therewith shall be governed by the regulations of the city in force at the time or which shall be in force at any time thereafter.

Section 5 Section 50.058 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.058 WATER METERS.

(A) No water shall be supplied to any consumer outside of the city except through a water meter of a style, pattern and quality approved by the ~~Director of Water Resources~~ **Water Resources Director**. The meter shall be furnished and installed, at the expense of the consumer, by the city or under its direction and control, and all repairs shall be made by the city.

(B) Each consumer shall be required to have a separate meter; provided, that one meter may be used for several premises which are the property of the same owner, and he shall agree to pay for all water consumed by the tenants or occupants thereof. In case the ownership of one or more of such premises shall pass to another person, separate meters shall at once be installed.

Section 6 Section 50.059 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.059 SPRINKLER SYSTEMS REGULATED.

With respect to any property outside of the city limits which is equipped with an automatic sprinkler system connected with the city water system, such connection shall be made with the standard fire underwriter's check valves, with gate valve and pressure gauge, arranged for testing the check valves, and such connection shall be made in accordance with specifications furnished by the ~~Director of Water Resources~~ **Water Resources Director** and under his or her supervision. Any connections which do not comply with the aforesaid requirements shall immediately be made to conform hereto. No water passing through the connections made for such purpose shall be used for any purpose other than to operate sprinkler system. In the event of the failure of any person to comply with any provision of this chapter, the city shall, after five days notice, disconnect the premises of such person from the city water system.

Section 7 Section 50.080 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.080 SEWERS TO BE MAINTAINED IN GOOD REPAIR.

Whenever any house sewer, house drain or connection with any main sewer or common drain becomes clogged, broken, out of order or detrimental to the use of the sewer or other drain, or unfit for the purpose of drainage, the owner, agent, occupant or person having charge of any building or premises which is drained through such defective connection, shall, when directed by the ~~Director of Water Resources~~ **Water Resources Director** or Building Inspector, within five days after notice in writing, reconstruct or repair such sewer, drain or connection as the condition thereof may require. Each day thereafter that the defective condition shall be permitted to continue shall constitute a separate violation of this section.

Section 8 Section 50.111 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.111 INDUSTRIAL AND COMMERCIAL PROPERTIES NOT DISCHARGING ALL WATER INTO CITY SEWERS.

With respect to all persons using water from the city water supply system for industrial or commercial purposes and the water so used is not discharged into the sewerage system of the city, the quantity of water so used and not discharged into the city sewers shall not be considered when computing the sewer service charge provided for in § 50.110, but shall be paid for at the rate fixed for water service only; provided, that the water used for such industrial or commercial purposes and not discharged into the city sewer system shall be measured by meter or other approved device, or where, in the opinion of the ~~Director of Water Resources~~ **Water Resources Director**, it is not practical to install a measuring device to determine the quantity of water not discharged into the city sewers, he shall determine, as water bills are rendered, in such manner and by such method as he may prescribe, the percentage of metered water not discharged into the city sewers, and for such quantities the sewer service charge shall not be charged.

Section 9 Section 50.114 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.114 METERS AND MEASURING DEVICES.

All meters or other measuring devices installed or required to be used under the provisions of this subchapter shall be under the supervision and control of the ~~Director of Water Resources~~ **Water Resources Director** and shall be installed and maintained at the cost of the owner of the property. Meters or other devices installed for the purpose of determining the quantity of water not discharged into the city sewers shall be kept in repair, whether repairs are necessitated by ordinary wear and tear or other cause, and bills for repairs made by the city shall be paid by the persons concerned.

Section 10 Section 50.115 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.115 PROPERTIES NOT RECEIVING WATER FROM ANY CITY SOURCE.

All persons using water from a source other than the city water supply system or using water sold by the city, and who own property connected to the city sewer system, shall pay a sewer service charge of 100% of the amount of the charges for water as if the water had been furnished by the city. The owner of any such property or his or her legal representative, except as hereinafter provided, shall install and maintain without cost to the city a meter or meters to measure the quantity of water received from any such source and discharged into the city sewers. Such meter or meters shall be installed only under the supervision of and in accordance with the plans and specifications of the city. Whenever in the opinion of the ~~Director of Water Resources~~ **Water Resources Director** it is not practical or is unduly expensive to install meters or measuring devices, as aforesaid, he or she shall estimate and determine, in such manner and by such method as he or she may prescribe, the quantity of water received from any source other than the city water supply system or water sold by the city and which is discharged into the city sewer system.

Section 11 All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 12 This ordinance shall be in full force and effect upon and after the 10th day of September, 2009.

This ordinance was adopted by the City Council of the City of Asheboro in open session during a regular meeting held on the 10th day of September, 2009.

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

ATTEST:

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

- (i) **An ordinance amending Section 150.25 of the Code of Asheboro in accordance with recent amendments of the North Carolina General Statutes.**

43 ORD 9-09

AN ORDINANCE AMENDING CHAPTER 150 OF THE CODE OF ASHEBORO

WHEREAS, Chapter 150 of the Code of Asheboro prescribes regulations governing buildings within the city's jurisdiction; and

WHEREAS, legislative enactments by the North Carolina General Assembly have necessitated an updating of the provisions found in Section 150.25 of the Code of Asheboro.

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

Section 1 Section 150.25 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.25 PERMITS

(A) Permits.

(1) No person shall commence or proceed with:

- (a) The construction, reconstruction, alteration, repair, movement to another site, removal or demolition of any building or structure,
- (b) The installation, extension or general repair of any plumbing system,
- (c) The installation, extension, alteration or general repair of any heating or cooling equipment system, or
- (d) The installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment, without first securing from the Building Inspector any and all permits required by the State Building Code and any other state laws or ordinances of this city applicable to the work. A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable state laws or ordinances of this city.

No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. When any provision of the General Statutes of North Carolina or of any ordinance of this city requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor. No permit issued under G.S. Chapter 143 Articles 9 or 9C shall be required for any construction, installation, repair, replacement, or alteration costing \$5,000 or less in any single-family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning or electrical wiring, devices, appliances or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute a misdemeanor.

(2) No permit shall be issued pursuant to division (A) for any land-disturbing activity, as defined in G.S. § 113A-52(6), for any activity covered by G.S. § 113A-57, unless an erosion control plan has been approved by the Sedimentation Pollution Control Commission pursuant to G.S. § 113A-54(d)(4) or by this city pursuant to G.S. § 113A- 61 for the site of the activity or a tract of land including the site of the activity.

~~(B) No permit shall be issued pursuant to division (A)(1) above for any land-disturbing activity that is subject to, but does not comply with, the requirements of G.S. § 113A-71.~~

~~(B)(C)~~ Permit fees.

(1) Except as may be provided otherwise by state law in any case, the applicant for any permit required by this chapter shall pay to the Building Inspector, prior to the issuance of the permit, such fee therefore as provided in division (2) of this section.

(2) The City Council may, by resolution from time to time, prepare schedules of fees for permits issued pursuant to this chapter and for which a fee is not provided or prohibited by state law. Copies of such schedules shall be posted for public information in the office of the Building Inspector.

(3) A fee of \$25 for each inspection visit after the required inspections plus one inspection. A charge of \$25 is also for failure to call for a final inspection before occupancy of any building under a permit.

Section 2 All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3 This ordinance shall be in full force and effect upon and after the 10th day of September, 2009.

This ordinance was adopted by the City Council of the City of Asheboro in open session during a regular meeting held on the 10th day of September, 2009.

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

ATTEST:

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

5. Appearance by Bonnie Renfro, President of Randolph County Economic Development Corporation to discuss Recovery Zone bonds.

Ms. Bonnie Renfro, President of Randolph County Economic Development Corporation, provided the Council with detailed information on Recovery Zone bonds. Ms. Renfro reported that the IRS has released information on two new financing options created by the American Recovery & Investment Act of 2009 in an effort to stimulate economic growth. Individual states, counties, and cities received an allocation based on the relative decline in employment during 2008. Randolph County's allocation is \$7,247,000.00 for Recovery Zone Economic Development Bonds and \$10,870,00.00 for Recovery Zone Facility Bonds.

Recovery Zone Economic Development Bonds provide a payment equal to 45% of the interest payable directly to the issuer as a subsidy for financing qualified economic development projects. These bonds may be used for capital expenditures paid or incurred with respect to property

located in a recovery zone, expenditures for public infrastructure, construction of public facilities, and expenditures for job training and educational programs.

Recovery Zone Facility Bonds are tax-exempt private activity bonds that can be used to finance a broad range of capital projects in recovery zones. At least 95% of the net proceeds must be used for recovery zone property.

Ms. Renfro further reported that activities financed by each program must be located in a Recovery Zone designated by the county, and the bonds must be issued before January 1, 2011. According to Ms. Renfro, the Randolph County Board of Commissioners acted on September 1, 2009 to designate the entire county as a recovery zone.

[A handout utilized by Ms. Renfro during her presentation is on file in the City Clerk's office.]

6. Presentation by Hannah Cockburn with Piedmont Triad Council of Governments on the Division 8 Randolph County Transportation Project Priority List SPOT Database, 2015-2020.

Ms. Hannah Cockburn of Piedmont Triad Council of Governments presented the Division 8 Randolph County Transportation Project Priority List SPOT Database, 2015-2020. Ms. Cockburn highlighted that each Metropolitan Planning Organization (MPO) and each Rural Planning Organization (RPO) have been asked to identify 25 highway projects to submit regardless of the size of community. The RPO will submit certain transit projects, enhancement projects, including but not limited to the Old Liberty Road enhancement project and the Sunset Avenue and Parks Street Roundabout project.

[A handout utilized by Ms. Cockburn during her presentation is on file in the City Clerk's office.]

7. Update on Bicentennial Mural rehabilitation by Reynolds Lisk, Asheboro/Randolph Chamber of Commerce Downtown Committee.

Mr. Reynolds Lisk reported that the Asheboro/Randolph Chamber of Commerce Downtown Committee has determined that the Bicentennial Mural located downtown at the corner of Fayetteville Street and Sunset Avenue should be re-painted. The estimated cost for this project is approximately \$11,000.00, but a local artist from Randleman, Ms. Susan Harold, has volunteered to re-paint the mural. Additionally, Sherwin Williams has agreed to donate the paint, while A&M Construction has agreed to provide the lift devices needed in order to paint the mural.

Ms. Harold plans to start working on the mural after the fall festival (October 3-4, 2009), with anticipation that the project will be completed by the end of November 2009. While no formal action was taken, the city council members expressed general support for the project.

8. Report by Bill Crawford on Randolph Community Tennis Foundation.

Mr. Bill Crawford reported that Mr. Bruce Vuncannon, a 1972 graduate of Asheboro High School and star tennis player, would like to partner with the city and the Randolph County Community Tennis Association, Inc. in order to raise funding for a small tennis stadium that is proposed to be named in honor of Mr. Morris B. Whitson. This stadium would add two (2) additional tennis courts to the existing tennis courts located at Memorial Park in order to have the opportunity to host regional and/or state tennis events.

While no formal action was taken, the city council members expressed general support for the project.

9. Land Use Issues:

- (a) **RZ-09-06: Request to rezone property from RA6 (High Density Residential) to I1 (Light Industrial).** The property of Bill J. Essick and wife, Patsy S. Essick and James D. Essick and wife, Patricia S. Essick is located at 207 Telephone Avenue and consists of approximately 0.226 of an acre of land. Randolph County Parcel Identification Number 7750850556 more specifically identifies the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Mr. James Essick to rezone the above-described property from RA-6 High Density Residential to I-1 Light Industrial. The Planning Department Staff and the Planning Board recommended approval of the request based on the following:

"Although the proposed I-1 zoning designation does not match the commercial designation on the proposed land use map, staff believes that overall the proposed rezoning complies with the intent and text of the Land Development Plan. The Land Development Plan conceptualizes a mix of non-residential uses in this vicinity, including commercial uses to the north along East Dixie Drive and industrial uses to the south of this property. Telephone Avenue is primarily characterized by industrial land uses and zoning, therefore, the proposed zoning district (I-1 Light Industrial) is more compliant with the intent of the Land Development Plan than the current zoning designation (RA-6 High Density Residential). Therefore, staff believes the rezoning is generally within the public interest in supporting a reasonable use of property."

The Applicant, Mr. James Essick, was present to answer questions.

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

Upon motion by Mr. Baker and seconded by Mr. Burks, Council adopted the staff's and Planning Board's analysis of the application and approved the requested rezoning. Councilmembers Baker, Burks, Carter, Fountain, Moffitt, Priest, and Smith voted in favor of the motion.

(b) CUP-09-07: Request for Conditional Use Permit authorizing rental/sales of domestic motor vehicles as an accessory use to motor vehicle repair (major). The property of Joseph B. Shuping is located at 1339 East Salisbury Street and consists of approximately 1.521 acres of land. Randolph County Parcel Identification Number 7761429387 more specifically identifies the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely was sworn in and presented the staff's analysis of the Applicant's request including the submitted site plan. The Applicant, Mr. Joe Shuping, requested a Conditional Use Permit authorizing the rental of domestic vehicles as an accessory use to major motor vehicle repair (body shop).

Mr. Ben Morgan, Esq., who is the applicant's attorney, and Mr. Shuping were sworn in. Mr. Morgan addressed the four standard tests and offered sworn testimony in support of his contentions.

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

Upon motion by Ms. Carter and seconded by Mr. Priest, Council voted unanimously to approve the requested Conditional Use Permit. The issuance of this Conditional Use Permit was based on the four standard tests being met.

The formal findings of fact, conclusions of law, and order granting the Conditional Use Permit will be entered by the Council during regular session on October 8, 2009. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

(c) SUB-08-01: Preliminary Plat for Zoo Parkway Commercial Subdivision.
(JBBC Properties, LLC)

Mr. Neely presented the preliminary plat for the proposed Zoo Parkway Commercial Subdivision. JBBC Properties, LLC requested the approval of a preliminary plat for the subdivision to be located along Zoo Parkway. The proposed subdivision contains approximately 4.93 acres of land, consisting of five (5) lots.

The Planning Department Staff and the Planning Board recommended approval of the preliminary plat with the following condition:

Construction of the subdivision shall not begin until all regulatory approvals are received.

Mr. Josh Beck, a representative of JBBC Properties, LLC, was available to answer questions.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to approve the preliminary plat with the condition referenced above.

The approved preliminary plat is on file in the City Clerk's office.

(d) Public hearing on adoption of Land Development Plan updates.

Mayor Jarrell opened the public hearing on the proposed updates of the Land Development Plan. Mr. Justin Luck highlighted the proposed changes to the plan and recommended that Council continue the public hearing to its next regular meeting to allow the Council to thoroughly review the proposal and to receive more public comment on the proposed changes.

Upon motion by Mr. Smith and seconded by Ms. Carter, Council voted unanimously to continue the public hearing to its regular October meeting.

10. Public comment period.

Mr. Steve Bennett of 612 Parkview Street presented, on behalf of his neighborhood, a petition requesting that certain properties located on Randolph Avenue be brought into compliance with provisions set forth in the Code of Asheboro. Mr. Bennett expressed concerns about the threat posed by the properties to safety and property values in the neighborhood. A copy of the petition is on file in the City Clerk's office.

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

11. Consideration of permanently closing Rich Avenue right-of-way (street not built) and a portion of Dublin Road Extension, as requested by Frank Edmondson, IV of Franson, LLC.

Mayor Jarrell opened the public hearing on the proposed permanent closing of the Rich Avenue right-of-way and a portion of Dublin Road Extension.

Mr. Bunker reported that the resolution declaring the city council's intent to permanently close Rich Avenue right-of-way and a portion of Dublin Road Extension 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/order to permanently close Rich Avenue right-of-way and portions of Dublin Road Extension.

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

CITY OF ASHEBORO STREET CLOSURE ORDINANCE NO. 44 ORD 9-09

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

**IN RE THE CLOSING OF RICH AVENUE AND
A PORTION OF DUBLIN ROAD EXTENSION** **)** **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 6th day of August, 2009, during a regular meeting, a resolution (37 RES 8-09) declaring the intent of the City Council to permanently close Rich Avenue, which has never been built, and a certain portion of Dublin Road Extension; and

WHEREAS, Resolution Number 37 RES 8-09 properly called for a public hearing to be held during the Asheboro City Council's regular meeting at 7:00 o'clock p.m. on the 10th day of September, 2009, 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 having general circulation 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 Rich Avenue right-of-way and the described portion of Dublin Road Extension (this notice was published on August the 13th, 20th, and 27th as well as September the 3rd of 2009); 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 the Rich Avenue right-of-way and the portion of Dublin Road Extension described herein, said property owners are more particularly identified as follows:

1. Franson, LLC
2. Donald R. and Lois M. Long
3. Tom J. and Marguerite P. Cunningham
4. Double E Investment Group, LLC
5. Tammy Burgess McDowell
6. Gregory and Cynthia D. Tillman (This notice to the Tillmans was mailed a second time via first class mail after the initial certified letter was returned as unclaimed.)
7. Martin B. and Beth W. Kearns
8. Thomas E. and Margaret N. Ellis
9. Billy and Patsy Essick
10. Hotels at Executive Way, LLC
11. Samuel E. and Pamela Jo Newey and Others

WHEREAS, notice of the city council's intention to permanently close the Rich Avenue right-of-way and the certain portion of Dublin Road Extension described herein, as well as the call for a public hearing on the question of the proposed street closure, was prominently posted in two places along both the right-of-way for Rich Avenue and the portion of Dublin Road Extension for which permanent closure is proposed; and

WHEREAS, after holding the public hearing called by the adopted resolution of intent to permanently close the right-of-way for Rich Avenue and the described portion of Dublin Road Extension, it appears to the satisfaction of the City Council of the City of Asheboro that the permanent closure of the Rich Avenue right-of-way and the portion of Dublin Road Extension described below is not contrary to the public interest and that no individual owning property in the vicinity of the Rich Avenue right-of-way and the portion of Dublin Road Extension 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 right-of-way for Rich Avenue, which has never been built, and the certain portion of Dublin Road Extension described herein are hereby permanently closed. The said Rich Avenue and the described portion of Dublin Road Extension are located within the corporate limits of the City of Asheboro, and the street rights-of-way permanently closed by this ordinance are more particularly described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a 1-inch existing iron pipe set at the southeast corner of the 50-foot right-of-way platted for Rich Avenue on a plat of survey recorded in Plat Book 6, Page 47, Randolph County Public Registry, the said Beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 708,712.939 feet and East 1,763,530.144 feet (NAD 83); thence from the said Beginning point North 88 degrees 47 minutes 34 seconds West 2.08 feet along the southern margin of the right-of-way for Rich Avenue to a 1-inch existing iron pipe in concrete; thence continuing along the southern margin of the right-of-way for Rich Avenue the following course and distance: North 88 degrees 47 minutes 34 seconds West 266.16 feet to a $\frac{5}{8}$ -inch existing iron rod in a 1-inch existing iron pipe in concrete; thence along the western terminus of the right-of-way for Rich Avenue the following courses and distances: North 01 degree 52 minutes 56 seconds East 24.90 feet to a $\frac{1}{2}$ -inch existing iron rod; thence North 01 degree 15 minutes 18 seconds East 25.14 feet to a $\frac{3}{8}$ -inch existing iron rod in a 1-inch existing iron pipe in concrete; thence along the northern margin of the right-of-way for Rich Avenue the following courses and distances: South 88 degrees 49 minutes 28 seconds East 85.05 feet to a $\frac{1}{2}$ -inch existing iron rod with a cap; thence South 88 degrees 42 minutes 26 seconds East 179.74 feet to a point not set; thence South 88 degrees 42 minutes 26 seconds East 9.85 feet to the base of a $\frac{5}{8}$ -inch existing iron rod set at the northeastern corner of the platted 50-foot right-of-way for Rich Avenue; thence across the proposed new southern terminus of the right-of-way for Dublin Road Extension the following course and distance: South 88 degrees 42 minutes 26 seconds East 96.54 feet to a point not set; thence along the western margin of the 60-foot right-of-way for Dublin Road (North Carolina Secondary Road No. 2197) the following course and distance: South 37 degrees 46 minutes 37 seconds East 32.91 feet to a concrete right-of-way monument; thence along the existing southern terminus of Dublin Road Extension the following courses and distances: North 88 degrees 47 minutes 46

seconds West 29.93 feet to a concrete right-of-way monument; thence North 89 degrees 39 minutes 02 seconds West 29.81 feet to a concrete right-of-way monument; thence South 71 degrees 21 minutes 50 seconds West 68.29 feet to the point and place of the BEGINNING, and being all of that certain 17,139 square feet (0.393 of an acre) of land, more or less, encompassed by the preceding metes and bounds description, specifically including the right-of-way for Rich Avenue and the above-described portion of Dublin Road Extension. The 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 "PLAT FOR PROPOSED CLOSING OF A PORTION OF RIGHT OF WAY FOR RICH AVENUE AND DUBLIN ROAD EXT." 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 June 30, 2009, is identified by Job # 5704 D 10, and is hereby incorporated into this resolution by reference as if copied fully herein.

Section 2 The City of Asheboro, pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, hereby reserves its perpetual right, title, and interest in and to the sanitary sewer line shown on the above-referenced plat of survey. This express reservation of a perpetual right, title, and interest in the said sanitary sewer line includes, without limitation, an express reservation of a perpetual right, title, and interest in an easement for the said sanitary sewer line. The easement referenced in the immediately preceding sentence shall be twenty (20) feet in width (10 feet on each side of the sanitary sewer line) and shall be utilized for the operation and maintenance of said sanitary sewer line. Furthermore, this reservation by the City of Asheboro of its right, title, and interest in the existing utility improvement expressly includes, without limitation, the city's perpetual right and privilege of going in, upon, and over the area within the sanitary sewer line easement at any time or times, and from time to time, at the city's option, for the purpose of constructing, inspecting, operating, repairing, and maintaining a sanitary sewer line, including such alterations, replacements, and expansions of capacity as may, in the city's sole judgment, be necessary or proper as a part of the Sanitary Sewer System of the City of Asheboro, North Carolina.

Furthermore, this reservation of right, title, and interest in utility improvements and easements extends to existing utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city. In particular, this reservation of right, title, and interest extends to the overhead utility line depicted on the above-referenced plat of survey.

Section 3 This ordinance shall take effect and be in force from and after the date of its adoption.

Section 4 Any person aggrieved by the permanent closure of the above-described Rich Avenue and portion of Dublin Road Extension 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 5 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.

This ordinance and order was adopted in open session during a regular meeting of the Asheboro City Council on the 10th day of September, 2009.

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

ATTEST:

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

12. Consideration of a request by Jackie Reinger of Santosha Yoga to temporarily close a portion of North Street (from Trade Street to Sunset Avenue) 5:00 p.m. to 9:00 p.m. on September 18, 2009, for an African Drumming and Dance event.

Mr. Bunker presented a request by Jackie Reinger of Santosha Yoga to temporarily close a portion of North Street from Trade Street to Sunset Avenue from 5:00 p.m. to 9:00 p.m. on Friday, September 18, 2009 for an African Drumming and Dance event. A copy of the written request is on file in the City Clerk's office.

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

13. Consideration of a petition received from Ronald Keith and Teresa Ellis Pugh requesting contiguous annexation of 10.118 acres of land located at 411 Hillview Street.

- (a) Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting contiguous annexation of 10.118 acres of land located at 411 Hillview Street.

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

39 RES 9-09

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES

(10.118 Acres of Land Located at 411 Hillview Street)

WHEREAS, a petition requesting the annexation of approximately 10.118 acres of land located at 411 Hillview Street has been received by the Asheboro City Council from Ronald Keith Pugh and Teresa Ellis Pugh, who own the parcel of land for which annexation is requested; 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, in response to this petition, the city council has decided to proceed with the statutorily prescribed voluntary annexation proceedings.

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

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of September, 2009.

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

ATTEST:

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

CERTIFICATE OF SUFFICIENCY
(10.118 Acres of Land Located at 411 Hillview Street)

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

I, Holly H. Doerr, City Clerk of the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto. As a consequence of that investigation, I have found as a fact that all owners of real property lying in the area described therein have signed the said petition, and the petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina in order to make this certification effective as of the 10th day of September, 2009.

(SEAL)

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

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

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

40 RES 9-09

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES

(10.118 Acres of Land Located at 411 Hillview Street)

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 of this petition; and

WHEREAS, on the basis of her review of information gathered by city staff members during an investigation of the submitted petition, the city clerk has certified to the city council the sufficiency of this petition to proceed with setting a date for a public hearing on the question of annexation pursuant to Section 160A-31 of the North Carolina General Statutes.

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

Section 1 A public hearing on the question of annexation of the area described herein will be held in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, during the city council's regular meeting that is to be held at 7:00 o'clock p.m. on the 8th day of October, 2009.

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

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

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of September, 2009.

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

ATTEST:

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

EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a point not set on the existing primary corporate limits line for the City of Asheboro, the said point is located by means of the North Carolina Coordinate System at the coordinates of North 715,464.1510 feet and East 1,751,142.8932 feet (NAD 83); thence from the said beginning point along the common boundary line between the Ronald Keith Pugh property described in Deed Book 2018, Page 886, Randolph County Public Registry and the Randall Scott Teague property described in Deed Book 1752, Page 1894, Randolph County Public Registry the following courses and distances: North 74 degrees 07 minutes 46 seconds West 254.24 feet to an existing iron rod; thence North 35 degrees 30 minutes 45 seconds West 138.58 feet to an existing iron rod; thence North 38 degrees 06 minutes 27 seconds West 83.45 feet to an existing iron rod; thence North 16 degrees 50 minutes 11 seconds West 226.24 feet to an existing iron rod; thence North 02 degrees 25 minutes 29 seconds West 584.22 feet to an existing iron pipe set on the south bank of the creek; thence South 84 degrees 36 minutes 51 seconds East 109.88 feet to a point in the centerline of the creek; thence along the centerline of the creek the following courses and distances: South 27 degrees 10 minutes 57 seconds East 48.59 feet to a point not set; thence South 61 degrees 59 minutes 31 seconds East 53.35 feet to a point not set; thence South 31 degrees 03 minutes 08 seconds East 39.92 feet to a point not set; thence South 88 degrees 08 minutes 34 seconds East 51.86 feet to a point not set; thence South 86 degrees 22 minutes 53 seconds East 115.05 feet to a point not set; thence South 75 degrees 58 minutes 59 seconds East 79.35 feet to a point not set; thence South 50 degrees 29 minutes 09 seconds East 83.18 feet to a point not set; thence South 85 degrees 29 minutes 42 seconds East 45.30 feet to a point not set; thence along the common boundary line between the said Ronald Keith Pugh property and the Eva Fryes, Inc. property described in Deed Book 1229, Page 331, Randolph County Public Registry the following courses and distances: South 03 degrees 41 minutes 24 seconds West 385.77 feet to an existing iron pipe; thence South 85 degrees 23 minutes 31 seconds East 122.80 feet to an existing iron pipe; thence South 85 degrees 23 minutes 31 seconds East 36.52 feet along the common boundary line between the said Ronald Keith Pugh property

and the City of Asheboro property described in Deed Book 814, Page 514, Randolph County Public Registry to a point not set on the existing primary corporate limits line for the City of Asheboro, this point is located by means of the North Carolina Coordinate System at the coordinates of North 715,920.1283 feet and East 1,751,356.4549 feet (NAD 83); thence along the existing primary corporate limits line for the City of Asheboro the following courses and distances: South 37 degrees 34 minutes 52 seconds West 347.24 feet to a point not set; thence South 02 degrees 28 minutes 20 seconds West 178.15 feet to the point and place of BEGINNING, and containing 10.118 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION SURVEY FOR THE CITY OF ASHEBORO." This plat of survey was drawn under the supervision of Jerry A. King, Professional Land Surveyor with Registration Number L-3373, from an actual survey made under his supervision. The said plat of survey is dated September 29, 2008, and the job number for the plat of survey is 5523 P 10.

14. Consideration of a petition received from Habitat for Humanity of Randolph County, Inc. requesting contiguous annexation of 0.415 of an acre of land located along the west side of Third Street.

- (a) Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting the contiguous annexation of 0.415 of an acre of land located along the west side of Third Street.

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

41 RES 9-09

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES

(0.415 of an Acre of Land Located along the West Side of Third Street)

WHEREAS, a petition requesting the annexation of approximately 0.415 of an acre of land located along the west side of Third Street has been received by the Asheboro City Council from Habitat for Humanity of Randolph County, N.C., Inc., which owns the land for which annexation is requested; 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, in response to this petition, the city council has decided to proceed with the statutorily prescribed voluntary annexation proceedings.

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

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of September, 2009.

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

ATTEST:

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

CERTIFICATE OF SUFFICIENCY
(0.415 of an Acre of Land Located along the West Side of Third Street)

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

I, Holly H. Doerr, City Clerk of the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto. As a consequence of that investigation, I have found as a fact that all owners of real property lying in the area described therein have signed the said petition, and the petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina in order to make this certification effective as of the 10th day of September, 2009.

(SEAL)

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

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

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

42 RES 9-09

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES
(0.415 of an Acre of Land Located along the West Side of Third Street)

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 of this petition; and

WHEREAS, on the basis of her review of information gathered by city staff members during an investigation of the submitted petition, the city clerk has certified to the city council the sufficiency of this petition to proceed with setting a date for a public hearing on the question of annexation pursuant to Section 160A-31 of the North Carolina General Statutes.

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

Section 1 A public hearing on the question of annexation of the area described herein will be held in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, during the city council's regular meeting that is to be held at 7:00 o'clock p.m. on the 8th day of October, 2009.

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

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

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of September, 2009.

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

ATTEST:

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

EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a new iron pipe set at the northeast corner of the Habitat for Humanity of Randolph County, Inc. property described in Deed Book 1783, Page 1183, Randolph County Public Registry, the said new iron pipe is located South 08 degrees 50 minutes 53 seconds West 386.10 feet from a PK nail set at the intersection of the centerline for Third Street (North Carolina Secondary Road 2808) with the centerline for Ridge Street (North Carolina Secondary Road 2915); thence from the said beginning point South 07 degrees 49 minutes 08 seconds West 124.87 feet along the western margin of the 50-foot right-of-way for Third Street to a new iron pipe set at the southeastern corner of the said Habitat for Humanity of Randolph County, Inc. property; thence North 87 degrees 12 minutes 27 seconds West 144.72 feet to

a point on the existing primary corporate limits line for the City of Asheboro; thence North 07 degrees 23 minutes 38 seconds East 124.85 feet along the existing primary corporate limits line for the City of Asheboro to a point not set; thence along the northern boundary line for the said Habitat for Humanity of Randolph County, Inc. property the following courses and distances: South 87 degrees 11 minutes 09 seconds East 3.30 feet to a new iron pipe; thence South 87 degrees 11 minutes 09 seconds East 142.34 feet to the point and place of BEGINNING, and containing 0.415 of an acre of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "Annexation Survey City of Asheboro(;) Plat Prepared For Habitat For Humanity Of Randolph County, Inc." This plat of survey was drawn under the supervision of Michael R. Stout, Professional Land Surveyor with license number L-3492, from an actual survey made under his supervision. The said plat of survey was originally dated June 11, 2009, and was revised on August 6, 2009. The job number for the plat of survey is 09-HABITAT-0.

15. Consideration of a resolution concurring with amendments to the City of Asheboro Personnel Policies and Procedures Manual.

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

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

43 RES 9-09

RESOLUTION CONCURRING WITH AMENDMENTS MADE BY THE CITY MANAGER TO THE CITY OF ASHEBORO PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the City of Asheboro Personnel Policies and Procedures Manual was originally promulgated by the city manager and approved by resolution of the Asheboro City Council on March 4, 2004; and

WHEREAS, the city manager periodically receives suggestions from the director of human resources and/or the personnel committee as to improvements that can be made to the city's uniform system of personnel administration; and

WHEREAS, the director of human resources and/or the personnel committee have recommended to the city manager that certain improvements be made to Articles V (Conditions of Employment), VI (Benefits), VII (Leaves of Absence), and XI (Disciplinary Actions); and

WHEREAS, the city manager has agreed with these recommendations and has promulgated corresponding amendments to the City of Asheboro Personnel Policies and Procedures Manual; and

WHEREAS, these amendments are attached to this resolution as EXHIBITS 1, 2, 3, and 4, and these exhibits are hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, the city council concurs with the city manager's decision to adopt the above-stated amendments as part of the City of Asheboro Personnel Policies and Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that it concurs with the city manager's amendment of the City of Asheboro Personnel Policies and Procedures Manual to reflect the policy changes specified in the attached exhibits.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of September, 2009.

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

ATTEST:

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

EXHIBIT 1

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 3. Employment of Relatives

The City prohibits the hiring of relatives within the same department; however, related persons may work for the City in different departments. ~~Subsequent~~ When an issue pertaining to the employment of relatives within the same department arises subsequent to the hiring process, the permissibility of related persons working within the same department will be evaluated on a case-by-case basis. While not expressly prohibited, such a situation is discouraged. An employee may not serve as a direct supervisor for a related employee under any circumstances.

For the purpose of this section relatives shall be deemed to include spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

Seasonal Recreational and Part-Time employees in the ~~Parks and Recreation Department Recreation Services Department and/or Cultural Services Department~~ are exempted from this requirement the prohibition specified in this Section.

EXHIBIT 2

ARTICLE VI. BENEFITS

Section 6. Special Separation Allowance for ~~Eligible Sworn Retiring Law Enforcement Officers~~

~~Pursuant to~~ In accordance with N.C. Gen. Stat. § 143-166.42, all eligible sworn law enforcement officers employed by the City of Asheboro shall receive, beginning on the last day of the month in which he/she retires on a basic service retirement, an annual separation allowance. The retiring officer's initial eligibility for the special separation allowance and the formula to be used in calculating the amount of the allowance shall be determined by city staff members in the finance and human resources departments in strict compliance with ~~on the basis of~~ the statutory provisions found in N.C. Gen. Stat. § 143-166.41(a),(b).

~~Pursuant to the authority granted to local government employers by N.C. Gen. Stat. § 143-166.42, the City of Asheboro has determined that special separation allowance payments will cease upon the occurrence of one of the following events:~~

- ~~1. Upon the officer's death; or~~
- ~~2. On the last day of the month in which the officer turns sixty-two (62) years of age; or~~
- ~~3. On the first day of reemployment of the individual by any department, agency, or unit of the City of Asheboro.~~

~~Payment to a retired officer under the provisions of this section shall cease at the first of:~~

- ~~1. The death of the officer;~~
- ~~2. The last day of the month in which the officer attains 62 years of age; or~~
- ~~3. The first day of reemployment by a local government employer in any capacity; provided, however, that a local government employer may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System, and doing so shall not cause payment to cease to those officers under the provisions of this section.~~

If a ~~recipient's retired officer's~~ receipt of the special separation allowance is terminated because of the individual's reemployment with a local government employer in a position or capacity that triggers a cessation of payments under the provisions of the immediately preceding subsection ~~any department, agency, or unit of the City of Asheboro~~, payment of the special separation allowance cannot be resumed at a later date.

EXHIBIT 3

ARTICLE VII. LEAVES OF ABSENCE

Section 24. Inclement Weather

Because of their essential and direct impact on public safety and health, many city services must continue regardless of the weather. Employees who are required to work when city offices are closed because of inclement weather will be given compensatory time off at the rate of one hour for each hour worked. A maximum of eight (8) hours in a twenty-four (24) hour period may be given.

Employees are encouraged to use their own judgment about reporting to work during inclement weather. Those who are not able to report when city offices are not officially closed will be charged with accrued compensatory time, holiday time, or vacation leave.

EXHIBIT 4

ARTICLE XI. DISCIPLINARY ACTIONS

Section 4. Procedure

A private discussion should be initiated by the supervisor as soon as the performance deficiency or improper personal conduct is observed.

Progressive discipline is effectively administered by the employee's supervisor through the following stages:

(1) Documented Oral Warning(s)

Documented discussion of specific work-related concerns indicating corrective measures to be followed. Receipt of a documented oral warning must be acknowledged in writing by the employee. If the employee refuses to acknowledge in writing the receipt of a documented oral warning, note the employee's refusal on the supporting documentation and have an additional supervisor sign the supporting documentation as a witness to the fact that the employee refused to provide a written acknowledgment of the discussion. All documented oral warning(s), including any and all supporting documentation, shall be forwarded to the Human Resources Department for review and incorporation into the employee's personnel file.

(2) Written Warning(s)

Documented performance concerns which have been previously discussed, but have not improved. An employee may receive ~~a~~ written warning(s) for similar or different infractions. The written warning(s) shall state that dismissal/demotion will result if the infraction is not corrected. Receipt of a written warning must be acknowledged in writing by the employee. If the employee refuses to acknowledge the written warning, note the employee's refusal and have an additional supervisor witness the refusal and sign the written warning. All written warning(s), along with any supporting documentation, and documentation supporting previous oral warning(s) shall be forwarded to the Human Resources Department for review and incorporation into the employee's personnel file. Improper personal conduct does not require prior oral warning, documented or otherwise.

(3) Pre-Dismissal Hearing

The supervisor recommending dismissal shall discuss the recommendation with the Human Resources Department. The supervisor shall schedule and conduct a pre-dismissal conference with the employee. In the conference, the supervisor shall give the employee written notice of the recommendation for dismissal, including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal, to refute information supporting the recommended dismissal action and to offer information or arguments to support his/her ~~Position~~ position.

(4) Suspension

If the behavioral infraction is extremely serious to the city, fellow employees, or the public, supervisors may suspend an employee without warning.

16. Report from the Public Works Committee meeting on September 3, 2009.

Mr. Smith, Public Works Committee Chairperson, reported that the Public Works Committee met on Thursday, September 3, 2009 and called on Mr. Bunker to present the committee's report to the Council.

Mr. Bunker reported that Mr. Charles Willard, Mr. Danny Miller, and Mr. Mark Vestal, trustees of WRTB (We Read The Bible), a non-profit church association, appeared before the Public Works Committee and offered to make a conditional donation to the city of a tract of land which is immediately adjacent to the Old City Cemetery. The condition attached to the donation was that, after the real property was conveyed to the city, WRTB had to be allowed to build a mausoleum on the property.

Additionally, the trustees for WRTB wanted the city to assume responsibility for the perpetual care of the structure in exchange for approximately 25% of the projected future revenue generated by the sale of crypts and niches. The committee decided that the liabilities associated with the perpetual care responsibilities were too great to justify the city's entry into this

entrepreneurial activity and concluded that the city should not be involved in the project. The trustees then withdrew their original offer to conditionally donate a tract of land to the city.

Consequently, the general consensus of the committee members was to recommend to the Council that the city attorney be instructed to draft an amendment to the Code of Asheboro in order to facilitate the ability of pedestrians to access burial locations within the city's cemeteries and within other public or private cemetery facilities adjoining city cemeteries.

Upon motion by Dr. Fountain and seconded by Ms. Carter, Council unanimously instructed the city attorney to draft an ordinance amending the Code of Asheboro to reflect the consensus of the Public Works Committee in regard to the movement of pedestrians within the city's cemeteries.

17. Consideration of a resolution authorizing the City of Asheboro to enter into an Interlocal Water Service Agreement with the County of Randolph whereby the city will own, operate and maintain a proposed water line that is to be constructed by the county along U.S. Highway 64 East and several adjacent streets between East Salisbury Street and Dewey Road.

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

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

44 RES 9-09

RESOLUTION AUTHORIZING THE CITY OF ASHEBORO TO ENTER INTO AN INTERLOCAL WATER SERVICE AGREEMENT WITH THE COUNTY OF RANDOLPH

WHEREAS, Section 160A-461 of the North Carolina General Statutes authorizes the County and the City to enter into an agreement in order to contractually exercise public enterprise functions on behalf of each other; and

WHEREAS, Section 153A-275(a) of the North Carolina General Statutes authorizes the County to "acquire, lease as lessor or lessee, construct, establish, enlarge, improve, extend, maintain, own, operate, and contract for the operation of. . . (a water supply and distribution system) in order to furnish services to the county and its citizens;" and

WHEREAS, Section 160A-312(a) of the North Carolina General Statutes authorizes the City to "acquire, construct, establish, enlarge, improve, maintain, own, and operate" a water supply and distribution system outside of the City's corporate limits; and

WHEREAS, the County is seeking funding assistance from the North Carolina Rural Economic Development Center and from the Underground Storage Tank Fund administered by the North Carolina Department of Environment and Natural Resources in order to extend a water main along United States Highway 64 East and certain other streets for the purpose of providing potable water that is needed due to the presence of contaminated groundwater wells; and

WHEREAS, the City is willing to assist with providing potable water by utilizing, in a manner that is consistent with the fiscally sound operation of its public enterprise, the existing municipal water utility to own, operate, and maintain the water main once the County has completed the construction of the proposed main; and

WHEREAS, an interlocal agreement specifying the actions and responsibilities that the City and County proposed to undertake in this cooperative effort has been prepared by the professional staffs for the City and the County; and

WHEREAS, the City Council finds the proposed interlocal agreement, which is attached hereto as EXHIBIT 1, to be satisfactory and in the best interest of all of the parties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the proposed interlocal agreement that is attached to this resolution as EXHIBIT 1 is hereby formally approved; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the attached interlocal agreement with the County of Randolph.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on September 10, 2009.

s/ David H. Jarrell
David H. Jarrell, Mayor
City of Asheboro

ATTEST:

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

EXHIBIT 1

STATE OF NORTH CAROLINA

INTERLOCAL WATER SERVICE AGREEMENT

COUNTY OF RANDOLPH

THIS INTERLOCAL WATER SERVICE AGREEMENT is made and entered into the _____ day of _____ 2009, by and between the County of Randolph, a political subdivision of the State of North Carolina, (hereinafter referred to as the "County") and the City of Asheboro, a North Carolina municipal corporation, (hereinafter referred to as the "City").

WITNESSETH:

WHEREAS, Section 160A-461 of the North Carolina General Statutes authorizes the County and the City to enter into an agreement in order to contractually exercise public enterprise functions on behalf of each other; and

WHEREAS, Section 153A-275(a) of the North Carolina General Statutes authorizes the County to "acquire, lease as lessor or lessee, construct, establish, enlarge, improve, extend, maintain, own, operate, and contract for the operation of . . . (a water supply and distribution system) in order to furnish services to the county and its citizens;" and

WHEREAS, Section 160A-312(a) of the North Carolina General Statutes authorizes the City to "acquire, construct, establish, enlarge, improve, maintain, own, and operate" a water supply and distribution system outside of the City's corporate limits; and

WHEREAS, the County is seeking funding assistance from the North Carolina Rural Economic Development Center and from the Underground Storage Tank Fund administered by the North Carolina Department of Environment and Natural Resources in order to extend a water main along United States Highway 64 East and certain other streets for the purpose of providing potable water that is needed due to the presence of contaminated groundwater wells; and

WHEREAS, the City is willing to assist with providing potable water by utilizing, in a manner that is consistent with the fiscally sound operation of its public enterprise, the existing municipal water utility to own, operate, and maintain the water main once the County has completed the construction of the proposed main; and

WHEREAS, on the _____ day of _____ 2009, the Randolph County Board of Commissioners adopted a resolution, and, on the _____ day of _____ 2009, the City Council of the City of Asheboro adopted a resolution, whereby each governing body respectively authorized and approved this interlocal agreement with, by, and between the other in accordance with the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, terms, and conditions contained herein and accruing to the benefit of each of the respective parties hereto, the receipt and sufficiency of which is hereby acknowledged, the County and the City agree as follows:

Section 1 **Establishment of City/County Water Service Area**

The City and the County do hereby mutually establish a City/County Water Service Area (hereinafter referred to as the "WSA") that shall encompass at all times a defined area located outside of the corporate limits of the City. As of the effective date of this Agreement, the area encompassed by the WSA is more particularly described and defined by the map dated August 21, 2009, and entitled "PROPOSED CITY/COUNTY WATER SERVICE AREA." This map, which was prepared by Thomas Scaramastra, PLS in the City of Asheboro Engineering Department, is attached to this Agreement as ATTACHMENT "A" and is hereby incorporated into this Agreement by reference as if copied fully herein.

Section 2 **Design and Construction of Water System Infrastructure Improvements**

- (A) Subject to the following subsections and to the reimbursement obligations imposed upon the City in Sections 4 and 5 of this Agreement, the County shall be responsible for designing and constructing the proposed water system infrastructure improvements,

specifically including without limitation the payment of all costs associated with the design and construction of the said improvements. The infrastructure improvements shall be designed and constructed in accordance with the specifications and standards prescribed by the City's engineering department for connection and integration of the proposed water infrastructure system improvements with the City's water supply and distribution system.

- (B) Once the County has completed its design of the proposed water main, a complete set of plans and specifications for the proposed infrastructure improvements shall be forwarded by the County to the City's engineering department for review and approval prior to the solicitation of sealed bids for the construction of the project. Upon receipt of the said plans and specifications, the City's engineering department shall review the documents without unreasonable delay and return the plans and specifications to the County with notations, if warranted, as to what issues must be addressed or corrected in order for the City to successfully integrate the proposed infrastructure into the municipal water supply and distribution system. If any concerns raised by the City's engineering department are not resolved to the mutual satisfaction of the City and County prior to the solicitation of bids for the construction of the project, the City shall not be under any obligation to accept the infrastructure within the WSA as part of the municipality's water utility. Three (3) sets of the approved plans and specifications shall be provided to the City for use during construction.
- (C) If the proposed infrastructure improvements are not located within a street or highway right-of-way that has been irrevocably dedicated to the public, the County shall acquire right-of-way for the proposed infrastructure by means of recorded water line easement(s) that can be subsequently conveyed to the City by the County. By way of illustration and without limitation, the WSA includes two private streets, Marshall Lane and Rocky Knoll Road Extension, that will require the acquisition of recorded easements.
- (D) Employees and agents of the City shall be authorized to conduct regular inspections of the proposed infrastructure improvements during the construction phase. Employees and agents of the City shall not unreasonably interfere with activities undertaken by the County's employees and/or contractor(s), but they shall be authorized to take those actions reasonably necessary to determine if the infrastructure under construction is installed in a manner that is consistent with standards utilized by the City's water utility for the construction of its water lines. The detection of any deficiencies shall be recorded by the City's inspectors and forwarded to the City's engineer for transmittal to the County's director of public works. If any noted deficiencies are not addressed to the mutual satisfaction of the City and County, the City shall not be under any obligation to accept the infrastructure within the WSA as part of the municipality's water utility.

Section 3 **Ownership and Operation of Completed Water System Infrastructure Improvements**

Upon receipt of (a) "Final Approval" of the project from the Public Water Supply Section in the North Carolina Department of Environment and Natural Resources' Division of Environmental Health, (b) approval from the North Carolina Department of Transportation ("NCDOT") indicating that the encroachment upon the NCDOT right-of-way has been satisfactorily completed, (c) one (1) mylar copy of the project's "as-built" drawings, and (d) written notification from the City that it is ready to connect the completed water system infrastructure improvements to the City's water supply and distribution system, the County shall convey to the City, without unreasonable delay and at no cost to the City other than the reimbursement of "matching funds" to the County in accordance with Sections 4 and 5 of this Agreement, all rights, title, and interest in the said water system infrastructure improvements, specifically including without limitation all easements acquired by the County in accordance with Section 2(C) of this Agreement. Upon the successful completion of the transfer from the County to the City of all rights, title, and interest in the water system infrastructure improvements, the City shall have exclusive control of the said water infrastructure and shall be responsible, at no cost to the County, for the ordinary maintenance, repair, and operation of the water system infrastructure located within the WSA.

Section 4 **Connection Fees and Service Rates**

- (A) Connections to the water main located within the WSA shall be made in accordance with the City's regulations and policies, specifically including without limitation the standard connection fees for a particular size of water connection as prescribed by the Code of Asheboro at the time of application for a connection permit. Each connection fee charged by the City for connection to the municipal water utility shall be retained in full by the City for use in the City of Asheboro Water and Sewer Fund. The amount of the fees charged for connections within the WSA are subject to amendment by the Asheboro City Council to the same extent as any other rates and fees established by the Asheboro City Council for the City's water utility.
- (B) Service rates for water supplied through water meters located within the WSA shall be established exclusively by the Asheboro City Council and shall be the same rate as that of other City water utility customers located outside of the City's corporate limits. Seventy-five percent (75%) of the gross revenue derived from the sale of water through the City-owned meters located within the WSA, exclusive of late fees and tamper fees imposed by the City's water utility, shall be retained by the City for its exclusive use within

the City of Asheboro Water and Sewer Fund. All late fees and tamper fees charged by the City's water utility shall be retained by the City for its exclusive use within the City of Asheboro Water and Sewer Fund. Twenty-five percent (25%) of the gross revenue derived from the sale of water through the City-owned meters located within the WSA, exclusive of late fees and tamper fees imposed by the City's water utility, shall be deposited on a semi-annual basis into a City project fund known as the City/County Water Service Area Project Fund. Disbursements from this project fund shall be made by the City to the County in accordance with the provisions found in Section 5 of this Agreement. The City shall not have to account for any interest that may be earned from funds deposited into the said project fund.

- (C) Upon the effective date of the annexation of any portion of the WSA, the territory annexed into the City shall be deemed to be outside of the WSA, and the newly annexed municipal water utility customers or potential customers shall be subject to the same water rates and fees that apply within the City generally; provided, however, additional charges can be made for satellite areas annexed by the City. All fees and charges collected by the City's water utility from customers located within the corporate limits, whether primary or satellite corporate limits, shall be retained by the City for its exclusive use within the City of Asheboro Water and Sewer Fund.

Section 5 **Reimbursement of County Expenditures**

- (A) As specified in Section 4(B) of this Agreement, the City will deposit into its City/County Water Service Area Project Fund, over the course of each fiscal year, a certain percentage of the "gross revenues" generated from water customers with city-owned water meters located within the WSA. Between the 1st day of July and the 31st day of July of each calendar year, the City will disburse to the County one hundred percent (100%) of the funds deposited into the City/County Water Service Area Project Fund during the immediately preceding fiscal year. The said annual disbursement shall be made by the City until the County has received a total cumulative sum from the City/County Water Service Area Project Fund equal to one hundred percent (100%) of the matching funds expended by the County in order to complete the United States Highway 64 Water Main Extension Project, which is the project name utilized by the County when applying for grant funding for the water system infrastructure improvements described herein.
- (B) For the sole purpose of interpreting this Agreement, the term "matching funds" is defined as the total project costs incurred by the County in direct furtherance of the installation of the water system infrastructure improvements located within the WSA and for which the County will not receive grant funding or any other form of reimbursement from third parties to this Agreement. By way of illustration and without limitation, the total project costs referenced in the immediately preceding sentence are the contract price for project design and construction services, permitting fees, and easement acquisition expenses.
- (C) The precise dollar value of the "matching funds" to be reimbursed by the City to the County from the City/County Water Service Area Project Fund shall be determined by mutual agreement of the parties to this Agreement within ninety (90) calendar days of the date upon which ownership and control of the water system infrastructure improvements located within the WSA are conveyed to the City. Documentation establishing the basis for the County's determination of the "matching funds" for which reimbursement is owed shall be submitted to the City's finance officer within sixty (60) days of the date upon which ownership and control of the said water system infrastructure improvements are conveyed to the City. Within thirty (30) calendar days of the receipt of this documentation, the City will complete its evaluation of the submitted materials and provide written notification of whether the City concurs with the County's calculation of the amount of "matching funds" for which reimbursement is owed. The City shall not unreasonably withhold its concurrence.
- (D) Regardless of the amount that is ultimately agreed upon as the total amount of "matching funds" for which reimbursement is to be paid to the County, and subject to the terms and conditions of this subsection, the City shall not be required, during any fiscal year or under any circumstances, to appropriate funds to the County in excess of the amount that would be owed as an annual disbursement from the City/County Water Service Area Project Fund under the provisions of this Section and Section 4 of the Agreement. However, if the removal of territory from the WSA due to annexation reduces the annual disbursement from the City/County Water Service Area Project Fund to an amount less than was disbursed after the first full fiscal year of operating the City's water utility within the WSA, the City shall hold the County harmless from the loss of revenue by appropriating funding from other City revenue sources in order to provide the County with an annual disbursement equal in amount to the amount of the disbursement received after the first full fiscal year in which the municipal water utility operated within the WSA. So long as the City is obligated under this Agreement to make annual disbursements to the County as reimbursement for the expenditure of "matching funds," this hold harmless provision shall utilize as a base line the annual disbursement calculated immediately subsequent to the first full fiscal year of the municipal water utility's operation in the WSA. Furthermore, the said hold harmless provision is only applicable to a shortfall in the annual disbursement, as compared to the above-stated base line, when the shortfall is

attributable to the removal of water meters from the WSA because of annexation of territory into the City.

- (E) The City's obligation to make annual disbursements to the County from the City/County Water Service Area Project Fund, along with the obligation to make hold harmless payments in accordance with the immediately preceding subsection (D), shall terminate when the total cumulative sum of funds paid from the City to the County equals one hundred percent (100%) of the matching funds expended by the County in order to complete the United States Highway 64 Water Main Extension Project. The City's obligation to make payments or otherwise distribute to the County revenue that is generated by the City's water utility as a consequence of the United States Highway 64 Water Main Project shall be governed exclusively by Sections 4 and 5 of this Agreement.

Section 6 **General City Utility Service Provisions**

- (A) The furnishing of water service outside the corporate limits of the City by the municipal water utility shall be in accordance with the North Carolina General Statutes and all ordinances, rules, and regulations adopted by the Asheboro City Council for the operation of the City's water utility. By way of illustration and without limitation, all requests to connect to the City's water utility within the WSA and all requests to extend the municipal water utility beyond the WSA shall be evaluated under and governed by the City's ordinances, rules, regulations, and policies.
- (B) This Agreement does not create any right to municipal water and/or sewer utility service in any property or any person, partnership, corporation, or other entity.
- (C) This Agreement does not impair or limit in any way the City's annexation authority within the WSA or elsewhere. This unimpaired annexation authority specifically includes without limitation the ability of the City to require, in accordance with the applicable federal and state laws, annexation as a condition of service from the City's water and sewer utility.

Section 7 **Termination of the City/County Water Service Area**

The City/County Water Service Area created by this Agreement shall cease to exist upon the occurrence of either of the following events, whichever occurs earlier:

- (A) The payment in full by the City of the "matching funds" that are to be reimbursed to the County in accordance with Sections 4 and 5 of this Agreement; or
- (B) The annexation of the entirety of the territory located within the WSA into the corporate limits of the City.

Section 8 **Miscellaneous Provisions**

- (A) The parties hereto agree that this Agreement shall not be modified, amended, or terminated without the prior written consent of all of the parties.
- (B) This Agreement and any attachments embody the entire Agreement between the parties in connection with this transaction, and there are no oral or parol agreements, representations, or inducements existing between the parties relating to this transaction which are not expressly set forth herein and covered hereby.
- (C) This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such fully-executed counterpart.
- (D) If any term or condition of this Agreement is found to be unenforceable by a court of competent jurisdiction, the remaining terms and conditions shall remain binding upon the parties as though said unenforceable provision was not contained herein. However, if the invalid, illegal, or unenforceable provision materially affects this Agreement, then the Agreement may be terminated by either party on ten (10) business days prior written notice to the other party hereto.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their properly designated officials and have caused the parties' respective seals to be affixed to this instrument as of the day and year first above written.

COUNTY OF RANDOLPH

(SEAL)

Attest:

By: _____
**J. Harold Holmes, Chairman
Randolph County Board of
Commissioners**

Cheryl A. Ivey, Clerk to the Board

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I am a Notary Public of the County and State aforesaid, and I do hereby certify that Cheryl A. Ivey, who is personally known to me, appeared before me this day and acknowledged that she is the Clerk to the Board for the County of Randolph and that, by authority duly given and as the act of the County of Randolph, the foregoing instrument was voluntarily executed on behalf of the County by J. Harold Holmes, the Chairman of its Board of Commissioners, sealed with the County's corporate seal, and attested by her as Clerk to the Board for the purposes stated therein.

Witness my hand and notarial seal, this _____ day of _____, 2009.

Notary Public

My commission expires:

(Name of Notary Public, typed or printed)

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

William Massie, Finance Officer

CITY OF ASHEBORO

(SEAL)

Attest:

By: _____

**David H. Jarrell, Mayor
City of Asheboro**

Holly H. Doerr, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I am a Notary Public of the County and State aforesaid, and I do hereby certify that Holly H. Doerr, who is personally known to me, appeared before me this day and acknowledged that she is the City Clerk for the City of Asheboro and that, by authority duly given and as the act of the municipal corporation, the foregoing instrument was voluntarily executed on behalf of the municipal corporation by its Mayor, sealed with the municipal corporation's seal, and attested by her as the City Clerk for the purposes stated therein.

Witness my hand and notarial seal, this _____ day of _____, 2009.

Notary Public

My commission expires:

(Name of Notary Public, typed or printed)

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Deborah P. Reaves, Finance Officer

[Attachment "A" that is referenced within the approved interlocal agreement is on file in the City Clerk's office.]

18. Upcoming Events

- September 11, 2001 Ceremony honoring first responders in Bicentennial Park on Friday, September 11, 2009 at 12:00 p.m.

- Elected officials picnic on September 16, 2009 at 6:30 p.m. until 8:00 p.m. at Victory Junction Gang Camp, hosted by the City of Randleman (Van will leave Asheboro City Hall at 6:00 p.m.)
- North Carolina League of Municipalities Annual Conference on October 25 through 27, 2009 in Greenville, North Carolina

There being no further business, the meeting was adjourned at 9:23 p.m.

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

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