

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY OF ASHEBORO PUBLIC WORKS FACILITY
CONFERENCE ROOM
THURSDAY, MAY 8, 2008
7:00 p.m.**

This being the time and place for a regular meeting of the City Council, a meeting was held in the City of Asheboro Public Works Facility Conference Room located at 1312 North Fayetteville Street, Asheboro, North Carolina with the following officials and members present:

David H. Smith) – Mayor Pro Tempore 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. Jarrell) – Mayor Absent

John N. Ogburn, III, City Manager
Edsel L. Brown, Code Enforcement Officer
Dumont Bunker, P.E., City Engineer
Richard L. Cox, Jr., Community Planning and Development Department Intern
Holly H. Doerr, City Clerk/Senior Legal Assistant
John L. Evans, Planner
R. Wendell Holland, Jr., Zoning Administrator
R. Foster Hughes, Parks and Recreation Director
Deborah P. Juberg, Finance Director
R. Reynolds Neely, Jr., Planning Director
O. Lynn Priest, Community Development Director
James W. Smith, II, Fire Chief
A. Todd Stout, Information Technologist
Jeffrey C. Sugg, City Attorney
Sanford A. Vuncannon, Jr., Police Captain

1. Call to Order.

A quorum thus being present, Mayor Pro Tempore David H. Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Pledge of Allegiance and Invocation.

Mayor Pro Tempore Smith asked everyone to stand and repeat the Pledge of Allegiance, after which Father Christopher Davis of St. Joseph’s Catholic Church gave the invocation.

3. Appearance and Recognition of guests and citizens.

Mayor Pro Tempore Smith welcomed everyone in attendance and recognized Ms. Nancy Hunter, former member of the Asheboro City Council.

4. Consent Agenda.

At the request of city staff, Mayor Pro Tempore Smith announced that the following consent agenda items had been withdrawn for consideration at a later date:

- (c) Findings of fact, conclusions of law, and order in the matter of SUP-08-01.
- (d) Findings of fact, conclusions of law, and order in the matter of SUP-08-02.

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

- (a) The minutes of the special meeting of the City Council held on March 27, 2008.

(b) The minutes of the regular meeting of the City Council held on April 10, 2008.

(c) Findings of fact, conclusions of law, and order in the matter of SUP-08-01.

[The above-referenced consent agenda item was withdrawn by staff.]

(d) Findings of fact, conclusions of law, and order in the matter of SUP-08-02.

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

(e) Audit contract for fiscal year ending June 30, 2008.

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

(f) Budget ordinance amendments:

(i) Project ordinance for the Hwy 64/Hwy 42 Improvements Project (DOT Project U-3401).

25 ORD 05-08

**PROJECT ORDINANCE
HWY 64/ HWY 42 NCDOT IMPROVEMENTS PROJECT
FY 2007-2008**

WHEREAS, a cost sharing agreement with the NC Department of Transportation (DOT Project U-3401) was approved by the City Council of the City of Asheboro on April 20, 2007 regarding water and sidewalk improvements along Highway 64 and Highway 42 intersection, and;

WHEREAS, funding has been allocated in FY 07-08 but delays in construction will delay disbursement of these funds beyond the FY 07-08.

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina,

BE IT ORDAINED by the City Council of the City of Asheboro that the following Ordinance is adopted:

Section 1. The HWY 64 / HWY 42 NCDOT Improvements project is hereby authorized as a project with current revenue and expenditures projected as listed below.

Section 2. The officers of the City of Asheboro are hereby authorized to proceed with the project within the terms of the agreement approved by the City Council and the budget contained herein.

Section 3. The following revenues are anticipated to be available for this project:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
76-367-1000	General Fund Contribution	\$27,386
76-367-3000	W&S Fund Contribution	<u>\$140,000</u>
		\$167,386

Section 4. The following amounts are appropriated as expenditures for this project at this time:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
76-820-0000	Water Line Relocation	\$140,000
76-820-1000	Sidewalk Construction	<u>\$27,386</u>
		\$167,386

Adopted this 8th day of May 2008,

s/ David H. Smith
David H. Smith, Mayor Pro Tempore

ATTEST:

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

- (ii) Ordinance to adjust the revenue and expenditure items in the project budget for the National Highway Traffic Safety Administration grant.

26 ORD 05-08

**ORDINANCE TO AMEND THE PROJECT ORDINANCE FOR
TRAFFIC GRANT**

FY 2007-2008

WHEREAS, the City of Asheboro was awarded the Federal National Highway Traffic Safety Administration Grant for a third year, and;

WHEREAS, the City of Asheboro has already appropriated funding for the FY 07-08 contribution in the General Fund, and;

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

WHEREAS, the project budget as adopted requires amendment to reflect adjustments in revenues and expenditures, and:

WHEREAS, the City Council desires to amend the budget as required by law, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA that the following budget revisions are approved:

Section 1. The following revenues are anticipated to be available for funding year 3 of the grant program:

LINE ITEM	DESCRIPTION	AMOUNT
75-348-0103	Federal Grant FY 07-08	\$ 24,373
75-367-1003	GF Contribution FY 07-08	\$ 24,373
	Total increase	\$ 48,746

Section 4. The following amounts are appropriated as expenditures for funding year 3 of this program:

LINE ITEM	DESCRIPTION	AMOUNT
75-510-0203	Salaries & Wages	\$ 48,746
	Total increase	\$ 48,746

Adopted this the 8th day of May 2008.

s/ David H. Smith
David H. Smith, Mayor Pro Tempore

ATTEST:

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

- (iii) **Ordinance to adjust the revenue and expenditure items in the Malt-O-Meal Rail Service Project Fund.**

27 ORD 05-08

- (iv) **Ordinance to adjust the revenue and expenditure items in the Water and Sewer Fund to reflect the contribution from the city's Water and Sewer Fund to the Economic Development Fund for the installation of an underground fire line from the road to the Technimark Building.**

28 ORD 05-08

**Ordinance to Amend the Water & Sewer Fund
FY 2007-2008**

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

WHEREAS, the City has made a commitment to pay for the installation of an underground fire line from the road to the Technimark building (including a backflow preventer, Hot Box and 4" fire department connection) as an additional economic incentive for Technimark, and;

WHEREAS, the costs associated with this work is estimated to be \$31,050;

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

Section 1: That the following Revenue items be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Appropriated Amount</u>
30-399-0000	Retained Earnings Allocation	\$31,050

Section 2: That the following Expense items be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>
30-840-7200	Transfer to Economic Development Fund	\$31,050

Adopted this the 8th day of May, 2008

s/ David H. Smith
David H. Smith, Mayor Pro Tempore

ATTEST:

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

- (v) **Ordinance to adjust the revenue and expenditure items in the Economic Development Fund to reflect the city's commitment to pay for the installation of an underground fire line from the road to the Technimark Building.**

29 ORD 05-08

**Ordinance to Amend the Economic Development Fund
FY 2007-2008**

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

WHEREAS, the City has made a commitment to pay for the installation of an underground fire line from the road to the Technimark building (including a backflow preventer, Hot Box and 4" fire department connection) as an additional economic incentive for Technimark, and;

WHEREAS, the costs associated with this work is estimated to be \$31,050;

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

Section 1: That the following Revenue items be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Appropriated Amount</u>
72-367-3000	Contribution from Water & Sewer Fund	\$31,050

Section 2: That the following Expense items be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>
72-850-2500	Technimark Incentive	\$31,050

Adopted this the 8th day of May, 2008

s/ David H. Smith
David H. Smith, Mayor Pro Tempore

ATTEST:

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

- (vi) **Ordinance to amend the Project Ordinance for Sidewalks on Fayetteville Street; Sidewalks on the West Side of South Church Street; Sidewalks on Sunset Avenue; Water and Sewer Improvements for North Fayetteville Street NCDOT Project; Water Line Replacements on Steele Street, Morton Avenue, Bray Boulevard, Woodcrest Drive, Keystone Drive, Twain Drive, Sherwood Avenue, and Fisher Circle; and Sewer Line Replacements on Sherwood Avenue and Harvell Street in order to change the name of the project ordinance to Project Ordinance for Sidewalk Improvements and Water and Sewer Improvements as well as to adjust the revenue and expenditure items in this project ordinance to account for the Brookwood Drive and Twain Drive sewer line in addition to the Peachtree Street water line.**

30 ORD 05-08

Ordinance to Amend the Project Ordinance for:

Sidewalks on North Fayetteville Street, Sidewalks on the West Side of South Church Street; Sidewalks on Sunset Avenue, Water and Sewer improvements for North Fayetteville Street NCDOT Project, Water Line Replacements on Steele Street, Morton Ave, Bray Blvd, Woodcrest Dr., Keystone Dr., Twain Dr., Sherwood Ave., and Fisher Circle, Sewer Line Replacements on Sherwood Ave., and Harvell St.

WHEREAS, the City Council of the City of Asheboro desires to change the scope of the above stated Project Ordinance to add additional funding for water and sewer line improvements at various locations throughout the City, and;

WHEREAS, the water line improvements along Peachtree Street are currently budgeted in the Water & Sewer Fund Budget FY 07-08 as a general expense but the project start was delayed until March 25, 2008 and not anticipated to be completed until July 2008 in FY 08-09, and;

WHEREAS, the sewer line extensions along Brookwood Drive and Twain Drive are currently budgeted in the Water & Sewer Fund Budget in FY 07-08 as a general expense but the project start has been delayed and not going to be completed until October 2008 in FY 08-09 according to low bid received on April 22, 2008, and;

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

WHEREAS, the budget as adopted requires amendment to reflect adjustments in expenditures, and:

WHEREAS, the City Council desires to amend the budget as required by law, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA that the following budget revisions are approved:

Section 1: That the name of the project ordinance be changed to PROJECT ORDINANCE for Sidewalk Improvements and Water & Sewer Improvements

Section 2: That the following Revenue items be increased / decreased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase / Decrease</u>	<u>Appropriated Amount</u>
73-367-1008	W & S Fund Contribution- FY 07-08	\$241,200	\$241,200

Section 3: That the following Expense items be increased / decreased.

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / Decrease</u>	<u>Appropriated Amount</u>
73-850-4513	Sewer Line- Brookwood & Twain	\$192,000	\$192,000
73-850-4514	Water Line- Peachtree Street	<u>\$49,200</u>	<u>\$49,200</u>
	Total	\$241,200	\$241,200

Adopted this the 8th day of May 2008

s/ David H. Smith
David H. Smith, Mayor Pro Tempore

ATTEST:

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

- (g) **Approval of a request by Roger Rosenburger to temporarily close South Church Street (West Kivett Street to Sunset Avenue), Sunset Avenue (Church Street to Fayetteville Street), North and South Fayetteville Street (Salisbury Street to Kivett Street), West Kivett Street (South Fayetteville Street to South Church Street) and Hammer Avenue (West Kivett Street to Lanier Avenue) on Saturday, June 7, 2008 from 1:45 p.m. to 3:30 p.m. for an Oasis Shriners parade.**
- (h) **An ordinance to adopt and incorporate into the Code of Asheboro the Airport Rules and Regulations as amended by the Asheboro Airport Authority on April 15, 2008, to reflect the change in the name of the airport and to regulate the use of radio controlled model airplanes on the airport property.**

31 ORD 05-08

AN ORDINANCE AMENDING SECTION 38.01 OF THE CODE OF ASHEBORO

WHEREAS, Article XIV of the Charter of the City of Asheboro provides, in pertinent part, that the Asheboro Airport Authority has the authority and power to make such reasonable rules and regulations as it may deem necessary for the proper maintenance and operation of the airport; and

WHEREAS, Article XIV of the Charter of the City of Asheboro also provides, in pertinent part, that the Asheboro Airport Authority may make recommendations to the city council for the adoption of any ordinances that are deemed necessary to maintain law and order on the airport property; and

WHEREAS, Section 38.01 of the Code of Asheboro provides for the adoption by reference of the "Asheboro Municipal Airport Rules and Regulations" that have been promulgated by the Asheboro Airport Authority; and

WHEREAS, these rules and regulations have been amended on various occasions by the Asheboro Airport Authority; and

WHEREAS, the Asheboro City Council deems it advisable to update Section 38.01 of the Code of Asheboro in order to reflect recent amendments by the Asheboro Airport Authority to these rules and regulations, including without limitation the changing of the name of the airport from the Asheboro Municipal Airport to the Asheboro Regional Airport.

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

Section 1. Section 38.01 of the Code of Asheboro is hereby rewritten as follows:

§ 38.01 ADOPTION BY REFERENCE.

The rules and regulations adopted by the Asheboro Airport Authority on April 16, 1991, and as amended, and entitled "Asheboro Regional Airport Rules and Regulations" are hereby adopted by reference and incorporated as part of this code as fully as if set out at length herein. Copies of the "Asheboro Regional Airport Rules and Regulations" are on file in the Office of the City Clerk, entitled "Asheboro Municipal Airport Rules and Regulations" adopted by the Asheboro Airport Authority on April 16, 1991, revised January 22, 1991, January 21, 1992, July 21, 1998 and October 19, 1999 are hereby incorporated in this code of ordinances by reference.

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

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

Adopted by the Asheboro City Council in regular session on the 8th day of May, 2008.

s/ David H. Smith
David H. Smith, Mayor Pro Tempore

ATTEST:

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

5. **Second reading of an ordinance amending Section 130.03 of the Code of Asheboro and the Asheboro Parks and Recreation Department Policy Manual in order to allow the possession and consumption of alcoholic beverages in a hospitality tent located at McCrary Park during the Coastal Plain League All Star activities.**

Mr. Sugg reviewed the proposed ordinance amending Section 130.03 of the Code of Asheboro and certain provisions in the Asheboro Parks and Recreation Department Policy manual. Said amendment, which passed its first reading during the council's meeting on April 10, 2008, would allow the operation of a hospitality tent in which alcoholic beverages will be served during the Coastal Plain League All Star activities from Monday, July 21, 2008 through Wednesday, July 23, 2008 at McCrary Park.

Upon motion by Mr. Crisco and seconded by Mr. Moffitt, Council voted, 4 to 3, to amend Section 130.03 of the Code of Asheboro and to amend certain provisions in the Asheboro Parks and Recreation Department Policy Manual for the Coastal Plain League All Star activities from July 21, 2008 through July 23, 2008. Council Members Baker, Crisco, Moffitt, and Smith voted in favor of the motion. Council Members Burks, Carter, and Priest voted no.

32 ORD 05-08

**ORDINANCE AMENDING SECTION 130.03 OF THE CODE OF ASHEBORO
AND THE ASHEBORO PARKS AND RECREATION
DEPARTMENT POLICY MANUAL**

WHEREAS, Section 130.03 of the Code of Asheboro provides as follows:

**POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON
CITY PROPERTY**

It shall be unlawful for any person to purchase, possess or consume any alcoholic beverage at any city park, recreational area or on any other property owned or occupied by the city. Any person found guilty of violating this section shall be guilty of a misdemeanor; and

WHEREAS, Section 98.01 of the Code of Asheboro provides as follows:

ADOPTION BY REFERENCE

The Parks and Recreation Department Policy Manual, adopted March 5, 1998, and as amended, is hereby adopted by reference and made a part of this code as if set forth at length herein; and

WHEREAS, the Parks and Recreation Department Policy Manual provides that alcoholic beverages are prohibited at recreational facilities such as McCrary Park; and

WHEREAS, on behalf of Copperheads Baseball, LLC, Mr. Ronnie Pugh has requested that McCrary Park be temporarily exempted from the provisions of Section 130.03 of the Code of Asheboro in order to allow the operation of a hospitality tent on the premises during the Coastal Plain League All Star activities that are scheduled for July 21st and 22nd, 2008; and

WHEREAS, the City Council of the City of Asheboro does hereby find that it is in the best interests of the City of Asheboro to facilitate the successful hosting of the Coastal Plain League All Star activities by granting a limited exemption of the premises at McCrary Park from the prohibitions imposed by the Code of Asheboro on alcoholic beverages on city-owned or occupied real property.

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

Section 1. Between 12:01 a.m. on Monday, July 21, 2008, and 11:59 p.m. on Wednesday, July 23, 2008, any and all prohibitions of alcoholic beverages on the premises of McCrary Park that are prescribed by the Code of Asheboro, specifically including without limitation Section 130.03 of the Code of Asheboro and Article XIV of the Asheboro Parks and Recreation Department Policy Manual, shall be temporarily suspended and of no effect.

Section 2. Except as specifically prescribed by Section 1 of this ordinance, the provisions of the Code of Asheboro shall be in full force and effect at all times. By way of clarification and without limitation, the prohibitions of alcoholic beverages on the premises of McCrary Park that are prescribed by the Code of Asheboro, specifically including without limitation Section 130.03 of the Code of Asheboro and Article XIV of the Asheboro Parks and Recreation Department Policy Manual, shall be in full force and effect at 12:01 a.m. on Thursday, July 24, 2008 and thereafter to the same degree and extent as exists on the date of the adoption of this ordinance.

Section 3. This ordinance shall become effective at 12:01 a.m. on Monday, July 21, 2008.

This ordinance passed its first reading during a regular meeting of the Asheboro City Council that was held on Thursday, April 10, 2008.

This ordinance passed its second and final reading during a regular meeting of the Asheboro City Council that was held on Thursday, May 8, 2008.

s/ David H. Smith
David H. Smith, Mayor Pro Tempore

ATTEST:

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

6. Consideration of the proposed Dave's Mountain annexation project:

(a) Presentation of an amendment to the agreement between the City of Asheboro and The Wooten Company for professional services.

Mr. John Grey, P.E. of The Wooten Company presented a letter from The Wooten Company describing certain amendments to the agreement between the City of Asheboro and The Wooten Company for professional services. Specifically, Mr. Grey stated that The Wooten Company was voiding the Agreement dated April 25, 2007 for the Cedar Creek Water Improvements because the design work for the project is included in the Agreement dated April 25, 2007 (modified by letter dated June 27, 2007) for the Water and Sewer Improvements for Dave's Mountain Annexation.

Additionally, The Wooten Company proposed revising the existing contract to reflect a reduction in certain fees and an increase in other contract amounts due to the addition of work beyond the scope of the original contract.

Upon motion by Mr. Moffitt and seconded by Mr. Crisco, Council voted unanimously to accept, as presented, Amendment No. 1 to the agreement between the City of Asheboro and The Wooten Company for professional services.

Copies of the above-described letter from The Wooten Company and Amendment No. 1 to the owner-engineer agreement are on file in the City Clerk's office.

(b) Presentation of an amendment to the draft engineering report prepared by The Wooten Company.

Mr. Moffitt moved to continue items 6(b), 6(c), 6(d), and 6(e) to the Council's regular June meeting and to hold the meeting at the public works facility. Mr. Crisco seconded the motion. After discussion, Ms. Carter moved to amend the motion to discontinue the Dave's Mountain Annexation Project. Ms. Carter's motion died for lack of a second.

After further discussion, Mr. Burks moved to amend the original motion to continue for 60 days items 6(b), 6(c), 6(d), and 6(e). Mr. Priest seconded the motion. Mr. Burks then withdrew his amended motion without objection from Mr. Priest.

Upon motion by Mr. Moffitt and seconded by Mr. Crisco, Council, by a 6 to 1 vote, voted to continue items 6(b), 6(c), 6(d), and 6(e) to the Council's regular June meeting. Council Members Baker, Burks, Crisco, Moffitt, Priest and Smith voted in favor of the motion. Council Member Carter voted no.

(c) Presentation of proposed amendments to the annexation report and service plan for the Dave's Mountain area.

[The above-referenced item was continued to the Council's regular June meeting.]

(d) Consideration of approving the proposed amendments to the annexation report and service plan for the Dave's Mountain area.

[The above-referenced item was continued to the Council's regular June meeting.]

(e) Consideration of an ordinance to extend the corporate limits of the City of Asheboro to include the portion of the Dave's Mountain area proposed for annexation.

[The above-referenced item was continued to the Council's regular June meeting.]

7. Public Comment Period.

Mr. Chris Griffin of 1943 Berkley Lane felt that the proposed Dave's Mountain annexation was "un-American" and that the city should find other ways to spend tax money, such as finding ways to bring more jobs to the community. In essence, Mr. Griffin felt that the economy and infrastructure are important issues that must be considered by the Council rather than the proposed annexation.

Mr. Danny Storie of 727 Viewmont Drive presented comments in opposition to the proposed Dave's Mountain annexation and preferred that the Council discontinue the annexation project.

Ms. Holly Hartwig Moorhead of 1112 Viewmont Drive was concerned with the possible negative financial impact that the Dave's Mountain annexation would have on the city's residents.

Mr. Jeff Cox asked the Council to consider what is best for Asheboro.

Mr. Bill Palmer thanked Ms. Carter for recognizing what he described as the true system of democracy.

Mr. Cliff Cremeans of 832 Viewmont Drive thanked the Council for putting democracy into action. Mr. Cremeans felt that the Council must consider the citizens' opinions regarding the annexation.

Mr. R. Glen Keyes felt that Asheboro should remain like it is and encouraged the Council to keep the Dave's Mountain area an inviting place to live.

Mr. Guy McClanahan asked that the Council spend the citizens' money wisely and reduce the costs to citizens, making the city more favorable to industry.

Mr. Tony McWhirter of 886 Viewmont Drive expressed that the residents of Dave's Mountain did not need a sewer system to be provided by the city.

Dr. John Rogers expressed comments and concerns in opposition to a possible alcohol referendum within the City of Asheboro. Specifically, Dr. Rogers was concerned that the possibility of alcohol sales within Asheboro would negatively impact the community both socially and economically. According to Dr. Rogers, Asheboro should be recognized for its uniqueness in that it does not offer the sale of alcoholic beverages.

Ms. Betty Moscoso thanked the Council for continuing the proposed Dave's Mountain annexation. She further expressed that the people of Asheboro should have the chance to vote on whether or not the area should be annexed and city services extended to the area.

Mr. Joe Erba applauded the Council for rethinking the annexation project.

There being no further comments from the public, Mayor Pro Tempore Smith closed the public comment period.

8. Presentation by Hanna Cockburn of a resolution supporting the Rural Planning Organization with the Piedmont Triad Council of Governments.

Ms. Hanna Cockburn of the Piedmont Triad Council of Governments updated the Council on the Piedmont Triad Rural Planning Organization and reviewed the Municipal Statement of Adoption of the Amended Memorandum of Understanding for cooperative, comprehensive and continuing transportation and the establishment of the Piedmont Triad Rural Planning Organization. This memorandum of understanding establishes structural guidelines for the organization.

A formal resolution supporting the Rural Planning Organization with the Piedmont Triad Council of Governments will be presented for Council's consideration at a later date.

9. Land Use Issues:

- (a) CUP-08-14: Request for modification to an existing Conditional Use Permit for a Health Practitioner's Office. The property of Matthew Ryan and Lisa Ann Salyer is located on the west side of Browers Chapel Road approximately 700 feet south of East Dixie Drive and consists of approximately 1.18 acres of land. Randolph County Parcel Identification Number 7760378967 more specifically identifies the property.

Mayor Pro Tempore Smith 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, Matthew Ryan Salyer, requested a Conditional Use Permit that modifies the existing site plan under planning department file number CUP-07-10 by changing the location of the driveway and the dumpster. Additionally, the recombination of parcels has produced a zoning lot with a different configuration.

Mr. Matthew Ryan Salyer was sworn in and addressed the four standard tests.

There being no further comments and no opposition from the public, Mayor Pro Tempore Smith 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. Moffitt and seconded by Ms. Carter, 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 June 5, 2008.

- (b) CUP-08-19: Request for modification to an existing Conditional Use Permit for a hotel. The property of Hotels at Executive Way, LLC is located along the east side of Dublin Road approximately 400 feet north of East Dixie Drive and on the west side of Executive Way and consists of approximately 2.83 acres of land. Randolph County Parcel Identification Number 7760490124 more specifically describes the property.

Mayor Pro Tempore Smith 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, Hotels at Executive Way, LLC, requested a Conditional Use Permit that modifies the existing site plan approved under planning department file number CUP-07-12 by eliminating a berm, changing the elevation of the retaining wall on the west side of the property, changing the landscaping, and changing the dumpster location. The proposed landscaping shows elimination of the berm and a reduction in the height of the proposed plantings.

Mr. Jonathan Megerian, Esq. was sworn in and addressed the four standard tests.

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

Upon motion by Mr. Priest and seconded by Mr. Crisco, 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 June 5, 2008. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

- (c) RZ-08-18: Request to rezone from R-10 (Medium Density Residential) to B-2 (General Business). The property of Jerry Myers and others is located at 1739 and 1743 North Fayetteville Street and consists of approximately 2.15 acres of land. Randolph County Parcel Identification Number 7762072367 more specifically identifies the property.

Mayor Pro Tempore Smith opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Piedmont Triad Authority for Regional Transportation to rezone the above-described property from R-10 Medium Density Residential to B-2 General Business. The Planning Department Staff and the Planning Board recommended approval of the requested rezoning based on the following:

"While the land development plan map designates commercial and neighborhood residential land uses to accommodate existing zoning classifications, the text of the land development plan encourages commercial development along major thoroughfares and at key intersections. North Fayetteville Street is a major thoroughfare and West Balfour Avenue is a state-maintained minor thoroughfare (SR 1502) with non-residential land uses at each of the other quadrants of the intersection. Therefore, the request does appear to meet the text of the land development plan's goal of directing commercial uses to major thoroughfares and at key intersections. Considering these factors and that the majority of the property is already zoned B-2, staff believes that rezoning the remaining portion of the property to B-2 is generally within the public interest and allow a reasonable use of the property."

Mr. Scott Ryan of Piedmont Triad Authority for Regional Transportation was available to answer questions.

There being no further comments and no opposition from the public, Mayor Pro Tempore Smith closed the public hearing.

Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to accept the recommendation of the Planning Board and placed the above-described property in a B-2 General Business zoning district.

- (d) RZ-08-20: Request to rezone from R-7.5 (Medium Density Residential) / RA-6 (High Density Residential) to RA-6 (High Density Residential). The property of Billy J. Snuggs and Billy M. Parsons is located on the south side of Martin Luther King, Jr., Drive approximately 400 feet east of Watkins Street. Randolph County Parcel Identification Number 7761135530 more specifically describes the property.

Mayor Pro Tempore Smith opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Billy M. Parsons and Billy J. Snuggs to rezone the above-described property from R-7.5 Medium Density Residential/RA-6 High Density Residential to RA-6 High Density Residential. The Planning Department Staff and the Planning Board recommended approval based on the following:

"The majority of this property is currently zoned RA-6. If the balance of the property is zoned RA-6, the size of the parcel limits the scale of development to an overall intensity that is similar to what would be permitted by the existing zoning when considering the size of the property and the lot size requirements of the RA-6 and R-10 districts, but permits development of the property subject to the requirements of one zoning district. Additionally, the land development plan map accommodates higher density residential land use in this immediate vicinity. Considering these factors, staff believes that the request is generally within the public interest in promoting a reasonable use of the property."

Mr. Garland Ferguson of Ferguson Realty presented comments in support of the requested rezoning.

There being no further comments and no opposition from the public, Mayor Pro Tempore Smith closed the public hearing.

Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to accept the recommendation of the Planning Board and placed the above-described property in a RA-6 High Density Residential zoning district.

- (e) RZ-08-21: Request for Technical Amendments to the Asheboro Zoning Ordinance. An application filed by the City of Asheboro to amend Article 200A, Section 3.10, Section 4.9, Appendix A to Article 200A, Article 300A, Sections 308A.1 and 308A.2.

Mayor Pro Tempore Smith opened the public hearing on the following request.

Mr. Neely presented the Planning Department Staff's proposed amendments to Article 200A, Section 3.10 regarding street trees in Tier 1 of the Center City Planning Area, and Section 4.9 regarding street trees in Tier 2 of the Center City Planning Area. Additionally, the Planning Department Staff proposes to add Appendix A to Article 200A, including a list of approved street trees along with amending Article 300A, Sections 308A.1 and 308A.2 regarding front yard landscaping and adding Appendix B to include a list of front yard landscaping trees.

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

"The Land Development Plan, Pedestrian Plan (under review by City Council), and citizen input support the inclusion of street trees. Recent amendments to the Subdivision Ordinance offer more specific guidance in selecting the appropriate types of street tree. These proposed amendments will continue to clarify language and offer guidance to both staff and developers concerning selection of the appropriate types of street trees and front yard landscaping trees."

There being no further comments and no opposition from the public, Mayor Pro Tempore Smith closed the public hearing. Upon motion by Mr. Crisco and seconded by Mr. Priest, Council voted unanimously to adopt the recommendation of the Planning Board and approved, as presented, the proposed amendments to the Asheboro Zoning Ordinance. A copy of the approved text of the amendments is on file in the City Clerk's office.

With the consent of the Council, Mayor Pro Tempore Smith moved Agenda Item Number 11 before Agenda Item Number 10.

10. Receive a report on the proposed small business incubator project. [Agenda Item Number 11]

Mr. Cox brought the Council up to date on the proposed small business incubator project. Specifically, Mr. Cox has been researching certain areas for a possible entrepreneurship center and found that the Asheboro Hosiery Building owned by Mr. Sam Cranford may be a possible location for an entrepreneurship center in Asheboro.

Mr. Cox explained that Mr. Cranford would retain ownership of the building. A consultant would be hired in order to restore the building and have it listed on the National Historic Register. After some renovations, the building would contain office spaces for participants on the first floor, and studio apartments would be available on the second floor. The proposed entrepreneurship center (The Cranford Entrepreneurship Center) would be incorporated as a 501(c)3 organization, and it would be financed by donations, lease income from second floor apartments, community development block grants, the City of Asheboro, and Randolph County. Additionally, the center would be supported by Randolph Community College and the Asheboro/Randolph Chamber of Commerce.

The projected completion date of the project is approximately twelve (12) to eighteen (18) months.

11. Consideration of a petition received from Oakmont Estates Inc. and Mark Steven Brady requesting non-contiguous annexation of 4.13 acres along Little Gate Drive. [Agenda Item Number 10]

Mr. Bunker presented and recommended adoption, by reference of a resolution directing the city clerk to investigate a petition requesting non-contiguous annexation of 4.13 acres of land located along Little Gate Drive.

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

19 RES 05-08

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION

(4.13 Acres of Land along Little Gate Drive)

WHEREAS, a petition requesting the annexation of an area described in said petition as approximately 4.13 acres of land along Little Gate Drive has been received by the City Council of the City of Asheboro from Oakmont Estates, Inc., Mark Steven Brady, Chasity Jean Brady, Maria Cristina Hernandez Dominguez, and Jaime Lopez Morales; and

WHEREAS, Section 160A-58.2 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Asheboro deems it advisable to proceed in response to this request for annexation.

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

Adopted by the Asheboro City Council in regular session on the 8th day of May, 2008.

s/ David H. Smith
David H. Smith, Mayor Pro Tempore

ATTEST:

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

CERTIFICATE OF SUFFICIENCY

(4.13 Acres of Land along Little Gate Drive)

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

I, Holly H. Doerr, City Clerk for the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto. As a consequence of that investigation, I have found as a fact that said petition is signed by all of the owners of the real property lying in the area described therein, and the petition appears to be sufficient to satisfy the provisions of Section 160A-58.1 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina on this the 8th day of May, 2008.

(SEAL)

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

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

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

20 RES 05-08

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION
PURSUANT TO SECTION 160A-58.2 OF THE
NORTH CAROLINA GENERAL STATUTES**

(4.13 Acres of Land along Little Gate Drive)

WHEREAS, a petition requesting annexation of the non-contiguous area described therein has been received; and

WHEREAS, the City Council of the City of Asheboro, North Carolina has, by resolution, directed the city clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the city clerk as to the sufficiency of the said petition has been made.

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

Section 1. A public hearing on the question of the annexation of the non-contiguous area described herein will be held at 7:00 o'clock p.m. on the 5th day of June, 2008 in the Conference Room of the City of Asheboro Public Works Facility, which is located at 1312 North Fayetteville Street in Asheboro, North Carolina.

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

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

Adopted by the Asheboro City Council in regular session on the 8th day of May, 2008.

s/ David H. Smith
David H. Smith, Mayor Pro Tempore

ATTEST:

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

Exhibit 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a new iron rod set at the southeast corner of the Oakmont Estates, Inc. property described as Lot 4 on a minor subdivision plat recorded in Plat Book 106, Page 71, Randolph County Public Registry, the said point is located by means of the North Carolina Coordinate System at the coordinates of North 717,928.67 feet and East 1,755,549.49 feet (NAD 27); thence from the said Beginning point along the property described in Deed Book 1503, Page 894, Randolph County Public Registry, and in which John and Oattie Lucas have reserved a life estate, the following course and distance: North 01 degree 44 minutes 10 seconds East 34.51 feet to a new iron rod; thence North 02 degrees 15 minutes 12 seconds East 61.95 feet along the Chandlers Way, LLC property described in Deed Book 1845, Page 1312, Randolph County Public Registry to a new iron rod set in the southern margin of the 60-foot right-of-way for Little Gate Drive (North Carolina Secondary Road 1479); thence along the southern margin of the right-of-way for Little Gate Drive the following course and distance: South 87 degrees 16 minutes 33 seconds East 170.70 feet to a point on the western margin of the 60-foot right-of-way for Peachtree Street (North Carolina Secondary Road 1484); thence along the western margin of the right-of-way for Peachtree Street the following courses and distances: North 02 degrees 04 minutes 06 seconds East 60.00 feet to an existing iron pipe; thence North 02 degrees 04 minutes 06 seconds East 70.00 feet to a new iron rod; thence North 02 degrees 04 minutes 06 seconds East 50.00

feet to a new iron rod; thence along the Mark B. Trollinger, Rhonda J. Trollinger, and others property described in Deed Book 1634, Page 955, Randolph County Public Registry the following courses and distances: North 87 degrees 55 minutes 54 seconds West 129.99 feet to a new iron rod; thence North 87 degrees 55 minutes 54 seconds West 40.70 feet to a new iron rod; thence North 02 degrees 07 minutes 12 seconds East 55.49 feet to a new iron rod; thence along the Oakmont Estates property described in Deed Book 695, Page 334 and in Plat Book 3, Page 18, Randolph County Public Registry the following courses and distances: North 87 degrees 55 minutes 54 seconds West 60.04 feet to a new iron rod; thence North 87 degrees 55 minutes 54 seconds West 337.50 feet to a new iron rod set in the eastern margin of the 100-foot right-of-way for the Norfolk Southern Railroad; thence along the eastern margin of the right-of-way for the Norfolk Southern Railroad the following courses and distances: South 26 degrees 54 minutes 23 seconds West 30.42 feet to a point not set; thence South 21 degrees 44 minutes 01 second West 109.75 feet to a point not set; thence South 17 degrees 36 minutes 20 seconds West 39.12 feet to a new iron rod; thence South 16 degrees 40 minutes 25 seconds West 61.83 feet to a new iron rod; thence South 14 degrees 35 minutes 19 seconds West 52.69 feet to a point not set; thence South 11 degrees 52 minutes 16 seconds West 50.82 feet to a new iron rod; thence along the Ruth Ann Staples property described in Deed Book 1556, Page 1675, Randolph County Public Registry the following courses and distances: South 87 degrees 55 minutes 54 seconds East 193.03 feet to a new iron rod; thence South 87 degrees 55 minutes 54 seconds East 160.00 feet to a new iron rod; thence South 87 degrees 55 minutes 54 seconds East 160.32 feet to the point and place of the BEGINNING, and containing 4.13 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "Annexation Survey For Oakmont Estates Division Little Gate Drive" that was drawn under the supervision of Philip M. Henley, Professional Land Surveyor with Registration No. L-1494. The said plat of survey was dated April 24, 2008.

12. Update on Zoo Parkway traffic improvements.

Mr. Ogburn reported that Mayor Jarrell has met with the North Carolina Department of Transportation in regards to changing signs on Zoo Parkway in order to direct the zoo traffic to U.S. Highway 220 (I73/74) instead of U.S. Highway 64. The North Carolina Department of Transportation is working to implement the proposed changes.

13. Update on proposed annexation of a portion of Brookwood Drive, Twain Drive, North Shore Subdivision, and Snowdon Court.

Mr. Bunker updated the Council on the proposed annexation of a portion of Brookwood Drive, Twain Drive, North Shore Subdivision, and Snowdon Court. City staff is currently preparing an annexation report for the proposed annexation project. Water and sewer line construction work is scheduled to be completed on or about October 30, 2008 with a possible effective annexation date of June 30, 2010. A hard copy of the preliminary information regarding this annexation is on file in the City Clerk's office.

14. Consideration of a resolution approving a proposed amendment to the City of Asheboro Personnel Policy and Procedures Manual.

Mr. Sugg presented and recommended adoption, by reference, of a resolution approving an amendment to the City of Asheboro Personnel Policies and Procedures Manual.

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

21 RES 05-08

RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF ASHEBORO PERSONNEL POLICIES AND PROCEDURES MANUAL

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

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

WHEREAS, during the city council's regular meeting on April 10, 2008, the council approved by resolution an amendment to the personnel policies and procedures manual pertaining to the review of materials placed in a city employee's personnel jacket; and

WHEREAS, the director of human resources has discovered an omission in the text of an amendment that was approved on April 10, 2008; and

WHEREAS, this omission has the potential to create confusion as to the ability of a city employee to submit a statement addressing certain materials in the employee's personnel jacket; and

WHEREAS, the director of human resources has submitted a proposed amendment to the personnel policies and procedures manual in order to correct this omission; and

WHEREAS, the city manager has agreed with this recommendation and has promulgated the recommended amendment as part of the City of Asheboro Personnel Policies and Procedures Manual; and

WHEREAS, the said amendment is attached to this resolution as Exhibit 1 and is hereby incorporated into this resolution by reference as if copied fully herein; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city manager's amendment of the City of Asheboro Personnel Policies and Procedures Manual as reflected by Exhibit 1 is hereby approved.

Adopted by the Asheboro City Council in regular session on the 8th day of May, 2008.

s/ David H. Smith
David H. Smith, Mayor Pro Tempore

ATTEST:

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

EXHIBIT 1

Article XI. Disciplinary Actions

Section 7. Administrative Guidelines

A. Unsatisfactory Performance of Duties

This category covers all types of performance-related inadequacies. This policy does not require that the progressive warnings address the same type of unsatisfactory performance, but it does require that all warnings be related to job performance. Unsatisfactory performance of duties may include, but is not limited to:

- (1) Inefficient or incompetence in performing duties;
- (2) Negligence in performance of duties;
- (3) Physical or mental incapability for performing duties;
- (4) Careless or improper use of city property;
- (5) Failure to maintain satisfactory and harmonious working relationships with fellow employees and the public;
- (6) Habitual pattern of failure to report for duty at the assigned time and place;
- (7) Absence without approved leave;
- (8) Habitual and improper use of sick leave privileges;
- (9) Failure to obtain or maintain current license or certificate required as a condition for performing the job;
- (10) Failure to wear and use appropriate safety equipment or otherwise to abide by safety rules and policies.

B. Improper Personal Conduct

If the infraction or behavior is extremely serious or injurious to the city, fellow employees, or the public, supervisors may suspend an employee without warning. However, before demotion or dismissal occurs, supervisors and managers must consult with the Human Resources Department and receive approval from the City Manager. Improper personal conduct may include, but is not limited to:

- (1) Conduct unbecoming a city employee;
- (2) Conviction of a felony;
- (3) Guilty of a criminal act;
- (4) Misusing city funds;
- (5) Falsifying job information to secure position;
- (6) Participating in any action that would in any way seriously disrupt or disturb the normal operation of the city;
- (7) Trespassing on the grounds or home of any official or employee for the purpose of harassing or forcing dialogue or discussion for the occupants;
- (8) Willful acts that would endanger the lives or property of others;
- (9) Willfully damaging city property;
- (10) Possessing unauthorized weapons, alcohol, or illegal substances while on the job;
- (11) Threats, pressure or physical actions against others;
- (12) Insubordination;
- (13) Reporting to work under the influence of alcohol or drugs, or partaking of such items on the job.
- (14) Accepting gifts for "favours" or "influence";
- (15) Betraying confidential information;
- (16) Unauthorized possession of city's or another employee's property;
- (17) Leaving the work area repeatedly for excessively long periods without proper authorization;
- (18) Sexual harassment;
- (19) Providing or maintaining improper records;
- (20) Sleeping during worktime;
- (21) Gambling during worktime.

C. Written Warning (s)

During the period after a written warning (s) has been made, management may choose to counsel with the employee concerning his/her employment status before a decision to demote or dismiss is made. Such counseling should involve the unsatisfactory performance. As a part of this counseling, management may request the employee to take up to one (1) day's leave with pay to consider whether or not the employee wishes to continue his/her employment with the city. It should be stressed to the employee that a decision to continue employment with the city will require a commitment to improve performance, and that a lack of improvement will lead to dismissal.

Management is expected to use its discretion to determine when this procedure would benefit the employee and the city.

D. Suspension (s)

Investigatory or disciplinary suspension may be used by management in appropriate circumstances.

- (1) An employee who has been suspended for either investigatory or disciplinary reasons

may be placed on compulsory leave without pay.

- (2) Investigatory suspension with or without pay may be appropriate:
 - a. To provide time to investigate, establish facts and reach a decision concerning an employee's status in those cases where it is determined the employee should not continue to work pending a decision; and,
 - b. When management elects to use investigatory suspension in order to avoid undue disruption of work or to protect the safety of persons or property.
- (3) Investigatory suspension without pay shall not exceed thirty (30) calendar days. Investigatory suspension with pay will be at the request of the department head and authorized only by the City Manager, and shall not exceed thirty (30) calendar days.
- (4) An employee who has been suspended with or without pay must be furnished a letter with the specific reasons for his/her suspension and notice of right to appeal. A copy of the letter should be forwarded to the Human Resources Department in advance.
- (5) Suspension with or without pay must be fully documented.

E. Review of Documentation

In accordance with Section 160A-168(d) of the North Carolina General Statutes, an employee is hereby expressly authorized to submit for inclusion in his or her personnel jacket a statement relating to material in his or her file that the employee objects to on the basis of the employee's contention the material is inaccurate or misleading. Additionally, management shall periodically review any documented disciplinary actions which have been placed in an employee's personnel jacket. Where disciplinary actions noted in the employee's personnel jacket are deemed by the department head to have served their purpose and to be no longer necessary, the department head shall submit documentation to support this conclusion. Any such documentation shall be subject to review and approval by the Human Resources Director and the City Manager prior to inclusion in the employee's personnel jacket.

Probationary employees who have been subject to disciplinary action, and are ineligible for access to the city's Grievance Procedure, may submit to the Human Resources Director a written request for an informal name-clearing proceeding that will be conducted by the Human Resources Director. The Human Resources Director must receive such a written request within 30 business days of the date of receipt by the probationary employee of notification that the problem causing documentation had been placed in the employee's personnel jacket. In his or her request, the probationary employee must state the basis for his or her belief that the submitted documentation should be amended.

During the informal hearing of this matter, the Human Resources Director shall review all pertinent written reports and may request additional information and documentation. Also, the Human Resources Director may receive new evidence, written or oral, from the department head and/or employee, which is germane to the issue. In deciding the question presented by the probationary employee, the Human Resources Director may confirm or note the need to modify the documentation previously placed in the employee's personnel jacket.

If an individual is dissatisfied with the decision rendered by the Human Resources Director, the individual may appeal the Human Resources Director's decision by submitting a written request to the City Manager for an informal hearing before the City Manager. Such a request must be received by the City Manager within 15 business days of the date on which the individual received the Human Resource Director's written decision.

The City Manager shall review the entirety of the information previously reviewed by the Human Resources Director during his or her consideration of the matter. Additionally, the City Manager may receive new evidence, written or oral, from the department head and/or employee that is germane to the issue. When ruling on the appeal the City Manager may confirm or modify the decision of the Human Resources Director. The decision rendered by the City Manager shall be final. The City Manager shall furnish written notice to the employee, the department head, and the Human Resources Director of his final ruling.

This name-clearing opportunity is for the limited and sole purpose of affording an employee who has no other grievance or appeal rights an opportunity to request the mitigation of potentially damaging information from a personnel file. The name-clearing process shall not afford probationary employees access to the city's grievance procedure. During the name clearing process, the dismissed probationary employee does not have the right to appeal his or her dismissal from employment and is expressly prohibited from raising such an appeal.

15. Invitation to May Zoo Council meeting on May 27, 2008 and May 28, 2008 in Raleigh.

Mr. Moffitt announced that the City Council was invited to attend the May Zoo Council meeting beginning at 8:00 a.m. on May 27, 2008 in Raleigh. The meeting continues through May 28, 2008.

16. Notification of Town Hall Day, Wednesday, June 4, 2008.

Mr. Ogburn encouraged the Council to attend Town Hall Day on Wednesday, June 4, 2008.

17. Discussion of items not on the agenda.

Ms. Carter reminded everyone to attend the Tree Planting in honor of Ms. Nancy Hunter on Saturday, May 10, 2008 at 9:30 a.m. at Bicentennial Park.

Upcoming Events

- Saturday, May 10, 2008 from 9:00 a.m. until 6:00 p.m. – Sunset Street Festival

There being no further business, the meeting was adjourned at 10:33 p.m.

Approved by the Asheboro City Council in regular session on June 5, 2008.

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

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