

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, FEBRUARY 7, 2008
7:00 p.m.**

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

David H. Jarrell) – Mayor Presiding

Talmadge 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 Compliance Inspector
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
Richard Foster Hughes, Recreation Director
Deborah P. Juberg, Finance Director
Gary L. Mason, Chief of Police
R. Reynolds Neely, Jr., Planning Director
Ralph W. Norton, Police Captain
O. Lynn Priest, Community Development Director
James W. Smith, Fire Chief
Jeffrey C. Sugg, City Attorney
Anthony C. York, Assistant Chief of Police

1. Call to order.

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

2. Pledge of Allegiance and Invocation.

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. Reverend George Roberson, Associate Pastor of First United Methodist Church, gave the invocation.

3. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

4. Consent Agenda.

At the request of city staff, Consent Agenda Item (i) was removed and withdrawn.

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

- (a) **The minutes of the regular meeting of the City Council that was held on January 10, 2008.**
- (b) **The minutes of a special meeting of the City Council that was held on January 22, 2008 at 6:00 p.m.**
- (c) **The minutes of a special meeting of the City Council that was held on January 22, 2008 at 7:00 p.m.**
- (d) **A resolution authorizing the deletion of the position of Secretary I and the creation of a Secretary II Position in the Water/Sewer Maintenance Department.**

05 RES 02-08

RESOLUTION AUTHORIZING THE DELETION OF THE POSITION OF SECRETARY I AND THE CREATION OF A SECRETARY II POSITION IN THE WATER/SEWER 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, under the adopted position classification plan, the position of Secretary I has been established in the Water/Sewer Maintenance Department with a pay grade of 8 under the city's pay plan; and

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

When 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 Superintendent of the Water/Sewer Maintenance Department has determined that the department's operations and needs have evolved to the point that additional responsibilities must be assigned to the department's clerical position; and

WHEREAS, with the assignment of these additional responsibilities, the Superintendent of the Water/Sewer Department has concluded that the job description, job title, and pay grade of the existing clerical position should be amended in order to better reflect the current needs of the department; and

WHEREAS, the Superintendent of the Water/Sewer Maintenance Department has prepared a comprehensive job description, which includes these additional responsibilities, for the proposed position of Secretary II in the Water/Sewer Maintenance Department and has submitted this job description (hereinafter referred to as the "Job Description") to the Director of Human Resources and to the City Manager for review; and

WHEREAS, the 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, upon the recommendation of the Director of Human Resources, the City Manager has approved the creation of the position of Secretary II in the Water/Sewer Maintenance Department with a pay grade of 10 and has approved the submitted Job Description; and

WHEREAS, in light of the creation of the Secretary II position in the Water/Sewer Maintenance Department, the City Manager has concluded that the department's Secretary I position should be deleted.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the position of Secretary II in the Water/Sewer Maintenance Department with a pay grade of 10 as well as the Job Description attached hereto as Exhibit 1 are hereby approved effective February 16, 2008; and

BE IT FURTHER RESOLVED that the Secretary I position in the Water/Sewer Maintenance Department is to be deleted effective February 16, 2008.

Adopted by the Asheboro City Council in regular session on the 7th day of February, 2008.

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

ATTEST:

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

EXHIBIT 1

SECRETARY II Water/Sewer Maintenance Department Public Works Division

F.L.S.A.
NONEXEMPT

General Statement of Duties

Performs moderately difficult and varied secretarial work in the Water/Sewer Maintenance Department.

Distinguishing Features of the Class

An employee in this class performs moderately difficult secretarial and general clerical work in the Water/Sewer Maintenance Department. Detailed instructions are given at the beginning of work; however, after employee becomes familiar with routines, they are expected to work with considerable independence. This person acts as administrative secretary to the Water/Sewer Maintenance Superintendent handling a variety of duties and may provide assistance to several department personnel. Work is performed under the general supervision of the Water/Sewer Maintenance Superintendent and is evaluated through periodic conferences and observation.

Illustrative Examples of Work

- Acts as receptionist for the department; answers the telephone in providing information to the public, other agencies, and other city departments;
- Composes and types correspondence;
- Schedules appointments;
- Maintains administrative, personnel, and budgetary filing systems;
- Provides clerical support for the Water/Sewer Maintenance Superintendent and other personnel including typing and filing;
- Collects facts and data for inter-departmental projects and special projects assigned by the Water/Sewer Maintenance Superintendent;
- Operates electronic data processing equipment and office machines including typewriter, adding machine, computer, and copier;
- Provides backup in various operational functions of the department during temporary absences;
- Issues license and permits as applicable;
- Sorts and files correspondence, reports, records, and other materials according to pre-determined classifications;
- Opens and distributes mail;
- Prepares various reports;
- Prepares and maintains office records, reports, and forms containing statistical information, personnel histories, financial information, and other data related to departmental operations;
- Performs related duties as assigned; and
- May perform a variety of tasks in the public works division when not engaged in duties in the Water/Sewer Maintenance Department.

Knowledge, Skills and Abilities

Thorough knowledge of office practices and procedures;
Ability to compose correspondence;
Ability to type accurately at a high rate of speed;
Ability to file alphabetically and numerically;
Ability to prepare records and reports;
Ability to operate a computer terminal;
Knowledge of modern office appliances, practices, and procedures;
Ability to understand and follow written and oral instructions;
Ability to deal tactfully and courteously with the public on both the phone as well as in person;
Ability to give sound information in accordance with laws, ordinances, regulations, and departmental rules and procedures;
Ability to understand and follow quickly and accurately brief oral and written instructions on moderately complex matters;
Ability to express oneself clearly and concisely in oral and written form;
Ability to establish and maintain effective working relationships with the general public, department personnel and other city employees; and
Computer skills.

Minimum Experience and Training

Graduation from high school, supplemented with courses in office practices and procedures, and pc experience; or any equivalent combination of experience and training.

Physical Requirements

Must be able to lift 10 to 25 pounds. Work will take place mainly in a climate-controlled office setting.

(e) A resolution authorizing the deletion of the positions of Customer Service Assistant and Billing and Collections Clerk while creating the positions of Billing and Collections Clerk I and Billing and Collections Clerk II in the Finance Department.

06 RES 02-08

RESOLUTION AUTHORIZING THE DELETION OF THE POSITIONS OF CUSTOMER SERVICE ASSISTANT AND BILLING AND COLLECTIONS CLERK WHILE CREATING THE POSITIONS OF BILLING AND COLLECTIONS CLERK I AND BILLING AND COLLECTIONS CLERK II IN THE FINANCE 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, under the adopted position classification plan, the positions of Customer Service Assistant and Billing and Collections Clerk have been established in the Finance Department with pay grades of 10 and 9, respectively; 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 Finance Director has determined that the Finance Department's water billing operations can be enhanced by creating the positions of Billing and Collections Clerk I and Billing and Collections Clerk II while deleting the department's Customer Service Assistant position and Billing and Collections Clerk position; and

WHEREAS, the Finance Director has prepared comprehensive job descriptions for the proposed positions of Billing and Collections Clerk I and Billing and Collections Clerk II in the Finance Department and has submitted these job descriptions (hereinafter referred to as the "Job Descriptions") to the Director of Human Resources and to the City Manager for review; and

WHEREAS, the Job Descriptions are attached to this resolution as Exhibit 1 and are hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, upon the recommendation of the Director of Human Resources, the City Manager has approved the creation of the positions of Billing and Collections Clerk I with a pay grade of 9 and Billing and Collections Clerk II with a pay grade of 11, and this approval by the City Manager includes the submitted Job Descriptions; and

WHEREAS, in light of the creation of these new positions in the Finance Department, the City Manager has concluded that the department's Customer Service Assistant position and Billing and Collections Clerk position should be deleted.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the Finance Department positions of Billing and Collections Clerk I with a pay grade of 9 and Billing and Collections Clerk II with a pay grade of 11 as well as the Job Descriptions attached hereto as Exhibit 1 are hereby approved effective March 1, 2008; and

BE IT FURTHER RESOLVED that the Customer Service Assistant position and Billing and Collections Clerk position in the Finance Department are to be deleted effective March 1, 2008.

Adopted by the Asheboro City Council in regular session on the 7th day of February, 2008.

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

ATTEST:

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

EXHIBIT 1

BILLING AND COLLECTIONS CLERK I Billing & Collection Finance Department

F.L.S.A.
NONEXEMPT

General Statement of Duties

Performs cash handling and general clerical work in the collection of payments and billing for public utilities services.

Distinguishing Features of the Class

An employee in this class is responsible for a) accurately receiving and accounting for large sums of money from the public in payment for utility service and b) the billing process for utility billing and garbage services. Considerable tact and courtesy are required in extensive contact with the public. Work is performed according to established and well-defined procedures and is supervised through observation and a review of cash register totals, cash receipts, related records, and balancing performance. Work is performed under the direct supervision of the Billing and Collections Supervisor.

Illustrative Examples of Work

- Receives cash from the public in payment of utility bills, maps, connect fees, etc. and gives receipts;
- Balances cash on hand in a timely manner against receipts and prepares appropriate records;
- Participates in preparing daily reports and other general and special account reports;
- Orders cash for daily operations;
- Processes Residential and Business books, prepares work orders for rereads and rechecks, updates accounts as per work order results, etc.;
- Maintains and updates "ins, outs and transfer book" for meter department and processes subsequent readings for Customer Service Coordinator;
- Takes applications for a) new customers and b) ins, outs and transfers when applicable;
- Answers queries of the public and directs them to appropriate personnel;
- Prepares and maintains files of utilities bills and account records;
- Records / processes receipts from night deposit, drop box, and mail;
- Processes billing and reminder / late notices and all related reports (utility billing and garbage) when applicable;
- Prepares and orders supplies;
- Collects and distributes mail;
- Counts septic tickets and prepares memo for Finance when applicable;
- Adds notes to customer accounts as applicable (changed meters etc.); and
- Performs any related work as required or assigned.

Knowledge, Skills and Abilities

Considerable knowledge of cash collection procedures;
Thorough knowledge of modern office practices, procedures, and methods;
Thorough knowledge of the location and functions of various city departments;
Ability to accurately handle money and to maintain accurate records;
Ability to count drawer back and reopen to help customers in no more than 10 minutes;
Ability to balance accurately on a regular basis in a timely manner;
Ability to deal tactfully and courteously with the public on both phones as well as in person; and
Ability to maintain positive and effective working relationships with other employees.

Minimum Experience and Training

Graduation from high school with some experience in general office work involving public contact or experience as a teller or cashier, or any equivalent combination of experience and training.

Physical Requirements

Must be able to lift 5 to 10 pounds. Will work mainly in a climate-controlled office setting.

BILLING AND COLLECTIONS CLERK II
Billing & Collection
Finance Department

F.L.S.A.
NONEXEMPT

General Statement of Duties

Performs cash handling and general clerical work in the collection of payments and billing for public utilities services. Additionally, assists in preparing and processing of bank drafts and calculating adjustments when applicable.

Distinguishing Features of the Class

An employee in this class is responsible for a) accurately receiving and accounting for large sums of money from the public in payment for utility service and b) the billing process for utility billing and garbage services. Considerable tact and courtesy are required in extensive contact with the public. Work is performed according to established and well-defined procedures and is supervised through observation and a review of cash register totals, cash receipts, related records, and balancing performance. Work is performed under the direct supervision of the Billing and Collections Supervisor.

Illustrative Examples of Work

- Receives cash from the public in payment of utility bills, maps, connect fees, etc. and gives receipts;
- Balances cash on hand in a timely manner against receipts and prepares appropriate records;
- Participates in preparing daily reports and other general and special account reports;
- Orders cash for daily operations;
- Prepares lists of delinquent utilities accounts for use by appropriate personnel;
- Processes Residential and Business books, prepares work orders for rereads and rechecks, updates accounts as per work order results, etc.;
- Maintains and updates "ins, outs and transfer book" for meter department and processes subsequent readings for Customer Service Coordinator;
- Takes applications for a) new customers and b) ins, outs and transfers;
- Answers queries of the public and directs them to appropriate personnel;
- Prepares and maintains files of utilities bills and account records;
- Records / processes receipts from night deposit, drop box, and mail;
- Processes billing and reminder / late notices and all related reports (utility billing and garbage);
- Prepares and orders supplies;
- Collects and distributes mail;
- Counts septic tickets and prepares memo for Finance;
- Adds notes to customer accounts as applicable (changed meters etc.);
- Assists Customer Service Coordinator in preparing bank drafts and calculating adjustments;
- Transmits payment checks to bank as needed;
- Processes lockbox file; and
- Performs any related work as required or assigned.

Knowledge, Skills and Abilities

Considerable knowledge of cash collection procedures;
Thorough knowledge of modern office practices, procedures, and methods;
Thorough knowledge of the location and functions of various city departments;
Ability to accurately handle money and to maintain accurate records;
Ability to count drawer back and reopen to help customers in no more than 10 minutes;
Ability to balance accurately on a regular basis in a timely manner;
Ability to deal tactfully and courteously with the public on both phone as well as in person; and
Ability to maintain positive and effective working relationships with other employees.

Minimum Experience and Training

Graduation from high school with some experience in general office work involving public contact or experience as a teller or cashier, or any equivalent combination of experience and training.

Physical Requirements

Must be able to lift 5 to 10 pounds. Will work mainly in a climate-controlled office setting.

- (f) An ordinance to amend the Home Program Fund for fiscal year 2007-2008.

06 ORD 02-08

[The hard copy of the above-referenced ordinance is on file in the City Clerk's Office.]

- (g) An ordinance to amend the Airport Runway Extension Phase III fund for fiscal year 2007-2008.

07 ORD 02-08

[The hard copy of the above-referenced ordinance is on file in the City Clerk's Office.]

- (h) An ordinance to amend the General Fund for fiscal year 2007-2008.

08 ORD 02-08

[The hard copy of the above-referenced ordinance is on file in the City Clerk's Office.]

- (i) An ordinance to adopt the amendment of the Airport Rules and Regulations proposed by the Asheboro Airport Authority on January 15, 2008 to prohibit the use of radio controlled model airplanes on the Asheboro Regional Airport property except during special events, and only then with written permission from the airport manager.

[The above-referenced consent agenda item was previously withdrawn.]

- (j) Change Order #1 on the Taxilane, Access Road and Museum Parking Lot Improvements Project at the Asheboro Regional Airport (Terry's Plumbing & Utilities, Inc.) increasing the contract amount by \$50,315.00 to \$334,029.25 and increasing the contract time by 120 days to 180 days for taxilane paving and marking. (These items were deleted from the original bid due to funding availability.)

[A copy of the actual change order is on file in the City Clerk's office.]

- (k) An ordinance regulating the operation of the Asheboro Police Department's rotation wrecker list.

09 ORD 02-08

AN ORDINANCE ESTABLISHING A ROTATION WRECKER SERVICE LIST FOR THE ASHEBORO POLICE DEPARTMENT

WHEREAS, general regulations for the City of Asheboro are found in Title III of the Code of Asheboro; and

WHEREAS, in addition to its other law enforcement responsibilities, the Asheboro Police Department performs certain traffic safety functions; and

WHEREAS, in order to perform these traffic safety functions, the Asheboro Police Department utilizes private wrecker services to remove abandoned, seized, damaged, or disabled vehicles from public roadways; and

WHEREAS, the City Council has concluded that a formal regulatory framework must be implemented in order to maximize the effectiveness of the police department in performing its traffic safety functions.

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

Section 1. The regulatory framework for a rotation wrecker service list to be utilized by the Asheboro Police Department is hereby enacted as Chapter 35 of Title III of the Code of Asheboro, and this newly enacted Chapter 35 of the Code of Asheboro shall provide as follows:

CHAPTER 35: ROTATION WRECKER SERVICE LIST

§ 35.01 Rotation Wrecker Service List

(1) The chief of police is hereby authorized to establish a Rotation Wrecker Service List, which shall be referred to as the "rotation list" throughout this chapter. Wrecker services that wish to be placed upon the rotation list shall comply with the requirements of this chapter and with all other applicable laws, ordinances, and regulations.

(2) The number of wrecker services on the rotation list at any given time shall not exceed a total of twelve (12) wrecker services. In the event of the voluntary or involuntary removal of one or more wrecker services from the rotation list, the vacancy(ies) shall be filled by means of a random drawing conducted by the chief of police or his designee from those wrecker services that have submitted an application on a form prescribed by the chief of police requesting inclusion on the rotation list and have been found to comply with the requirements of this chapter. The selection process shall continue until any and all vacancies on the rotation list are filled. The application materials submitted by unsuccessful candidates shall remain active for one (1) year from the date upon which the chief of police or his designee makes a written determination that the applicant is eligible for inclusion on the rotation list. After the expiration of this 1-year period, an applicant will have to submit a new application with supporting documentation in order to be considered for inclusion on the rotation list.

(3) Subject to the restrictions and qualifications set forth in this chapter, those wrecker services that are on the existing rotation list as of the effective date of this ordinance shall be permitted to remain on the rotation list until midnight on June 30, 2008. Effective at 12:01 a.m. on July 1, 2008, all wrecker services on the rotation list must be in full compliance with this chapter, including without limitation having in their possession a valid Rotation Wrecker Service List Permit.

§ 35.02 Selection of Wrecker Services

(1) The operator of a vehicle, if present and not incapacitated, shall have the right to select a wrecker service of his choice; provided, however, the requested wrecker service must be located within a reasonable distance from the site from which the towing services are to be performed. The police personnel present at the scene shall determine the reasonableness of the distance from the tow site, and their decision shall be final.

(2) If the operator of the vehicle to be towed is not present, is incapacitated, or has no preference as to any specific wrecker service, the police personnel shall request that the towing service be provided by the wrecker service then first on the rotation list.

(3) When emergency circumstances prevail, the police officer may request towing services from the wrecker service nearest to the scene of the accident or emergency. A city police officer may also request towing services from any company operating large cranes or other heavy recovery equipment if necessary to remove traffic obstacles involving large trucks or heavy equipment. The determination as to whether an emergency exists or specialized recovery services are needed shall be in the sole discretion of the on-duty supervisor for the police personnel at the scene. When a decision is made to request towing and/or recovery services from a specific person or entity, the on-duty supervisor shall forward written notice of such a decision and supporting documentation to the chief of police via the police department's established chain of command.

(4) When an owner of a vehicle requests the on-scene police officer to cancel a dispatched call either before the wrecker service arrives or prior to the physical initiation of tow services, the responding wrecker service shall not have the canceled call counted as a rotation call and will be returned to the wrecker service's position on the rotation list as if the canceled call had never been relayed to the wrecker service.

§ 35.03 Permit Required

Subject to Section 35.01(3) and Section 35.02 of this chapter, no wrecker service shall engage in the business of towing vehicles at the request of city police personnel without first obtaining a permit from the chief of police to be placed on the rotation list. A Rotation Wrecker Service List Permit, which shall be referred to throughout this chapter as a "permit," shall be valid for one (1) calendar year, commencing at 12:01 a.m. on January the 1st of each year and expiring at midnight on December the 31st of each year. If a wrecker service on the rotation list is in compliance with all applicable laws, is not under investigation for violation(s) of this chapter, and wishes to remain on the rotation list for another calendar year, the permit holder may apply for renewal of a valid permit between November the 1st and November the 30th of each year. Any such renewal applications will be processed ahead of other applications, and a wrecker service seeking renewal of a valid existing permit in a timely manner shall remain on the rotation list for another calendar year so long as the applicant is in compliance with all applicable laws, ordinances, and regulations. Any application submitted after November the 30th or not otherwise eligible for consideration as a renewal application shall be processed as a new application that is subject to the same lottery method of selection for inclusion on the rotation list as any other new applicant.

§ 35.04 Application for Rotation Wrecker Service List Permit

All applications submitted for the initial issuance or renewal of a permit shall include a properly completed and notarized application form prescribed by the chief of police or his designee. At a minimum, the applicant shall provide the following information to the city police department by means of completing the prescribed form and attaching additional supporting documentation:

(1) The wrecker service's name, the type of business association used by the wrecker service to conduct its operations, the mailing address for the wrecker service, the street address for the wrecker service's business office, the street address for the storage facility utilized by the wrecker service for storing towed vehicles, the street address for the base location from which the wrecker service's vehicle(s) will operate, and telephone numbers for contacting the wrecker service's on-duty operators at all times of the day as well as telephone number(s) for the wrecker service's office and storage facility.

(2) A description of the size and capacity of all tow trucks used by the wrecker service along with a certification that, at all times, the wrecker service's equipment will be kept in good condition and capable of performing towing services in accordance with industry standards.

(3) A description of the storage facility for towed vehicles. The storage facility must be illuminated at night and shall have a building and/or wall or fence enclosure of sufficient height and design to reasonably secure towed vehicles from unauthorized access or removal. Any wall/fence used to secure a storage facility shall be a minimum of six feet (6') in height.

(4) A certificate of insurance evidencing compliance with the insurance requirements prescribed by Section 35.05 of this chapter.

(5) A copy of the most current registration card issued by the North Carolina Division of Motor Vehicles for each wrecker service vehicle used by the wrecker service operator. Each wrecker service vehicle must be properly registered under Chapter 20 of the North Carolina General Statutes, and the vehicle registration information for each wrecker service vehicle must correspond with the identifying information required from each applicant for a permit under division (1) of this Section.

(6) A copy of a valid zoning compliance letter/certification issued by the City of Asheboro Planning Department within three (3) calendar months preceding the date of application for a Rotation Wrecker Service List Permit. Such a letter/certification must document full compliance by the applicant's vehicle towing operation and storage yard with the Asheboro Zoning Ordinance as of the date of the issuance of the zoning compliance letter/certification. No fees shall be charged by the City of Asheboro Planning Department for zoning compliance letters/certifications requested by an applicant for the sole purpose of complying with this Section.

§ 35.05 Insurance Requirements

As a condition for obtaining a permit and remaining on the rotation list, and in addition to complying with the financial responsibility requirements prescribed by Section 20-309 of the North Carolina General Statutes, permit holders must comply at all times with the following liability insurance requirements:

(1) Garage liability insurance providing coverage for bodily injury or property damage resulting from the use of a garage owner's vehicle must be in full force and effect. This policy shall have coverage limits of no less than Three Hundred Thousand and No/100 Dollars (\$300,000.00) per person and Five Hundred Thousand and No/100 Dollars (\$500,000.00) per accident. Additionally, this policy shall be written with a Symbol 21 in order to establish that any of the permit holder's autos are covered for liability.

(2) Applicants must obtain an endorsement to their garage liability insurance for on-hook coverage that covers damage to a vehicle while it's actually being towed.

(3) Garagekeeper's legal liability policy must be maintained in full force and effect in order to provide coverage for damages to vehicles, which the garage owner does not own, that are left in his care, custody, or control and are damaged because the garage owner negligently failed to protect the vehicle(s) from loss. This policy shall have coverage limits of no less than One Hundred Thousand and No/100 Dollars (\$100,000.00) per claim.

(4) Each policy required under this section must contain an endorsement by carriers providing ten (10) days' notice to both the city and the insured in the event of any change in coverage under the policy.

§ 35.06 Investigation by Chief of Police

Within five (5) business days after receipt of each application for the issuance or renewal of a permit, the chief of police or his designee shall cause an investigation to be made of the applicant's towing operation and storage yard. Such investigation shall be made for the purpose of verifying the information in the application and to determine whether the applicant is in compliance with the provisions of this chapter. In order to promote continuing compliance with the provisions of this chapter, the chief of police or his designee may conduct unannounced investigations/inspections of permit holders' towing operations and storage yards throughout the course of the calendar year. Any wrecker service operator that interferes with the above-described investigations, including by way of illustration and without limitation withholding

the records specified by this chapter or denying access to the towing operation and storage yard facilities, shall be suspended from the police rotation list until the wrecker service complies with the requirements of this Section.

§ 35.07 Standards for Issuance of Rotation Wrecker Service List Permit

Before a permit can be initially issued or renewed, the chief of police or his designee must verify that the applicant is in compliance with the following standards:

(1) The applicant's business office, base from which wreckers will operate, and storage facility for towed vehicles must be located within the corporate limits of the City of Asheboro.

(2) Financial responsibility/insurance coverage required by the North Carolina General Statutes and this chapter must be in full force and effect.

(3) The applicant, including without limitation operators, owners, investors, general partners, limited partners, and joint venturers in the wrecker service seeking a permit, must have never been convicted of, pleaded no contest to, or received a prayer for judgment for any felony, assault, theft, or any other crime involving the taking, use, tampering with, or conversion of a motor vehicle.

(4) The applicant must only use wrecker service vehicles that are equipped with legally required lighting and other safety equipment to protect the public, and this equipment must be in good working order.

(5) The applicant must provide on-call service twenty-four (24) hours per day, seven (7) days per week.

(6) The applicant must have lawfully operating facilities, specifically including without limitation a storage facility for towed vehicles that is reasonably well illuminated at night for security purposes. The applicant's storage facility shall have a building and/or wall or fence enclosure of sufficient height and design to reasonably secure towed vehicles from unauthorized access or removal. Any wall/fence used to secure the storage facility shall be a minimum of six feet (6') in height. By way of illustration and without limitation, such a facility shall not be deemed to be lawfully operating if the applicant is unable to produce a copy of a valid zoning compliance letter/certification issued by the City of Asheboro Planning Department within three (3) calendar months preceding the date of the most recent application for a Rotation Wrecker Service List Permit.

(7) The applicant must possess and properly maintain towing equipment that is adequate to perform the required wrecker services in a reasonably workmanlike manner that minimizes, to the degree possible and consistent with industry standards, the chance of any damage to towed vehicles. Subject to Section 20-101 of the North Carolina General Statutes, all towing equipment shall display the name, address, and telephone number of the wrecker service on the sides of the tow vehicle in letters no less than three inches (3") in height.

(8) The applicant must be in full compliance with the entirety of the requirements prescribed by this chapter and all other applicable laws, ordinances, and regulations at the time of application.

(9) No applicant who has previously had a Rotation Wrecker Service List Permit revoked under the provisions of this chapter may be issued a new permit until a minimum of ninety (90) calendar days have passed since the date of the revocation.

§ 35.08 Duties of Wrecker Services on Rotation List

(1) No wrecker service shall arrive at the scene of a police investigation as a result of monitoring or intercepting police calls by radio, or other device, for the purposes of soliciting towing or repair services.

(2) The wrecker service shall arrive at the location of the vehicle to be towed within a reasonable time after receiving a request from police personnel for towing services. If the wrecker service dispatched from the rotation list does not answer the call or respond within a reasonable time, the next wrecker service on the rotation list will be called, and the non-responsive wrecker service will not receive another request for towing services until the communications center has cycled through the list as if the wrecker service had answered the call for service in a timely manner. When determining the reasonableness of a wrecker service's response time, the on-duty supervisor for the police personnel on the scene shall take into account the weather conditions, traffic conditions, and the past performance of wrecker services on the rotation list under similar circumstances.

(3) Any wrecker service operating under this chapter must have the following records of any motor vehicle towed as a consequence of the wrecker service's inclusion on the rotation list: The make and model of the towed vehicle, the vehicle identification number for the towed vehicle, the license plate number of the towed vehicle when such a plate is on the vehicle, and the date when the towing service was provided. These records shall be maintained for a period of two (2) years from the date of towing by the tow service and shall be made available for inspection and review at any time by the chief of police or his designee.

(4) All vehicles towed as a result of a request for a rotation wrecker shall be stored in the storage facility identified in the wrecker service's most recent application for inclusion on the rotation list. The wrecker

service shall, at a minimum, allow vehicles to be retrieved from this storage facility every calendar day of the week between the hours of 8:00 a.m. to 5:00 p.m., excluding city recognized holidays.

(5) At its storage facility for towed vehicles, the wrecker service shall post a notice, which shall be printed with lettering and numbers that are not less than three (3) inches in height, setting forth the manner in which to redeem any towed vehicle. This notice shall be placed so as to be clearly visible to individuals approaching the business in order to redeem a towed vehicle or retrieve items from a vehicle. Additionally, this notice shall contain contact information for a wrecker service employee that shall be available by telephone at all times and can respond to emergencies requiring access to a stored vehicle.

(6) The person operating a wrecker service on the rotation list shall make every reasonable effort to minimize damage to towed and stored motor vehicles. Where applicable, such reasonable effort shall include, but is not limited to, the use of a dolly or carriage for towing, the disconnection of the drive shaft, release of brakes, towing at a reasonable speed, and the securing of the motor vehicle from damage by the elements.

(7) No towed vehicle may be dismantled, have parts removed, or tires deflated, except as necessary for towing the motor vehicle or securing it from damage by the elements.

(8) In the event of a motor vehicle accident, the rotation wrecker service dispatched to the scene shall remove all wreck debris, other than hazardous materials, from the road and/or right-of-way and properly dispose of it. Hazardous materials consist of those materials, and amounts of materials, that are required by law to be handled by Hazardous Materials Teams.

(9) All wrecker service vehicle operators shall have a valid driver's license for the type of vehicle driven. A limited driving privilege shall not be allowed.

(10) A wrecker service vehicle operator or employee shall not arrive at the site of an incident with the odor of alcohol on his/her breath or while under the influence of alcohol, drugs, or any impairing substance.

(11) Wrecker service owners, operators, and employees shall not be abusive, disrespectful, or use profane language when dealing with the public or public safety personnel.

(12) Wrecker service vehicle operators and employees responding to a request for service shall use their best efforts to secure, to the extent possible, personal property found at the scene or in a vehicle that is about to be towed.

(13) The wrecker service is responsible for the collection of all fees and costs incurred in the course of providing towing services.

§ 35.09 Exclusions

This chapter is inapplicable to wrecker services that are not listed on the police rotation list.

§ 35.10 Grounds for Revocation of Permit

The following actions shall be grounds for revocation of a Rotation Wrecker Service List Permit issued under this chapter:

(1) The permit was secured by fraud or by the concealment of a material fact by the permit holder and such fact, if known, would have caused a refusal to issue a permit.

(2) The permit holder, specifically including without limitation the permit holder's owner(s), operator(s), and employees, has violated any of the regulations established by this chapter.

(3) Past services rendered by a permit holder are shown to have been performed in a manner that is detrimental to the public health, safety, and welfare.

(4) The permit holder failed to meet all requirements in the annual renewal inspection conducted by the chief of police or his designee.

(5) The permit holder failed to respond to three consecutive rotation calls.

§ 35.11 Procedure for Revocation of Permit

(1) If the chief of police determines that any of the above-listed grounds for revocation of a permit exist, the chief of police shall have the authority to revoke a Rotation Wrecker Service List Permit for the remainder of the calendar year for which the permit was originally issued. The wrecker service will then have to file an application for a new permit and be processed as a new applicant subject to the lottery system established in Section 35.01.

(2) If the chief of police revokes a permit, the revocation may be appealed by the permittee to the city manager. Any appeal must be in writing, stating the reasons for the appeal, and must be submitted to the city manager within five (5) business days of the date of the decision by the chief of police to revoke the

permit. The city manager is the final decision authority. The city manager may sustain, mitigate, or overturn the decision by the chief of police after reviewing the matters presented by the police department and the wrecker service. Pending any appeal and the final decision, the permit holder will not be eligible to receive any requests for towing services from the rotation list.

§ 35.12 Supplemental Policies

The chief of police is authorized to formulate supplemental policies that will ensure effective enforcement of this chapter.

§ 35.13 Indemnification and Hold Harmless

By applying for and accepting a permit issued pursuant to this Chapter of the Code of Asheboro, any and all permit holders agree to forever hold harmless and to fully indemnify the City and its personnel, agents, officials, and City Council, in both their official and individual capacities, from any and all judgments, liens, claims, assessments, demands, attorney fees, actions, and causes of action of any sort arising out of any damage or injury sustained by any person or entity by reason of any negligent or willful act or omission of the permit holder or its officers, employees, agents, or contractors in connection with the permit holders rendering of services as the holder of a Rotation Wrecker Service List Permit.

§ 35.14 No Guarantee of Compensation

(1) Neither the placement of a wrecker service on the rotation list nor the act of calling a wrecker service on the rotation list to tow a vehicle creates a contract with or an obligation on the part of the City of Asheboro or its personnel to pay any fee or towing charge, except when the towed vehicle is a city-owned vehicle, the towed vehicle is later forfeited to the city, or a court determines that Asheboro police officers wrongfully authorized the tow and orders the City of Asheboro to pay towing and storage fees for the vehicle.

(2) The placement of a wrecker service on the rotation list does not guarantee a particular number or quantity of calls or an equivalent number of calls to every wrecker service on the rotation list. Furthermore, the placement of a wrecker service on the rotation list does not entitle any wrecker service to any compensation as a consequence of a failure to call the wrecker service in accordance with the list or as a consequence of the removal of the wrecker service from the rotation list.

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

Section 3. This ordinance shall be effective upon and after the date of adoption.

Adopted by the Asheboro City Council in regular session on the 7th day of February, 2008.

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

ATTEST:

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

(I) An ordinance amending Chapter 52 (Sewer Use Ordinance) of the Code of Asheboro

10 ORD 02-08

AN ORDINANCE AMENDING CHAPTER 52 OF THE CODE OF ASHEBORO

WHEREAS, Chapter 52 of the Code of Asheboro sets forth uniform requirements for direct and indirect contributors into the city's wastewater collection and treatment system and enables the city to comply with all applicable federal and state laws; and

WHEREAS, certain federal and state laws and regulations applicable to the city's wastewater collection and treatment system have been amended since the adoption of Chapter 52 of the Code of Asheboro; and

WHEREAS, the City Council wishes to conform Chapter 52 of the Code of Asheboro to all applicable federal and state laws and regulations.

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

Section 1. Chapter 52 of the Code of Asheboro is hereby rewritten to provide as follows:

GENERAL PROVISIONS

§ 52.01 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Asheboro, hereafter referred to as the "city," and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;

(3) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;

(4) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;

(5) To provide for equitable distribution of the cost of operation, maintenance, and improvement of the municipal wastewater system; and

(6) To ensure the municipality complies with its NPDES or Non-discharge Permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the municipal wastewater system is subject.

(B) This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(C) This chapter shall apply to all users of the municipal wastewater system, **as authorized by N.C.G.S. § 160A-312. The city shall designate an administrator of the POTW and pretreatment program that shall be hereinafter referred to as the POTW Director.** Except as otherwise provided herein, the POTW Director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or imposed upon the POTW Director may be delegated by the POTW Director to other city personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the city limits agree to comply with the terms and conditions established in this chapter, as well as any permits, enforcement actions, or orders issued hereunder.

§ 52.02 DEFINITIONS.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

ACT or **THE ACT.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, et seq.

APPROVAL AUTHORITY. The Director of the Division of **Water Quality Environmental Management** of the North Carolina Department of Environment and Natural Resources or his or her designee.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

(1) If the industrial user is a corporation, authorized representative shall mean:

(a) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

(b) The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures

exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.

(3) If the industrial user is a federal, state, or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

(5) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the POTW Director prior to or together with any reports to be signed by an authorized representative.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).

BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the POTW.

BYPASS. The intentional diversion of wastestreams from any portion of a user's treatment facility.

CATEGORICAL STANDARDS. National Categorical Pretreatment Standards or Pretreatment Standard.

CFR. Code of Federal Regulations.

COD. Chemical Oxygen Demand.

Director. The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.

ENVIRONMENTAL PROTECTION AGENCY, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of the agency.

FATS, OILS, and GREASES. Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, and as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

FOOD PREPARATION or SERVING FACILITY. Any commercial or industrial facility that prepares or serves food or food products, including but not limited to restaurants, cafes, snack bars, grills, delis, catering services, bakeries, grocery stores, meat markets, food processors, or other similar establishments.

gpd. Gallons per day.

GRAB SAMPLE. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

GREASE TRAP or INTERCEPTOR. A device constructed in accordance with the plumbing code and operated by a user of the municipal wastewater system for separating and retaining water borne greases and grease complexes prior to the wastewater exiting the interceptor and entering the municipal wastewater system. These devices also serve to collect settleable solids generated by and from preparation activities prior to the water exiting the interceptor and entering the municipal wastewater system. The traps and interceptors are sometimes referred to herein as "grease interceptors."

HOLDING TANK WASTE. Any waste from holding tanks, included but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

INDIRECT DISCHARGE or DISCHARGE. The discharge or the introduction from any nondomestic source regulated under § 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER or USER. Any person which is a source of indirect discharge.

INTERFERENCE. The inhibition or disruption of the POTW treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the

POTW's NPDES or Non-discharge Permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with § 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. § 6901, et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title 1V of SWDA) applicable to the method of disposal or use employed by the POTW.

I. Liter.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

mg. Milligrams.

mg/l. Milligrams per liter.

MINIMUM DESIGN CAPACITY. The design features of a grease interceptor and its ability to effectively intercept and retain greases from grease-laden wastewaters discharged to the municipal wastewater system.

N.C.G.S. North Carolina General Statutes.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued pursuant to § 402 of the Act (33 U.S.C. § 1342), or pursuant to G.S. § 143-215.1 by the state under delegation from EPA.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § **52-03 52.05** and are developed under the authority of § 307(b) of the Act and 40 CFR 403.5.

NEW SOURCE.

(1) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of the proposed categorical pretreatment standards under § 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with § 307(c), provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (1)(b) **and or** (1)(c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) For purposes of this definition, construction of a new source has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, **or and** contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

NONCONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NON-DISCHARGE PERMIT. A disposal system permit issued by the state pursuant to **N.C.**G.S. § 143-215.1.

O & M. Operation and Maintenance.

PASS THROUGH. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation of the POTW's NPDES **Permit** or Non-discharge Permit, or a downstream water quality standard.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all federal, state, and local government entities.

pH. A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTANT. Any "waste" as defined in G.S. § 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor.)

POTW DIRECTOR. ~~The city of Asheboro Director of Water Resources. The city administrator designated with the responsibility for the pretreatment program and enforcement of this ordinance. The City of Asheboro has designated the Director of Water Resources as the administrator with this responsibility.~~

POTW TREATMENT PLANT. The portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological **processes**, or process changes, or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT PROGRAM. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the city in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by **N.C.** G.S. § 143-215.3(a)(14) in accordance with 40 CFR 403.11.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

PRETREATMENT STANDARDS. Prohibited discharge standards, categorical standards, and local limits.

PUBLICLY OWNED TREATMENT WORKS (POTW) or MUNICIPAL WASTEWATER SYSTEM. A treatment works as defined by § 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For purposes of this chapter, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, or in any other way, users of the city's POTW.

RCRA. Resource Conservation and Recovery Act.

SEVERE PROPERTY DAMAGE. Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

SIC. Standard Industrial Classification.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the wastewater disposal system who:

- (1) Has an average daily process wastewater flow of 25,000 gallons or more; or
- (2) Contributes more than 5% of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge; or
- (3) Is required to meet a National Categorical Pretreatment Standard; or
- (4) Is found by the city, the Division of Water Quality, or the United States Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

SIGNIFICANT NONCOMPLIANCE or REPORTABLE NONCOMPLIANCE.

(1) Violations of wastewater discharge limits.

(a) Chronic violations. 66% or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.

(b) Technical review criteria (TRC) violations. 33% or more of the **measurements for each pollutant parameter taken during a six-month period equal or exceed the TRC times the limit (maximum or average) in a six-month period.** There are two groups of TRCs:

1. For conventional pollutants BOD, TSS, fats, oil, and grease, the TRC equals 1.4.

2. For all other pollutants, the TRC equals 1.2.

(c) Any other violations of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment plant personnel or the public.

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(2) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(3) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 30 days from the due date.

(4) Failure to accurately report noncompliance.

(5) Any other violation or group of violations that the control authority considers to be significant.

SLUG LOAD or DISCHARGE. Any discharge at a flow rate or concentration which **has a reasonable potential to cause Interference or Pass-Through, or in any other way violates the POTW's regulations, local limits, or Industrial User Permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in § 52.05.**

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

SWDA. Solid Waste Disposal Act.

TKN. Total Kjeldahl Nitrogen.

TSS. Total Suspended Solids.

U.S.C. United States Code.

UPSET. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

WASTEWATER PERMIT. As set forth in § 52.21.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

GENERAL SEWER USE REQUIREMENTS

§ 52.05 PROHIBITED DISCHARGE STANDARDS.

(A) General prohibitions. No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any **federal national**, state, or local pretreatment standards or requirements.

(B) Specific prohibitions. No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to wastestreams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than ½" in any dimension;

(3) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(4) Any wastewater having a pH less than 5.0 or more than 11.0 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment;

(5) Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc.) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW;

(6) Any wastewater having a temperature greater than 150°F (66°C), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(7) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with § 52.13;

(9) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;

(10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under § 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;

(11) Any wastewater which imparts color which cannot be removed by the treatment process, including but not limited to dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses;

(12) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW Director in compliance with applicable state or federal regulations;

(13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater unless specifically authorized by the POTW Director;

(14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;

(15) Any sludges, screenings, or other residues from the pretreatment of industrial wastes;

(16) Any medical wastes, except as specifically authorized by the POTW Director in a wastewater discharge permit;

(17) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system;

(18) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW Director;

(19) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200;

(20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(21) Recognizable portions of the human or animal anatomy;

(22) Any wastes containing detergents, surface-active agents, or other substances which may cause excessive foaming in the municipal wastewater system;

(23) At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter.

(C) Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged into the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

(D) When the POTW Director determines that a user is contributing to the POTW any of the above-enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the POTW Director shall:

(1) Advise the user of the potential impact of the contribution on the POTW in accordance with § 52.50, and

(2) Take appropriate actions in accordance with §§ 52.20 and 52.21 for such user to protect the POTW from interference or pass through.

§ 52.06 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

(A) Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein.

(B) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(C) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

(D) A user may obtain a variance from a categorical pretreatment standard if the **user(s)** can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(E) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

§ 52.07 LOCAL LIMITS.

(A) An industrial waste survey is required prior to a user discharging wastewater containing in excess of the following **daily average discharge limits:**

250	mg/l	BOD
250	mg/l	TSS
25	mg/l	NH ³
0.005	mg/l	Arsenic
0.005	mg/l	Cadmium
0.05	mg/l (total chromium)	Chromium
0.06	mg/l	Copper
0.01	mg/l	Cyanide
0.05	mg/l	Lead
<0.0002	mg/l	Mercury
0.02	mg/l	Nickel
0.01	mg/l	Silver
0.05	mg/l	Total Chromium
0.17	mg/l	Zinc
100	mg/l	Oil & Grease

(B) Industrial waste survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The POTW Director may impose mass limits in addition to, or in place of, the concentration-based limits.

§ 52.08 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

§ 52.09 RIGHT OF REVISION.

The city reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives presented in § 52.01 or the general and specific prohibitions in § 52.05, as is allowed by 40 CFR 403.4.

§ 52.10 DILUTION.

No user shall ever increase the use of process water or, in any way; attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the city or state.

§ 52.11 PRETREATMENT OF WASTEWATER.

(A) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and wastewater permits issued under § 52.21 and shall achieve compliance with all National Categorical Pretreatment Standards, local limits, and the prohibitions set out in § 52.05 within the time limitations as specified by EPA, the state, or the POTW Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be approved by the POTW Director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW Director prior to the user's initiation of the changes.

(B) Additional pretreatment measures.

(1) Whenever deemed necessary, the POTW Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(2) The POTW Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(3) In general, grease, oil, and sand interceptors shall be provided when, in the opinion of the POTW Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the POTW Director in conjunction with the Chief Building Inspector and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user and at the user's expense. To assist in the prevention of sanitary sewer blockages and obstructions resulting from the contribution and accumulation of fats, oils, and greases into the municipal wastewater system from industrial or commercial establishments, particularly food preparation and/or serving facilities, all food preparation and/or serving facilities with existing grease interceptors shall be subject to the following additional regulations. Furthermore, as of January 1, 2004, all food preparation and/or serving facilities that are proposed, constructed, expanded, renovated, reconstructed, or change ownership shall be required to provide/install and maintain a grease interceptor in compliance with the following supplemental regulations for grease interceptors prior to such users opening, expanding, or reopening the food preparation and/or serving facility.

(a) All grease interceptors shall be of a type and capacity approved by the POTW Director in conjunction with the Chief Building Inspector and shall be located as to be readily and easily accessible for cleaning and inspection. The POTW Director shall have the right to make determinations concerning the adequacy of a particular grease interceptor on the basis of a review of all relevant information regarding the grease interceptor in question, including but not limited to, the past performance of the interceptor, the facility site, and a review of the building plan. If such a review of the relevant information results in the POTW Director making the determination that a particular grease interceptor is inadequate, the POTW Director shall have the right and authority under this chapter to require the responsible party to repair, modify, or replace the interceptor in question.

(b) The POTW Director may also require the utilization of grease interceptors by industrial and non-domestic users, when in the opinion of the POTW Director, such interceptors are necessary for the proper handling of wastewater containing fats, oil, and grease in concentrations as determined by Standard Method 5520B in excess of 100 mg/l.

(c) All grease interceptors shall be provided and maintained in continuously efficient operation at all times by and at the expense of the users.

(d) Each user's grease interceptor shall be cleared of grease, sludge, and debris as required to maintain minimum design capability. In ground interceptors shall be cleaned, at a minimum frequency, of every 90 days. The under the sink interceptors shall be cleaned daily. The POTW Director may require of a user variable cleaning frequency if conditions warrant. All maintenance and cleaning shall be performed by the user at his or her expense. The user shall be responsible for the proper removal and disposal by appropriate means of the captured material. Any removal and hauling of collected material shall be performed according to all applicable federal, state, and local government laws, ordinances, and regulations. No waste removed from the interceptor shall be reintroduced into the sanitary sewer or back into the interceptor.

(e) The use of enzymes or emulsifiers is prohibited.

(f) The use of hot water flushing to clear the interceptor is prohibited.

(g) All users shall maintain written records of maintenance performed on the interceptor for a minimum of three years and shall immediately produce such records upon receipt of a request for the records from the POTW Director or his or her designee. The records shall include a receipt for the maintenance performed. In order for such a receipt to be valid for purposes of this chapter, the receipt must be signed by the relevant contractor and dated.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

§ 52.12 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

~~(A) At least once every two years, the POTW Director shall evaluate whether each significant industrial user needs an accidental discharge/slugs control plan. The POTW Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the POTW Director may develop such a plan for any user. An accidental discharge/slugs control plan shall address, at a minimum, the following:~~

- ~~(1) Description of discharge practices, including non-routine batch discharges; and~~
- ~~(2) Description of stored chemicals; and~~
- ~~(3) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by § 52.30; and~~
- ~~(4) Procedures to prevent adverse impact from any accidental or slug discharge.~~

~~(B) Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.~~

(A) The POTW Director or his designee shall evaluate whether each significant industrial user needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in Section 52.02. All Significant Industrial Users must be evaluated within one year of being designated a Significant Industrial User. The POTW Director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the POTW Director may develop such a plan for any user.

(B) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine episodic nature, a non-customary batch discharge, or a slug load. Also, see § 52.29 and § 52.30.

(C) An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges; and

(2) Description of stored chemicals; and

(3) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by § 52.30; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

§ 52.13 HAULED WASTEWATER.

(A) Septic tank waste may be introduced into the POTW only at locations designated by the POTW Director and at such times as are established by the POTW Director. Such waste shall not violate §§ 52.05 through 52.13 or any other requirements established by the POTW Director on behalf of the city. The POTW Director may require septic tank waste haulers to obtain wastewater discharge permits.

(B) The POTW Director shall require haulers of industrial waste to obtain wastewater discharge permits. The POTW Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(C) Industrial waste haulers may discharge loads only at locations designated by the POTW Director. No load may be discharged without the prior consent of the POTW Director. The POTW Director may collect samples of each hauled load to ensure compliance with applicable standards. The POTW Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(D) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. This form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

§ 52.15 PURPOSE OF FEES.

~~Fees are addressed by this chapter for~~ It is the purpose providing of this Section to provide for the recovery of costs from the users of the city's wastewater disposal system for the implementation of the program established under this chapter. The applicable charges or fees shall be set forth in the city's Schedule of Charges and Fees for the Division of Water Resources by the POTW Director. Copies A copy of the schedule of charges and fees shall be maintained in the Office of the City Clerk and in the Office of the Director of Water Resources will be made available from the POTW Director.

§ 52.16 USER CHARGES.

(A) A user charge shall be levied on all users including, but not limited to, persons, firms, corporations, or governmental entities that discharge, cause, or permit the discharge of sewage into the POTW.

(B) When establishing the user charges, the POTW Director, City Manager, and the City Council shall give express consideration to cost factors associated with the POTW such as the cost of debt service, operation, and maintenance (including replacement) of the POTW.

(C) Each user shall pay its proportional cost based on volume of flow.

(D) Prior to the beginning of each fiscal year, the POTW Director shall submit to the City Manager a proposed schedule of charges and fees. The City Manager shall review the proposed schedule of charges and fees in light of the sewage contributions of users, the total costs of debt service, and the operation and maintenance costs of the POTW. On the basis of his or her review of all of the relevant factors, the City Manager will make recommendations to the City Council for adjustments as necessary in the schedule of charges and fees that will be in effect for a given fiscal year.

(E) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

§ 52.17 SURCHARGES.

(A) All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the following levels: concentrations of BOD, COD, TSS, and TKN set forth in the schedule of charges and fees. The amount of the surcharges will be based on the volume of flow and the character and concentrations of the constituents of the wastewater.

Excessive Concentration		
First Limit	Second Limit	Parameter
300 mg/l	800 mg/l	BOD
750 mg/l	2000 mg/l	COD
300 mg/l	600 mg/l	TSS
45 mg/l		TKN

(B) The surcharge rates for BOD, COD, and TSS shall increase for dischargers which exceed the second limit for these parameters. The surcharge for oxygen shall be based on the BOD surcharge or COD surcharge, whichever is the one resulting in the greater cost. The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the schedule of charges and fees.

(1) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

(a) Metered water consumption as shown in the records of meter readings maintained by the city; or

(b) If required by the city or at the individual dischargers option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the city. The city may require a refrigerated composite sampler, which will collect proportional samples based upon flow readings from this system. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the city. Equipment malfunctions or failures to properly measure flow shall necessitate flow data based on the water consumption meter;

(c) Where any user procures all or part of his or her water supply from sources other than the city, the user shall install and maintain at his or her own expense a flow measuring device of a type approved by the city.

(2) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the city. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.

(3) The determination of the character and concentration of the constituents of the wastewater discharge by the POTW Director or his or her duly appointed representatives shall be binding as a basis for charges.

(B) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

(1) Metered water consumption as shown in the records of meter readings maintained by the city; or

(2) If required by the city or at the individual dischargers option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the city. The city may require a refrigerated composite sampler, which will collect proportional samples based upon flow readings from this system. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the city. Equipment malfunctions or failures to properly measure flow shall necessitate flow data based on the water consumption meter;

(3) Where any user procures all or part of his or her water supply from sources other than the city, the user shall install and maintain at his or her own expense a flow-measuring device of a type approved by the city.

(C) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the city. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.

(D) The determination of the character and concentration of the constituents of the wastewater discharge by the POTW Director or his or her duly appointed representatives shall be binding as a basis for charges.

§ 52.18 PRETREATMENT PROGRAM ADMINISTRATIVE CHARGES.

The schedule of charges and fees adopted by the city may include charges and fees for the following:

- (A) Reimbursement of costs of setting up and operating the pretreatment program; and
- (B) Monitoring, inspections, and surveillance procedures; and
- (C) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications; and
- (D) Permitting; and

(E) Other fees as the city may deem necessary to carry out the requirements of the pretreatment program.

WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

§ 52.20 WASTEWATER DISCHARGERS.

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the city. When requested by the POTW Director, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The POTW Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

§ 52.21 WASTEWATER PERMITS.

(A) All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the POTW Director to be significant industrial users shall obtain a significant industrial user permit within 180 days of receiving notification of the POTW Director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW Director be required to obtain a wastewater discharge permit for non-significant industrial users.

(B) *Significant industrial user determination.* All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the POTW Director a significant industrial user determination. If the POTW Director determines or suspects that the proposed discharge fits the significant industrial user criteria he or she will require that a significant industrial user permit application be filed.

(C) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the city an application in the form prescribed by the POTW Director and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW Director's determination in division (B) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from the address); and
- (2) Standard Industrial Classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated; and
- (3) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in §§ 52.05 through 52.13, any of the priority pollutants (§ 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 CFR Part 136, as amended, **and required in § 52.34 and § 52.35; and**
- (4) Time and duration of the indirect discharge; and
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any; and
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, sewer connections, directions of flow, and appurtenances by the size, location, and elevation; and
- (7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged; and
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards; and
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine months;
 - (b) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW Director including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the POTW Director;
- (10) Each product produced by type, amount, process or processes and rate of production; and
- (11) Type and amount of raw materials processed (average and maximum per day); and
- (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and
- (13) If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H .0908(a), as outlined in § 52.25.

(14) Any other information as may be deemed by the POTW Director to be necessary to evaluate the permit application.

(D) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by ~~an~~ the current Authorized Representative of the Industrial User on file with the Approval Authority and/or city as defined in § 52.02 and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(E) *Application review and evaluation.* The POTW Director will evaluate the data furnished by the user and may require additional information.

(1) The POTW Director is authorized to accept applications for the city and shall refer all applications to the POTW staff for review and evaluation.

(2) Within 30 days of receipt, the POTW Director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(F) *Tentative determination and draft permit.*

(1) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.

(2) If the staff's tentative determination in division (F)(1) above is to issue the permit, the following additional determinations shall be made in writing:

(a) Proposed discharge limitations for those pollutants proposed to be limited; and

(b) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and

(c) A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.

(3) The staff shall organize the determinations made pursuant to divisions (F)(1) and (F)(2) above and the city's general permit conditions into a single industrial user permit.

(G) *Permit synopsis.* A fact sheet providing a brief synopsis of the application shall be prepared by the POTW staff for submission to the applicant and the approval authority and shall be made available to the public upon request. The contents of such fact sheets shall include at least the following information:

(1) A sketch and detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the POTW and all established compliance monitoring points;

(2) A quantitative description of the discharge described in the application which includes at least the following:

(a) The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow; and

(b) The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and

(c) The basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.

(H) *Final action on significant industrial user permit applications.*

(1) The POTW Director shall take final action on all applications not later than 90 days following receipt of a complete application.

(2) The POTW Director is authorized to:

(a) Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this chapter and G.S. § 143-215.1; and

(b) Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements; and

(c) Modify any permits upon not less than 60 days notice and pursuant to division (J) below; and

(d) Revoke any permit pursuant to § 52.50; and

(e) Suspend a permit pursuant to § 52.50; and

(f) Deny a permit application when in the opinion of the POTW Director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. § 143-215.1.

(I) *Hearings.*

(1) *Initial adjudicatory hearing.* An applicant whose permit is denied, or is granted subject to conditions he or she deems unacceptable, a permitted user assessed a civil penalty under § 52.99, or one issued an administrative order under § 52.50 shall have the right to an adjudicatory hearing before a city hearing officer upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt or denial of the significant industrial user permit, civil penalty assessment, or administrative order. For purposes of this chapter, the city hearing officer shall be deemed to be the city Zoning Administrator. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision on

the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing. The POTW Director shall transmit a copy of the hearing officer's decision by registered or certified mail.

(a) *New permits.* Upon appeal, including judicial review in the General Courts of Justice, of the terms and conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(b) *Renewed permits.* Upon appeal, including judicial review in the General Courts of Justice, of the terms and conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(2) *Final appeal hearing.* Any decision of a hearing officer made as a result of an adjudicatory hearing held under division (I)(1) above may be appealed to the City Council upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with the quasi-judicial principles and procedures utilized by the City Council when conducting a public hearing on an application for a Special Use Permit under Article 600 of the Asheboro Zoning Ordinance. Failure to make written demand within the time specified herein shall bar further appeal. The City Council shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

(3) *Official record.* When a final decision is issued under division (I)(2) above, the City Council shall prepare an official record of the case that includes:

- (a) All notices, motions, and other like pleadings; and
- (b) A copy of all documentary evidence introduced; and
- (c) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken; and
- (d) A copy of the final decision of the City Council.

(4) *Judicial review.* Any person against whom a final order or decision of the City Council is entered, pursuant to the hearing conducted under division (I)(2) above, may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Randolph County along with a copy to the city. Within 30 days after receipt of the copy of the petition of judicial review, the City Council shall transmit to the reviewing court the original or a certified copy of the official record.

(J) *Permit modification.*

(1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as follows listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(a) Changes in the ownership of the discharge when no other change in the permit is indicated; and

(b) A single modification of any compliance schedule not in excess of four months; and

(c) A modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(2) Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by division (B), the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

(3) A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. § 143-215.1(b) for modifications.

(K) *Permit conditions.*

(1) The POTW Director shall have the authority to grant a permit with such conditions attached as he or she believes necessary to achieve the purpose of this chapter and G.S. § 143-215.1. Wastewater permits shall contain, but are not limited to, the following:

(a) A statement of duration (in no case more than five years); and

(b) A statement of non-transferability; and

(c) Applicable effluent limits based on categorical standards or local limits or both; and

(d) Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and

(e) Notification requirements for slug loads; and Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in § 52.02; and

(f) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in § 52.02, if determined by the POTW Director to be necessary for the User; and

(g) Requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in § 52.02, also see § 52.29 and § 52.30; and

(h) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

(2) In addition, permits may contain, but are not limited to, the following:

(a) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization; and

(b) Limits on the instantaneous, daily, and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties; and

(c) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, and the like, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works; and

~~(d) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;~~

~~(e)~~ (d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system; and

~~(f)~~ (e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system; and

~~(g)~~ (f) Requirements for installation and maintenance of inspection and sampling facilities and equipment; and

~~(h)~~ (g) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules; and

~~(i)~~ (h) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within 30 days where self-monitoring indicates a violation; and

~~(j)~~ (i) Compliance schedules for meeting pretreatment standards and requirements; and

~~(k)~~ (j) Requirements for submission of periodic self-monitoring or special notification reports; and

~~(l)~~ (k) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in § 52.37 and affording the POTW Director, or his or her representatives, access thereto; and

~~(m)~~ (l) Requirements for prior notification and approval by the POTW Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system; and

~~(n)~~ (m) Requirements for the prior notification and approval by the POTW Director of any change in the manufacturing and/or pretreatment process used by the permittee; and

~~(o)~~ (n) Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the system; and

~~(p)~~ (o) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the terms of the permit; and

~~(q)~~ (p) Other conditions as deemed appropriate by the POTW Director to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(L) *Permits duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

(M) *Permit transfer.* Wastewater Permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(N) *Permit reissuance.* A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with this section a minimum of 180 days prior to the expiration of the existing permit.

REPORTING REQUIREMENTS

§ 52.25 BASELINE MONITORING REPORTS.

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW Director a report which contains the information listed in division (B) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW Director a report which contains the information listed in division (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the information set forth below.

(1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.

(2) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of pollutants.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director, of regulated pollutants in the discharge

from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with the procedures set out in § 52.34.

(c) Sampling must be performed in accordance with the procedures set out in § ~~52.28~~ 52.35 and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).

(6) *Certification.* A statement, reviewed by the user's current authorized representative as defined in § 52.02 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in § 52.26.

(8) *Signature and certification.* All baseline-monitoring reports must be signed and certified in accordance with § 52.21(D).

§ 52.26 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by § 52.25(B)(7):

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(B) No increment referred to above shall exceed nine months;

(C) The user shall submit a progress report to the POTW Director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(D) In no event shall more than nine months elapse between such progress reports to the POTW Director.

§ 52.27 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in § 52.25(B)(4) - (B)(6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 52.21(D).

§ 52.28 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users required to self-monitor shall, at a frequency determined by the POTW Director but in no case less than once every 6 months twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable measured or estimated average and maximum daily flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in § 52.34 and § 52.35. All periodic compliance reports must be signed and certified in accordance with § 52.21(D).

~~(B) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.~~

~~(C)~~ (B) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW Director, using the procedures prescribed in § 52.34, the results of this monitoring shall be included in the report.

§ 52.29 REPORTS OF CHANGED CONDITIONS.

(A) Each user must notify the POTW Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 45 30 days before the change. See § 52.30(D) for other reporting requirements.

(B) The POTW Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 52.21.

(C) The POTW Director may issue a wastewater discharge permit under § 52.21 or modify an existing wastewater discharge permit under § 52.21 in response to changed conditions or anticipated changed conditions.

(D) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, and the discharge of any previously unreported pollutants.

§ 52.30 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load as defined in § 52.02, that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(B) Within five days following such discharge, the user shall, unless waived by the POTW Director, submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in division (A). Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(D) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in § 52.02.

§ 52.31 REPORTS FROM UNPERMITTED USERS.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW Director as the POTW Director may require.

§ 52.32 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.

(A) If sampling performed by a user indicates a violation, the user must notify the POTW Director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW Director within 30 days after becoming aware of the violation. If allowed by the POTW Director, the user is not required to resample; if the POTW Director monitors at the user's facility at least once a month, or if the POTW Director samples between the user's initial sampling and when the user receives the results of this sampling.

(1) If the POTW Director monitors at the user's facility at least once a month; or

(2) If the POTW Director samples between the user's initial sampling and when the user receives the results of this sampling.

(B) If the POTW Director does not require the user to perform any self-monitoring and the POTW sampling of the user indicates a violation, the POTW Director shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one of the following occurs:

(1) The POTW Director monitors at the user's facility at least once a month; or

(2) The POTW Director samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or

(3) The POTW Director requires the user to perform sampling and submit the results to the POTW Director within the 30-day deadline of the POTW becoming aware of the violation.

§ 52.33 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

The city prohibits the discharge of any hazardous wastes without notification and approval of the POTW Director.

(A) Prior to the commencement of intentional discharges of hazardous waste into the POTW, the user responsible for such a discharge shall give written notification of the planned discharge to the POTW Director and obtain written approval for the proposed discharge from the POTW Director or his or her designee. Regardless of a user's intent and in addition to the requirements prescribed by the immediately preceding sentence, any Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes; an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month; and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. With the exception of the notification required by the first sentence of this subdivision, all notifications must take place no later than 180 days after discharge commences. With the exception of the notification required by the first sentence of this subdivision, any

notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under § 52.29. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 52.25, 52.27, and 52.28.

(B) Dischargers are exempt from the requirements of division (A) above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(C) In the case of any new regulation under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW Director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(D) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(E) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

§ 52.34 ANALYTICAL REQUIREMENTS.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

§ 52.35 GRAB AND COMPOSITE SAMPLE COLLECTION.

~~(A) Except as indicated in division (B) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the POTW Director may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.~~

~~(B) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.~~

~~(A) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.~~

~~(B) Grab samples must be used for pH, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the User's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90 Day Compliance Reports. Additionally, the POTW Director may allow collection of multiple grabs during a 24 hour period which are composited prior to analysis as allowed under 40 CFR 136.~~

~~(C) Composite Samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW Director. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.~~

§ 52.36 TIMING.

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

§ 52.37 RECORD KEEPING.

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person taking the samples; the data analyses that were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period

shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the POTW Director.

COMPLIANCE MONITORING

§ 52.40 MONITORING FACILITIES.

(A) The city requires the user to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area located so that it will not be obstructed by landscaping or parked vehicles.

(B) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.

§ 52.41 INSPECTION AND SAMPLING.

The city will inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city, approval authority, and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, and records examination and copying or in the performance of any of their duties. The city, approval authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the POTW Director's, approval authority's, or EPA's access to the user's premises shall be a violation of this chapter. Unreasonable delays may constitute denial of access.

§ 52.42 SEARCH WARRANTS.

If the POTW Director, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the POTW Director, approval authority, or EPA may seek issuance of a search warrant from the Magistrate's Office of Randolph County.

CONFIDENTIAL INFORMATION

§ 52.45 CONFIDENTIAL INFORMATION.

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits, and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW Director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, Non-discharge Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(C) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.

ENFORCEMENT

§ 52.50 ADMINISTRATIVE REMEDIES.

(A) *Notification of violation.* Whenever the POTW Director finds that any industrial user has violated or is violating this chapter, wastewater permit, or any prohibition, limitation, or requirement contained therein or any other pretreatment requirement, the POTW Director may serve upon such a person or user a

written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the city by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(B) *Consent orders.* The POTW Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person or entity responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to division (D) below.

(C) *Show cause hearing.* The POTW Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this chapter, or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the POTW Director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

- (1) The POTW Director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.
- (2) A show cause hearing under this Subdivision is not a prerequisite to the assessment of a civil penalty under § 52.99 nor is any action or inaction taken by the POTW Director under this division subject to an administrative appeal under § 52.21(I).

(D) *Administrative orders.* When the POTW Director finds that an industrial user has violated or continues to violate this chapter, permits, or orders issued hereunder, or any other pretreatment requirement, the POTW Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

- (3) Immediately comply with all requirements;
- (4) Comply in accordance with a compliance time schedule set forth in the order;
- (5) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
- (6) Disconnect unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated within a specified time period.

(E) *Emergency suspensions.* The POTW Director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW, or causes the POTW to violate any condition of its NPDES or Non-discharge Permit. Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Director prior to the date of the above-described hearing.

(F) *Termination of Permit or Permission to Discharge.* The POTW Director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons: Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having its permit terminated:

- (1) Failure to accurately report the wastewater constituents and characteristics of his discharge; or
- (2) Failure to report significant changes in operations, or wastewater constituents and characteristics; or
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit or permission to discharge, conditions of this ordinance, or any applicable state or federal regulations.

(G) Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under § 52.50 why the proposed action should not be taken.

§ 52.51 OTHER AVAILABLE REMEDIES.

Remedies, in addition to those previously mentioned in this chapter, are available to the POTW Director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

(A) *Criminal violations.* The District Attorney for the 19-B Judicial District, which includes Randolph County, may, at the request of the city, prosecute noncompliant users who violate the provisions of G.S. § 143-215.6B.

(B) *Injunctive relief.* Whenever a user is in violation of the provisions of this chapter or an order or permit issued hereunder, the POTW Director, through the City Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

(C) *Water supply severance.* Whenever an industrial user is in violation of the provisions of this chapter or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after the user has satisfactorily demonstrated its ability and willingness to comply.

(D) *Public nuisances.* Any violation of the prohibitions or effluent limitations of this chapter or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW Director. Any person creating a public nuisance shall be subject to the provisions of the Code of Asheboro and the North Carolina General Statutes governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating, or remedying the nuisance.

§ 52.52 REMEDIES ARE NONEXCLUSIVE.

The remedies provided for in this chapter are not exclusive. The POTW Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the POTW Director may take other action against any user when the circumstances warrant. Furthermore, the POTW Director is empowered to take more than one enforcement action against any noncompliant user.

ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

§ 52.55 ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE.

At least annually, the POTW Director shall publish in the largest daily a newspaper of general circulation circulated in the service area that provides meaningful public notice within the jurisdiction served by the POTW, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

§ 52.60 UPSET.

(A) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (B) below are met.

(B) A user who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause of the upset; and
- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted (verbal notification of the required information is acceptable so long as the verbal notification is followed-up with written notification that is submitted within five days) the following information to the POTW Director within 24 hours of becoming aware of the upset:

- (a) A description of the indirect discharge and cause of noncompliance; and
- (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- (c) The steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(C) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(D) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(E) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

§ 52.61 PROHIBITED DISCHARGE STANDARDS DEFENSE.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 52.03(A) 52.05(A) or the specific prohibitions in §§ 52.03(B)(2), 52.03(B)(3), 52.03(B)(5) through (B)(7), and 52.03(B)(9) through (B)(23) § 52.05(B)(2) through (B)(3) and § 52.05(B)(5) through (B)(7) if it can prove that it did know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(A) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

§ 52.62 BYPASS.

(A) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of divisions (B) and (C).

(B) The following notification requirements shall apply specifically to a bypass:

(1) If a user knows in advance of the need for a bypass, it shall submit prior written notice to the POTW Director at least ten days before the date of the bypass, if possible.

(2) A user shall submit verbal notice to the POTW Director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five days of the time when the user became aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW Director may waive the written report on a case-by-case basis if the verbal report has been received within 24 hours.

(C) In addition to the exception prescribed by division (A), the following exceptions apply to the general prohibition on bypass:

(1) Bypass is prohibited, and the POTW Director may take an enforcement action against a user for a bypass unless:

(a) Bypass was unavoidable due to the need to prevent loss of life, personal injury, or severe property damage; and

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(c) The user submitted notices as required under division (B).

(2) The POTW Director may approve an anticipated bypass, after considering its adverse effects, if the POTW Director determines that it will meet the three conditions listed in division (C)(1) above.

§ 52.99 PENALTY.

(A) Any user who is found to have failed to comply with any provision of this chapter, or the orders, rules, regulations, and permits issued hereunder, may be fined up to \$25,000 per day per violation.

(1) Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:

(a) For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation; or

(b) In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this chapter, or the orders, rules, regulations, and permits issued hereunder, only if the POTW Director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.

(B) In determining the amount of the civil penalty, the POTW Director shall consider the following:

(1) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation; and

(2) The duration and gravity of the violation; and

(3) The effect on ground or surface water quantity or quality or on air quality; and

(4) The cost of rectifying the damage; and

(5) The amount of money saved by noncompliance; and

(6) Whether the violation was committed willfully or intentionally; and

(7) The prior record of the violator in complying or failing to comply with the pretreatment program; and

(8) The cost of enforcement to the city.

(C) Appeals of civil penalties assessed in accordance with this section shall be as provided in § 52.21(l).

Section 2. If any court of competent jurisdiction invalidates any provision, paragraph, word, section, or article of this ordinance, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

Section 3. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 4. This ordinance shall be in full force and effect upon and after the 7th day of February, 2008.

Adopted by the Asheboro City Council in regular session on the 7th day of February, 2008.

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

ATTEST:

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

5. Recognition of Police Captain Timmy Lee's service to the City of Asheboro.

Chief Mason recognized Captain Lee for his thirty (30) years of service to the Asheboro Police Department and the City of Asheboro and presented him with the service weapon that he carried at the time of his retirement. The Asheboro Police Department had already presented Captain Lee with his badge and a plaque at a previously held luncheon.

Additionally, Mayor Jarrell presented a plaque to Captain Lee for his dedication in serving the City of Asheboro along with the "Order of the Long Leaf Pine" from Governor Michael F. Easley. Captain Lee expressed his thanks to the city and the citizens for allowing him to serve the community.

6. Without objection from the Council Mayor Jarrell moved Agenda Item Number 6 (Annual report of the Building Inspection Department) to immediately follow Agenda Item Number 11.

OLD BUSINESS

7. RZ-CUP-08-05: Request to rezone from R-15 (Low-Density Residential) to CU-O&I (Conditional Use Office and Institutional) and Issue a Conditional Use Permit for an Office Facility. The properties of B&G Properties are located at 1000 Park Drive and consist of approximately 2.897 acres of land. Randolph County Parcel Identification Numbers 7751485415 and 7751484500 more specifically describe the properties.

Mayor Jarrell re-opened the public hearing, which was continued from the Council's regular January meeting.

Mr. Neely presented a written request from the Applicant withdrawing the above-referenced request.

8. Consideration of a solid waste transportation agreement.

At the request of city staff and upon motion by Ms. Carter and seconded by Mr. Baker, Council voted unanimously to continue the above-referenced item to the Council's regular March meeting.

NEW BUSINESS

9. LAND USE ISSUES:

- (a) CUP-08-06: Request for a modification to an existing Conditional Use Permit for a Multi-Family Development for persons 55 years of age and older. The property of Sherwood Place, LLC is located at the northeast quadrant of the intersection of Mack Road and Sherwood Avenue and consists of approximately 4.59 acres of land. Randolph County Parcel Identification Number 7750143605 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 revised site plan. The Applicant, Sherwood Place, LLC, requested a Conditional Use Permit that modifies the existing site plan approved under planning department file number CUP-05-05 by changing the location of the driveway and the dumpster. These changes in the driveway configuration and dumpster location were necessitated by instructions received by the Applicant from the North Carolina Department of Transportation.

Mr. Jon Megerian, Esq. 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 by Mr. Smith, 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 March 6, 2008. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

- (b) RZ-08-07: Request to rezone from R-10, R-15, R-40, B-2, and Randolph County Zoning to I-2. The properties of Zoolander, LLC and Trollinger Investment Company encompass approximately 100.31 acres of land and are more specifically identified by Randolph County Parcel Identification Numbers 7761684060, 7761685331, 7761685599, 7761689175, 7761665079, 7761874910, 7761762488, 7761763491, 7761764394, 7761765245, 7761763164, 7761762127, and 7761762206.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Trollinger Investment Company and Zoolander, LLC to rezone the above-described property from R-10/R-15/R-40/B-2 and Randolph County Zoning to I-2. The Planning Department Staff recommended the approval of rezoning a portion of the property, while the Planning Board recommended approval of the entire request.

The Planning Department Staff recommended approval of the request as it pertained to the parcel of land identified by Randolph County Parcel Identification Number 7761874910 (approximately 69.01 acres) on the basis of the following analysis:

"Analysis of this request is complex. The Land Development Plan considers opportunities for economic revitalization and investment as a key issue in the East Planning Area. All of the properties in this request are located within a census tract designated as a State Development Zone in which economic development is encouraged. Industrial (I-2) zoning would accommodate industrial land uses associated with encouraging economic development. The land development plan designates Parcel Identification Number 7761874910 owned by Trollinger Investment Company as an employment center and therefore, based on the land development plan map and text, the rezoning of property for this portion (69.01 acres) of the request is generally in the public interest and supports a reasonable use of the property.

In reference to the other properties owned by Zoolander, LLC and Trollinger Investment Company (31.3 acres +/-), the Land Development Plan indicates that the remaining properties are designated as neighborhood residential, except for the eastern corner of East Presnell Street and Rockcrusher Road (designated as urban residential). In reference to the properties designated as neighborhood and urban residential by the Land Development Plan map, rezoning this portion of the request does not comply with the LDP map.

Additionally, several goals and policies in the land development plan also emphasize that industrial uses should include a transition between residential and industrial uses because of the potential incompatibility of these uses. The close proximity to low-density residential uses and the conflict with the LDP map are reasons the Land Development Plan does not support a portion of the request. The property at the eastern corner of East Presnell Street and Rockcrusher Road is zoned B-2, but zoning this to I-2 may increase conflict with single-family residential uses. Without a site-specific development plan on these portions of the property, the potential land use conflicts between industrial and low-density residential are difficult to determine considering that the land development plan's recommendation is for these properties to remain residential. The recommendation is to deny this portion of the request based on the map and text of the land development plan supporting continued residential use of the property, which staff believes supports the public interest as a reasonable use of the property."

The Planning Board recommended approval of the entire request for the following reasons:

"The Planning Board expressed doubt that the residentially zoned parcels would likely be developed as single-family residential use. The Planning Board also cited the close proximity of industrial uses to the B-2 zoned parcel (eastern

corner of east Presnell Street and Rockcrusher Road) in recommending approval of this request.”

Mr. Mark Trollinger of Trollinger Investment Company, LLC, and Mr. Al Morton of Zoolander, LLC presented comments, including citations to the land development plan, in support of the requested rezoning. Mr. Trollinger also clarified that the Applicants did not intend to request rezoning the portion of the existing R15 zoning district that encompasses the segment of the property described by Randolph County Parcel Identification Number 7761874910 that is located outside of the existing corporate limits for the City of Asheboro. Consequently, this limited portion of the Applicants’ request was withdrawn from consideration.

Mr. Reginald Womble, Mr. Melvin Marley, Mr. Sandy Wright, Ms. Mary Armstrong, Mr. David Miller, Mr. Kevin Price, Ms. Yvonne Crommerity, Ms. Diane Howard, Mr. Randy Shoffner, and Mr. Eugene Hoskins, all neighboring property owners, presented comments in opposition to the requested rezoning. They all expressed their concerns that the requested rezoning would have a negative impact on the value of their property, their community, and traffic safety.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing. Subsequent to Mayor Jarrell closing the public hearing, Mr. Mark Trollinger stated that he would like to meet with the concerned neighbors if this matter were to be continued.

Upon motion by Mr. Crisco and seconded by Mr. Smith, Council voted unanimously to continue consideration of this item to the Council’s regular March meeting.

- (c) RZ-08-08: Request to rezone from B-2 to B-3. The property of McJed is located at 412 Sunset Avenue and consists of approximately 14,132 square feet of land. Randolph County Parcel Identification Number 7751626963 more specifically identifies the property. The property of Glenn M. Pugh and Others is located at 430 Sunset Avenue and consists of approximately 22,008 square feet of land. Randolph County Parcel Identification Number 7751625963 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 Mac Pugh to rezone the above-described property from B-2 General Business to B-3 Central Business. The Planning Department Staff and the Planning Board recommended approval of the request in that the “request is consistent with the goals, policies, and map of the land development plan. Therefore, staff feels that B-3 (Central Business) zoning of the property is generally within the public interest and permits a reasonable use of the property.”

Mr. Mac Pugh presented comments in support of the requested rezoning.

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 Mr. Smith, Council voted unanimously to follow the recommendation of the Planning Board and placed the above-described property in a B-3 Central Business zoning district.

- (d) RZ-08-09: Technical Amendments to the Zoning Ordinance (Article 1100). An application filed by the City of Asheboro to amend Article 1100 of the Zoning Ordinance by adding language concerning hospices to the definition of “Nursing, Convalescent and Extended Care Facility.”

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the Planning Department Staff’s proposed amendment to Article 1100 of the Asheboro Zoning Ordinance. The general intent of the proposed amendment is to update the zoning ordinance’s definition of “nursing, convalescent and extended care facility” to include any hospice inpatient facility and hospice residential care facility as defined by the North Carolina General Statutes.

The Planning Department Staff and the Planning Board recommended approval of the requested amendments to the Asheboro Zoning Ordinance based on the following:

“Staff believes the proposed amendment to be reasonable and in the public interest as it clarifies how hospice facilities are regulated in a manner consistent with state law. Staff believes hospices present similar external impacts to surrounding properties as other facilities that would be defined as ‘nursing, convalescent and extended care facility,’ and that this is the most appropriate definition under which to categorize a hospice facility.”

As proposed, the zoning ordinance's definition of "nursing, convalescent and extended care facility" would state:

"Any facility which provides nursing services as defined in the North Carolina Statutes Annotated. Facility means any institution, building, residence, private home, or other place, whether operated for profit or not, including those places operated by a county or municipality, which undertakes through its ownership or management to provide nursing care, personal care, or custodial care for persons not related to the owner or manager by blood or marriage, who for reason of illness, physical infirmity, or advanced age require such services, but shall not include any place providing care and treatment primarily for the acutely ill. This definition shall include any hospice inpatient facility and hospice residential care facility as defined by North Carolina General Statute § 131E-176."

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

Upon motion by Ms. Carter and seconded by Mr. Burks, Council voted unanimously to adopt the recommendation of the Planning Board and approved, as presented, the amendment to Article 1100 of the Asheboro Zoning Ordinance.

10. Public Comment Period.

Ms. Gloria McClanahan presented comments and concerns in opposition to the annexation of the Dave's Mountain Area. Ms. McClanahan was concerned that the annexation would be a significant financial burden on the city for many years. A written copy of her comments was submitted to the Council as well.

Mr. Michael Ayers, President of Northmont Homeowner's Association, stated that 98% of the homeowners that he spoke for in his capacity as president of the Homeowner's Association were opposed to the annexation. With this area containing homes no more than approximately six (6) years old, the homeowners felt that there was no need for city services to be extended to this area. Additionally, with the potential location of a pump station in their neighborhood, homeowners were concerned that their property would be negatively impacted by the pump station. Ms. Tina Sisco of Mountain Valley Drive had similar concerns.

Mr. Bill Palmer, Mr. Jeff Cox, Mr. Bill Flannery, and Mr. Ed Hyder expressed philosophical opposition to the statutory annexation of the Dave's Mountain area as well as fiscal concerns about the proposed annexation and the associated utility construction.

Additionally, Mr. Cleve Dunn asked the Council to work with the neighbors, and Mr. Matt McArthur questioned how far the utility construction process would proceed before its cost effectiveness was re-evaluated.

11. Consideration of a resolution of intent to annex the Dave's Mountain Area.

Mr. Neely presented and recommended adoption, by reference, of a resolution stating the intent of the City of Asheboro to consider annexation of approximately 671.54 acres of land within the Dave's Mountain Area and fixing the date of a public informational meeting and a public hearing on the question of annexation.

Upon motion by Mr. Moffitt and seconded by Mr. Smith, by a vote of 6 to 1, Council adopted the following resolution by reference. Ms. Carter voted no.

07 RES 02-08

A RESOLUTION STATING THE INTENT OF THE CITY OF ASHEBORO TO CONSIDER ANNEXATION OF THE AREA DESCRIBED HEREIN AND FIXING THE DATE OF A PUBLIC INFORMATIONAL MEETING AND A PUBLIC HEARING ON THE QUESTION OF ANNEXATION

BE IT RESOLVED by the City Council of the City of Asheboro that:

Section 1. It is the intent of the City Council of the City of Asheboro to consider annexation of the following described territory pursuant to Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina:

Asheboro and Back Creek Townships, Randolph County, North Carolina:

BEGINNING at a computed point that is on the existing primary corporate limits line of the City of Asheboro at the southeast corner of the Matthew G. and Holly B. McArthur property described in Deed Book 1984, Page 1774, Randolph County Public Registry, this Beginning point is located South 50 degrees 49 minutes 07 seconds East 526.32 feet from a computed point at the center of the intersection of Greenmont Drive (North Carolina Secondary Road 1871) with Back Creek Court (North Carolina Secondary Road 1873); thence from said Beginning point North 12 degrees 18 minutes 38 seconds West 327.15 feet to a computed point; thence North 16 degrees 10 minutes 56 seconds West 12.15 feet to a computed point; thence North 15 degrees 13 minutes 49 seconds West 40.88 feet across the right-of-way for Greenmont Drive to a computed point; thence continuing along the William J. Armfield, IV and S.A. McMillion property described in Deed Book 1050, Page 500, Randolph County Public Registry the following courses and distances: North 15 degrees 19 minutes 37 seconds West 6.62 feet to a computed point; thence North 03 degrees 23 minutes 24 seconds East 86.65 feet to a computed point; thence North 04 degrees 10 minutes 35 seconds East 79.08 feet to a computed point; thence North 05 degrees 15 minutes 56 seconds East 99.42 feet to a computed point; thence North 65 degrees 11 minutes 45 seconds East 85.51 feet to a computed point; thence North 66 degrees 55 minutes 05 seconds East 104.89 feet to a computed point; thence North 66 degrees 53 minutes 01 second East 27.73 feet to a computed point; thence North 56 degrees 13 minutes 42 seconds East 77.13 feet to a computed point; thence North 56 degrees 54 minutes 13 seconds East 131.62 feet to a computed point; thence North 53 degrees 09 minutes 44 seconds East 133.22 feet to a computed point; thence North 10 degrees 22 minutes 12 seconds East 97.21 feet to a computed point; thence North 12 degrees 11 minutes 20 seconds West 223.80 feet to a computed point; thence North 13 degrees 48 minutes 12 seconds West 74.40 feet to a computed point; thence North 48 degrees 37 minutes 36 seconds West 81.16 feet to a computed point; thence North 38 degrees 15 minutes 34 seconds East 218.07 feet to a computed point; thence North 27 degrees 53 minutes 49 seconds East 2.40 feet to a computed point; thence North 28 degrees 39 minutes 41 seconds East 77.92 feet across the right-of-way for Viewmont Drive (North Carolina Secondary Road 1875) to a computed point; thence continuing along the William J. Armfield, IV and S.A. McMillion property described in Deed Book 1050, Page 500, Randolph County Public Registry the following courses and distances: North 63 degrees 59 minutes 35 seconds West 91.79 feet to a computed point; thence North 24 degrees 35 minutes 12 seconds East 126.47 feet to a computed point; thence North 25 degrees 31 minutes 44 seconds East 111.08 feet to a computed point; thence North 26 degrees 06 minutes 56 seconds East 57.64 feet to a computed point; thence North 13 degrees 07 minutes 48 seconds East 106.79 feet to a computed point; thence North 13 degrees 31 minutes 41 seconds East 160.83 feet to a computed point; thence North 34 degrees 41 minutes 44 seconds West 1.98 feet to a computed point; thence North 31 degrees 13 minutes 16 seconds West 157.71 feet to a computed point; thence North 32 degrees 32 minutes 21 seconds West 113.87 feet to a computed point; thence North 15 degrees 34 minutes 11 seconds West 47.50 feet to a computed point; thence North 17 degrees 27 minute 06 seconds West 105.87 feet to a computed point; thence North 18 degrees 27 minutes 50 second West 139.75 feet to a computed point; thence North 18 degrees 21 minutes 46 seconds West 178.52 feet to a computed point; thence along the Caroline C. and Kenneth K. Prochnau property described in Deed Book 1705, Page 2584, Randolph County Public Registry the following courses and distances: North 43 degrees 14 minutes 07 seconds West 31.57 feet to a computed point; thence North 42 degrees 19 minutes 40 seconds West 216.26 feet to a computed point; thence North 42 degrees 33 minutes 43 seconds West 60.25 feet across the right-of-way for Heather Glenn Place (a privately maintained street) to a computed point; thence along the Chris J. Lopienski property described in Deed Book 1462, Page 497, Randolph County Public Registry the following courses and distances: North 42 degrees 28 minutes 22 seconds West 232.51 feet to a computed point; thence North 43 degrees 49 minutes 21 seconds West 47.30 feet to a computed point; thence North 69 degrees 33 minutes 16 seconds West 193.98 feet to a computed point; thence North 19 degrees 23 minutes 27 seconds East 364.08 feet to a computed point; thence along the Bryan P. and Jill R. Spivey property described in Deed Book 1723, Page 214, Randolph County Public Registry the following courses and distances: North 19 degrees 44 minutes 12 second East 204.65 feet to a computed point; thence North 89 degrees 37 minutes 49 seconds West 500.71 feet to a computed point; thence North 16 degrees 50 minutes 57 seconds East 66.80 feet to a computed point; thence along the Martha Redding Mendenhall property described in Estate File 72E, Page 331, Office of the Randolph County Clerk of Superior Court the following courses and distances: North 09 degrees 12 minutes 02 seconds West 260.67 feet to a computed point; thence North 85 degrees 04 minutes 04 seconds West 21.20 feet to a computed point; thence North 01 degree 35 minutes 41 seconds East 84.55 feet to a computed point; thence North 87 degrees 42 minutes 43 seconds East 165.14 feet to a computed point; thence North 01 degree 23 minutes 09 seconds East 92.55 feet to a computed point; thence North 00 degrees 28 minutes 22 seconds East 453.66 feet to a computed point; thence

South 88 degrees 34 minutes 25 seconds West 202.50 feet to a computed point; thence North 01 degree 43 minutes 36 seconds East 539.07 feet to a computed point; thence North 01 degree 41 minutes 42 seconds East 245.36 feet to a computed point; thence along the First Assembly of God property described in Deed Book 1681, Page 429, Randolph County Public Registry the following courses and distances: North 03 degrees 06 minutes 46 seconds East 197.91 feet to a computed point; thence North 03 degrees 11 minutes 52 seconds East 271.46 feet to a computed point; thence along the Pritchard property subject to the life estate of Myrtle L. Pritchard and described in Deed Book 2030, Page 1378, Randolph County Public Registry, the following courses and distances: North 89 degrees 05 minutes 56 seconds West 117.95 feet to a computed point; thence North 89 degrees 06 minutes 04 seconds West 265.03 feet to a computed point; thence along the Elizabeth L. Pritchard property described in Deed Book 2030, Page 1373, Randolph County Public Registry the following courses and distances: North 89 degrees 06 minutes 48 seconds West 33.67 feet to a computed point; thence North 89 degrees 06 minutes 10 seconds West 298.82 feet to a computed point; thence along the eastern margin of the right-of-way for Northmont Drive (North Carolina Secondary Road 3196) the following courses and distances: North 01 degree 29 minutes 38 seconds East 550.30 feet to a computed point; thence North 01 degree 42 minutes 35 seconds East 566.08 feet to a computed point; North 01 degree 37 minutes 09 seconds East 367.09 feet to a computed point; thence North 04 degrees 17 minutes 50 seconds East 181.82 feet to a computed point; thence South 74 degrees 48 minutes 47 seconds West 64.89 feet across the right-of-way for Northmont Drive to a computed point; thence North 89 degrees 59 minutes 59 seconds West 10.75 feet to a computed point; thence South 02 degrees 02 minutes 18 seconds West 12.30 feet to a computed point; thence along the northern margin of the right-of-way for Davidson Road (North Carolina Secondary Road 1517) the following courses and distances: South 79 degrees 09 minutes 02 seconds West 160.81 feet to a computed point; thence South 82 degrees 39 minutes 16 seconds West 255.81 feet to a computed point; thence South 00 degrees 45 minutes 05 seconds West 60.36 feet across the right-of-way for Davidson Road to a computed point; thence along the Thomas H. and Carrie M. Branson property described in Deed Book 1603, Page 321, Randolph County Public Registry the following courses and distances: South 01 degree 37 minutes 25 seconds West 127.93 feet to a computed point; thence South 01 degree 34 minutes 43 seconds West 176.94 feet to a computed point; thence South 01 degree 33 minutes 03 seconds West 110.79 feet to a computed point; thence along the Stephen Jerome Davidson property described in Deed Book 1357, Page 1058, Randolph County Public Registry the following courses and distances: South 02 degrees 15 minutes 22 seconds West 63.49 feet to a computed point; thence South 02 degrees 03 minutes 55 seconds West 173.37 feet to a computed point; thence South 01 degree 25 minutes 43 seconds West 170.36 feet to a computed point; thence along the Selven Jerome Davidson property described in Deed Book 967, Page 292, Randolph County Public Registry the following courses and distances: South 02 degrees 47 minutes 19 seconds West 42.81 feet to a computed point; thence South 02 degrees 44 minutes 38 seconds West 271.91 feet to a computed point; thence South 02 degrees 43 minutes 40 seconds West 260.62 feet to a computed point; thence South 02 degrees 37 minutes 36 seconds West 32.72 feet to a computed point; thence along the Selven Jerome Davidson property described in Deed Book 1044, Page 342, Randolph County Public Registry the following courses and distances: South 02 degrees 07 minutes 23 seconds West 182.13 feet to a computed point; thence South 02 degrees 14 minutes 53 seconds West 139.10 feet to a computed point; thence North 88 degrees 24 minutes 09 seconds West 215.26 feet to a computed point; thence North 88 degrees 26 minutes 11 seconds West 64.15 feet along the S. Jerome Davidson and Wilson Davidson property described in Deed Book 1348, Page 87, Randolph County Public Registry to a computed point; thence along the Wilson Duane Davidson property described in Deed Book 1044, Page 341, Randolph County Public Registry the following courses and distances: North 88 degrees 21 minutes 13 seconds West 119.66 feet to a computed point; thence North 88 degrees 23 minutes 32 seconds West 189.37 feet to a computed point; thence North 88 degrees 23 minutes 17 seconds West 119.64 feet to a computed point; thence North 03 degrees 55 minutes 21 seconds East 320.02 feet to a computed point; thence along the Tammy Bulla Matthews property described in Deed Book 2033, Page 2133, Randolph County Public Registry the following courses and distances: South 86 degrees 17 minutes 33 seconds West 336.48 feet to a computed point; thence South 86 degrees 37 minutes 25 seconds West 282.43 feet to a computed point; thence North 15 degrees 30 minutes 59 seconds East 322.24 feet to a computed point; thence along the Tammy Bulla Matthews property described in Deed Book 1977, Page 707, Randolph County Public Registry the following courses and distances: North 06 degrees 32 minutes 26 seconds East 68.21 feet to a computed point; thence North 07 degrees 33 minutes 10 seconds East 262.05 feet to a computed point; thence North 07 degrees 26 minutes 14 seconds East 216.93 feet to a computed point; thence along the Lori Bulla George property described in Deed Book 1977, Page 705, Randolph County Public Registry the following courses and distances: North 07 degrees 15 minutes 58 seconds East

44.39 feet to a computed point; thence North 06 degrees 56 minutes 54 seconds East 256.91 feet to a computed point; thence along the Jeffrey A. Wells and Donna M. Wells property described in Deed Book 1470, Page 356, Randolph County Public Registry the following courses and distances: North 05 degrees 58 minutes 00 seconds East 250.51 feet to a computed point; thence North 05 degrees 57 minutes 50 seconds East 261.25 feet to a computed point; thence North 87 degrees 30 minutes 27 seconds West 179.19 feet along the James Lloyd Bulla and Tonita Bulla property described in Deed Book 1246, Page 1635, Randolph County Public Registry to a computed point in the eastern margin of the right-of-way for Northmont Lake Drive (a privately maintained street); thence North 87 degrees 30 minutes 14 seconds West 59.09 feet across the right-of-way of Northmont Lake Drive to a computed point; thence North 87 degrees 30 minutes 25 seconds West 181.55 feet to a computed point; thence along the James Lloyd Bulla property described in Estate File 24E, Page 157, Office of the Randolph County Clerk of Superior Court the following courses and distances: South 05 degrees 57 minutes 39 seconds West 238.01 feet to a computed point; thence South 05 degrees 57 minutes 48 seconds West 248.54 feet to a computed point; thence South 05 degrees 57 minutes 39 seconds West 254.74 feet to a computed point; thence South 05 degrees 57 minutes 42 seconds West 255.51 feet to a computed point; thence South 05 degrees 57 minutes 44 seconds West 256.59 feet to a computed point; thence South 05 degrees 57 minutes 37 seconds West 458.08 feet to a computed point; thence North 85 degrees 57 minutes 24 seconds West 200.05 feet to a computed point; thence North 85 degrees 57 minutes 25 seconds West 324.03 feet to a computed point; thence along the Herman Kenney McDowell, III property described in Deed Book 2028, Page 1198, Randolph County Public Registry the following courses and distances: South 00 degrees 27 minutes 22 seconds East 195.29 feet to a computed point; thence South 01 degree 19 minutes 45 seconds East 99.75 feet to a computed point; thence North 89 degrees 56 minutes 22 seconds West 188.56 feet to a computed point; thence South 89 degrees 24 minutes 48 seconds West 185.00 feet to a computed point; thence South 89 degrees 24 minutes 04 seconds West 185.29 feet to a computed point; thence South 89 degrees 24 minutes 33 seconds West 241.29 feet to a computed point; thence South 89 degrees 24 minutes 24 seconds West 241.25 feet to a computed point; thence South 89 degrees 24 minutes 06 seconds West 241.24 feet to a computed point; thence South 89 degrees 24 minutes 43 seconds West 230.26 feet to a computed point; thence along the Ronald Nathan Spry and Heather M. Spry property described in Deed Book 1981, Page 2387, Randolph County Public Registry the following courses and distances: South 00 degrees 32 minutes 03 seconds East 369.21 feet to a computed point; thence South 00 degrees 50 minutes 39 seconds West 61.46 feet to a computed point; thence along the Ranbir and Harjit R. Singh property described in Deed Book 1152, Page 103, Randolph County Public Registry the following courses and distances: South 00 degrees 04 minutes 36 seconds West 439.75 feet to a computed point; thence South 01 degree 03 minutes 59 seconds East 534.37 feet to a computed point; thence North 40 degrees 33 minutes 08 seconds East 155.39 feet to a computed point; thence North 24 degrees 18 minutes 30 seconds East 71.23 feet to a computed point; thence North 09 degrees 08 minutes 05 seconds East 107.79 feet to a computed point; thence South 86 degrees 38 minutes 57 seconds East 161.13 feet to a computed point; thence South 86 degrees 38 minutes 21 seconds East 269.74 feet to a computed point; thence South 86 degrees 38 minutes 28 seconds East 175.13 feet to a computed point; thence South 86 degrees 38 minutes 02 seconds East 140.52 feet to a computed point; thence along the WWS Development Corporation property described in Deed Book 1344, Page 1726, Randolph County Public Registry the following courses and distances: North 07 degrees 49 minutes 12 seconds East 199.95 feet to a computed point; thence North 81 degrees 52 minutes 34 seconds East 330.36 feet to a computed point; thence North 80 degrees 38 minutes 55 seconds East 217.18 feet to a computed point; thence North 82 degrees 59 minutes 45 seconds East 378.40 feet to a computed point; thence North 38 degrees 11 minutes 13 seconds East 71.59 feet to a computed point; thence South 49 degrees 02 minutes 06 seconds East 250.59 feet to a computed point; thence South 04 degrees 43 minutes 58 seconds West 293.73 feet to a computed point; thence along the Ranbir and Harjit R. Singh property described in Deed Book 1152, Page 103, Randolph County Public Registry the following courses and distances: South 86 degrees 18 minutes 10 seconds East 172.86 feet to a computed point; thence South 86 degrees 18 minutes 09 seconds East 211.46 feet to a computed point; thence South 86 degrees 18 minutes 07 seconds East 176.70 feet to a computed point; thence South 86 degrees 50 minutes 47 seconds East 273.82 feet to a computed point; thence South 03 degrees 23 minutes 39 seconds West 213.19 feet to a computed point; thence South 03 degrees 18 minutes 41 seconds West 186.06 feet to a computed point; thence South 03 degrees 51 minutes 29 seconds West 119.03 feet to a computed point; thence North 87 degrees 23 minutes 28 seconds West 388.64 feet to a computed point; thence North 85 degrees 42 minutes 25 seconds West 471.32 feet to a computed point; thence South 02 degrees 52 minutes 21 seconds West 420.18 feet along the Eric J. and Elizabeth S. Kozlow property described in Deed Book 2035, Page 798, Randolph County Public Registry to a computed point;

thence along the Jeffrey N. and Teresa S. Cox property described in Deed Book 2035, Page 805, Randolph County Public Registry the following courses and distances: South 02 degrees 52 minutes 26 seconds West 169.48 feet to a computed point; thence South 02 degrees 52 minutes 24 seconds West 424.21 feet to a computed point; thence South 02 degrees 52 minutes 24 seconds West 323.25 feet to a computed point; thence South 02 degrees 52 minutes 22 seconds West 309.82 feet to a computed point; thence North 87 degrees 18 minutes 55 seconds West 409.46 feet to a computed point; thence North 87 degrees 28 minutes 07 seconds West 239.65 feet to a computed point; thence along the property held by High Point Bank and Trust, Trustee of Elizabeth M. Simmons, and described in Deed Book 2033, Page 1532, Randolph County Public Registry the following courses and distances: South 02 degrees 23 minutes 47 seconds West 603.94 feet to a computed point; thence South 02 degrees 29 minutes 21 seconds West 299.95 feet to a computed point; thence South 02 degrees 01 minute 56 seconds West 137.71 feet to a computed point; thence along the Michael E. and Virginia B. Smith property described in Deed Book 1887, Page 1392, Randolph County Public Registry the following courses and distances: South 87 degrees 52 minutes 41 seconds East 512.06 feet to a computed point; thence South 87 degrees 26 minutes 55 seconds East 142.52 feet to a computed point; thence South 87 degrees 16 minutes 57 seconds East 186.77 feet to a computed point; thence South 02 degrees 32 minutes 05 seconds West 121.03 feet to a computed point; thence along the western margin of the right-of-way for Viewmont Drive (a privately maintained street) the following courses and distances: South 47 degrees 21 minutes 28 seconds West 182.78 feet to a computed point; thence South 46 degrees 26 minutes 42 seconds West 209.69 feet to a computed point; thence South 36 degrees 48 minutes 30 seconds West 42.85 feet to a computed point; thence South 35 degrees 36 minutes 39 seconds West 47.14 feet to a computed point; thence South 32 degrees 36 minutes 52 seconds West 93.75 feet to a computed point; thence South 25 degrees 46 minutes 55 seconds West 125.15 feet to a computed point; thence South 16 degrees 49 minutes 33 seconds West 78.03 feet to a computed point; thence along the John David Roberts and Laura Jean Roberts property described in Deed Book 2029, Page 1814, Randolph County Public Registry the following courses and distances: North 70 degrees 49 minutes 49 seconds West 104.78 feet to a computed point; thence North 70 degrees 49 minutes 59 seconds West 101.87 feet to a computed point; thence North 70 degrees 50 minutes 00 seconds West 5.93 feet to a computed point; thence South 06 degrees 11 minutes 57 seconds West 223.19 feet to a computed point; thence South 83 degrees 02 minutes 14 seconds West 132.49 feet to a computed point; thence South 25 degrees 07 minutes 36 seconds West 125.30 feet to a computed point; thence South 40 degrees 17 minutes 09 seconds East 138.19 feet to a computed point; thence South 67 degrees 48 minutes 51 seconds West 223.35 feet to a computed point; thence South 66 degrees 19 minutes 56 seconds West 102.49 feet to a computed point; thence South 16 degrees 43 minutes 36 seconds East 307.83 feet to a computed point; thence South 81 degrees 42 minutes 11 seconds West 23.24 feet along the western margin of the right-of-way for Viewmont Drive to a computed point; thence in a southwesterly direction along an arc having a radius of 530.57 feet and an arc distance of 78.11 feet (Chord Bearing and Distance = South 85 degrees 55 minutes 14 seconds West 78.04 feet) to a computed point; thence across the right-of-way for Viewmont Drive and continuing along the John David Roberts and Laura Jean Roberts property the following courses and distances: South 04 degrees 16 minutes 40 seconds East 59.78 feet to a computed point; thence South 04 degrees 11 minutes 39 seconds East 224.65 feet to a computed point; thence along the WWS Development Corporation property described in Deed Book 1637, Page 518, Randolph County Public Registry the following courses and distances: South 89 degrees 17 minutes 15 seconds East 230.49 feet to a computed point; thence South 89 degrees 43 minutes 26 seconds East 149.36 feet to a computed point; thence South 89 degrees 08 minutes 03 seconds East 190.30 feet to a computed point; thence South 89 degrees 34 minutes 41 seconds East 195.30 feet to a computed point; thence South 89 degrees 03 minutes 55 seconds East 219.74 feet to a computed point; thence North 03 degrees 25 minutes 25 seconds East 253.05 feet to a computed point; thence North 03 degrees 01 minute 54 seconds East 352.46 feet to a computed point; thence North 03 degrees 21 minutes 09 seconds East 184.13 feet to a computed point; thence North 03 degrees 08 minutes 19 seconds East 275.42 feet to a computed point; thence North 02 degrees 16 minutes 46 seconds East 215.74 feet to a computed point; thence North 03 degrees 58 minutes 02 seconds East 245.51 feet to a computed point; thence South 87 degrees 30 minutes 48 seconds East 245.88 feet to a computed point; thence South 87 degrees 28 minutes 19 seconds East 204.78 feet to a computed point; thence South 87 degrees 37 minutes 27 seconds East 435.25 feet to a computed point; thence South 87 degrees 27 minutes 16 seconds East 93.82 feet to a computed point; thence South 86 degrees 41 minutes 32 seconds East 72.94 feet to a computed point; thence South 03 degrees 44 minutes 38 seconds West 791.71 feet to a computed point; thence South 03 degrees 59 minutes 29 seconds West 508.11 feet to a computed point; thence South 00 degrees 06 minutes 13 seconds West 148.87 feet to a computed point; thence

South 02 degrees 52 minutes 56 seconds West 290.56 feet to a computed point; thence South 01 degree 50 minutes 58 seconds West 46.46 feet to a computed point; thence North 88 degrees 41 minutes 58 seconds West 561.88 feet to a computed point; thence South 04 degrees 33 minutes 17 seconds West 1251.03 feet to a computed point; thence South 05 degrees 33 minutes 55 seconds West 361.38 feet to a computed point; thence North 87 degrees 37 minutes 44 seconds West 178.27 feet to a computed point; thence North 88 degrees 11 minutes 32 seconds West 63.41 feet to a computed point; thence North 87 degrees 33 minutes 48 seconds West 387.64 feet to a computed point; thence North 87 degrees 29 minutes 06 seconds West 59.83 feet to a computed point; thence North 86 degrees 42 minutes 26 seconds West 339.88 feet to a computed point; thence South 09 degrees 23 minutes 32 seconds West 103.39 feet to a computed point; thence South 50 degrees 44 minutes 35 seconds West 193.87 feet to a computed point on the northeastern margin of the right-of-way for Old Lexington Road (North Carolina Secondary Road 1004); thence South 47 degrees 37 minutes 53 seconds West 61.21 feet across Old Lexington Road to a computed point; thence along the southwestern margin of the right-of-way for Old Lexington Road the following courses and distances: South 42 degrees 22 minutes 07 seconds East 49.49 feet to a computed point; thence South 39 degrees 02 minutes 50 seconds East 242.77 feet to a computed point; thence South 39 degrees 03 minutes 18 seconds East 107.83 feet to a computed point; thence South 39 degrees 02 minutes 58 seconds East 66.86 feet to a computed point; thence along the existing satellite corporate limits of the City of Asheboro and The Cornerstone Group of North Carolina, LLC property described in Deed Book 2022, Page 1888, Randolph County Public Registry the following courses and distances: South 54 degrees 50 minutes 33 seconds West 77.17 feet to a computed point; thence South 46 degrees 06 minutes 41 seconds West 96.47 feet to a computed point; thence South 37 degrees 20 minutes 57 seconds West 168.91 feet to a computed point; thence South 28 degrees 06 minutes 41 seconds West 49.87 feet to a computed point; thence South 09 degrees 10 minutes 49 seconds West 25.52 feet to a computed point; thence South 42 degrees 43 minutes 36 seconds West 156.32 feet to a computed point; thence South 42 degrees 43 minutes 30 seconds West 42.98 feet to a computed point; thence along the Schwarz-Timber, LLC property described in Deed Book 2056, Page 1367, Randolph County Public Registry the following courses and distances: South 88 degrees 16 minutes 46 seconds East 181.19 feet to a computed point; thence South 40 degrees 06 minutes 57 seconds East 293.86 feet to a computed point; thence North 45 degrees 58 minutes 46 seconds East 267.08 feet to a computed point; thence North 46 degrees 24 minutes 04 seconds East 191.24 feet to a computed point on the southwestern margin of the right-of-way for Old Lexington Road; thence along the southwestern margin of the right-of-way for Old Lexington Road the following courses and distances: South 39 degrees 24 minutes 31 seconds East 340.24 feet to a computed point; thence South 30 degrees 02 minutes 04 seconds East 61.44 feet to a computed point; thence South 38 degrees 29 minutes 56 seconds East 60.11 feet to a computed point; thence continuing along the Schwarz-Timber, LLC property the following courses and distances: South 60 degrees 49 minutes 54 seconds West 274.36 feet to a computed point; thence South 50 degrees 58 minutes 47 seconds West 592.25 feet to a computed point; thence South 39 degrees 59 minutes 49 seconds East 916.58 feet to a computed point; thence North 48 degrees 00 minutes 26 seconds East 200.06 feet to a computed point; thence North 64 degrees 59 minutes 13 seconds East 278.72 feet to a computed point on the existing primary corporate limits line for the City of Asheboro; thence along the existing primary corporate limits line of the City of Asheboro the following courses and distances: North 57 degrees 54 minutes 37 seconds West 463.28 feet to a computed point; thence North 02 degrees 57 minutes 51 seconds West 234.43 feet to a computed point; thence North 60 degrees 46 minutes 02 seconds East 407.37 feet to a computed point; thence across the right-of-way for Old Lexington Road and continuing along the existing primary corporate limits line for the City of Asheboro the following courses and distances: North 60 degrees 39 minutes 32 seconds East 353.17 feet to a computed point; thence North 15 degrees 40 minutes 46 seconds East 311.72 feet to a computed point; thence North 44 degrees 05 minutes 43 seconds East 449.75 feet to a computed point; thence North 13 degrees 30 minutes 00 seconds West 325.31 feet to a computed point; thence North 48 degrees 57 minutes 09 seconds East 132.22 feet to a computed point; thence North 74 degrees 26 minutes 02 seconds West 487.23 feet to a computed point; thence North 27 degrees 53 minutes 07 seconds East 482.38 feet to a computed point; thence North 64 degrees 46 minutes 35 seconds East 506.26 feet to a computed point; thence North 07 degrees 22 minutes 41 seconds East 159.54 feet to a computed point; thence North 08 degrees 11 minutes 40 seconds East 126.82 feet to a computed point; thence North 05 degrees 58 minutes 50 seconds East 202.72 feet to a computed point; thence North 10 degrees 01 minute 38 seconds East 156.53 feet to a computed point; thence North 10 degrees 05 minutes 23 seconds East 154.12 feet to a computed point; thence North 03 degrees 34 minutes 02 seconds East 220.93 feet to a computed point; thence North 13 degrees 05 minutes 16 seconds West 176.97 feet to a computed point; thence North 75 degrees 49 minutes 35 seconds East 221.99 feet to a

computed point; thence continuing along the existing primary corporate limits line for the City of Asheboro and across the right-of-way for Westover Terrace the following courses and distances: South 82 degrees 24 minutes 33 seconds East 215.76 feet to a computed point; thence North 45 degrees 41 minutes 00 seconds East 396.48 feet to a computed point; thence South 55 degrees 26 minutes 53 seconds East 242.96 feet to a computed point on the eastern margin of the right-of-way for Oakmont Drive (North Carolina Secondary Road 1870); thence continuing along the eastern margin of the right-of-way for Oakmont Drive and the existing primary corporate limits line the following courses and distances: South 29 degrees 32 minutes 51 seconds West 54.16 feet to a computed point; thence South 28 degrees 16 minutes 06 seconds West 105.53 feet to a computed point; thence South 27 degrees 50 minutes 12 seconds West 76.58 feet to a computed point; thence continuing along the existing primary corporate limits line the following courses and distances: South 82 degrees 14 minutes 23 seconds East 190.48 feet to a computed point; thence North 34 degrees 13 minutes 40 seconds East 9.14 feet to a computed point; thence North 29 degrees 09 minutes 11 seconds East 86.75 feet to a computed point; thence North 43 degrees 46 minutes 06 seconds East 86.37 feet to a computed point; thence North 44 degrees 35 minutes 49 seconds East 63.79 feet to a computed point; thence North 50 degrees 09 minutes 10 seconds East 93.56 feet to a computed point; thence North 59 degrees 04 minutes 14 seconds East 35.99 feet to a computed point; thence North 44 degrees 17 minutes 31 seconds West 221.08 feet to a computed point on the eastern margin of the right-of-way for Oakmont Drive; thence across the right-of-way for Oakmont Drive and continuing along the existing primary corporate limits line the following courses and distances: South 66 degrees 32 minutes 01 second West 134.35 feet to a computed point; thence North 42 degrees 31 minutes 52 seconds West 194.90 feet to a computed point; thence North 39 degrees 42 minutes 38 seconds East 53.80 feet to a computed point; thence North 00 degrees 41 minutes 57 seconds East 286.77 feet to a computed point; thence South 87 degrees 42 minutes 27 seconds East 184.64 feet to a computed point; thence South 88 degrees 17 minutes 13 seconds East 133.13 feet to a computed point; thence South 88 degrees 20 minutes 45 seconds East 138.88 feet to a computed point; thence South 88 degrees 38 minutes 11 seconds East 200.16 feet across the right-of-way for Oakmont Drive and continuing along the existing primary corporate limits line to a computed point; thence South 87 degrees 56 minutes 08 seconds East 245.69 feet to a computed point; thence South 88 degrees 28 minutes 14 seconds East 51.48 feet to a computed point; thence South 88 degrees 30 minutes 22 seconds East 58.16 feet to a computed point; thence South 88 degrees 01 minute 40 seconds East 150.46 feet to a computed point; thence South 88 degrees 24 minutes 39 seconds East 259.60 feet to the point and place of the BEGINNING, containing 671.54 acres of land, more or less, to be annexed.

This description is in accordance with an annexation map of the Dave's Mountain Area that was prepared for the City of Asheboro by the City of Asheboro Engineering Department. This annexation map, which was identified as Job # 07001, was originally dated January 10, 2008, and revised on February 7, 2008. The property lines drawn on this annexation map were taken from Randolph County Tax Maps as of February 7, 2008.

Section 2. A public informational meeting on the question of annexing the above-described territory will be held in the Conference Room of the City of Asheboro Public Works Facility, which is located at 1312 North Fayetteville Street in Asheboro, North Carolina, at 7:00 o'clock p.m. on the 27th day of March, 2008. At this public informational meeting, plans for extending services to said territory will be explained, and all residents and property owners in said territory along with all residents of the City of Asheboro will be given an opportunity to ask questions and receive answers regarding the proposed annexation.

Section 3. A public hearing on the question of annexing the above-described territory will be held in the Conference Room of the City of Asheboro Public Works Facility, which is located at 1312 North Fayetteville Street in Asheboro, North Carolina, at 7:00 o'clock p.m. on the 10th day of April, 2008. At this public hearing, plans for extending services to said territory will be explained, and all residents and property owners in said territory along with all residents of the City of Asheboro will be given an opportunity to be heard.

Section 4. A report of plans for extending services to the above-described territory shall be made available for public inspection at the office of the City Clerk at least thirty (30) days prior to the date of the public informational meeting. The statement of financial impact contained in the report shall be delivered to the Randolph County Board of Commissioners at least thirty (30) days prior to the date of the public informational meeting.

Section 5. A legible map of the area to be annexed and a list of persons who have been identified as holding freehold interests in property in the area to be annexed shall be posted in the office of the City Clerk at least thirty (30) days prior to the date of the public informational meeting.

Section 6. Notice of the public informational meeting and public hearing shall be given by publication and by first class mail as required by Section 160A-49 of the North Carolina General Statutes.

Section 7. The effective date of the annexation shall be not less than one (1) year following the date of adoption of the annexation ordinance.

Adopted by the Asheboro City Council in regular session on the 7th day of February, 2008.

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

ATTEST:

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

12. Annual report of the Building Inspection Department. [Agenda Item Number 6]

Mr. Larry Trotter, Chief Building Inspector, presented an overview of the Building Inspection Department's activities during 2007. The department's report reflected an overall increase in residential and commercial activity. Major commercial activities included the building additions to Randolph Hospital and the Malt-O-Meal project. A copy of the written report submitted to the Mayor and the Council members is on file in the City Clerk's office.

13. Consideration of a resolution per G.S. 143-64.32 exempting the City of Asheboro from the advertisement/qualification based selection procedure to contract with Summey Engineering Associates, PLLC of Asheboro, North Carolina for engineering services required to extend Mackie Avenue to Browers Chapel Road and provide a storm drainage system along Mackie Avenue and Timberlane. [Agenda Item Number 12]

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.

08 RES 02-08

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

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 is preparing to undertake a project to extend Mackie Avenue to Browers Chapel Road and provide a storm drainage system along Mackie Avenue and Timberlane; and

WHEREAS, Summey Engineering Associates, PLLC has the capability to provide the requisite engineering services for the project listed above and is uniquely qualified to provide these services due to the firm's previous work with the land upon which the proposed street extension is to be constructed; and

WHEREAS, Summey Engineering Associates, PLLC has proposed to provide the requisite engineering services in consideration of an estimated professional fee of eleven thousand three hundred fifty and no/100 Dollars (\$11,350.00); and

WHEREAS, on the basis of the firm's qualifications and the estimated professional fee for this project, the City Manager and the City Engineer have concluded that Summey Engineering Associates, PLLC should be utilized to provide the engineering services needed to successfully implement and complete the project described above.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the project to construct an extension of Mackie Avenue to Browers Chapel Road and provide a storm drainage system along Mackie Avenue and Timberlane is hereby exempted from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes due to the unique familiarity of the engineering firm with the land upon which construction is to occur and on the basis of the fact that the estimated professional fee for the needed engineering 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 a contract with Summey Engineering Associates, PLLC that contains terms and conditions materially similar to the contract that is attached to this resolution as Exhibit 1 and is incorporated into this resolution by reference as if copied fully herein.

Adopted by the Asheboro City Council in regular session on the 7th day of February, 2008.

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

ATTEST:

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

14. Consideration of a property disposition services agreement between the City of Asheboro and PropertyRoom.com, Inc. [Agenda Item Number 13]

Major York presented a property disposition services agreement between the City of Asheboro and PropertyRoom.com, Inc. that would allow the Asheboro Police Department to dispose of surplus property via an online auction and in accordance with the North Carolina General Statutes.

Upon motion by Mr. Smith and seconded by Mr. Burks, Council voted unanimously to approve the aforementioned agreement. A copy of the actual agreement is on file in the City Clerk's office.

15. Mayor's report on purchase of additional property for the library and consideration of a resolution approving an offer to purchase and contract between the City of Asheboro and the heirs of Nettie B. White. [Agenda Item Number 14]

Mayor Jarrell reported that Randolph County has agreed to split the cost of purchasing additional property for the library. The purchase of the property located at 146 North Cox Street from the heirs of Nettie B. White, would allow for additional parking for the library. Upon motion by Mr. Smith and seconded by Mr. Baker, Council voted unanimously to share the cost of purchasing the additional property with Randolph County.

Additionally, upon motion by Mr. Crisco and seconded by Ms. Carter, Council voted unanimously to approve an offer to purchase and contract between the City of Asheboro and the heirs of Nettie B. White to purchase the real property located at 146 North Cox Street for \$140,000.00. A copy of the approved Offer to Purchase and Contract is on file in the City Clerk's office.

16. Upcoming Events [Agenda Item Number 15]

Mayor Jarrell reminded the Council of a special meeting that is to be held on Thursday, February 21, 2008, in the council chambers at 7:00 p.m. in order to consider the annexation report and plans for services for the Dave's Mountain area.

Additionally, Mr. Ogburn announced that a special meeting/mini planning retreat of the City Council would be held on Friday, February 22, 2008 from 8:30 a.m. until 12:00 p.m. at Hampton Inn.

There being no further business, the meeting was adjourned at 10:53 p.m.

Holly H. Doerr, City Clerk

David H. Jarrell, Mayor