

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, APRIL 8, 2004
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)
Keith Crisco)
Nancy Hunter) –Council Members Present
John McGlohon)
Archie Priest)
David Smith)

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
Major Tony York, Asheboro Police Department
Allen Oliver, Parks & Recreation Director
Myers Johnson, Human Resources 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. Reverend John Butler, pastor of Wesley Chapel AME Zion Church, gave the invocation.

2. Approval of Minutes of Previous Meetings.

The minutes of the regular meeting of March 4, 2004 and special meeting of March 23, 2004 were approved as presented.

(Mayor Jarrell moved Agenda Item No. 4 - Findings of Fact for CUP-04-06 and Agenda Item No 5 –Findings of Fact for CUP-04-08 further down on the Agenda.)

3. Recognition of City Employee Katie Snuggs' Induction Into the Randolph County Women's Hall of Fame.

Mr. Ogburn recognized City Employee Katie Snuggs and named the many community activities in which she is involved. Ms. Snuggs was inducted into the Randolph County Women's Hall of Fame in recognition of her many hours of volunteer work in the Asheboro community.

4. Presentation of Division Performance Award From United Way.

Human Resources Director Myers Johnson reported that the city of Asheboro received the Governor's Performance Award for its 2003 United Way campaign. One company in each division is honored. City employees pledged \$15,523.25 to United Way, which is an 18% increase over last year. Sixty-five (65) employees were caring-share contributors.

5. Approval of Findings of Fact for CUP-04-06.

Upon motion by Mr. McGlohon and seconded by Mr. Priest, council voted unanimously to approve the city attorney's Findings of Fact for CUP-04-06 as follows:

IN THE MATTER OF THE APPLICATION OF CLAYTON TERRY TUCKER FOR A
CONDITIONAL USE PERMIT ALLOWING A CONTRACTOR'S OFFICE ALONG WITH
ACCESSORY USES AND STRUCTURES, INCLUDING "OPEN STORAGE YARD"

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE
REQUESTED CONDITIONAL USE PERMIT

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during the Council's regularly scheduled meeting on February 5, 2004. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. The applicant, Clayton Terry Tucker, (hereinafter referred to as the "Applicant") has properly submitted an application to have certain property owned by him and located in the vicinity of Ridgeway Circle and Ridgeway Drive rezoned from a R10 to a Conditional Use I2 zoning district.

2. In addition to requesting that the Council legislatively rezone the above-referenced property, the Applicant has also requested that the Council conduct a quasi-judicial proceeding and issue a Conditional Use Permit allowing a use that is classified under the Asheboro Zoning Ordinance as a contractor's office use with accessory uses and structures, including "open storage yard."

3. The Applicant's property that is subject to this application for a Conditional Use Permit is located in an area that is designated on the Growth Strategy Map as an "Adjacent Developed" area, and said area is identified on the Proposed Land Development Plan Map as "Neighborhood Residential."

4. Said property (hereinafter referred to as the "Zoning Lot") is currently located in a R10 zoning district, and the existing land use on the property is classified as vacant and residential.

5. The Zoning Lot consists of approximately 4.2387 acres.

6. The Zoning Lot is more specifically identified by Randolph County Parcel Identification Numbers 7750197514, 7750198533, 7750198289, 7750199672, and 7750199359.

7. Ridgeway Circle and Ridgeway Drive are local streets.

8. The Zoning Lot is located outside of the corporate limits of the City of Asheboro.

9. Water and sewer services are available for the Zoning Lot.

10. The Zoning Lot is contiguous with the existing industrial area, however, said lot extends into an area that is residential in character.

11. Prior to addressing the question of the issuance of the requested Conditional Use Permit, the Council, consistent with the recommendation of the Planning Board, rezoned the Zoning Lot from a R10 zoning district to a Conditional Use I2 zoning district. The proposed use would be a conforming use in an I2 zoning district.

12. The Applicant has submitted a proper application, including a site plan, for the requested Conditional Use Permit. Furthermore, the Applicant's representative, Mr. Jonathan Megerian, Esq., testified during the hearing of this matter that the Applicant is prepared to accept certain conditions that have been proposed by the Planning Department staff to the Council in order to ensure the compatibility of the Applicant's proposed use of the Zoning Lot with surrounding land uses.

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13. The Applicant has operated a business known as "Terry's Plumbing and Utilities, Inc." on surrounding property for a substantial number of years. The proposal before the Council is to utilize vacant land located between commercial and residential uses by cleaning up the land in question and using the area for the operations of the Applicant's existing business.

14. The proposed utilization of the vacant land includes constructing an accessory building that is to be used for the maintenance/repair of the Applicant's vehicles and equipment. The building will not be used to perform repair work for the public.

15. The available evidence indicates that the Applicant's proposed use of the Zoning Lot will not have any appreciable negative impact on the public health and safety or on the value of surrounding parcels of land.

16. The Applicant's proposed use of the Zoning Lot appears to meet all of the specifications and requirements of the Asheboro Zoning Ordinance.

17. No testimony was presented in opposition to the Applicant's request for a Conditional Use Permit.

Based on the foregoing findings of fact, the Council makes the following:

CONCLUSIONS OF LAW

1. The Council has concluded that the proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. The site plan, testimony, and other documentation submitted by the Applicant established that the overall proposal is designed in a manner that poses no material danger to the public health and safety.

2. The evidence received during the public hearing established that the proposed use does meet all of the required conditions and specifications of the Asheboro Zoning Ordinance.

3. The evidence presented during the course of the hearing of this matter established that the proposed use would not substantially injure the value of the adjoining or abutting property.

4. The location and character of the Applicant's proposed use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

The above-referenced application submitted by Clayton Terry Tucker for a Conditional Use Permit allowing a contractor's office with accessory uses and structures, including an "open storage yard," is hereby approved on the express condition that the Applicant and his heirs, executors, administrators, successors, and assigns meet and remain in compliance with the following conditions:

1. The use approved shall be a contractor's office and accessory uses and structures, including an "open storage yard."

2. The development shall be as per the site plan approved in accordance with and subject to Section 1013 of the Asheboro Zoning Ordinance.

3. The adjoining single-family residential units shall be buffered/screened according to "D" requirements. In addition, the requirements of Section 305A.2 of the Asheboro Zoning Ordinance shall be met for the "storage yard." Furthermore, an amended site plan shall be submitted to the Asheboro Planning Department reflecting the extension of buffering/screening consistent with this condition along the boundary of the Zoning Lot adjoining the property indicated on the site plan as belonging to Mr. Robert C. Hoover.

4. The frontage along Ridgeway Drive that is contiguous to the "storage yard," as shown on the site plan, shall be screened in accordance with Section 305A.2 of the Asheboro Zoning Ordinance and shall meet the requirements for front yard landscaping that are prescribed by Section 308A of the Asheboro Zoning Ordinance.

5. For purposes of ingress or egress to or from the Zoning Lot, no vehicle with a gross weight in excess of one (1) ton shall utilize Ridgeway Circle or the portion of Ridgeway Drive extending from its intersection with Ridgeway Circle to Old Farmer Road.

6. All requirements of the Performance Standards for Industrial Districts prescribed by the Asheboro Zoning Ordinance shall be met and maintained.

7. Off-street parking shall be provided in accordance with Article 400 of the Asheboro Zoning Ordinance.

8. Signage shall be as provided in Article 500 of the Asheboro Zoning Ordinance.

9. No "junk" as defined by the Asheboro Zoning Ordinance shall be permitted on the Zoning Lot.

Adopted by the Asheboro City Council in regular session on this 8th day of April, 2004.

ATTEST:

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

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

6. Approval of Findings of Fact for CUP-04-08.

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to approve the city attorney's Findings of Fact for CUP-04-08 as follows:

Case No. CUP-04-08
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION OF WILLIAM BEANE FOR A CONDITIONAL USE PERMIT ALLOWING A CONTRACTOR'S OFFICE ALONG WITH ACCESSORY USES AND STRUCTURES, INCLUDING "OPEN STORAGE YARD"

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE REQUESTED CONDITIONAL USE PERMIT

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during the Council's regularly scheduled meeting on March 4, 2004. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. The applicant, William Beane, (hereinafter referred to as the "Applicant") has properly submitted an application to have certain property that is located at 218 Vista Parkway and owned by him and his wife, Dianne K. Beane, rezoned to a Conditional Use B2 Commercial zoning district.

2. In addition to requesting that the Council legislatively rezone the above referenced property, the Applicant has also requested that the Council conduct a quasi-judicial proceeding and issue a Conditional Use Permit allowing a use that is classified under the Asheboro Zoning Ordinance as a contractor's office use with accessory uses and structures, including "open storage yard."

3. The Applicant's property that is subject to this application for a Conditional Use Permit is located in an area that is designated on the Growth Strategy Map as an "Economic Development" area, and said area is identified on the Proposed Land Development Plan Map as "Neighborhood Residential."

4. Said property (hereinafter referred to as the "Zoning Lot") is currently located in a R40 zoning district, and the existing land use on the property is classified as non-conforming commercial.

5. The land uses immediately surrounding the Zoning Lot are all residential.

6. The Zoning Lot consists of approximately thirty-one thousand seven hundred seventy-five (31,775) square feet.

7. The Zoning Lot is more specifically identified by Randolph County Parcel Identification Number 7771035079.

8. Vista Parkway is a local street.

9. The Zoning Lot is located outside of the corporate limits of the City of Asheboro, and said lot is not served by city services.

10. The Applicant's business, Beane Signs, Inc., has operated on the Zoning Lot since 1974. Consequently, said business was operating on the Zoning Lot prior to the expansion in 1987 of the city's extraterritorial jurisdiction to include this property.

11. As part of the process of expanding the extraterritorial jurisdiction of the city, existing non-conforming uses that were located within the expansion area were considered for zoning changes. However, this particular property was not brought up for consideration.

12. Prior to addressing the question of the issuance of the requested Conditional Use Permit, the Council, consistent with the recommendation of the Planning Board, rezoned the Zoning Lot from a R40 Residential zoning district to a Conditional Use B2 Commercial zoning district. The proposed use would be a conforming use in a B2 zoning district.

13. The Applicant has submitted a proper application, including a site plan and elevations, for the requested Conditional Use Permit. Furthermore, the Applicant testified during the hearing of this matter that he is prepared to accept certain conditions that have been proposed by the Planning Department staff to the Council in order to ensure the compatibility of the Applicant's proposed use of the Zoning Lot with surrounding land uses.

14. In essence, the Applicant is requesting a Conditional Use Permit that would allow him to continue his long-standing business, Beane Signs, Inc., by expanding an existing building in a manner that permits the conduct, at least in part, of business operations more conveniently and inside rather than outside in public view.

15. The Applicant's business operations have no past record of utilizing chemicals, materials, or practices that have endangered neighbors or any other person in any material sense. The Applicant has testified under oath of his intention to continue to use business practices that meet all applicable health and safety codes, specifically including without limitation the State Building Code.

16. The Applicant is engaged in a low traffic business. Most of his larger clients place orders by phone, fax, or e-mail and seldom frequent the premises of his business. During the month of February 2004, the Applicant averaged 1.4 cars per day at the business, received 2 shipments by large delivery trucks, and received 14 UPS or Federal Express deliveries.

17. The Applicant's personal residence, along with that of his son, adjoins the business, and, as an adjoining property owner, the Applicant testified that his proposed use of the Zoning Lot would not negatively impact to any meaningful degree the value of surrounding parcels of land. A written statement from Mr. Harold Brubaker, who is a professional real estate appraiser, corroborated the Applicant's opinion as to the impact of the requested Conditional Use Permit on land values.

18. The Applicant's proposed use of the Zoning Lot appears to meet all of the specifications and requirements of the Asheboro Zoning Ordinance.

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19. No testimony was presented in opposition to the Applicant's request for a Conditional Use Permit.

Based on the foregoing findings of fact, the Council makes the following:

CONCLUSIONS OF LAW

1. The Council has concluded that the proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. The site plan, testimony, and other documentation submitted by the Applicant established that the overall proposal is designed in a manner that poses no material danger to the public health and safety.

2. The evidence received during the public hearing established that the proposed use does meet all of the required conditions and specifications of the Asheboro Zoning Ordinance.

3. The evidence presented during the course of the hearing of this matter established that the proposed use would not substantially injure the value of the adjoining or abutting property.

4. The location and character of the Applicant's proposed use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

The above-referenced application submitted by William Beane for a Conditional Use Permit allowing a contractor's office with accessory uses and structures, including an "open storage yard," is hereby approved on the express condition that the Applicant and his heirs, executors, administrators, successors, and assigns meet and remain in compliance with the following conditions:

1. The use approved shall be a contractor's office and accessory uses and structures, including an "open storage yard."

2. The development shall be as per the site plan approved in accordance with and subject to Section 1013 of the Asheboro Zoning Ordinance.

3. The adjoining single-family residential units shall be buffered/screened according to "D" requirements. If natural uncut areas are to be utilized as buffers, an alternative buffer plan shall be submitted to and approved by the Planning Board as required by Section 304A.6 of the Asheboro Zoning Ordinance.

4. All road frontage, except driveway access, shall be screened as shown on the site plan.

5. All requirements of the Performance Standards for Commercial Districts prescribed by the Asheboro Zoning Ordinance shall be met and maintained.

6. Off-street parking shall be provided in accordance with Article 400 of the Asheboro Zoning Ordinance.

7. Signage shall be as provided in Article 500 of the Asheboro Zoning Ordinance.

8. No "junk" as defined by the Asheboro Zoning Ordinance shall be permitted on the Zoning Lot.

Adopted by the Asheboro City Council in regular session on this 8th day of April, 2004.

ATTEST:

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

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

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7. **Presentation by Sgt. Tony Richardson, North Carolina National Guard, to the City of Asheboro.**

Sgt. Tony Richardson was unable to attend this meeting.

8. Presentation of Proclamations to the Red Hat Society.

Mayor Jarrell read a proclamation proclaiming Sunday, April 25, 2004, as "Red Hat Day" in the city of Asheboro. There are four Asheboro Chapters of the Red Hat Society, which are the Asheboro Red Hots, the Crimson Crazies, the Red Sassy Adorables and the Randolph Madames. As stated in the proclamation, "the Red Hat Society is a group of middle-aged women who share a bond of affection, forged by common life experiences and a genuine enthusiasm for wherever life takes them." Doris Wright and several other members of the Red Hat Society were present, clad in their traditional purple dresses and red hats and shoes.

9. Appearance and Recognition of Guests and Citizens.

Mayor Jarrell welcomed everyone in attendance.

10. Public Hearings on Zoning Matters.

REZONINGS:

Mayor Jarrell opened the public hearing on the following request:

- (a) From R-15 Residential to CU-B-2 Commercial (RZ/CUP-04-10): A portion of the property of Andy B. and Dreama H. Archibald located on Shamrock Road, totaling approximately 1.536 acres, more specifically identified by Randolph County Parcel ID Number 7760164732.

Mr. Neely was sworn in and presented the site plan. He stated that Shamrock Road is a local street, and the site is served by all city services. The area is characterized by a mix of uses—single family, duplex and commercial. The property currently acts as a default vacant transitional area between the commercial and residential uses. The request is to rezone approximately 9,330 sq. ft. of the northern most property. The balance of the property is to remain R-15.

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. Neely stated some recommended conditions for council's consideration if it finds in favor of the request.

Mr. Jon Megerian, attorney representing the applicant, was sworn in and stated that the request is for only 20 feet of a conditional business use, which will be used for parking at America's Roadhouse restaurant. Nothing else can be done with the property. The LDP calls for a B-2 zoning for this property, which is located in a primary growth area. Mr. Megerian addressed the four standard tests. (1) The use will not materially endanger the public health and safety, as the use will be for additional parking. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance per testimony by Mr. Neely. The planning board has reviewed this request and recommends approval of the district rezoning. (3) The use will not substantially injure the value of adjoining or abutting property. The parking area will increase the value of the adjoining land. (4) The use will be in harmony with the area, as the use meets the goals of the Land Development Plan. Mr. Megerian stated that one of the residents has expressed concerns about lighting, which will be addressed by the zoning ordinance requirements. Photos of the area in question were available.

Mr. Andy Archibald, applicant, was sworn in and stated that is he the owner of America's Roadhouse. He proposes to have a driveway installed and add parking spaces. He is requesting 50 feet to be zoned B-2 Conditional. Thirty (30) feet of the 50 feet will have fencing and buffering. Only 20 feet will be used for parking.

Mayor Jarrell asked if the applicant accepts the conditions as stated by Mr. Neely. Mr. Megerian replied that the applicant accepts the conditions.

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

Upon motion by Mr. Baker and seconded by Mr. Smith, council unanimously ordained to

accept the recommendation from the planning board for approval of the district rezoning.

Upon motion by Mr. McGlohon and seconded by Mrs. Hunter, council voted unanimously to approve the CU Permit with the conditions as stated by Mr. Neely, based on the four standard tests being met per testimony of Mr. Megerian.

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

Mayor Jarrell opened the public hearing on the following request:

- (b) From I-2 Industrial & RA-6 Residential to RA-6 Residential (RZ-04-11): The property of Lucas Development LLC located on North Park Street, totaling approximately 25,408 sq. ft., more specifically identified by Randolph County Parcel ID Number 7751641508 pending. Mr. Darren Lucas is the applicant.

Mr. Neely described the aforementioned property and stated that North Park Street is a local street, and the site is served by all city services. The area is characterized by a mix of uses—single family, multifamily development and industrial. The property is currently split by the existing zoning district boundary. The existing outdoor storage has encroached into the residential district.

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

Mr. James Trogdon, representing the applicant, was available for questions.

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.

CONDITIONAL USE PERMITS:

Mayor Jarrell opened the public hearing on the following request:

- (a) Amend Conditional Use Permit for Eating Establishment, Walk-in/Carry-out (CUP-04-1): The property of Reverend Barney L. Trogdon, Jr. located on Cross Street, totaling approximately .284 acre, more specifically identified by Randolph County Parcel ID Number 7761258757.

Mr. Neely was sworn in and presented the amended site plan. He stated that Loach and Cross Streets are local streets. The site is within the corporate limits and served by all city services. The character of the area is residential. The request is to amend the Conditional Use Permit allowing Eating Establishment, Walk-in/Carry-out by amending the approved site plan and building elevations. The original conditions are to be continued, which Mr. Neely stated, and there are no proposed changes.

Reverend Barney Trogdon, Jr. affirmed and stated that the Randolph County Health Department had some concerns about the size of the building. Since the business will require the use of deep fryers, etc., health department officials said that the building did not have enough square footage to provide a safe environment for the workers. Reverend Trogdon wishes to enlarge the building by making it 12 feet wider.

The city attorney asked Reverend Trogdon if the proposed expansion will change any of the existing conditions. Reverend Trogdon replied that nothing has changed.

Mr. Neely restated the original conditions and added another one, which had been left out.

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

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to amend the existing Conditional Use Permit with the original conditions as stated by Mr. Neely to continue, based on the four standard tests still being met.

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

SPECIAL USE PERMITS:

Mayor Jarrell opened the public hearing on the following request:

- (a) Special Use Permit to Allow a Church in a Residential District (SUP-04-1): The property of Randolph Church of God located at 116 Sunrise Avenue totaling approximately 1.43 acres, more specifically identified by Randolph County Parcel ID Number 7763106913. Benjamin Chavis is the applicant.

Mr. Neely was sworn in and presented the site plan and elevation design. He stated that Sunrise Avenue is a local street. Vincent Drive is a "paper street," which means that the street is shown on the tax maps as a dedicated street, but it is not maintained nor has it been accepted by the City or State. The site is within the corporate limits and is served by all city services. The area is characterized by residential use. A church is presently on the site. The request is for a Church in a Residential District –to allow future additions.

Mr. Neely stated some suggested conditions for council's consideration if it finds in favor of the request.

Mr. Randy Purvis was sworn in and stated that he is a member of Sunrise Church of God, and they want to build a new sanctuary. Mr. Purvis addressed the four standard tests. (1) The use will not materially endanger the public health or safety, as there will be no hazardous chemicals or traffic hazards. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance, as shown on the site plan submitted. (3) The use will not substantially injure the value of adjoining or abutting property, as the request is a continuation of the existing use. Mr. Purvis stated that they feel it will increase the value of property by cleaning up the neighborhood. (4) The use will be in harmony with the area, as the existing use will not change.

Mr. Neely restated the conditions, and Mayor Jarrell asked the applicant if he agrees with the conditions.

The applicant was in agreement with the conditions as stated by Mr. Neely.

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

Upon motion by Mr. Baker and seconded by Mr. Smith, council voted unanimously to approve the Special Use Permit with the conditions as stated by Mr. Neely, based on the four standard tests being met per testimony by Mr. Randy Purvis.

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

Mayor Jarrell opened the public hearing on the following request:

- (b) Special Use Permit to Allow a Home Occupation –Professional Service, Architecture (SUP-04-02): The property of Steven W. Cofer and Jill P. Cofer located at 1800 Coxemoor Place, totaling approximately 42,566 sq. ft., more specifically identified by Randolph County Parcel ID Number 7760233800.

Mr. Smith asked to be excused from voting, as he is a resident of Coxemoor Place and may wish to speak on the matter.

Upon motion by Mr. McGlohon and seconded by Mrs. Hunter, council voted unanimously to excuse Mr. Smith from voting on this request.

Mr. Neely was sworn in and presented the site plan. He stated that Coxemoor Place is a local street. The site is within the corporate limits and is served by all city services. The area is characterized as neighborhood residential. The request is for a Special Use Permit to allow a Home Occupation –Professional Service, Architecture. Mr. Neely noted the special use requirements of the Asheboro Zoning Ordinance for home occupations. He stated some

suggested conditions for council's consideration if it finds in favor of the request.

Mr. Steve Cofer, applicant, was sworn in, and addressed the four standard tests. (1) The use will not materially endanger the public health or safety, as he proposes to turn one room into an office. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance. (3) The use will not substantially injure the value of adjoining or abutting property. There will be no outward development, and he will not be displaying signs to promote his business. He will meet his clients elsewhere. 4) The use will be in harmony with the area. There will be no outward change to the property. Mr. Cofer stated that he has contacted adjacent property owners, and they have no objections. He plans to use the proposed office temporarily -- about one year.

Mayor Jarrell asked Mr. Cofer if he accepts the conditions as stated by Mr. Neely. Mr. Cofer accepted the conditions.

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

Upon motion by Mr. McGlohon and seconded by Mr. Crisco, council voted to approve the request with the conditions as stated by Mr. Neely, based on the four standard tests being met per testimony by Mr. Cofer. Mr. Smith did not vote.

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

11. Subdivision.

(a) Sketch Design Approval for Turtle Lake Farm (SUB-04-1)

Mr. Neely presented the sketch design for Turtle Lake Farm, which showed both the Asheboro and Randleman jurisdiction. This subdivision is located on Caudle Road, with 31.1284 acres being located within the Asheboro jurisdiction. There are 41 lots, with the average lot size being 29,077 sq. ft. The request is for sketch design approval and a variance to the length of the cul-de-sac.

The planning board recommended approval of the sketch design with comments that certain issues need to be addressed, such as map items and sketch design plat checklist items; a variance to the length of the cul-de-sac is required or dual access; adjacent land access; city limits and lot line issues; common area issues; and street lighting plan. The developer has addressed most of these comments. The variance is still an issue.

Mr. C. J. Thomas and Bob Massey, developers, were present and stated that they cannot get the property owner to sell them land for another access road. There is one access to the property, one cul-de-sac and an emergency entrance. The subdivision will be built to the City of Asheboro's standards.

Council was concerned that the subdivision does not have a second outlet.

After much discussion, Mr. Baker moved to approve the sketch design contingent upon the developer gaining a second access to the property. Due to the lack of a second, the motion died.

Upon motion by Mr. Crisco and seconded by Mr. Smith, council voted unanimously to table this matter until the May council meeting.

12. Request From Randolph County Tourism Development Authority for Temporary "No Parking" on a Portion of Worth and Cox Streets.

Mayor Jarrell announced that this request has been withdrawn.

13. Adoption of Changes to Asheboro Parks and Recreation Policy Manual.

Parks and Recreation Director Allen Oliver had presented the proposed changes to council at last month's meeting for its review. He was available to answer any questions that council might have.

Upon motion by Mr. Crisco and seconded by Mrs. Carter, council voted unanimously to

adopt the changes to the Asheboro Parks and Recreation Policy Manual as presented by Mr. Oliver.

14. Consideration of Procuring Architectural Services for the Parks and Recreation Office Project.

This item was deferred.

15. Consideration of Proposed Permanent Closing of West Dorsett Avenue and the Portion of South Church Street South of West Walker Avenue.

Mr. Bunker reported that the resolution of the city council's intent to permanently close West Dorsett Avenue and the portion of South Church Street located south of West Walker Avenue was published in *The Courier-Tribune* once a week for four successive weeks prior to this public hearing, as required by law.

Mayor Jarrell opened the public hearing on the question of whether or not such permanent street closings would be detrimental to the public interest or the property rights of any individual.

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

Mr. Bunker presented and recommended adoption of the Order to close said streets, as prepared by the city attorney, by reference.

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

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

IN RE THE PERMANENT CLOSURE OF WEST DORSETT)
AVENUE AND THE PORTION OF SOUTH CHURCH)
STREET LOCATED SOUTH OF WEST WALKER AVENUE)

ORDER

WHEREAS, pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Asheboro adopted on the 5th day of February, 2004, at its regularly scheduled February meeting, Resolution Number 08 RES 2-04 which declared the intent of the City Council to permanently close West Dorsett Avenue and the portion of South Church Street located south of West Walker Avenue; and

WHEREAS, Resolution Number 08 RES 2-04 properly called for a public hearing to be held at 7:00 o'clock p.m. on the 8th day of April, 2004, in the Council Chambers of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro, on the question of whether or not such permanent street closures would be detrimental to the public interest or the property rights of any individual; and

WHEREAS, pursuant to Section 160A-299 of the North Carolina General Statutes, said resolution of intent was published in the Courier Tribune, a newspaper published in the City of Asheboro, Randolph County, North Carolina, once a week for four successive weeks prior to the public hearing called on the question of the permanent closure of West Dorsett Avenue and the portion of South Church Street located south of West Walker Avenue; and

WHEREAS, a copy of said resolution of intent was sent by certified mail to all of the owners, as determined by reviewing the county tax records, of property adjoining West Dorsett Avenue and the portion of South Church Street located south of West Walker Avenue, said property owners are more particularly identified as the Asheboro City Schools and the County of Randolph; and

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WHEREAS, notice of the City Council's intention to permanently close West Dorsett Avenue and the above-described portion of South Church Street, along with the call for a public hearing on the question of the closure of said streets, was prominently posted in two (2) locations along West Dorsett Avenue and the portion of South Church Street located south of West Walker Avenue, respectively; and

WHEREAS, after holding the public hearing called by the adopted resolution of intent to permanently close the above-described streets, it appears to the satisfaction of the City Council of the City of Asheboro that the permanent closure of West Dorsett Avenue and the portion of South Church Street located south of West Walker Avenue is not contrary to the public interest and that no individual owning property in the vicinity of the closed streets would thereby be deprived of reasonable means of ingress and egress to his property:

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

Section 1. West Dorsett Avenue is hereby permanently closed. West Dorsett Avenue is located within the corporate limits of the City of Asheboro and is more particularly described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a new iron pipe that is located at the point where the southern right-of-way line of West Dorsett Avenue intersects with the western right-of-way line of the fifty (50) foot right-of-way owned by Norfolk Southern Railroad, said point is located the following courses and distances from City of Asheboro Monument 25 which is located by means of the North Carolina Coordinate System at the coordinates of North 706,322.405 feet and East 1,756,419.502 feet (NAD 27): South 09 degrees 46 minutes 30 seconds West 4.10 feet along the western right-of-way line of Norfolk Southern Railroad to a new iron pipe; thence South 89 degrees 55 minutes 13 seconds East 86.73 feet across the Norfolk Southern Railroad right-of-way and to an existing iron pipe located on the western right-of-way line of South Fayetteville Street (United States Highway 220 Business); and thence South 65 degrees 46 minutes 21 seconds West 1264.06 feet to City of Asheboro Monument 25; thence from said Beginning point across West Dorsett Avenue and along the western right-of-way line of Norfolk Southern Railroad the following course and distance: North 09 degrees 46 minutes 30 seconds East 46.62 feet to a new iron pipe located at the intersection of the northern right-of-way line of West Dorsett Avenue with the western right-of-way line of the Norfolk Southern Railroad right-of-way; thence along the northern right-of-way line of West Dorsett Avenue the following courses and distances: North 89 degrees 55 minutes 13 seconds West 232.99 feet to a new iron pipe; thence South 01 degree 02 minutes 04 seconds East 5.00 feet to a new iron pipe; and thence North 89 degrees 55 minutes 13 seconds West 160.00 feet to a nail set in concrete at the intersection of the northern right-of-way line of West Dorsett Avenue with the eastern right-of-way line of South Church Street; thence South 01 degree 02 minutes 19 seconds East 40.80 feet across West Dorsett Avenue and along the eastern right-of-way line of South Church Street to a new iron pipe located at the intersection of the eastern right-of-way line of South Church Street with the southern right-of-way line of West Dorsett Avenue; thence South 89 degrees 53 minutes 43 seconds East 384.25 feet to the point and place of the BEGINNING and being all of West Dorsett Avenue, including the entirety of the forty (40) and forty-five (45) foot rights-of-way that include West Dorsett Avenue as shown on the below-referenced plat of survey, that is located within the 0.391 of an acre, more or less, encompassed by the preceding metes and bounds description.

This description is in accordance with a plat of survey entitled "Survey Of Proposed Closing Of West Dorsett Avenue And Portion Of South Church Street For City of Asheboro"; originally dated June 28, 2003 and revised on January 30, 2004; and drawn under the supervision of Philip M. Henley, P.L.S. with Registration Number L-1494.

Section 2. The portion of South Church Street located south of West Walker Avenue is hereby permanently closed. The portion of South Church Street referenced in the immediately preceding sentence is located within the corporate limits of the City of Asheboro and is more particularly described by metes and bounds as follows:

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Asheboro Township, Randolph County, North Carolina:

BEGINNING at the point where the northern right-of-way line of West Dorsett Avenue intersects with the eastern right-of-way line of South Church Street, said point is marked with a nail set in concrete; thence from said Beginning point North 01 degree 02 minutes 19 seconds West 323.03 feet along the eastern right-of-way line of South Church Street to a new iron pipe; thence South 88 degrees 57 minutes 41 seconds West 40.00 feet across South Church Street to a new iron pipe; thence South 01

degree 02 minutes 19 seconds East 363.02 feet along the western right-of-way line of South Church Street to a new iron pipe; thence South 89 degrees 53 minutes 43 seconds East 40.00 feet across South Church Street to a new iron pipe that is set at the point where the southern right-of-way line of West Dorsett Avenue intersects with the eastern right-of-way line of South Church Street; thence North 01 degree 02 minutes 19 seconds West 40.80 feet along the eastern right-of-way line of South Church Street to the point and place of the BEGINNING and being all of the portion of South Church Street located south of West Walker Avenue, including the entirety of the forty (40) foot right-of-way that includes the said portion of South Church Street located south of West Walker Avenue as shown on the below-referenced plat of survey, that is located within the 0.334 of an acre, more or less, encompassed by the preceding metes and bounds description.

This description is in accordance with a plat of survey entitled "Survey Of Proposed Closing Of West Dorsett Avenue And Portion Of South Church Street For City of Asheboro"; originally dated June 28, 2003 and revised on January 30, 2004; and drawn under the supervision of Philip M. Henley, P.L.S. with Registration Number L-1494.

Section 3. The City of Asheboro, pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, hereby reserves its perpetual right, title, and interest in and to both the water line and sanitary sewer line shown on the above-referenced plat of survey. This express reservation of a perpetual right, title, and interest in the said water and sewer lines includes, without limitation, an express reservation of a perpetual right, title, and interest in an easement for each line. The easements referenced in the immediately preceding sentence shall be twenty (20) feet in width (10 feet on each side of a particular line) and shall be utilized for the operation and maintenance of said water and sewer lines. Furthermore, this reservation by the City of Asheboro of its right, title, and interest in the existing utility improvements expressly includes, without limitation, the city's perpetual right and privilege of going in, upon, and over the area within the respective water and sewer line easements at any time or times, and from time to time, at the city's option, for the purpose of constructing, inspecting, operating, repairing, and maintaining water and sewer lines, including such alterations, replacements, and expansions of capacity as may, in the city's sole judgment, be necessary or proper as a part of the Municipal Water System and Sanitary Sewer System of the City of Asheboro, North Carolina

Section 4. This ordinance and order shall become effective upon adoption.

Section 5. Any person aggrieved by the permanent closure of the above-described streets may appeal the adoption of this ordinance and order to the General Court of Justice of Randolph County, North Carolina within thirty (30) days after the adoption of said ordinance and order.

Section 6. In the event there is no appeal within thirty (30) days after the adoption of this ordinance and order, a certified copy of said ordinance and order shall be filed in the office of the Register of Deeds of Randolph County, North Carolina as provided by law.

Adopted this the 8th day of April, 2004.

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

ATTEST:

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

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16. Resolution Accepting an Offer of \$25,000 From Habitat for Humanity of Randolph County, NC, Inc. for 3.592 Acres of Surplus City-Owned Real Property Located at the South End of Dennis Street.

Mr. Bunker reported that Habitat for Humanity's offer of \$25,000 for the surplus city-owned property located on Dennis Street was advertised in *The Courier-Tribune* as provided for by law, and no raised bids have been received. Mr. Bunker presented and recommended adoption, by reference, of a resolution accepting this offer, as prepared by the city attorney.

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

19 RES 4-04

RESOLUTION ACCEPTING AN OFFER OF \$25,000.00 FROM HABITAT FOR HUMANITY OF RANDOLPH COUNTY, NORTH CAROLINA, INC. FOR SURPLUS CITY-OWNED REAL PROPERTY LOCATED AT THE SOUTH END OF DENNIS STREET

WHEREAS, the City of Asheboro, North Carolina owns approximately 3.592 acres of land located at the south end of Dennis Street, and said land is more particularly described as follows:

Lot # 2 of the Dennis Street Subdivision recorded in the Office of the Register of Deeds for Randolph County, North Carolina in Plat Book 45 at Page 79; and

WHEREAS, on February 5, 2004, and by means of Resolution Number 10 RES 2-04, the City Council of the City of Asheboro declared the above-described real property, hereinafter referred to as the "Property," to be surplus property and subject to sale pursuant to the provisions of Section 160A-269 of the North Carolina General Statutes; and

WHEREAS, subsequent to the adoption of Resolution Number 10 RES 2-04, Habitat for Humanity of Randolph County, North Carolina, Inc. properly submitted an offer to purchase the Property for the sum of twenty-five thousand dollars (\$25,000.00); and

WHEREAS, on the basis of the fact that the said offer met the minimum price requirements set by the City Council and that a satisfactory bid deposit accompanied the offer, notice of the offer by Habitat for Humanity of Randolph County, North Carolina, Inc. was published in the Courier-Tribune on March 16, 2004, in accordance with the provisions of Section 160A-269 of the North Carolina General Statutes; and

WHEREAS, no qualifying upset bids have been received for the Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the offer of twenty-five thousand dollars (\$25,000.00) submitted by Habitat for Humanity of Randolph County, North Carolina, Inc. for the Property described in Resolution Number 10 RES 2-04 is hereby accepted; and

BE IT FURTHER RESOLVED that the City Attorney is hereby instructed to prepare for proper execution by the Mayor and the City Clerk a General Warranty Deed conveying in fee simple the Property to Habitat for Humanity of Randolph County, North Carolina, Inc.

Adopted by the City Council of the City of Asheboro in regular session this 8th day of April, 2004.

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

ATTEST:

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

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17. Bids Received for Widening the Airport Runway, Strengthening the Airport Runway, Taxiways and Parking Ramp, Expanding the Aircraft Parking Ramp and Constructing a New T-Hangar Taxilane.

Mr. Bunker reported that bids were received at 2:00 PM, April 5, 2004, on the aforementioned project. Only one bid was received at the second bid opening, which was submitted by APAC-Atlantic, Inc., Thompson-Arthur Division. APAC bid the project as follows: Schedule I: RW Widening, RW Strengthening, TW and Ramp Strengthening - \$1,634,804; Schedule II: Taxilane Strengthening - \$32,443; Schedule III: Aircraft Ramp Expansion - \$145,914.50; Schedule IV: New Taxilane - \$127,927.35. The total bid for the project is \$1,941,088.85. Mr. Pat Turney, PE, project manager, with W. K. Dickson & Co., Inc. recommended that

the contract be awarded to APAC, as it was the lowest responsive bidder. Mr. Turney also recommended that this contract award be contingent upon receipt of adequate State and Federal funds to complete the proposed Airfield Pavement Improvements, and that the City of Asheboro's contract award reserve the right to reduce the scope of work under this project if adequate State and Federal funds are not available.

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to approve this recommendation.

18. Resolution Accepting Bids Received for the Sewer Pump Station #1 Force Main Upgrade and the Proposed 16" Water Line From the Water Plant to Park Drive.

Mr. Bunker reported that bids were received at 2:00 PM on March 18, 2004, on the aforementioned project. He presented the Discussion and Tabulation of Bids that was prepared by Marziano & Minier, PA, Consulting Engineers. The following bids were received:

Contract No. 1 –Part "A" –Water Lines

Terry's Plumbing & Utilities Asheboro, NC 27203	\$ 611,120.00
Ramey, Inc. Bethania, NC 27010	895,164.00
Seaside Utilities, Inc. Moncks Corner, SC 29461	1,225,337.00
Thalle Construction Co. Hillsborough, NC 27278	1,224,455.00

Contract No. 1 –Part "B" –Sewer Forcemain

Terry's Plumbing & Utilities Asheboro, NC 27203	\$ 434,200.00
Ramey, Inc. Bethania, NC	627,718.00
Seaside Utilities, Inc. Moncks Corner, SC 29461	824,170.40
Thalle Construction Co. Hillsborough, NC 27278	949,980.00

Marziano & Minier recommended that tentative award of Part "A" –Water Lines \$611,120 and Part "B" –Sewer Lines \$434,200 be made to Terry's Plumbing & Utilities, Inc. of Asheboro for a total unit price of \$1,045,320, subject to approval of the State Regulatory Agency. Mr. Bunker presented and recommended adoption of a resolution making this award.

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

**Award Resolution
City Council
City of Asheboro, North Carolina**

WHEREAS, the City of Asheboro publicly advertised for bids to be received for the water and wastewater facilities on March 18, 2004; and

WHEREAS, the City of Asheboro has accepted a loan from the NC SRF Revolving Loan Program in the amount of \$5,331,881.00 for the water portion of the project and a loan of \$2,311,066.00, with a request of an increase of \$231,106.00, for the sewer portion of the

project.

WHEREAS, THE CITY OF ASHEBORO PUBLICLY OPENED BIDS ON March 18, 2004; and

WHEREAS, Terry's Plumbing & Utilities, Inc. submitted the low responsive unit price bid for Contract No. 1 –Part "A" –Water Lines \$611,120.00 and Part "B" –Sewer Lines \$434,200.00 for a total unit price amount of \$1,045,320.00.

NOW, THEREFORE BE IT RESOLVED, the City of Asheboro awards the project in accordance with the Engineer's recommendation to Terry's Plumbing & Utilities, Inc., Contract No. 1 –Part "A" and Part "B " Water and Wastewater Facilities in the amount of \$1,045,320.00.

This award is subject to approval by the various State Funding Agencies supplying the loans for this project.

Adopted this the 8th day of April, 2004.

S/ David Jarrell
David Jarrell, Mayor

ATTEST:

S/ Carol J. Cole
Carol J. Cole, CMC

19. Resolution Accepting Bids Received for the Sewer Pump Station #2 and #6 Upgrades, Including the Proposed Sewer Pump Station #2 Force Main Replacement and the Proposed 8" Gravity Sewer From NC Hwy. 42 North to Martin Luther King, Jr. Drive.

Mr. John Grey, P.E., with the Wooten Company, reported that bids were received at 2:00 PM on March 16, 2004, on the aforementioned project. He reviewed the prepared Discussion and Tabulation of bids received. The following bids were received:

<u>Section 1: General</u>		<u>(With Muffin Monster Grinder by JWC)</u>
Dellinger, Inc. Monroe, NC 28111	\$550,390	Alternate: \$552,425
Gilbert Engineering Co. Statesville, NC 28687	592,295	Alternate: 594,445
James E. Harris Construction Co., Inc. Huntersville, NC 28070	644,905	Alternate: 644,905
State Utility Contractors, Inc. Monroe, NC 28111	648,500	Alternate: 651,500
*Water & Waste Systems Const., Inc. Raleigh, NC 27603	465,000	Alternate 465,000

*Withdrew bid due to mathematical error.

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Section 2: Line Work

Terry's Plumbing & Utilities, Inc. Asheboro, NC 27203	\$1,083,862	Alternate: \$1,108,695
Thalle Construction Co., Inc. Hillsborough, NC 27278	1,849,155	Alternate: 1,925,863

The alternate bid was taken to restrict the pipe material to Ductile Iron Pipe as requested by City maintenance personnel.

Section 3: Electrical

Robertson Controls, Inc. \$231,000
Shelby, NC 28150

Electrical Construction, Inc. 244,000
Lexington, NC 27292

Sections 1, 2 and 3 –Single Prime

Thalle Construction Co., Inc. \$2,636,863
Hillsborough, NC 27278

The Wooten Company recommended that awards be made to the following:
Section 1 –General to Dellinger, Inc. of Monroe, NC; Section 2 –Line Work to Terry's Plumbing and Utilities, Inc. of Asheboro, NC; and Section 3 –Electrical to Robertson Controls, Inc. of Shelby, NC. A resolution making these awards was presented and recommended for adoption.

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

21 RES 4-04

**Award Resolution
City Council
City of Asheboro, North Carolina**

WHEREAS, the City of Asheboro publicly advertised for bids to be received for the Waste-water Pumping Stations No. 2 and No. 6 –2001 Improvements Project on December 4, 2003; and

WHEREAS, the City of Asheboro has accepted a loan from the NC Revolving Loan Program in the amount of \$2,311,066.00 and requesting an increase to the loan by \$231,106.00 for the project; and

WHEREAS, the City of Asheboro publicly opened bids on March 16, 2004; and

WHEREAS, Dellinger, Inc. submitted the low responsive lump sum bid for Section 1 Contract –General in the amount of \$552,425.00; Terry's Plumbing and Utilities, Inc. submitted the low unit price bid for Section 2 Contract –Line Work in the amount of \$1,108,695.00; and Robertson Controls, Inc. submitted the low lump sum bid for Section 3 Contract –Electrical in the amount of \$231,000.00.

NOW, THEREFORE BE IT RESOLVED, the City of Asheboro awards the project in accordance with the Engineer's recommendation to Dellinger, Inc. for Section 1 Contract – General in the amount of \$552,425.00; Terry's Plumbing and Utilities, Inc. for Section 2 Contract –Line Work in the amount of \$1,108,695.00; and Robertson Controls, Inc. for Section 3 Contract –Electrical in the amount of \$231,000.00.

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This award is subject to approval by NCDENR, Division of Water Quality, Construction Grants and Loans Section.

Adopted this the 8th day of April, 2004.

S/ David Jarrell
David Jarrell, Mayor

ATTEST:

S/ Carol J. Cole
Carol J. Cole, CMC

20. Request by The Wooten Company for Approval of Amendment #2 to the Engineering Services Agreement for the Sewer Pump Station #2 and #6 Improvements Project.

Mr. John Grey, PE, with The Wooten Company, requested that council approve Amendment #2 to the Engineering Services Agreement for the aforementioned project, which would increase the contract amount by \$43,000 from \$220,644 to \$263,644 for additions and revisions to the project plans. Mr. Grey explained the reason for the increase and what the increase would include.

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to approve Amendment #2 in the amount of \$43,000 by reference.

21. Ordinance to Amend the Water and Sewer System Capital Improvements Project Based on Bids Received.

Ms. Juberg reported that the City of Asheboro has received approval for additional loan funds, and revenues and expenditures have changed from the amounts shown in the Water and Sewer System Improvements Fund. She presented and recommended adoption, by reference, of an ordinance amending the budget to reflect these changes.

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

11 ORD 4-04

Ordinance to Amend the Water and Sewer System Improvements Fund –FY 2003-2004

WHEREAS, The City of Asheboro has received approval for additional loan funds, and revenues and expenditures have changed from the amounts shown in the Water and Sewer System Improvements Fund, and;

WHEREAS, the City Council of the City of Asheboro desires to amend the Budget as required by law;

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 following revenue line items be increased (decreased):

<u>Account #</u>	<u>Revenues Description</u>	<u>Current Appropriation</u>	<u>Increase (Decrease)</u>	<u>New Appropriated Amount</u>
71-385-0000	State Water Loan	3,400,000	1,931,881	5,331,881
71-385-0100	State Sewer Loan	2,150,000	392,172	2,542,172
71-397-3000	Contribution-W &S Fund	200,000	158,000	358,000
		5,750,000	2,482,053	8,232,053

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Section 2: That the following expense line items be increased (decreased):

<u>Account #</u>	<u>Expenses Description</u>	<u>Current Appropriation</u>	<u>Increase (Decrease)</u>	<u>New Appropriated Amount</u>
71-810-0400	Professional Services	255,000	111,430	366,430
71-810-0401	Professional Services	-	31,420	31,420
71-810-0500	Administrative	1,000	83,500	84,500
71-810-4500	Payment to Contractors	1,600,000	1,968,931	3,568,931
71-810-5200	Right of Way /Easements	150,000		150,000
71-810-5700	Contingency	294,000	(263,400)	30,600
71-820-0400	Prof Svcs-Water	22,000	(22,000)	-
71-820-0401	Prof Svcs-Sewer	198,000	56,137	254,137
71-820-0402	Prof Svcs-Legal	-	3,850	3,850
71-820-0500	Administrative	1,000	1,000	2,000
71-820-4500	Pmt to Contractors-General	1,228,000	(675,575)	552,425
71-820-4501	Pmt to Contractors-Line Work		1,108,695	1,108,695
71-820-4502	Pmt to Contractors-Electrical		231,000	231,000
71-820-5200	Right of Way /Easements	27,000	(6,236)	20,764
71-820-5700	Contingency	274,000	(179,400)	94,600
71-830-0400	Professional Services	56,000	13,405	69,405
71-830-0500	Administrative	1,000	1,830	2,830
71-830-4500	Payment to Contractors	345,000	89,200	434,200
71-830-5200	Right of Way /Easements	10,000	(5,434)	4,566
71-830-5700	Contingency	88,000	(66,300)	21,700
71-840-0400	Professional Services	116,700	-	116,700
71-840-0500	Administrative	1,000	27,000	28,000
71-840-4500	Payment to Contractors	1,000,000	(27,000)	973,000
71-840-5700	Contingency	82,300	-	82,300
		<u>5,750,000</u>	<u>2,482,053</u>	<u>8,232,053</u>

Adopted this the 8th day of April, 2004

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

ATTEST:

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

22. Finance and Public Safety Matters.

No official meeting has been held.

23. Public Works Matters.

Mr. Bunker reported that the public works committee met at 4:00 PM on Thursday, March 18, 2004, to discuss the options to provide sewer service to the proposed Food Lion Shopping Center at Pinewood Country Club.

The public works committee recommended that the City proceed with Option #1, as outlined below:

Option #1: Sewer Service With Annexation and City-Maintained Sewer Pump Station

- ? The cost of the engineering plans, sewer pump station and discharge line built to City of Asheboro standards would be provided by the developers.
- ? The property owners would petition for annexation.
- ? Special legislation would be required from the General Assembly due to the proposed facility being more than three (3) miles from the Asheboro City Limits, excluding other non-contiguous areas.

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- ? The city council would have to vary from current policy to accept a sewer pump station with a flow of less than 50,000 gallons per day.

<u>Potential Revenue if Annexed</u>	<u>Amount Per Year</u>
Taxes –Shopping Center w/tax value of \$2,500,000 x \$0.50/100	\$ 12,500
Taxes –Pinewood Country Club w/tax value of \$2,700,000 x \$0.50/100 (excluding golf course)	13,500
Revenue from additional water sale to Seagrove for Shopping Center (above inside rate) 12,400 GPD x 365 x \$2.39/1000/2	5,400
Business License Fees (estimate)	<u>5,500</u>
TOTAL ANNUAL REVENUE	\$ 36,900
<u>Potential Expenses if Annexed</u>	<u>Amount Per Year</u>
Sewer pump station maintenance (includes power, odor control chemical supply and supplemental water supply)	\$ 15,000
Tax reimbursement to Ulah Fire District for fire protection: \$5,200,000 x \$0.061/100	3,200
Reimbursement to Seagrove Water System Seagrove Rate: 15,900 GPD x 365 x \$4.88/1000 = \$28,300/year	14,400
Asheboro Rate: 15,900 GPD x 365 x \$2.39/1000 = \$13,900/year	<u> </u>
TOTAL ANNUAL EXPENSES	\$ 32,600
<u>Annual Income</u>	\$ 4,300

? Assumes revenue from water supply, sewer service and garbage pickup will approximately equal the cost of providing those services.

? The estimated amount of sewage flow into the pump station was provided by Wade Sweat of Cox and Dinkins Engineers-Surveyors on January 15, 2004.

24. Items Not on the Agenda.

Mayor Jarrell asked if there was anyone who wished to address the council.

Dr. Mary Johnson read from a prepared statement in which she expressed her concerns about Randolph Hospital, Randolph Medical Associates, the business operations of the two interconnected entities, and the conduct of members of the entities' senior management team during both her tenure as an employee of Randolph Medical Associates and during the course of subsequent litigation between herself and the above-listed entities. As part of her presentation, Doctor Johnson also provided to the council a copy of a written complaint (dated June 18, 2003) that she submitted to the Randolph County District Attorney's Office. This written complaint contained allegations by Doctor Johnson of certain misconduct by Randolph Hospital, Randolph Medical Associates, and certain members of the senior management team for these entities.

A complete copy of the text of Doctor Johnson's prepared statement as well as a copy of the complaint described in the immediate preceding sentence is on file in the city clerk's office and is available for public review and inspection.

Mayor Jarrell asked if there was anyone else who wished to speak.

Mr. Tom Johnson, Dr. Mary Johnson's father, addressed the council in order to voice both his strong support for his daughter and his belief in the credibility of her allegations.

Additionally, Mr. Johnson urged everyone at the council meeting to go to *The Randolph Guide's* website and read the letter from his wife that was published in the April 7, 2004 edition of the paper in order to learn more about the situation that had been addressed by his daughter.

Mayor Jarrell reminded council of the following upcoming events:

- ? Mayor's Prayer Breakfast, May 6th
- ? Budget Workshop, April 22nd
- ? Mayors' Tree Planting, April 23rd

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

Carol J. Cole, CMC, City Clerk

David H. Jarrell, Mayor

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