

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, JUNE 5, 2003
7:00 PM**

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
Jim Smith, Fire Chief
Melvin Allen, Water Resources Director
Allen Oliver, Parks & Recreation Director
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. Council Member Paul Trollinger gave the invocation.

2. Approval of Minutes of Previous Meetings.

The minutes of the special meeting of May 5, 2003 and regular meeting of May 8, 2003, were approved as presented; and the minutes of the Planning Retreat on May 15-16, 2003, were approved as amended by the city clerk.

3. Appearance and Recognition of Guests and Citizens.

Mayor Jarrell welcomed everyone in attendance.

4. Subdivisions.

Preliminary Plat Approval for Providence Park (SUB-03-6)

Mr. Neely presented the preliminary plat for Providence Park Subdivision, which is located on U. S. 220 Business North. This subdivision contains 17.317 acres and consists of nine lots, with the average lot size being 1.924 acres. The planning board recommended approval with some conditions. Mr. Neely reported that these items have been completed and corrected. There is a letter on file stating that the driveway permit required for connection into US 220 Business has been issued. An annexation petition is required from the applicant in order to connect to the city's water and sewer system.

Upon motion by Mr. Trollinger and seconded by Mr. Smith, council voted unanimously to accept the recommendation from the planning board.

Sketch Design Plat Approval for Edgewood (SUB-03-7)

Mr. Neely presented the sketch design plat for Edgewood Subdivision, which is located at the south end of Pepperidge Road. This subdivision consists of 7.170 acres and contains 15 lots, with the average lot size being 17,058 square feet. The planning board recommended

approval, with comments, of the sketch design plat and approval of a variance to the length of

the cul-de-sac.

The developer was present to answer questions.

Mr. Smith asked that he be allowed to abstain from voting on this matter due to a possible conflict of interest, as his property adjoins the property in question. Upon motion by Mr. McGlohon and seconded by Mr. Priest, council voted unanimously to permit Mr. Smith to abstain from voting on this matter.

Upon motion by Mr. Trollinger and seconded by Mrs. Carter, council voted to approve the variance to the length of the cul-de-sac. Mr. Smith abstained from voting.

Upon motion by Mr. Baker and seconded by Mrs. Hunter, council voted to approve the sketch design plat. Mr. Smith abstained from voting.

5. Public Hearing on Consideration of Renewal of Certificate of Convenience and Necessity to Operate Taxicabs Within the City of Asheboro. (Tony Hafez, Asheboro Taxi Service).

Mayor Jarrell opened the public hearing on the aforementioned.

The city clerk reported that Mr. Tony Hafez, owner of Asheboro Taxi Service, has submitted an application to renew his Certificate of Convenience and Necessity to operate seven (7) taxicabs within the City of Asheboro. Mr. Hafez has shown proof that he has the required liability insurance on the three taxicabs in operation, which have been inspected by the Asheboro Police Department and were found to be in good condition. Notice of this public hearing was advertised as provided for by law.

Mr. Hafez asked if it is necessary to get yearly renewals on his taxicab franchise. He also asked if it is necessary to check the criminal history of a taxicab driver applicant dating back many years ago, as this makes it hard to hire drivers.

The city attorney responded to Mr. Hafez's questions and stated that the City's ordinance requires annual renewals of taxicab franchises and extensive criminal background checks for taxicab drivers.

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

Ms. Cole presented and recommended adoption of the first reading of An Ordinance Granting a Renewal of a Certificate of Convenience and Necessity for Franchise to Operate Taxicabs. The franchise will expire on July 12, 2004.

Upon motion by Mr. Trollinger and seconded by Mr. McGlohon, council voted unanimously to adopt the first reading of the following ordinance by reference: (Council will adopt the second and final reading of this ordinance at its July 10th meeting.)

55 ORD 6-03

An Ordinance Granting a Renewal of a Certificate of Convenience and Necessity for Franchise to Operate Taxicabs

BE IT ORDAINED by the City Council of the City of Asheboro that Asheboro Taxi is granted a renewal of franchise to operate seven (7) taxicabs for hire upon and over the public streets within the corporate limits of the City of Asheboro for a term of one year, expiring on July 12, 2004.

The renewal of this Ordinance shall be fully adopted and become effective only after it has been passed at two regular meetings of the City Council of the City of Asheboro.

This the 5th day of June, 2003.

ATTEST:

S/ David H. Jarrell
Mayor

S/ Carol J. Cole
City Clerk

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6. Public Hearing to Determine a Need for Urban Redevelopment Assistance.

Mayor Jarrell opened the public hearing on the aforementioned.

Mr. Lynn Priest reported that notice of this public hearing was advertised as provided for

by law. Mr. Priest stated that there is a need for Urban Redevelopment Assistance and recommended that the City submit an application for a grant. The redevelopment commission has recommended that several projects be considered for redevelopment assistance—(1) Supplement the already approved Enhancement Agreement for Sunset Avenue. (2) Establish a Farmers' Market. (3) Construct a shelter at the Bicentennial Park.

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

Upon motion by Mr. Baker and seconded by Mr. Priest, council voted unanimously to authorize Mr. Priest to proceed with submitting an application for the grant.

7. Ordinance Establishing Angle Parking on the South Side of Sunset Avenue Between Fayetteville Street and the Railroad.

In response to the city council's recommendation to establish angle parking on a portion of Sunset Avenue, Mr. Bunker prepared and presented the aforementioned ordinance for council's consideration.

Mr. McGlohon stated that he is opposed to angle parking for safety reasons. If a smaller vehicle is parked beside of or between larger vehicles such as SUVs, the motorist cannot see around the vehicle before backing out onto the street.

Mr. Trollinger stated that it is easier for elderly persons to angle park than to parallel park, and he also likes the aesthetics of angle parking. Mr. Trollinger suggested that we try angle parking at 30 degrees on the south side of Sunset Avenue, between Fayetteville Street and the railroad, and change it in the future if necessary.

Mr. Smith stated that he concurs with Mr. McGlohon but will agree to a temporary trial of angle parking.

Mrs. Carter stated that she is agreeable with trying angle parking.

Upon motion by Mr. Priest and seconded by Mr. Trollinger, council voted to adopt the Ordinance Establishing Angle Parking on the South Side of Sunset Avenue Between North Fayetteville Street and the Railroad, with the angle parking being 30 degrees. Mr. McGlohon voted against the motion. The motion carried.

56 ORD 6-03

An Ordinance Establishing Angle Parking on the South Side of Sunset Avenue Between North Fayetteville Street and the Railroad

BE IT ORDAINED by the City Council of the City of Asheboro:

Pursuant to Chapter 71, Section 71.01 of the Code of the City of Asheboro, the City Manager is hereby ordered to cause the installation of an angle parking zone as described below on a street that lies within the corporate boundaries of the City of Asheboro:

Angle parking at 30 degrees on the south side of Sunset Avenue, beginning at a point 98 feet west from the center of North Fayetteville Street and extending to a point 300 feet west from the center of North Fayetteville Street

Adopted in Regular Meeting held on June 5, 2003.

ATTEST:

S/ David H. Jarrell
Mayor

S/ Carol J. Cole
City Clerk

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8. Ordinance Establishing a 20 MPH Speed Limit on Sunset Avenue Between Fayetteville Street and Church Street.

Mr. Bunker presented and recommended adoption, by reference, of the aforementioned ordinance. The 20 MPH speed limit is a recommendation from the Department of Transportation to coincide with the angle parking on Sunset Avenue.

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to adopt the following ordinance by reference:

**An Ordinance Establishing a 20 MPH Speed Limit on Sunset Avenue
Between Fayetteville Street and Church Street**

BE IT ORDAINED by the City Council of the City of Asheboro:

Section 1. Pursuant to Section 20-141(e) of the North Carolina General Statutes, the City Manager is hereby ordered to cause the installment of the appropriate signage to establish a speed limit zone as described below on a street that lies within the corporate boundaries of the City of Asheboro and that is not part of the state highway system.

“20 MPH Speed Limit” on Sunset Avenue between Fayetteville Street
and Church Street

Section 2. Upon posting the above-specified signage, the City Manager shall notify the City Clerk of this fact, and the City Clerk shall enter a description of said speed zone in Schedule 16 of Section 72.02 of the Code of Asheboro.

Adopted in Regular Meeting held on June 5, 2003.

S/ David H. Jarrell
Mayor

ATTEST:

S/ Carol J. Cole
City Clerk

9. Proposal by AT&T Wireless to Lease Space for an Antenna Installation on the City-Owned Water Tank at 903 NC Highway 49 South.

Mr. Bunker reported that AT&T Wireless is requesting to lease space for an antenna installation on the city-owned water tank at 903 NC Highway 49 South for payment of \$1,500 per month to the city for six (6) five-year terms, with a 15% increase at the beginning of each renewal term.

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to authorize the city attorney to begin lease procedures.

10. Resolution Authorizing the NC Department of Transportation to Install Overhead Street Name Signs for Zoo Parkway at the East Dixie Drive /Zoo Parkway Intersection as requested by Reid Kearns of the Randolph County Tourism Development Authority.

Mr. Bunker presented and recommended adoption, by reference, of the aforementioned resolution. The total estimated cost for the signs and installation is \$800 or \$900.

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

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**Resolution for the Installation of Traffic Signal Span Mounted
Street Name Signs for Zoo Parkway at the East Dixie Drive
(US Highway 64) /Zoo Parkway (NC 159) Intersection**

WHEREAS, the City of Asheboro and the North Carolina Department of Transportation propose to make certain traffic control improvements in the City of Asheboro, Randolph County; said improvements to consist of the installation of traffic signal span mounted street name signs for Zoo Parkway at the East Dixie Drive (US Highway 64)/Zoo Parkway (NC 159) intersection in the City of Asheboro, and;

WHEREAS, the City of Asheboro desires to enter into a municipal agreement with the Department of Transportation whereby the Department shall purchase or provide and install the traffic signal span mounted street name signs, and;

WHEREAS, the City of Asheboro shall reimburse the Department 100% of the actual costs of the work performed by the Department.

NOW, THEREFORE, BE IT RESOLVED that the above mentioned improvements are hereby formally approved by the City Council of the City of Asheboro and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

Adopted by the Asheboro City Council in Regular Meeting held on June 5, 2003.

ATTEST: S/ David H. Jarrell
Mayor

S/ Carol J. Cole
City Clerk

11. Consideration of Adopting a Verifiable Percentage Goal for Participation by Minority Businesses in the Total Value of Work for Building Projects, and Approving a Minority Business Participation Outreach Plan to Comply With General Statute 143-128.2 (Senate Bill 914).

Mr. Bunker reported that due to recent changes by the North Carolina General Assembly, the City of Asheboro's current resolution pertaining to a verifiable percentage goal for participation by minority businesses in the awarding of building construction contracts is inadequate. Consequently, Mr. Bunker recommended that pursuant to General Statute 143-128.2, council authorize the city attorney to proceed with scheduling a public hearing to determine a verifiable percentage goal as it relates to minority business participation in construction projects.

Upon motion by Mr. Priest and seconded by Mrs. Hunter, council voted unanimously to approve Mr. Bunker's recommendation.

12. Consideration of Approval of a Temporary Access Easement Across City-Owned Property at Lake Bunch as Requested by Eric Luckenbach.

The city attorney reported that he has been negotiating with the Luckenbachs concerning their request for the City of Asheboro to grant a temporary easement to them for the use of, and to maintain a driveway for ingress, egress, and regress over Little Lakes Trail Road. Mr. Sugg explained the proposed terms of the easement, which will expire July 31, 2004.

After discussion, it was the consensus of council to have the city attorney to continue with his negotiations.

13. Ordinance to Amend the 2002-2003 Budget.

Ms. Juberg presented and recommended adoption of an ordinance amending the General Fund Budget for FY 2002-2003, which reflects contract expenditures in the sanitation department relating to the December 2002 ice storm.

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

58 ORD 6-03

**Ordinance to Amend the
General Fund Budget
FY 2002-2003**

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 contract expenditures in the sanitation department relating to the December 2002 ice storm, and:

WHEREAS, the budget as adopted requires amendment to reflect adjustments in revenues relating to expected contract reimbursement from emergency management agencies, and:

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

Section 1: That the following revenue item be increased:

LINE ITEM	DESCRIPTION	AMOUNT
10-349-2001	State Reimbursement - FEMA	\$476,000

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

LINE ITEM	DESCRIPTION	AMOUNT
10-580-4501	Contract Maintenance: Ike's Hauling	\$26,000
10-580-4502	Contract Maintenance: Littleton Timber	\$96,000
10-580-4503	Contract Maintenance: Red Mule	\$116,000
10-580-4504	Contract Maintenance: Asplundh Tree Svc	\$45,000
10-580-4505	Contract Maintenance: Kelly Hosch	\$52,000
10-580-8301	Tipping Fee: Storm 2002	\$141,000
	TOTAL	\$476,000

Adopted this the 5th day of June 2003.

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

ATTEST:

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

14. Presentation of Proposed Fiscal Year 2003-2004 Annual Budget.

Mr. Ogburn reviewed the projected revenues and expenditures for the General Fund and Water & Sewer Fund for FY 2003-2004. The proposed budget is balanced at \$25,495,151. The property tax recommendation remains at \$.50 per \$100 valuation, and the budget requires no increase in water and sewer rates.

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15. Scheduling of a Public Hearing on the Proposed Fiscal Year 2003-2004 Budget.

Mayor Jarrell announced that the public hearing on the proposed FY 2003-2004 budget will be held on Thursday, June 19, 2003, at 7:00 PM, in the Council Chamber at City Hall.

16. Amendments to Chapters 50 and 51 of the Code of Asheboro.

Mr. Sugg presented and recommended adoption of an ordinance amending Chapters 50 and 51 of the Code of Asheboro. The ordinance amends certain water and sewer provisions stated in Chapter 50 and certain regulations pertinent to the services provided by the sanitation department stated in Chapter 51.

Upon motion by Mrs. Carter and seconded by Mr. Baker, council voted unanimously to adopt the following ordinance by reference:

59 ORD 6-03

**AN ORDINANCE AMENDING CHAPTER 50 AND CHAPTER 51
OF THE CODE OF ASHEBORO**

WHEREAS, Chapter 50 of the Code of Asheboro prescribes general water and sewer provisions for the City of Asheboro; and

WHEREAS, Chapter 51 of the Code of Asheboro prescribes certain regulations pertinent to the services provided by the Sanitation Department for the City of Asheboro; and

WHEREAS, the City Council of the City of Asheboro concurs with the City Manager and Finance Officer that certain Sections of the above-listed Chapters of the Code of Asheboro must be updated in order to address certain issues that have arisen in regard to the city's billing practices for the provision of water, sewer, and sanitation services by the City of Asheboro.

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

Section 1. Section 50.005 of the Code of Asheboro, which is entitled "**BILLING PERIODS**," shall be amended to provide as follows:

(A) All industrial ~~accounts~~ and large commercial accounts, ~~such as motels~~, shall be billed monthly, based approximately on a 30-day usage period.

(B) Billing to all residential ~~and other commercial~~ accounts shall be a two-month billing representing a usage period of approximately 60 days. These accounts will be billed on a two-cycle basis, that is, one-half of such accounts will be billed on alternate months.

(C) ~~All accounts, including industrial and commercial accounts, will be scheduled to receive bills only at the end of the month on or about the 30th of the month.~~ When a residential customer's service has been discontinued pursuant to § 50.007(A) of this Chapter, the customer may have his or her water service restored upon payment to the City Water Department of the total amount owed by the customer for his or her water and sewer service, including any and all assessed fees. Additionally, a customer may have his or her water service restored upon payment to the City Water Department of the sum of a service fee of five dollars (\$5.00) plus one-half (½) of the total amount owed by the customer for his or her water and sewer service, including any and all assessed fees. When a partial payment is accepted from a customer pursuant to the provisions of this division of § 50.005, the customer shall be billed for the remaining balance owed on his or her account on the last business day of the month in which the partial payment was accepted. Such a bill is due and payable upon receipt, and, furthermore, such bills shall be subject to the same notification and collection procedures as are utilized for the regular two-month billings for residential customers.

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(D) All accounts, including industrial and commercial accounts, will be scheduled to receive bills only at the end of the month on or about the 30th of the month.

Section 2. Section 50.006 of the Code of Asheboro, which is entitled "**PAYING SERVICE CHARGES**," shall be amended to provide as follows:

(A) With the exception of accounts that are addressed by division (B) of this section due to the utilization of automatic draft payments, water and sewer accounts are payable to the City Water Department, 146 North Church Street, Asheboro, North Carolina. All bills are due and payable on receipt, and all accounts not paid for which payment is not received by the Water Department within 15 days from the billing date indicated on the bill shall be considered delinquent. Once an account becomes delinquent, a five dollar (\$5.00) fee shall be assessed against the account as a first tier late fee. If an account remains in a state of delinquency as of the 25th day from the billing date indicated on the bill, an additional ten dollar (\$10.00) fee shall be assessed against the customer as a second tier late fee. Upon their assessment, any and all such late fees, whether a first tier or second tier late fee, shall be immediately due and payable. For all delinquent accounts, a reminder notice shall be mailed which shall specify a final date, not prior to ten days after the delinquent date, by which payment must be remitted or service will be discontinued pursuant to § 50.007. The reminder notice shall also provide notice that customers may submit disputed bills to the water and sewer billing and collections department supervisor for review; the supervisor or his deputy shall be authorized to make adjustments to the billing amount in accordance with § 50.021 if such is deemed proper following the review and the

bill is unpaid. The notice shall specify the hours during which a customer may call or come by for a review of disputed unpaid bills. After the review process, any customer who does not pay or make arrangements to pay the adjusted amount shall be entered on the list of delinquent customers whose services are to be terminated pursuant to § 50.007.

(B) As with all other customers, water and sewer accounts that are paid by means of automatic draft are payable to the City Water Department, 146 North Church Street, Asheboro, North Carolina. Customers who choose to make payments on their water and sewer accounts by means of automatic draft may make arrangements with the City Water Department to have an appropriate account at a financial institution drafted for payment in full of a regular billing on the 10th day, 15th day, 20th day, or 25th day of the month in which a bill is due and payable. If notification is received that an attempted automatic draft of a payment has failed due to insufficient funds in a customer's designated account or for any other reason, a charge of twenty dollars (\$20.00) shall be added to the customer's current bill, and such charge shall become immediately due and payable. Additionally, if any attempted automatic draft of a customer's account fails and payment in full with good funds has not been received by the 15th day of the month in which the bill is first due and payable, the bill shall be considered delinquent, and a five dollar (\$5.00) fee shall be assessed against the customer's account as a late fee. Upon assessment, any such late fee shall be immediately due and payable. A customer shall have five (5) business days from the date of notification to the City Water Department that an automatic draft of the customer's designated account has not been honored to make payment in full, including any assessed fees, with good funds to the City Water Department. If the outstanding balance is not paid in full with good funds within the time period specified in the preceding sentence or by the 25th day of the month in which the bill is first due and payable, whichever is later, the customer's water service shall be discontinued without further notice. Whenever within any twelve (12) month period the City Water Department is notified on two (2) separate occasions that an attempt to automatically draft a customer's designated account for payment has failed due to insufficient funds in the account or for any other reason, such a customer shall be required to make payment in good funds only for twelve (12) consecutive billing periods before such a customer is eligible to apply for reinstatement to automatic draft status.

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Section 3. Section 50.007 of the Code of Asheboro, which is entitled **"DISCONTINUANCE OF SERVICE FOR DELINQUENT ACCOUNTS; RESTORATION FEE,"** shall be amended to provide as follows:

(A) Any customer whose water and sewer service bill shows that payment is due for the current month and one preceding month shall have his water service discontinued if the account is not paid within 15 days from the billing date indicated on the bill.

(B) When water service has been discontinued to any premises pursuant to division (A) of this section, division (F) of this section, and § 50.006(B) of this Chapter, a charge of \$20.00 shall be made for a reconnect~~late~~ fee.

(C) Should the water be cut off from any premises by order of the Water and Sewer Department and thereafter be turned on without the order of the department, the water shall be again turned off and the consumer or owner charged with an additional fee of \$20.00 for each time the service is restored; provided, that nothing herein contained shall release the person found guilty of turning on the water from liability for so doing. Also, if the water meter has been locked by order of the Water and Sewer Department, it shall be unlawful for the lock to be broken or damaged and a fee of \$25.00 will be charged.

(D) For the purpose of this section, Any delinquent who has had service disconnected and who applies for restoration of service shall be considered a new customer; provided, however, that the restoration of service for such a customer shall not relieve the customer of any of his or her obligations and liabilities to the City of Asheboro for any and all outstanding balances, specifically including without limitation any assessed fees, still owed to the City of Asheboro as a consequence of the individual's or entity's past relationship with the City of Asheboro as a customer of the Water and Sewer Department. Furthermore, the provisions of this division of § 50.007 shall not be construed so as to provide relief

from restrictions as to the form of payment that will be accepted from a customer when that customer has had water service discontinued pursuant to division (F) of this section and § 50.006(B) of this Chapter. Prior to the restoration of service to an individual or entity as a new customer under the provisions of this division of § 50.007, such a customer must pay the deposit amount required of a new customer, if the previous deposit was applied to an outstanding balance, plus a minimum of one-half (½) of the total outstanding balance, including any and all service fees and other assessed fees, owed by the individual or entity to the City of Asheboro as a former customer. The remaining balance of the outstanding debt shall be billed to the customer on the customer's next billing and shall be subject to collection in the same manner as prescribed for any regular bill.

(E) (1) When water service has been discontinued to a customer and the customer does not remit payment on his account, the Water and Sewer Billing Department shall send a letter to the last known address of the customer informing him that this matter will be turned over to a collection agency in 30 days of the date of the letter if the account balance is not paid in full within that time period. There will be no set format for this letter. The envelope in which the letter is mailed will bear a request for the Post Office to forward it to any known proper address of the customer.

(2) If the account balance is not settled within 30 days of the mailing of the above letter, the account is to be turned over to a collection service to be recorded on the customer's credit record. The city shall authorize the collection service to make their best effort to collect the balance due. Any account turned over to the collection service shall be noted by a flag on the customer's record on the city's computer records, so that if an amount is collected, the portion due the collection service under the city's contract with them can be remitted as required. The City Council's approval shall be required before the city can enter into any contract for collection services with a collection agency.

(F) When a check for payment of water and sewer services is returned for insufficient funds or other reasons, there will be a charge of \$20.00 added to the account, and if the check is not made good within five days, water services will be

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discontinued. Whenever within any twelve (12) month period two (2) separate checks from a customer are returned to the City Water Department due to insufficient funds or for any other reason, such a customer shall be required to make payment in good funds only for twelve (12) consecutive billing periods before such a customer is eligible to make payments to the City Water Department in any form other than with good funds.

Section 4. Section 50.016 of the Code of Asheboro, which is entitled "**DEPOSIT REQUIRED FOR WATER SERVICE**," shall be amended to provide as follows:

All occupants of residential, business or commercial dwellings or buildings, other than owners thereof, are required to make a deposit of ~~\$50.00~~ \$60.00 for customers charged inside rates and ~~\$75.00~~ \$90.00 for customers charged outside rates. In cases where a line of credit can be established with the City Finance Officer, the deposit will be waived.

Section 5. Section 50.021 of the Code of Asheboro, which is entitled "**ADJUSTMENT POLICY**," shall be amended to provide as follows:

~~(A) Adjustments for underground pipe leaks, commode leaks, bathtub leaks, faucet leaks and hot water heater leaks shall be made only after a plumber's bill has been presented stating exactly what repairs were made and when they were made. If the individual fixed the leak himself, a receipt for parts purchased to correct the leak will be required. If no receipt is presented, it will be necessary to recheck the meter reading to insure that the leak has been repaired before an adjustment can be made. Only two adjustments per leak will be allowed.~~

~~(B) Adjustments for watering and the filling of swimming pools shall be made only twice in a one year period.~~

~~(C) In order to receive an adjustment, the customer must apply within six months from the due date of the first water bill that reflects the leak.~~

With the approval of the City Council, the City Manager may adopt rules and regulations concerning billing adjustments that may be made by the Water and

Sewer Billing Department during the course of collecting charges for water and sewer utility services.

Section 6. Section 51.36 of the Code of Asheboro, which is entitled "**USER CHARGES FOR RESIDENTIAL SANITATION CUSTOMERS**," shall be amended to provide as follows:

(A) ~~Effective July 1, 2002,~~ A charge of ~~\$4.00~~ \$17.00 per regularly scheduled pick-up of a dumpster for residential sanitation customers ~~shall be instituted is hereby established.~~ All additional pick-ups for such dumpsters shall be ~~\$17.00~~ \$27.00 per pick-up. No charge shall be made for pick-ups of cans for residential sanitation customers.

(B) A one pick-up per week minimum is hereby established for any residential customer using a dumpster.

(C) The collection charges instituted in this section will be added to the sanitation customer's water and sewer bill. Payment terms will be the same as for the water and sewer bill. In the event of nonpayment of this charge, collection of the customer's refuse will be discontinued until payment is remitted in full. In the event of a partial payment on a combined water-sewer and sanitation bill, the payment shall be first applied to the sanitation charge and the remainder, if any, shall be applied to the water-sewer charges. Failure to pay the full balance of the water-sewer bill shall result in the consequences specified in the city code; generally, termination of service.

(D) Unless arrangements are made otherwise and the city is notified of and agrees to these arrangements, the owner(s) of the real property where a residential dumpster is located shall be responsible for the charges specified in this section.

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(E) The owner(s) of the property upon which a dumpster is located is deemed responsible for the maintenance of his or her lot(s) in general and the location of the dumpster site in particular so as to allow the city sanitation trucks reasonable access to the dumpster.

(F) In order to receive residential dumpster service, all property owners must complete a dumpster permit and sign a hold harmless agreement in favor of the city.

(G) The city is not liable for any damages resulting to parking lots, drives, and the like caused by the weight of the trucks used for dumpster pick-up. Each property owner is expected to maintain a lot or drive of sufficient structure to support the weight of the collection trucks.

(H) No refuse which is unacceptable as routine refuse at the landfill will be collected from residential sanitation customers. Examples of unacceptable waste include but are not limited to: hazardous waste, tires, batteries, medical waste, yard waste, liquid waste, and white goods. Any receptacles containing any of these materials will not be picked-up by the sanitation department until the unacceptable materials are removed.

(I) The owner of the premises where the dumpsters are located and the residents utilizing the dumpsters/containers are responsible for the contents of the containers. The city is not responsible for policing containers to prevent the dumping of unacceptable waste, or refuse from individuals not related to the customer(s).

Section 7. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 8. This ordinance shall become effective on July 1, 2003.

Adopted this the 5th day of June, 2003.

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

ATTEST:

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

17. Resolution Adopting the Schedule of Charges and Fees for the Division of Water Resources for the 2003-2004 Fiscal Year.

Mr. Sugg presented and recommended adoption of the aforementioned resolution.

Upon motion by Mr. Baker and seconded by Mrs. Hunter, council voted unanimously to adopt the following resolution by reference:

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65 RES 6-03

**Resolution Adopting the Schedule of Charges and Fees for
the Division of Water Resources for 2003-2004 Fiscal Year**

WHEREAS, on May 15, 2003, the City Council of the City of Asheboro adopted an ordinance amending Chapter 52 of the Code of Asheboro; and

WHEREAS, said ordinance is captioned as the "Sewer Use Ordinance" and became effective as of June 1, 2003; and

WHEREAS, said ordinance provides that the cost of implementing the program established under the "Sewer Use Ordinance" is to be recovered from the users of the City of Asheboro wastewater disposal system by collecting certain charges and fees that are to be adjusted as needed each fiscal year and set forth each fiscal year in the City of Asheboro's Schedule of Charges and Fees for the Division of Water Resources; and

WHEREAS, the City Council concurs with the City Manager's recommendation and report that the Division of Water Resources has submitted an appropriate schedule of charges and fees for users of the City of Asheboro wastewater disposal system during the fiscal year 2003-2004; and

WHEREAS, the charges and fees proposed by the Division of Water Resources for the 2003-2004 fiscal year are accurately recorded in the attached document that is entitled "City of Asheboro Division of Water Resources Schedule of Charges and Fees 2003-2004 Fiscal Year" and identified as **'EXHIBIT 1,'** said document is incorporated by reference into this resolution as if copied fully herein.

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

Section 1. In light of all the pertinent factors associated with owning, operating, and maintaining a municipal wastewater system, the City Council finds the charges and fees established in the Schedule of Charges and Fees that is attached to this resolution as **EXHIBIT 1** and incorporated by reference to be reasonable and appropriate.

Section 2. The City Manager, by and through the Division of Water Resources, is hereby authorized and directed to collect the charges and fees recorded in **EXHIBIT 1** from July 1, 2003 until June 30, 2004, both dates inclusive.

Adopted the 5th day of June, 2003.

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

ATTEST:

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

"Exhibit 1," as referenced above, is attached to the original resolution on file in the city clerk's office.

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18. Finance and Public Safety & Public Works Matters.

No official meetings were held.

19. Items Not on the Agenda.

Mr. Neely reminded council that a joint meeting with the planning board will also be scheduled for the June 19th meeting.

Mr. Sherrid Austin appeared before council and asked what the status is on the amendments to the animal ordinance. The city attorney responded that the committee is still in existence but has not finished with amending the ordinance dealing with animals. Mr. Austin reported that he is still having the same problems with some type of birds his neighbor has that makes loud noises, which disturb him.

Mr. Austin was assured that this matter will be taken into consideration as the committee works on finalizing the ordinance dealing with animals. However, in the meantime, he should report the disturbance to the City's animal control officer.

There being no further business, the meeting was adjourned at 9:20 PM.

Carol J. Cole, CMC, City Clerk

David H. Jarrell, Mayor

