

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
THURSDAY, MARCH 6, 2003  
7:00 PM**

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

David Jarrell                    ) –Mayor Presiding  
  
Talmadge Baker                )  
Linda Carter                    )  
Nancy Hunter                   )  
John McGlohon                 ) –Council Members Present  
Archie Priest                    )  
David Smith                     )  
Paul Trollinger                 )

John N. Ogburn, City Manager  
Carol J. Cole, CMC, City Clerk  
Dumont Bunker, P. E., City Engineer  
Debbie Juberg, Finance Director  
Reynolds Neely, Planning Director  
Lynn Priest, CD Director  
Wendell Holland, Zoning Administrator  
Gary Mason, Police Chief  
Jeff Sugg, City Attorney

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

**1. Pledge of Allegiance and Invocation.**

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. Dr. John Rogers, pastor of the First Baptist Church, gave the invocation.

**2 Approval of Minutes of Previous Meetings.**

The minutes of the regular meeting and closed session of February 6, 2003; joint special meeting and closed session of February 25, 2003; and the special meeting of February 27, 2003 were approved as presented.

Mayor Jarrell entertained a motion to seal the approved minutes and general accounts of the council's February 6, 2003, and February 25, 2003, closed sessions pursuant to Section 143-318.10(e) of the North Carolina General Statutes. This motion should provide that the respective records of each closed session are to be sealed so long as public inspection of the records pertinent to a particular meeting would frustrate the purpose of the specific closed session at issue, and the motion should further provide that the city attorney is authorized to act as the council's agent with the authority to unseal the appropriate records when the purpose of the closed session at issue would no longer be frustrated by making the general account of said closed session available for public inspection.

Mr. Baker made said motion, which was seconded by Mrs. Hunter and carried unanimously.

**3. Appearance and Recognition of Guests and Citizens.**

Mayor Jarrell welcomed everyone in attendance.

**4. Public Hearings on Zoning Matters.**

Mayor Jarrell opened the public hearing on the following request:

- (a) From CU-B-2 Conditional Use Commercial to B-2 Commercial: The property of Eastside Baptist Church located at 1626 East Dixie Drive, totaling approximately 3.9 acres, more specifically identified by Randolph County Parcel ID Number 7761717498.

Mr. Neely described the aforementioned property and stated that US Highway 64 East is a major thoroughfare, and the site is served by all city services. The area is characterized as a commercial area. The existing CU-B-2 was granted in 1983 before adjacent areas were zoned B-2, and the ETJ boundary was 400 feet from the center line of Dixie Drive.

The planning board recommended approval, as the request complies with the goals and policies and map of the Land Development Plan.

Mr. John Garner, representing Eastside Baptist Church, stated that a new fellowship building is being built, and they do not want to have to come back before the board every time they want to do construction.

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

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council unanimously ordained to accept the recommendation from the planning board for approval.

Mayor Jarrell opened the public hearing on the following request:

- (b) From R-40 Residential to CU-R-10 & CU-R-15 Conditional Use Residential and a Conditional Use Permit to Allow Planned Unit Development: The property of Anna Barker, Cornelia Hamilton, Elizabeth Bodman, Amy Zerbach & Ned Ryerson, located at 3005 Zoo Parkway, totaling approximately 98.11 acres, more specifically identified by Randolph County Parcel ID Numbers 7669572291, 7669479509, and 7669680631.

Mr. Neely was sworn in and distributed the elevation plan of a particular building and a combined subdivision map and site plan. He described the aforementioned area and stated that Zoo Parkway is a major thoroughfare. The site is served by city water, and city sewerage is available. The character of the area is residential, institutional and agricultural. A portion of this property has been annexed into the city limits; the balance is within the ETJ. The proposed development lies within the alignment corridor of the proposed NC 49 Bypass. The request is to rezone this property to CU-R-15 and CU-R-10 and issue a Conditional Use Permit for a PUD. The proposal includes mixed housing types and a commercial area.

The planning board recommended approval of the district rezoning, as the request complies with the goals and policies and map of the Land Development Plan.

Mr. Allen Hill, architect with Triad Design Group and representative for the applicant, was sworn in. Mr. Hill showed a map of the area proposed for the planned unit development, which will consist of 116 units and a retail convenience goods structure. The property is located at the intersection of Zoo Parkway and Old Cox Road. Mr. Hill addressed the four standard tests as follows:

(1) The use will not materially endanger the public health or safety. The subdivision plan will meet all specifications of the city's codes and ordinances. The PUD will have a valley type of curb and gutter, and sidewalks will be on one side of the main road. The other side of the road will be graded for future sidewalks. The pedestrians will have a safe means of travel. The entrance into the PUD will be approximately 525 feet from the intersection of Old Cox Road and Zoo Parkway. There is less traffic on Old Cox Road than Zoo Parkway. Mr. Hill stated that he has not shown the plans to the DOT, but having previously worked for the DOT for 13 years, he feels that the Old Cox Road entrance would be more favorable with DOT. City water is available, and sanitary sewer will be extended to the site. The fire hydrants have been located. The development will have curb-side waste pickup.

(2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance. Mr. Hill referred to his previous statements as they apply to this test and stated that he has responded to the staff's comments about items that needed correcting.

(3) The use will not substantially injure the value of adjoining or abutting property. Mr. Hill stated that the development will be constructed in taste. The retail convenience goods structure will be made of brick and block, with a brick front and glass. There will be no metal siding. The requested zoning allows for more density but is restrictive.

(4) The use will be in harmony with the area, as it is a residential neighborhood and is in keeping with the city's Land Development Plan.

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Mr. Baker commented that he is concerned about safety since there will be only one entrance into the proposed 116-unit development. He suggested that the developer look at another entrance such as Apple Grove Road.

Mr. Hill stated that they will provide cross-access to the adjoining property and maybe

request from DOT a driveway for commercial traffic onto Zoo Parkway.

Mr. Lee Roberts, one of the developers, was sworn in and stated that they are trying to acquire adjoining properties, but the owners will not sell. They cannot do anything about another entrance right now.

Mr. Neely stated some suggested conditions for council's consideration if it finds in favor of the request. Mr. Neely also stated that sidewalks are required on both sides of the street in the neighborhood. Sidewalks need to extend from the commercial area to Old Cox Road.

Mr. Hill stated that they will comply with the sidewalk requirement.

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

Upon motion by Mr. Trollinger and seconded by Mr. Smith, council unanimously ordained to accept the recommendation from the planning board for approval of the district rezoning.

Council discussed the conditions as stated by Mr. Neely. Mr. Baker stated that he wants a second access into Old Cox Road, which ties into Apple Grove Road. If DOT won't approve a second driveway, okay, but if it will; he wants to see it done.

Mr. Trollinger moved that the Conditional Use Permit be approved with the 15 conditions stated by Mr. Neely, based on the four standard tests being met per testimony of Mr. Hill. The motion also included that the following new conditions be added: Condition #16 – A second access shall be provided, subject to DOT approval. Condition # 17 –Sidewalks shall be constructed as per PUD requirements. Condition #18 –An additional driveway for the commercial area shall be provided, subject to DOT approval. Mr. Smith seconded this motion, which carried unanimously.

Mr. Lee Roberts, developer, accepted all of the conditions.

The conditions will be detailed in the city attorney's Findings of Fact, Conclusions of Law, and Order Granting the Conditional Use Permit to be approved by council at its April meeting.

**5. Subdivisions.**

(a) Sketch Plan Approval for Hamilton Downs (SUB-03-5)

Mr. Neely presented the sketch plan for Hamilton Downs Subdivision, which is located at 3005 Zoo Parkway. The subdivision contains 98.11 acres and consists of 108 lots plus a common area and commercial area. The planning board recommended approval of the sketch plan with comments, which Mr. Neely stated.

Upon motion by Mr. Smith and seconded by Mr. Baker, council voted unanimously to accept the planning board's recommendation with comments.

(b) Preliminary Plat Approval for Northmont Estate, Phase I, Part V-D (SUB-03-04)

Mr. Neely presented the preliminary plat of the aforementioned subdivision, which is located off of Mountain Lake Road. Northmont Estate contains 15.6 acres and consists of 12 lots, with the average lot size being 1.1 acres. The planning board recommended approval of the map and engineering drawing.

Upon motion by Mr. Trollinger and seconded by Mr. Baker, council voted unanimously to accept the planning board's recommendation for approval.

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**6. Acceptance of Audit Proposal From Maxton McDowell, CPA, to Perform the Audit for the Year Ending June 30, 2003.**

Finance Director Debbie Juberg reported that Maxton McDowell, CPA, has submitted a proposal to audit the city's financial statements for the year ending June 30, 2003, for a fee not to exceed \$29,000. Ms. Juberg recommended that this proposal be approved.

Upon motion by Mrs. Carter and seconded by Mr. Smith, council voted unanimously to approve Mr. McDowell's proposal.

7. **Consideration of Support for a 2003 Randolph County Development Block Grant for a Scattered Housing Grant Project.**

Mr. Lynn Priest reported that Randolph County has the opportunity to receive a 2003 Community Development Block Grant Scattered Housing Project in the amount of \$400,000. Randolph County will act as the lead entity for this grant project, and grant funds will be used to serve all areas of the county to help eliminate some of the severe housing conditions that currently exist. In order for the city of Asheboro to participate in this project, council must certify that it will participate in the project and certify that the City has no pending findings from past participation with a Community Development Block Grant Project. The City must also certify that there are no open, unresolved, or pending Civil Rights Lawsuits against the participating local governments in this Scattered Site Housing Project. The mayor and city clerk would execute said certifications if council elects to participate in the project.

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to participate in the Scattered Housing Grant Project.

8. **Resolution Identifying Areas Under Consideration for Statutory Annexation Pursuant to Section 160A-49 of the North Carolina General Statutes.**

Mr. Lynn Priest presented and recommended adoption of the aforementioned resolution.

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to adopt the following resolution:

49 RES 3-03

**A RESOLUTION IDENTIFYING THE AREA DESCRIBED HEREIN AS BEING UNDER CONSIDERATION FOR ANNEXATION AND NOTIFICATION TO CERTAIN PROPERTY OWNERS OF THEIR RIGHTS TO DELAYED ANNEXATION OF QUALIFIED PROPERTIES**

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

Section 1. Pursuant to Section 160A-49(i) of the North Carolina General Statutes, the following described areas are hereby identified as being under consideration for future annexation by the City of Asheboro under the provisions of Chapter 160A, Article 4A, Part 3 of the North Carolina General Statutes:

ALL OF THAT AREA DESIGNATED WITH HATCH MARKS SHAPED LIKE TRIANGLES ON THE ATTACHED MAP WHICH IS IDENTIFIED AS EXHIBIT 1 AND INCORPORATED BY REFERENCE AS IF COPIED FULLY HEREIN.

Section 2. Owners of agricultural land, horticultural land, and forestland within the areas under consideration for annexation as described in Section 1 above of this resolution are hereby notified that they may have rights to a delayed effective date of annexation. Sections 160A-49(f1) and 160A-49(f2) of the North Carolina General Statutes provide that land being taxed at present-use value qualifies for delayed annexation, and land that is eligible for present-use value taxation but which has not been in actual production for the time period required by Section 105-277.3 of the North Carolina General Statutes may qualify for delayed annexation by making application to the Randolph County Tax Assessor for certification. For qualified tracts, the annexation will not become effective for most purposes until the last day of the month in which the tract or part thereof becomes ineligible for present-use value classification under Section 105-277.4 of the North Carolina General Statutes or no longer meets the requirements of

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Section 160A-49(f1-f2) of the North Carolina General Statutes. Until annexation of a tract becomes effective, the tract will not be taxed by the city and will not be entitled to services from the city.

Section 3. A copy of this resolution shall be filed with the City Clerk.

Section 4. This resolution shall remain effective as provided by Section 160A-49(i) of the North Carolina General Statutes.

Adopted this 6<sup>th</sup> day of March, 2003.

ATTEST:

S/ David H. Jarrell  
David H. Jarrell, Mayor

S/ Carol J. Cole  
Carol J. Cole, City Clerk

(The map identified as Exhibit I is attached to the original resolution on file in the city clerks' office.)

**9. Request From Terry Tucker to Extend Water Lines Under the City's Policy for Water and Sewer Line Extensions.**

Mr. Bunker reported that Terry Tucker has requested the following water line extensions:

- 6" water line extending west on Danwood Street to Rushwood Road
- 6" water line on Rushwood Road from Danwood Street to Old Farmer Road
- 8" water line on Old Farmer Road from Rushwood Road to Oakgrove Road
- 8" water line on Bunting Road from Old Farmer Road to Danwood Street

Per the request, the Policy would be modified for the City to provide materials for the 6" water line, valves, hydrants and service connections to replace a deteriorated 2" galvanized steel water line on Danwood Street and Rushwood Road.

Mr. Bunker stated that the cost to the city for materials would be approximately \$12,000. This would result in a savings of 50 to 60 percent on water lines that the city would have to replace in the future.

After discussion, Mr. Trollinger moved that the city furnish the equivalent cost of materials to replace the 2" water line, with the additional costs to be borne by the developer. The motion also included that the city would pay the cost of materials for fire hydrants at Danwood Street and Rushwood Road, and pay the cost of materials for the transfer of services to the new water line. Mr. Baker seconded this motion, which was unanimously carried.

**10. Consideration of an Ordinance Prohibiting Trucks on Tamworth Road.**

Mr. Bunker reported that the police department had received a complaint from Mr. & Mrs. Don Tanner, residents of 941 Tamworth Road, concerning a tractor-trailer turning around in their neighborhood when making a delivery at 946 Amity Road. The truck, when attempting to turn around, runs off of the road and leaves deep and unsightly gouges in the grass at the Tanners' residence.

An ordinance was presented for council's consideration that would prohibit trucks on Tamworth Road.

Mr. Smith moved to adopt said ordinance, which was seconded by Mrs. Carter.

After discussion, it was ascertained that the proposed ordinance would also prohibit three-axle trucks. Taking this into consideration, Mr. Smith withdrew his motion.

**11. Resolution Approving the Waiver of the Bid Procedures Specified by Section 143-129 of the North Carolina General Statutes and Approving the Purchase of Six (6) Rear Wheel Drive Sedans Suitable for Use by the Police Department.**

City Attorney Jeff Sugg presented and recommended adoption of the aforementioned resolution by reference.

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Upon motion by Mr. McGlohon and seconded by Mr. Priest, council voted unanimously to adopt the following resolution by reference:

50 RES 3-03

RESOLUTION APPROVING THE WAIVER OF THE BID PROCEDURES SPECIFIED BY SECTION 143-129 OF THE NORTH CAROLINA GENERAL STATUTES AND APPROVING THE PURCHASE OF SIX (6) REAR WHEEL DRIVE SEDANS SUITABLE FOR USE BY THE POLICE DEPARTMENT

WHEREAS, the Chief of the Police Department for the City of Asheboro has recommended to the City Council that the City of Asheboro purchase for use by the Asheboro Police Department six (6) Ford Crown Victoria sedans that are suitable for use as law enforcement vehicles; and

WHEREAS, pursuant to Section 143-129(g) of the North Carolina General Statutes, the City Council may waive, if the City Council determines that such an action is in the best interest of the City of Asheboro, the bid procedures specified for the purchase of equipment when the

equipment is to be purchased from an entity that can satisfy the following criteria: (i) the entity has, within the previous twelve (12) months, completed a public, formal bid process substantially similar to the process prescribed by Article 8, Chapter 143 of the North Carolina General Statutes, (ii) the entity has contracted, as a result of this public bid process, to furnish equipment comparable to that sought by the City of Asheboro to an agency of the State of North Carolina, and (iii) the entity is willing to furnish said equipment to the City of Asheboro at the same or more favorable prices, terms, and conditions as those provided to the agency of the State of North Carolina; and

WHEREAS, a vendor, Capital Ford, Inc., can immediately supply six (6) Crown Victoria sedans that meet the specifications established by the Asheboro Police Department for use as law enforcement vehicles; and

WHEREAS, Capital Ford, Inc. participated in August 2002 in a public, formal bid process conducted by the Division of Purchase and Contract of the North Carolina Department of Administration on behalf of the North Carolina State Highway Patrol, and said public, formal bid process was substantially similar to and in substantial compliance with the bid process prescribed by Article 8 of Chapter 143 of the North Carolina General Statutes; and

WHEREAS, as a consequence of the bid process referenced in the preceding paragraph, Capital Ford, Inc. was awarded in August 2002 a contract to provide the North Carolina State Highway Patrol with a significant number of Crown Victoria sedans comparable to the vehicles sought by the City of Asheboro for the Asheboro Police Department; and

WHEREAS, Capital Ford, Inc. is willing to furnish the City of Asheboro with comparable Crown Victoria sedans at the same or more favorable prices, terms, and conditions as those provided to the State of North Carolina; and

WHEREAS, on February 24, 2003, notice was advertised in the *Courier Tribune*, a newspaper of general circulation in the Asheboro area, that the City Council would consider at its regularly scheduled March 6, 2003, meeting approving a waiver of the bid procedures specified in Section 143-129 of the North Carolina General Statutes in order to contract with Capital Ford, Inc. for the purchase of six (6) Ford Crown Victoria sedans for use by the Asheboro Police Department as law enforcement vehicles.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, this 6th day of March, 2003, as follows:

Section 1. Pursuant to Section 143-129(g) of the North Carolina General Statutes, the City Council of the City of Asheboro does hereby waive the bid procedures prescribed by Section 143-129 of the North Carolina General Statutes in order to contract with a qualified supplier, Capital Ford, Inc. for the purchase of six (6) Ford Crown Victoria sedans at the same or more favorable prices, terms, and conditions as those provided to the State of North Carolina for use by the State Highway Patrol during a public, formal bid process held in August 2002.

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Section 2. The purchase from Capital Ford, Inc. of six (6) 2003 model year Ford Crown Victoria sedans at a cost of twenty thousand one hundred sixty-five dollars (\$20,165) per vehicle is hereby approved.

S/ David H. Jarrell  
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole  
Carol J. Cole, City Clerk

**12. Presentation of Annual Report of the Police Department.**

Police Chief Gary Mason presented and reviewed his department's annual report. He reported that his department continues to fight the war on drugs. However, a new concern has arisen about gang activity in Asheboro. Chief Mason announced that an Awareness Seminar concerning gang activity is scheduled for 7:00 PM on April 14, 2003, at Asheboro High School. This seminar is sponsored by the Asheboro city schools

and the Drug Task Force.

**13. Finance & Public Safety and Public Works Matters.**

No official meetings were held.

**14. Items Not on the Agenda.**

Mr. Ogburn reported that pursuant to Section 30.07 of the City Code of Ordinances for the City of Asheboro, city assets have been sold for the amount of \$3,005.61. These assets included outdated technology equipment that was sold to Pro Net Information System; a John Deere Bush Hog that was damaged by vandalism was sold to Pete Rich; and damaged street signs and scrap metal and iron were sold to Cranford Iron and Metal Co.

There being no further business, the meeting was adjourned at 9:12 PM.

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Carol J. Cole, CMC, City Clerk

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David H. Jarrell, Mayor

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