

**REGULAR MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, NOVEMBER 6, 2008
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)
J. Keith Crisco) – Council Members Present
Walker B. Moffitt)
Archie B. Priest, Sr.)
David H. Smith)

John N. Ogburn, III, City Manager
Edsel L. Brown, Code Enforcement Officer
Dumont Bunker, P.E., City Engineer
Richard L. Cox, Jr., Community Planning and Development Department Intern
Holly H. Doerr, City Clerk/Senior Legal Assistant
John L. Evans, Planner
R. Wendell Holland, Jr., Zoning Administrator
R. Reynolds Neely, Jr., Planning Director
O. Lynn Priest, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
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 which Reverend Mark Hall, Associate Minister of First Baptist Church gave the invocation.

3. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

4. Consent Agenda:

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

(a) The minutes of the city council's regular meeting that was held on October 9, 2008.

(b) Request by Randolph County Veteran's Council to temporarily close Church Street from Hoover Street to West Kivett Street, Sunset Avenue from Church Street to Fayetteville Street, Fayetteville Street from Academy Street to Salisbury Street, and Worth Street from Fayetteville Street to Cox Street for a Veteran's Day Parade from 4:30 p.m. to 5:30 p.m. on November 11, 2008.

[A map of the approved parade route and parade permit is on file in the City Clerk's office.]

(c) Request from Chamber of Commerce to temporarily close West Kivett Street between South Fayetteville Street and South Church Street, South Church Street from Sunset Avenue to West Walker Avenue, Sunset Avenue from Church Street east to Fayetteville Street, and South Fayetteville Street from Salisbury Street to Kivett Street for the Annual Christmas Parade at 7:00 p.m. on Friday, December 5, 2008.

[A map of the approved parade route and parade permit is on file in the City Clerk's office.]

- (d) **Request from Asheboro/Randolph Chamber of Commerce Downtown Development Committee to temporarily close Sunset Avenue (from Park Street to Fayetteville Street) and Church Street (from West Academy Street to Hoover Street) on December 12, 2008 from 5:30 p.m. to 10:00 p.m. for a downtown 'Christmas on Sunset' street festival.**

[A map of the approved parade route and parade permit is on file in the City Clerk's office.]

- (e) **A resolution approving the establishment of the position of fleet service writer in the fleet maintenance department career ladder.**

57 RES 11-08

RESOLUTION APPROVING THE FLEET SERVICE WRITER POSITION IN THE FLEET MAINTENANCE DEPARTMENT

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

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

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

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

WHEREAS, the Fleet Maintenance Superintendent has concluded that the position of Fleet Service Writer should be established within the Fleet Maintenance Department in order to enhance the department's operations; and

WHEREAS, the Fleet Maintenance Superintendent has properly submitted a comprehensive job description for this position, and

WHEREAS, this new job description is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, the Director of Human Resources and the City Manager have approved the job description submitted by the Fleet Maintenance Superintendent; and

WHEREAS, upon the recommendation of the Director of Human Resources, the City Manager has determined that the position of Fleet Service Writer should be established at a pay grade of 17.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City Manager's recommendation to establish the position of Fleet Service Writer within the Fleet Maintenance Department at pay grade 17 is hereby approved without modification and with an effective date of November 6, 2008; and

BE IT FURTHER RESOLVED that, effective November 6, 2008, the job description attached hereto as EXHIBIT 1 is hereby adopted and approved without modification.

This resolution was adopted by the Asheboro City Council in regular session on the 6th day of November 2008.

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

ATTEST:

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

EXHIBIT 1

FLEET SERVICE WRITER
Fleet Maintenance Department
Public Works Division

F.L.S.A.
NONEXEMPT

General Statement of Duties

An employee in this position schedules work orders on vehicles and equipment. Employee also participates in the purchasing and parts inventory work for the Fleet Maintenance Department and other city departments as needed.

Distinguishing Features of the Class

An employee in this class participates in the purchase and control of parts and supplies used by the city's Fleet Maintenance staff and related record keeping. Work includes processing work orders, researching parts, ordering, inventory control, pick-up and delivery. Work is subject to the regular supervision of the Assistant Fleet Maintenance Superintendent and evaluation is through the review of records, observations of the employee's work performance and conferences with the employee.

Illustrative Examples of Work

- Processes work orders, does follow ups on work orders, organizes work in progress;
- Purchases automotive parts;
- Purchases parts and supplies and also stocks other departmental supplies and materials;
- Coordinates any contracted maintenance;
- Administers work orders and prioritizes these orders for peak efficiency;
- Retrieves parts for mechanics on demand;
- Maintains parts inventory for ongoing and completed work orders;
- Initiates and authorizes purchases in the absence of the Parts and Service Coordinator;
- Keeps stock inventory and enters data into computer;
- Enters worksheets on repaired vehicles on computer;
- Performs related work as required.

Knowledge, Skills and Abilities

- Knowledge of automobile service manuals;
- Knowledge of inventory control procedures;
- Ability to maintain records and prepare reports from such records;
- Ability to research service manuals and other relevant data to order correct parts;
- Ability to assign and prioritize services to different departments pertaining to equipment and vehicles;
- Ability to operate a CRT and enter information into computer system;
- Ability to establish and maintain effective working relationships with other employees and the general public;
- Ability to read a road map.

Desirable Training and Experience

Graduation from an accredited high school. Experience in automotive parts or inventory control or any equivalent combination of experience and training.

Special Requirements

Must possess a valid North Carolina driver's license and have a safe driving record.

Physical Requirements

Stands or walks for seven (7) hours each day. Requires kneeling, and stretching. Must lift, pull and carry 50 to 75 pounds.

- (f) **Resolution approving request for state aid for the Asheboro Regional Airport in the aviation element of the transportation improvement program, as recommended by the Asheboro Airport Authority meeting on October 21, 2008.**

58 RES 11-08

**RESOLUTION APPROVING REQUESTS FOR STATE AID TO THE
ASHEBORO REGIONAL AIRPORT IN THE AVIATION ELEMENT OF THE
TRANSPORTATION IMPROVEMENT PROGRAM BY THE CITY COUNCIL
OF THE CITY OF ASHEBORO**

WHEREAS, the North Carolina Department of Transportation Division of Aviation has requested that the City of Asheboro submit a list of projects for the Aviation Element of the FY 2010-2014 Transportation Improvement Program; and

WHEREAS, the City of Asheboro has prepared a list titled "Asheboro Regional Airport Transportation Improvement Program (TIP) 2010-2014 Project Listing" incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the Asheboro City Council has reviewed the referenced TIP submission, and that the City Council hereby formally approves the submission of these requests for State Aid to Airports and for the State Block Grant Program where applicable.

Adopted in regular session on this 6th day of November, 2008.

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

ATTEST:

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

- (g) **Resolution approving the plans, material list and cost estimate for installation of highway-railway grade crossing signals and gates at the intersection of Peachtree Street and Norfolk Southern Railway Tracks.**

59 RES 11-08

RESOLUTION APPROVING THE PLANS, MATERIAL LIST AND COST ESTIMATE FOR INSTALLATION OF HIGHWAY-RAILWAY GRADE CROSSING SIGNALS AND GATES AT THE INTERSECTION OF PEACHTREE STREET AND NORFOLK SOUTHERN RAILWAY TRACKS BY THE CITY COUNCIL OF THE CITY OF ASHEBORO

WHEREAS, the City of Asheboro entered into an agreement dated February 22, 2008 with the NC Department of Transportation (NCDOT) for the installation and maintenance of highway-railway grade crossing signals and gates at the intersection of Peachtree Street and Norfolk Southern railway tracks (approved by City Council resolution # 23 RES 5-07 adopted on May 15, 2007); and

WHEREAS, the City of Asheboro's share of the installation cost was estimated at \$15,000 (10% of the project cost), and the City of Asheboro's share of the maintenance cost was estimated at \$1,290 per year (50% of the total maintenance cost) per said agreement and letter from the NCDOT dated March 12, 2007; and

WHEREAS, the City of Asheboro received a letter from the NCDOT dated October 2, 2008 with the Norfolk Southern Corporation plans, materials list and revised cost estimate for the subject project, wherein the cost estimate for the project is \$234,881.30, and the City of Asheboro's share is \$23,488.13 (10% of the project cost); and

WHEREAS, the NCDOT has requested that the City of Asheboro approve the plans, material list and revised cost estimate.

NOW, THEREFORE, BE IT RESOLVED that the Asheboro City Council has reviewed and approves the plans, materials list and revised cost estimate for the Peachtree Street railroad crossing, and approves of Norfolk Southern Corporation proceeding with construction.

Adopted in regular session on this 6th day of November, 2008.

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

ATTEST:

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

- (h) **A resolution to clarify the City of Asheboro policy for water and sewer line extensions to include the material cost of sewer line piers in the items provided by the City of Asheboro.**

60 RES 11-08

RESOLUTION AMENDING THE POLICY FOR WATER AND SEWER LINE EXTENSIONS BY THE CITY COUNCIL OF THE CITY OF ASHEBORO

WHEREAS, the City of Asheboro has a Policy for Water and Sewer Line Extensions approved by the Asheboro City Council on October 4, 2001, allowing property owners and developers to extend water lines and gravity sewer lines into areas not presently served; and

WHEREAS, the current policy states that "The City of Asheboro will provide or pay for materials meeting or exceeding specifications and standards set by the City for water lines and gravity sewer lines extended along existing streets to serve property inside the City Limits. Materials provided by the City shall consist of water pipe, valves, hydrants, fittings, sewer pipe and manholes"; and

WHEREAS, the City has been requested to pay approximately \$2,600 for the material costs of piers used on a recent project extending a gravity sewer line along Little Gate Drive; and

WHEREAS, piers are an integral part of a gravity sewer line when required and therefore should be included in the list of materials provided or paid for by the City per the extension policy.

NOW, THEREFORE, BE IT RESOLVED by the Asheboro City Council that the Policy for Water and Sewer Line Extensions approved by the Asheboro City Council on October 4, 2001 be amended to include the material costs of piers for gravity sewer lines in the list of items that will be provided or paid for by the City of Asheboro, and that the above stated request shall be approved.

Adopted in regular session on this 6th day of November, 2008.

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

ATTEST:

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

- (i) **A resolution approving the crime policy insurance coverage obtained by the Asheboro ABC Board in compliance with Section 18B-700(i) of the North Carolina General Statutes.**

61 RES 11-08

RESOLUTION APPROVING THE BOND PROCURED BY THE ASHEBORO ABC BOARD FOR THE MEMBERS OF THE LOCAL BOARD

WHEREAS, Section 18B-700(i) of the North Carolina General Statutes provides that each member of the local ABC board must be bonded in an amount not less than five thousand and no/100 dollars (\$5,000.00) for the faithful performance of the board member's duties; and

WHEREAS, Section 18B-700(i) of the North Carolina General Statutes also provides that the city council, as the appointing authority for the local ABC board, must approve the said bond that is payable to the local ABC board; and

WHEREAS, the Asheboro ABC Board, as the insured, has procured coverage in the amount of five thousand and no/100 dollars (\$5,000.00) from Pennsylvania National Mutual Casualty Insurance Company for the faithful performance by the three (3) local ABC board members of their duties; and

WHEREAS, a copy of the policy procured by the Asheboro ABC Board has been submitted to the city council for approval, and a copy of the said policy is attached hereto as EXHIBIT 1; and

WHEREAS, the insurance coverage procured by the Asheboro ABC Board and attached hereto as EXHIBIT 1 satisfies the requirements of Section 18B-700(i) of the North Carolina General Statutes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the insurance policy attached hereto as EXHIBIT 1 is hereby approved; and

BE IT FURTHER RESOLVED that the Asheboro ABC Board is deemed by the Asheboro City Council to be in compliance with Section 18B-700(i) of the North Carolina General Statutes.

This resolution was adopted by the Asheboro City Council in regular session on the 6th day of November 2008.

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

ATTEST:

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

(Exhibit 1 that is referred to in this resolution is attached to the original resolution on file in the city clerk's office.)

- (j) **A resolution approving a contract between the City of Asheboro and the Asheboro ABC Board for ABC law enforcement.**

62 RES 11-08

RESOLUTION APPROVING AN ABC LAW ENFORCEMENT SERVICES CONTRACT BETWEEN THE CITY OF ASHEBORO AND THE ASHEBORO ABC BOARD

WHEREAS, Section 18B-501 of the North Carolina General Statutes provides that a local ABC board must either hire one or more ABC enforcement officers or contract with a local law enforcement agency for the enforcement of the ABC laws within the local law enforcement agency's territorial jurisdiction; and

WHEREAS, the Asheboro ABC Board (hereinafter referred to as the "ABC Board") is required to expend at least five percent (5%) of its profits for ABC law enforcement; and

WHEREAS, the ABC Board is of the opinion that contracting with the City of Asheboro (hereinafter referred to as the "City") for ABC law enforcement services would constitute the most efficient use of the ABC Board's law enforcement funds; and

WHEREAS, the public health and safety goals of the municipal police department would be furthered by entering into an ABC law enforcement services contract with the ABC Board; and

WHEREAS, a proposed contract between the City and the ABC Board for the provision of ABC law enforcement services has been prepared by the city attorney and is attached hereto as EXHIBIT 1, which is hereby incorporated into this resolution by reference as if copied fully herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the contract attached hereto as EXHIBIT 1 is hereby approved; and

BE IT FURTHER RESOLVED that the city manager is hereby authorized and directed to execute the said contract on behalf of the City.

This resolution was adopted by the Asheboro City Council in regular session on the 6th day of November 2008.

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

ATTEST:

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

EXHIBIT 1

STATE OF NORTH CAROLINA

ABC LAW ENFORCEMENT SERVICES

COUNTY OF RANDOLPH

THIS AGREEMENT is made the ____ day of _____, 2008, by and between the CITY OF ASHEBORO, a North Carolina municipal corporation, (hereinafter referred to as the "City") and the ASHEBORO ABC BOARD, a local ABC board that may transact business as a corporate body pursuant to Section 18B-702(a) of the North Carolina General Statutes, (hereinafter referred to as the "ABC Board").

WITNESSETH:

WHEREAS, Section 18B-501 of the North Carolina General Statutes provides that the ABC Board must either hire one or more ABC enforcement officers or contract with a local law enforcement agency for the enforcement of the ABC laws within the local law enforcement agency's territorial jurisdiction; and

WHEREAS, the ABC Board is required to expend at least five percent (5%) of its profits for ABC law enforcement; and

WHEREAS, the ABC Board is of the opinion that contracting with the City for ABC law enforcement services would constitute the most efficient use of its ABC law enforcement funds; and

WHEREAS, the City is of the opinion that the public health and safety goals of the municipal police department would be furthered by entering into an ABC law enforcement services contract with the ABC Board.

NOW, THEREFORE, IT IS AGREED as follows:

ABC Law Enforcement Services

The City's municipal police department shall provide ABC law enforcement services on behalf of the ABC Board within the territorial boundaries of the City of Asheboro. On a quarterly basis, the City's municipal police department shall provide to the ABC Board a written report of the ABC law enforcement activities undertaken by the municipal police department on behalf of the ABC Board.

In addition to giving priority to ABC law enforcement on behalf of the ABC Board, the City's municipal police department shall give priority to the following specific requests from the ABC Board for law enforcement services:

- (a) Security for ABC store employees as they exit the premises at closing time.
- (b) Escorts for ABC Board employees making bank deposits. Such escorts shall extend from the time the employees transporting the bank deposit exit the store until such time as the transaction is completed. A telephonic request for such an escort shall be made of the City's municipal police department at least one (1) hour prior to the scheduled departure time for the bank deposit.
- (c) Inspections of businesses that have been permitted for mixed beverages are to be conducted to ensure compliance with the ABC laws and the rules of the ABC Commission governing mixed beverage permittees. At a minimum, such inspections are to be made annually.
- (d) Investigations of allegations of theft, embezzlement, and/or other crimes occurring upon property owned or leased by the ABC Board.

Responsibility for Law Enforcement Personnel and Equipment

The City is solely responsible for hiring, training, equipping, and supervising the law enforcement personnel utilized to perform the above-described ABC law enforcement services. The City shall maintain complete and exclusive administrative control over such personnel, including without limitation the salary and other compensation for the sworn law enforcement personnel utilized to provide the above-described services.

The City hereby assumes total responsibility for the defense of the City and its employees against any claim, lawsuit, or other civil action brought as a result of the City's provision of the ABC law enforcement services described herein. The ABC Board agrees to cooperate in this regard by giving notice to the city attorney for the City of Asheboro on becoming aware of any claim or action of any nature whatsoever against the City or any of its employees involved in the performance of the contracted services and to otherwise cooperate with the City's request for information as necessary in the City's defense of any such claim or action.

Whenever the City becomes aware of any complaint, claim, or action that allegedly arose out of or in connection with the City's provision of the ABC law enforcement services described herein, the City will inform the ABC Board of the City's receipt of notification of such a complaint, claim, or action without unreasonable delay.

Financial Agreement

The City shall provide the above-described ABC law enforcement services within the City of Asheboro in consideration of the quarterly payment to the City by the ABC Board of five percent (5%) of the ABC Board's profits as calculated in accordance with Section 18B-805(c)(2) of the North Carolina General Statutes.

Duration, Amendment, and Termination

This contract shall continue in effect until such time as either party cancels the contract, with or without cause, by giving a 14-day written notice to the other party of the date upon which the contract shall terminate.

This contract may only be amended by mutual written agreement of the parties hereto. Any such amendment will be attached as a written addendum and executed by all parties.

This contract shall be effective from the date first indicated herein and shall continue in full force and effect unless otherwise terminated as provided herein.

IN WITNESS WHEREOF, the City and the ABC Board have caused this contract to be executed by their respective duly authorized officers.

CITY OF ASHEBORO:

ASHEBORO ABC BOARD:

John N. Ogburn, III,
City Manager

Russell G. Walker, Jr.,
Chairman

Date

Date

5. Land Use Items:

- (a) CUP-08-32: Request for Conditional Use Permit to allow a Commercial Development with Multi-Use and/or Structures. The property of Matthew Ryan and Lisa Ann Salyer is located at 180 Browers Chapel Road on the west side of Browers Chapel Road, approximately 700 feet south of East Dixie Drive. The parcel consists of approximately 1.18 acres of land and is more specifically identified by Randolph County Parcel Identification Number 7760378697.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely was sworn in and presented the staff's analysis of the Applicants' request, including the submitted site plan. The Applicants, Matthew and Lisa Salyer, requested a Conditional Use Permit allowing commercial development with multi-use.

Ms. Lisa Salyer was sworn in and addressed the four standard tests.

There being no further comments and no opposition from the public, Mayor Jarrell closed the public hearing. An audiotape of the testimony presented during this hearing is on file in the City Clerk's office.

Upon motion by Mr. Baker and seconded Mr. Moffitt, 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 December 4, 2008. This order will reflect a condition that was imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

- (b) RZ-08-35: Request to rezone from I-2 (General Industrial) and B-2 (General Business) to B-2 (General Business) and amend the Center City Planning Area designation of the property. The property of Branson-McKenzie, LLC is located at 700 South Fayetteville Street (with street frontage extending westward along the south side of Lanier Avenue approximately 150 feet from South Fayetteville Street) and consists of approximately 0.22 of an acre of land. Randolph County Parcel Identification Numbers 7751707205 and 7751707287 more specifically identify the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Branson-McKenzie, LLC to rezone the above-described property from I-2 General Industrial and B-2 General Business to B-2 General Business and to amend the Center City Planning Area designation of the property from Tier 3 to Tier 2. The Planning Department Staff and the Planning Board recommended approval of the request based on the following analysis:

"The request is supported by several goals and policies of the land development plan. The land development plan envisions the Center City Planning area to be characterized by a mix of compatible land uses. A portion of this property is already zoned B-2 and the proposed B-2 zoning district is completely surrounded by commercial and industrial property and is thus in harmony with the surrounding land uses. Furthermore, the rezoning will eliminate a split zoning of the property, which currently exists on the parcel of land and the principal structure itself.

In reference to amending the Center City Planning Area map from Tier 3 to Tier 2, staff believes this is generally supported by the Land Development Plan and surrounding character of the area. Tier 2 takes into account that a more urban configuration of buildings closer to the street should be reflected by greater flexibility in how an attractive streetscape may be achieved including planting yards with less width but substantial street trees, street walls or other enhancements. Staff believes these requirements of Tier 2 achieve a comparably attractive streetscape compared to the 10' front yard landscaping yard that would be required in Tier 3 of the Center City Planning area.

Considering all of these factors, (staff) believes the rezoning request and amendment to the Center City Planning Area is generally within the public interest and recommends approval of the request."

Mr. Larry McKenzie was available to answer questions.

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

Upon motion by Mr. Crisco and seconded by Ms. Carter, Council voted unanimously to adopt the staff and planning board analysis of the request and placed the above-described property in a B-2 General Business zoning district and amended the Center City Tier designation of the property to Tier 2.

6. Consideration of Red Bird Cab's application for a taxicab franchise.

Mayor Jarrell opened the public hearing on this application for a certificate of convenience and necessity under Chapter 114 of the Code of Asheboro.

Mr. Sugg presented the application submitted by Red Bird Cab, LLC of High Point, North Carolina to operate eight (8) taxicabs within the City of Asheboro. Along with the application, Mr. Sugg also presented the proposed certificate of convenience and necessity that would be issued to Red Bird Cab, LLC. This franchise would be granted for one (1) year with an effective date of December 8, 2008 and may be renewed annually in accordance with Chapter 114 of the Code of Asheboro.

Mr. Herbert Young, Mr. Timothy Craig Walton, and Mr. Randolph Turks, all of Red Bird Cab, LLC, were available to answer questions.

Mr. Timothy Craig Walton, General Manager of Red Bird Cab, presented comments in support of the application. Mr. Walton stated that the company plans to have an office located on the corner of North Fayetteville Street and Vernon Street with ample parking space for the taxicabs. Additionally, he stated that he had no objections to the proposed "Certificate of Convenience and Necessity" drafted by city staff, and that the company will comply with the Asheboro Zoning Ordinance.

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

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

CERTIFICATE OF CONVENIENCE AND NECESSITY

WHEREAS, Section 160A-304 of the North Carolina General Statutes provides that a city may by ordinance license and regulate all vehicles operated for hire in the city; and

WHEREAS, Section 114.10 of the Code of Asheboro provides that it is unlawful for any person to operate a taxicab upon and over the streets of the city without first applying for and securing from the city council a certificate of convenience and necessity in accordance with the provisions of Chapter 114 of the Code of Asheboro; and

WHEREAS, Section 114.17 of the Code of Asheboro provides that such a certificate of convenience and necessity shall constitute a franchise from the city for the operation of taxicabs within the city; and

WHEREAS, Section 160A-76 of the North Carolina General Statutes provides that an ordinance granting a franchise cannot be finally adopted until it has been passed at two regular meetings of the city council; and

WHEREAS, Red Bird Cab, LLC, which has its principal office located at 210 West Ward Avenue in High Point, North Carolina, has properly submitted an application for a certificate of convenience and necessity; and

WHEREAS, a public hearing on this application by Red Bird Cab, LLC for such a certificate was scheduled for November 6, 2008 during a regular city council meeting, and legal notice of this public hearing was published in The Courier-Tribune on October 18, 2008; and

WHEREAS, the city council did conduct the advertised public hearing on November 6, 2008, and the city council has considered the factors prescribed by Section 114.15 of the Code of Asheboro for determining whether the requested certificate of convenience and necessity should be granted.

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

Section 1. A certificate of convenience and necessity to operate eight (8) taxicabs upon and over the streets of the City of Asheboro is hereby granted to Red Bird Cab, LLC (hereinafter referred to as the "Grantee").

Section 2. This franchise is granted for a term of one (1) year from and after the 8th day of December 2008. Thereafter, applications for renewals shall be filed annually in accordance with the Code of Asheboro.

Section 3. This franchise is granted upon the following specific conditions and requirements:

- (a) Prior to the effective date of this ordinance, the Grantee shall furnish to the city clerk of the City of Asheboro a list showing the make, model, and vehicle identification number of each taxicab to be operated pursuant to this franchise.
- (b) Prior to the effective date of this ordinance, the Grantee shall furnish to the city clerk of the City of Asheboro a certificate of insurance from an insurance carrier duly authorized to do business in the State of North Carolina evidencing that insurance coverage is in effect for the taxicabs referenced in subsection (a) in an amount that complies with Section 114.14 of the Code of Asheboro.
- (c) Prior to the effective date of this ordinance, the Grantee shall obtain from the city clerk's office the required annual license for the privilege of operating the taxicabs referenced in subsection (a).
- (d) The Grantee shall otherwise comply with all applicable laws and regulations pertaining to the operation of taxicabs in the City of Asheboro, specifically including without limitation Chapter 114 of the Code of Asheboro.

Section 4. If a conflict is discovered between the provisions of this ordinance granting a certificate of convenience and necessity to Red Bird Cab, LLC and Chapter 114 of the Code of Asheboro, the provisions found in Chapter 114 of the Code of Asheboro shall control.

Section 5. This ordinance shall be deemed to have been finally adopted by the Asheboro City Council after receiving approval at two (2) regular meetings of the council.

This ordinance was approved by the Asheboro City Council for the first time in regular session on the 6th day of November 2008.

This ordinance was approved by the Asheboro City Council for the second time in regular session on the 4th day of December 2008.

David H. Jarrell, Mayor

ATTEST:

Holly H. Doerr, City Clerk

7. Consideration of a petition received from Pugh Oil Company, Inc. requesting contiguous annexation of 1.509 acres at 705 McDowell Road.

Mayor Jarrell opened the public hearing on the proposed annexation of approximately 1.509 acres of land located at 705 McDowell Road.

Mr. Ronnie Pugh was available to answer questions. There being no comments and no opposition from the public, Mayor Jarrell closed the public hearing.

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro, North Carolina.

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

Ordinance Number 59 ORD 11-08
ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO, NORTH CAROLINA
(1.509 Acres of Land Located at 705 McDowell Road)

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition signed by the owner of all of the real property located within the area hereinafter described was heretofore presented to the city council, by which petition a request was made that said area be annexed to the City of Asheboro; and

WHEREAS, the city council has by resolution directed the city clerk of the City of Asheboro to investigate the sufficiency of the petition, and the city clerk has certified the sufficiency of the said petition; and

WHEREAS, the city council did publish notice to the public on the 18th day of October 2008 in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held during the city council's regular meeting at 7:00 o'clock p.m. on the 6th day of November 2008 at the City of Asheboro Municipal Building to consider the adoption of an ordinance annexing the said area to the City of Asheboro; and

WHEREAS, the said public hearing was in fact held on the 6th day of November 2008; and

WHEREAS, the city council has determined that the petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

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

Section 1. By virtue of the authority granted in the North Carolina General Statutes, Chapter 160A, Article 4A, Part 1, the following described area is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a new iron rod set at a power pole at the intersection of the eastern margin of the 50-foot right-of-way for New Century Drive (North Carolina Secondary Road No. 1244) with the southern margin of the right-of-way for McDowell Road (North Carolina Secondary Road No. 1150), the said point is located by means of the North Carolina Coordinate System at the coordinates of North 699,781.43141 feet and East 1,753,405.00493 feet (NAD 83); thence from the said beginning point following the existing primary corporate limits line for the City of Asheboro, which runs along the eastern margin of the right-of-way for New Century Drive, by following in a southwesterly direction the arc of a curve with a radius of 290.20 feet a chord bearing and distance of South 04 degrees 03 minutes 01 second West 115.93 feet (Arc Distance = 116.72 feet; Tangent = 59.16 feet; Delta Angle = 23 degrees 02 minutes 37 seconds) to an existing iron pipe; thence in a southeasterly direction along the existing primary corporate limits line for the City of Asheboro and the eastern margin of the right-of-way for New Century Drive by following the arc of a curve with a radius of 302.43 feet a chord bearing and distance of South 00 degrees 35 minutes 21 seconds East 90.97 feet (Arc Distance = 91.32 feet; Tangent = 46.01 feet; Delta Angle = 17 degrees 18 minutes 01 second) to an existing iron pipe that is a control corner; thence departing from the eastern margin of the right-of-way for New Century Drive and continuing to follow the existing primary corporate limits line for the City of Asheboro the following course and distance: South 73 degrees 13 minutes 07 seconds East 282.69 feet to an existing iron pipe that is a control corner; thence North 14 degrees 40 minutes 30 seconds East 230.63 feet along the western

boundary line of the Pugh Oil Company property described in Deed Book 1212, Page 1419, Randolph County Public Registry to an existing iron pipe set in the southern margin of the right-of-way for McDowell Road; thence in a northwesterly direction following the southern margin of the right-of-way for McDowell Road along the arc of a curve with a radius of 1,462.39 feet a chord bearing and distance of North 78 degrees 24 minutes 57 seconds West 50.07 feet (Arc Distance = 50.07 feet; Tangent = 25.04 feet; Delta Angle = 01 degree 57 minutes 43 seconds) to an existing iron pipe; thence continuing to follow the southern margin of the right-of-way for McDowell Road in a northwesterly direction along the arc of a curve with a radius of 1,462.39 feet a chord bearing and distance of North 75 degrees 26 minutes 14 seconds West 101.84 feet (Arc Distance = 101.86 feet; Tangent = 50.95 feet; Delta Angle = 03 degrees 59 minutes 27 seconds) to an existing iron pipe; thence continuing along the southern margin of the right-of-way for McDowell Road the following courses and distances: South 16 degrees 33 minutes 37 seconds West 20.00 feet to a right-of-way monument; thence North 73 degrees 49 minutes 01 second West 175.55 feet to the point and place of BEGINNING, and containing 1.509 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 5, 2008, and the job number for the plat of survey is 5512 P 10.

Section 2. Upon and after November 6, 2008, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the office of the Register of Deeds of Randolph County, North Carolina, and in the office of the Secretary of State of North Carolina at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the North Carolina General Statutes.

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

Section 5. This ordinance shall be in full force and effect upon and after the 6th day of November 2008.

This ordinance was adopted by the Asheboro City Council in regular session on the 6th day of November 2008.

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

ATTEST:

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

Approved as to form:

s/ Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

8. Consideration of a petition received from Baybuilt Properties, LLC requesting contiguous annexation of 0.756 of an acre at the southwest corner of Lincoln Avenue and Wilson Street.

Mayor Jarrell opened the public hearing on the proposed annexation of approximately 0.756 of an acre of land located at the southwest corner of Lincoln Avenue and Wilson Street.

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

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro.

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

Ordinance Number 60 ORD 11-08
ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO, NORTH CAROLINA
(0.756 of an Acre of Land Located in the Vicinity of the Southwest Corner of the Intersection of
Lincoln Avenue and Wilson Street)

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition signed by the owner of all of the real property located within the area hereinafter described was heretofore presented to the city council, by which petition a request was made that said area be annexed to the City of Asheboro; and

WHEREAS, the city council has by resolution directed the city clerk of the City of Asheboro to investigate the sufficiency of the petition, and the city clerk has certified the sufficiency of the said petition; and

WHEREAS, the city council did publish notice to the public on the 18th day of October 2008 in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held during the city council's regular meeting at 7:00 o'clock p.m. on the 6th day of November 2008 at the City of Asheboro Municipal Building to consider the adoption of an ordinance annexing the said area to the City of Asheboro; and

WHEREAS, the said public hearing was in fact held on the 6th day of November 2008; and

WHEREAS, the city council has determined that the petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

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

Section 1. By virtue of the authority granted in the North Carolina General Statutes, Chapter 160A, Article 4A, Part 1, the following described area is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a computed point located on the existing primary corporate limits line for the City of Asheboro and in the eastern margin of the 30-foot right-of-way for Lincoln Avenue (North Carolina Secondary Road No. 1458), the said computed point is located South 03 degrees 35 minutes 22 seconds West 95.07 feet from an existing iron pipe set at the intersection of the eastern margin of the right-of-way for Lincoln Avenue with the southern margin of the 30-foot right-of-way for Wilson Street (North Carolina Secondary Road No. 1461) and located by means of the North Carolina Coordinate System at the coordinates of North 717,567.24 feet and East 1,753,766.96 feet (NAD 83); thence from the said beginning point along the eastern margin of the right-of-way for Lincoln Avenue and the existing primary corporate limits line for the City of Asheboro the following course and distance: South 03 degrees 35 minutes 22 seconds West 95.70 feet to an existing iron pipe; thence across the right-of-way for Lincoln Avenue and continuing along the existing primary corporate limits line for the City of Asheboro the following courses and distances: South 76 degrees 07 minutes 29 seconds West 39.24 feet to a computed point; thence North 87 degrees 24 minutes 16 seconds West 3.42 feet to an existing iron pipe; thence North 87 degrees 24 minutes 16 seconds West 138.66 feet along the northern boundary line of the Baybuilt Properties, L.L.C. property described in Deed Book 1798, Page 947, Randolph County Public Registry to an existing iron pipe; thence along the northern boundary line of the H.R. Gallimore, Jr. and Vickie H. Gallimore property described in Deed Book 1851, Page 1352, Randolph County Public Registry the following course and distance: North 89 degrees 56 minutes 19 seconds West 49.02 feet to an existing iron pipe control corner located by means of the North Carolina Coordinate System at the coordinates of North 717,373.92 feet and East 1,753,525.97 feet (NAD 83); thence along the eastern boundary line of the H.R. Gallimore, Jr. and Vickie H. Gallimore property described in Deed Book 1925, Page 565, Randolph County Public Registry the following courses and distances: North 02 degrees 55 minutes 41 seconds East 98.47 feet to an existing iron pipe; thence North 02 degrees 55 minutes 41 seconds East 100.80 feet to an existing iron pipe control corner set in the southern margin of the right-of-way for Wilson Street and located by means of the North Carolina Coordinate System at the coordinates of North 717,572.94 feet and East 1,753,536.15 feet (NAD 83); thence South 89 degrees 12 minutes 39 seconds East 94.35 feet along the southern margin of the

right-of-way for Wilson Street to an existing iron pipe; thence South 02 degrees 55 minutes 41 seconds West 92.40 feet along the western boundary line of the James Daniel Ward and Shirley B. Ward property described in Deed Book 2071, Page 1746, Randolph County Public Registry to an existing iron pipe; thence South 86 degrees 24 minutes 38 seconds East 104.81 feet along the southern boundary line of the said Ward property to an existing iron pipe set in the western margin of the right-of-way for Lincoln Avenue; thence South 89 degrees 10 minutes 32 seconds East 30.64 feet across the right-of-way for Lincoln Avenue to the point and place of BEGINNING, and containing 0.756 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 PLAT PREPARED FOR City Of Asheboro Wilson St. & Lincoln Ave. (Area)." This plat of survey was drawn under the supervision of Glenn L. Brown, Professional Land Surveyor with Registration Number L-3663, from an actual survey made under his supervision. The said plat of survey is dated September 19, 2008, and the job number for the plat of survey is G08045AX2.

Section 2. Upon and after November 6, 2008, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the office of the Register of Deeds of Randolph County, North Carolina, and in the office of the Secretary of State of North Carolina at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the North Carolina General Statutes.

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

Section 5. This ordinance shall be in full force and effect upon and after the 6th day of November 2008.

This ordinance was adopted by the Asheboro City Council in regular session on the 6th day of November 2008.

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

ATTEST:

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

Approved as to form:

s/ Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

9. Mackie Avenue Extension and Timberlane Storm Sewer Improvements

- (a) Acceptance of the low bid received from Triangle Grading & Paving, Inc. of Burlington, North Carolina for construction of the Mackie Avenue Extension and Timberlane Storm Sewer Improvements Project for the unit price total amount of \$519,671.00.**

Due to a financial conflict of interest, Mr. Moffitt asked to be excused from any discussion and action regarding the above-referenced item. A motion was made by Mr. Crisco and seconded by Mr. Burks to excuse Mr. Moffitt from any discussion and voting. Council Members Baker, Burks, Carter, Crisco, Priest, and Smith unanimously adopted this motion.

Mr. Bunker submitted the bid summary for the Mackie Avenue Extension and Timberlane Storm Sewer Improvements Project. Four bids were received on October 16, 2008. The bid submitted by Triangle Grading and Paving, Inc. of Burlington, North Carolina was the low responsive bid at \$519,671.00

Upon motion by Mr. Crisco and seconded by Mr. Smith, Council voted unanimously to accept the bid by Triangle Grading and Paving, Inc. in the amount of \$519,671.00. Council Members Baker, Burks, Carter, Crisco, Priest, and Smith adopted this motion. Council Member Moffitt abstained from voting.

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

- (b) **Resolution per G.S. 143-64.32 exempting the City of Asheboro from the advertisement/qualification based selection procedure to contract with Atlantic Coast Engineering and Testing, Inc. of Greensboro, North Carolina for engineering services required for geotechnical quality control testing services on the Mackie Avenue Extension and Timberlane Storm Sewer Improvements Project, at the budget estimate of \$7,700.00.**

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

Upon motion by Mr. Priest and seconded by Ms. Carter, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Burks, Carter, Crisco, Moffitt, Priest, and Smith adopted this motion.

63 RES 11-08

RESOLUTION EXEMPTING A PROJECT FROM THE PROVISIONS OF ARTICLE 3D OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES

(Geotechnical Services for the Mackie Avenue Extension and Timberlane Storm Sewer Improvements Project)

WHEREAS, Section 143-64.31 of Chapter 143, Article 3D of the North Carolina General Statutes provides in pertinent part as follows:

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof . . . to announce all requirements for architectural, engineering, surveying, and construction management at risk services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm; and

WHEREAS, Section 143-64.32 of the North Carolina General Statutes provides in pertinent part as follows:

Units of local government . . . may in writing exempt particular projects from the provisions of this Article (Article 3D) in the case of:

- (a) Proposed projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000), or
- (b) Other particular projects exempted in the sole discretion of . . . the unit of local government, stating the reasons therefore and the circumstances attendant thereto; and

WHEREAS, the City of Asheboro has undertaken the Mackie Avenue Extension and Timberlane Storm Sewer Improvements Project that will require engineering services in the specific form of geotechnical quality control testing services; and

WHEREAS, Atlantic Coast Engineering and Testing, Inc. of Greensboro, North Carolina has the capability to provide the geotechnical quality control testing needed by the city for this project; and

WHEREAS, Atlantic Coast Engineering and Testing, Inc. has proposed to provide the needed geotechnical quality control testing services for the project in consideration of an estimated professional fee of Seven Thousand Seven Hundred and No/100 dollars (\$7,700.00); and

WHEREAS, on the basis of the estimated professional fee for this project, the city manager and the city engineer have concluded that Atlantic Coast Engineering and Testing, Inc. should be utilized to provide the geotechnical engineering services needed to successfully implement and complete this construction project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the Mackie Avenue Extension and Timberlane Storm Sewer Improvements Project is hereby exempted from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes on the basis of the fact that the estimated professional fee for the needed engineering services, specifically geotechnical quality control testing services, is less than Thirty Thousand and No/100 dollars (\$30,000.00); and

BE IT FURTHER RESOLVED that the city manager is hereby authorized to execute, in accordance with the applicable laws and the city's standard contracting policies, a contract with Atlantic Coast Engineering and Testing, Inc. for the provision of the engineering services described above.

This resolution was adopted by the Asheboro City Council in regular session on the 6th day of November 2008.

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

ATTEST:

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

- (c) Approval of a request by Summey Engineering Associates to increase the contract amount for engineering services on the Mackie Avenue Extension and Timberlane Storm Sewer Improvements Project by \$5,080.00 to \$16,430.00 for additional work for easement acquisitions and construction phase services.**

Mr. Bunker presented the request by Summey Engineering Associates, PLLC to increase the contract amount for engineering services on the Mackie Avenue Extension and Timberlane Storm Sewer Improvements project by \$5,080.00. This amendment to the original proposal would account for additional services rendered in connection with easement acquisition and construction administration.

Upon motion by Mr. Priest and seconded by Ms. Carter, Council voted unanimously to approve the above-referenced request by Summey Engineering Associates, PLLC. Council Members Baker, Burks, Carter, Crisco, Moffitt, Priest, and Smith adopted this motion.

[A copy of the written request submitted by Summey Engineering Associates, PLLC is on file in the City Clerk's office.]

- 10. Approval of an ordinance to amend the Economic Development Fund Fiscal Year 2008-2009 as per grant agreement with North Carolina Department of Commerce and Star Pet to receive \$75,000.00 in revenue and appropriate the same \$75,000.00 to Star Pet.**

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

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

61 ORD 11-08

Ordinance to Amend the Economic Development Fund FY 2008-2009

WHEREAS, the City of Asheboro entered into a Grant Agreement with the NC Department of Commerce in order for StarPet Inc. to receive assistance for their plant expansion under the One North Carolina Fund program, and;

WHEREAS, this grant agreement called grant proceeds of \$75,000 from the NC Department of Commerce to the City of Asheboro upon Starpet's completion of certain criteria, and;

WHEREAS, upon receipt of grant proceeds, the City of Asheboro is to disburse funds in the same amount to Starpet, Inc. and;

WHEREAS, Starpet Inc. has completed the necessary criteria for disbursement of grant proceeds and;

WHEREAS, the project budget needs to be amended to reflect new revenues and expenses associated with this "passthru" transaction, and;

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

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

Section 1: That the following revenue line item be added:

Account#	Description	Amount
72-367-2000	NC Dept of Commerce Grant Proceeds	\$75,000

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

Account#	Description	Amount
72-850-2700	StarPet Inc. Incentive	\$75,000

Adopted this the 6th day of November, 2008.

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

ATTEST:

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

11. Public Comment Period.

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

12. Report from finance committee.

As chairperson of the finance committee, Mayor Jarrell reported that the committee met with Mr. Ed Burchins, Vice President and Client Representative of Springsted Associates, on Tuesday, November 4, 2008. Via web net presentation, committee members looked at a long-term financial plan model that was created by Springsted Associates for the City of Newton. The committee will make arrangements to visit the City of Newton to observe the program's effectiveness firsthand before making a recommendation to the Council.

13. Upcoming events:

- Veterans Parade – November 11, 2008 at 4:30 p.m.
- SCORE Luncheon – November 13, 2008 at 12:00 p.m.
- Annual Christmas Parade – December 5, 2008 at 7:00 p.m.
- "Christmas on Sunset" – December 12, 2008 at 5:30 p.m.

14. Discussion of items not on the agenda.

Mayor Jarrell presented, for Council's consideration, a resolution requesting that the North Carolina Department of Transportation to evaluate the speed limit on East and West Dixie Drive (U.S. Highway 64).

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

64 RES 11-08

**RESOLUTION REQUESTING THE NC DEPARTMENT OF TRANSPORTATION TO
EVALUATE THE SPEED LIMIT ON EAST AND WEST DIXIE DRIVE
(US HIGHWAY 64) BY THE CITY COUNCIL OF THE CITY OF ASHEBORO**

WHEREAS, the amount of traffic on East and West Dixie Drive (US Highway 64) has increased due to growth in population and development, resulting in increased traffic congestion; and

WHEREAS, the City Council of the City of Asheboro has concerns that the posted speed limit of 45 MPH may be too high relative to the amount of congestion.

NOW, THEREFORE, BE IT RESOLVED by the Asheboro City Council that a request is hereby made to the NC Department of Transportation for an evaluation of the currently posted speed limit along US Highway 64 within the City Limits of the City of Asheboro to determine if it is appropriate relative to the amount of congestion, or if a different speed limit would be more desirable.

Adopted in regular session on the 6th day of November, 2008.

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

ATTEST:

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

There being no further business, the meeting was adjourned at 8:03 p.m.

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

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