

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, JUNE 10, 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
John Evans, Code Enforcer
Myers Johnson, Human Resources Director
Kermit Williamson, Sanitation Superintendent
Bobby Kivett, Public Works Director of Operations
Tony York, Police Major
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 Johnny Henderson, pastor of Cross Road Baptist Church, gave the invocation.

2. Approval of Minutes of Previous Meetings.

The minutes of the regular meeting of May 6, 2004 and special meeting (planning retreat) of May 13-14, 2004 were approved as presented.

3. Appearance and Recognition of Guests and Citizens.

Mr. Rashadi Zaliki appeared before council and thanked the mayor for proclaiming June 19, 2004 as “Juneteenth Day” in the city of Asheboro, which honors the memory of the hundreds of thousands of African-Americans who were enslaved in this country.

4. Consent Agenda.

Mayor Jarrell asked council if it wished to vote on all items at one time or to vote on each item individually. Council elected to vote on each item individually.

(a) Approval of Findings of Fact, Conclusions of Law, and Orders in the following cases:

- i. CUP-04-10;
- ii. CUP-04-01;
- iii. SUP-04-01;
- iv. SUP-04-02;
- v. CUP-04-12;
- vi. CUP-04-02; and
- vii. CUP-04-03

Mayor Jarrell announced that Case Nos. CUP-04-02 (vi) and CUP-04-03 (vii) will be deferred.

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to approve Case Nos. CUP-04-10; CUP-04-01; SUP-04-01; SUP-04-02; and CUP-04-12 (i. through v.).

IN THE MATTER OF THE APPLICATION OF ANDY B. ARCHIBALD FOR A CONDITIONAL
USE PERMIT ALLOWING A PARKING LOT

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 of April 8, 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, Andy B. Archibald, (hereinafter referred to as the "Applicant") has properly submitted an application to have certain property located on Shamrock Road and owned by him and his wife, Dreama H. Archibald, rezoned to a Conditional Use B2 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 the use of a portion of his real property for a parking lot associated with his business, America's Roadhouse.
3. The Applicant's property that is subject to this application for a Conditional Use Permit (hereinafter referred to as the "Zoning Lot") is located in an area that is designated on the Growth Strategy Map as a "Primary Growth" area, and said area is identified on the Proposed Land Development Plan Map as "Commercial."
4. Said property is currently located in a R15 zoning district, and the existing land use on the property is classified as vacant.
5. The land uses immediately surrounding the Zoning Lot are both residential and commercial.
6. The Zoning Lot consists of approximately nine thousand three hundred thirty (9,330) square feet.
7. The Zoning Lot is currently a portion of a parcel of land that consists of approximately 1.536 acres and is more specifically identified by Randolph County Parcel Identification Number 7760164732. The Zoning Lot itself constitutes approximately 0.214 of an acre out of the total acreage of 1.536 acres.
8. Shamrock Road is a local street.
9. The Zoning Lot is served by all city services.
10. The area in which the Zoning Lot is located is characterized by a mix of uses – single family, duplex and commercial.
11. The parcel on which the Zoning Lot is located currently acts as a default vacant transitional area between the commercial and residential uses in the area.
12. While the Applicant is requesting to rezone the Zoning Lot, the portion of the overall parcel of land located south of the Zoning Lot is to remain zoned R15.
13. 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 R15 zoning district to a Conditional Use B2 zoning district.
14. The Applicant has submitted a proper application, including a site plan, 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.

15. Within the Zoning Lot itself, the desired parking spaces will be placed in the northern portion of the Zoning Lot.

16. A ten (10) foot buffer area under the Asheboro Zoning Ordinance is combined with twenty (20) feet of vacant land between the buffer area and the Zoning Lot's southern lot line to create a distance of thirty (30) feet between the Applicant's proposed parking lot and the lot line on the south end of the Zoning Lot.

17. A parking lot is one of the least intensive uses that is permitted in a B2 zoning district.

18. The Applicant's proposed use is designed to provide employee parking spaces and to improve the parking situation at an existing business, America's Roadhouse, which has operated in this area for a significant amount of time.

19. The Applicant's proposed use of the Zoning Lot meets all of the specifications and requirements of the Asheboro Zoning Ordinance.

20. Once certain questions posed by neighbor's in regard to lighting issues were addressed by reference to the zoning ordinance, no opposition to the Applicant's request for a Commercial Use Permit was expressed during the hearing of this matter.

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.

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 Andy B. Archibald for a Conditional Use Permit allowing the extension of employee parking is hereby approved on the express condition that the Applicant and his heirs, successors, and assigns meet and remain in compliance with the following conditions:

1. The use approved shall be a parking lot.

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

4. Buffering and screening shall be installed and maintained as required by Article 304A of the Asheboro Zoning Ordinance.

5. The lot shall be developed in accordance with Article 400 of the Asheboro Zoning Ordinance.

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

Adopted by the Asheboro City Council in regular session on this 10th day of June, 2004.

ATTEST:

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

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

Case No. CUP-04-1
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION OF REVEREND BARNEY L. TROGDON FOR AN
AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE AMENDMENT
TO THE EXISTING CONDITIONAL USE PERMIT

THIS MATTER came before the Asheboro City Council, hereinafter referred to as the "Council", for hearing during a regular meeting of the Council on April 8, 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. Reverend Barney L. Trogdon, hereinafter referred to as the "Applicant", properly applied for an amendment to an existing conditional use permit (CUP-03-41) that was originally issued on October 9, 2003.

2. The amendment sought by the Applicant is for the limited purpose of amending the site plan and elevations submitted under file number CUP-03-41 to reflect the Applicant's need for a larger building than was reflected on the original site plan.

3. Other than as noted in finding number 5 below, none of the evidence that was presented in support of the original issuance of a permit under file number CUP-03-41 has either changed in any material sense or been called into question.

4. With the exception of any findings pertaining to the actual dimensions of the Applicant's proposed building, the findings of fact and conclusions of law previously made by the Council and recorded under file number CUP-03-41 are hereby incorporated by reference into this document as if copied fully herein.

5. The change in the proposed building that has necessitated an amendment of the Applicant's site plan and elevations is an increase in square footage of the structure (the original plan called for a 26 X 20 structure and the revised plan calls for a 26 X 32 structure).

6. The Applicant is increasing the square footage of the structure in order to address safety concerns raised by the Randolph County Health Department about the proximity of workers to deep fryers if the proposed operations were conducted in the size of structure originally proposed by the Applicant.

7. The Applicant has worked with the staff in the city's planning department to confirm that the revised site plan and elevations, which were submitted to the Council during the hearing of this matter, do comply with all of the requirements of the Asheboro Zoning Ordinance.

8. During the hearing of this matter, the Applicant reaffirmed his willingness to comply with the conditions attached to the conditional use permit previously issued under file number CUP-03-41.

9. No testimony was provided in opposition to the Applicant's requested amendment of the existing conditional use permit.

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

CONCLUSIONS OF LAW

1. The proposed amendment and use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

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

3. The proposed amendment and use will 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 the Reverend Barney L. Trogdon for an amendment to the existing conditional use permit issued under file number CUP-03-41 is hereby approved on the express condition that the Applicant and his heirs, successors, and assigns meet and remain in compliance with the following conditions:

1. The use approved shall be an Eating Establishment, Walk-in / Carry-out.

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. All requirements of the Performance Standards for Commercial Districts shall be met and maintained.

4. Buffering and screening shall be installed and maintained as required by Article 304A of the Asheboro Zoning Ordinance.

5. Off-street parking shall be provided as required by Article 400 of the Asheboro Zoning Ordinance.

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

7. Any use or business established on the site shall be permitted to conduct operations only during the hours of 6:00 o'clock a.m. to 11:00 o'clock p.m. each day of the week.

Adopted by the City Council of the City of Asheboro in regular session on this 10th day of June, 2004.

ATTEST:

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

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

IN THE MATTER OF THE APPLICATION OF THE SUNRISE CHURCH OF GOD FOR A
SPECIAL USE PERMIT ALLOWING A CHURCH IN A RESIDENTIAL DISTRICT

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

THIS MATTER was commenced by the filing of an application by an authorized representative of the Sunrise Church of God for a Special Use Permit allowing a church in a residential district. This matter came before the Asheboro City Council, hereinafter referred to as the "Council," for hearing during the Council's regularly scheduled meeting on April 8, 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. An authorized representative of the Sunrise Church of God, hereinafter referred to as the "Applicant," properly filed an application with the City of Asheboro Planning Department for a Special Use Permit that would allow a church in a residential zoning district.
2. The Applicant's facilities are located at 116 Sunrise Avenue in Asheboro, and Randolph County Parcel Identification Number 7763106913 more specifically identifies the property.
3. The Applicant currently utilizes the property located at 116 Sunrise Avenue for a church, and the documentation, specifically including the site plan, and testimony submitted by a member of the Sunrise Church of God, Randy Purvis, as part of the application for this Special Use Permit indicates that the Applicant proposes to construct an addition to enhance the church facilities and for use as a sanctuary.
4. The property for which a Special Use Permit is sought, said property is hereinafter referred to as the "Zoning Lot," consists of approximately 1.43 acres of land.
5. The Growth Strategy Map designates the area in which the Zoning Lot is located as "Primary Growth," and the Proposed Land Development Plan Map indicates that said lot is located in an area designated as "Neighborhood Residential."
6. The land uses to the north, south, east, and west of the Zoning Lot are all residential.
7. The Zoning Lot is located in a R10 zoning district.
8. Sunrise Avenue is a local street. Vincent Drive is a "paper street."
9. The site is within the corporate limits of the City of Asheboro and served by all city services.
10. The area surrounding the Zoning Lot is residential in character.
11. A Special Use Permit is required in this case because the existing church is in a residential district where a Special Use Permit must be obtained in order to construct additions to the church facilities.
12. The Applicant has properly submitted a site plan and building elevations that have been reviewed by Planning Department staff members and found to comply with the regulations of the Asheboro Zoning Ordinance.
13. The plans submitted by the Applicant for this project do not indicate the existence of any materials or design characteristics, including without limitation traffic flow patterns, which pose an inherent or abnormal risk to the public health and safety.
14. As noted by the city's Planning Director during his testimony, the Applicant's site plan indicates that sufficient parking has been provided for the proposed sanctuary, which is designed to fully accommodate eighty (80) people.

15. The Applicant's representative who is employed as a building inspector testified as to his opinion that the proposed project would not adversely impact the value of surrounding parcels of land and would, in fact, add value to the adjoining property.

16. No testimony was presented in opposition to the Applicant's request.

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

CONCLUSIONS OF LAW

1. During the hearing of this matter, the evidence submitted to the Council indicated that no material endangerment of the public health or safety would be produced as a consequence of the Applicant's proposed use of the property.

2. The proposed use meets all of the required conditions and specifications of the Asheboro Zoning Ordinance.

3. The Applicant's proposed use will not substantially injure the value of the adjoining or abutting property.

4. The location and character of the 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 the Sunrise Church of God for a Special Use Permit allowing a church in a residential district is hereby approved on the condition that the Applicant, and its successors and assigns, meet and remain in compliance with the following conditions:

1. The use approved shall be a church and related activities.

2. The development shall be as per the site plan approved.

3. All applicable requirements of the Asheboro Zoning Ordinance shall be met and maintained.

4. Final building design and construction shall be according to the elevation designs as submitted and approved.

Adopted in regular session this 10th day of June, 2004.

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

ATTEST:

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

IN THE MATTER OF THE APPLICATION OF STEVEN COFER FOR A SPECIAL USE PERMIT
ALLOWING A HOME OCCUPATION – PROFESSIONAL SERVICE, ARCHITECTURE

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

THIS MATTER was commenced by the filing of an application by Steven Cofer for a Special Use Permit allowing a Home Occupation – Professional Service, Architecture. This matter came before the Asheboro City Council, hereinafter referred to as the “Council,” for hearing during the Council’s regularly scheduled meeting on April 8, 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. Steven Cofer, hereinafter referred to as the “Applicant,” properly filed an application with the City of Asheboro Planning Department for a Special Use Permit that would allow him to conduct, a Home Occupation-Professional Service, Architecture at his residence, which is located at 1800 Coxemoor Place.
2. Along with his wife, Jill P. Cofer, the Applicant owns the real property for which a Special Use Permit is sought, said property is hereinafter referred to as the “Zoning Lot.” This property is more specifically identified by Randolph County Parcel Identification Number 7760233800.
3. The Zoning Lot is zoned R10 and consists of approximately 42, 566 square feet.
4. The Growth Strategy Map designates the area in which the Zoning Lot is located as “Primary Growth,” and the Proposed Land Development Plan Map indicates that said lot is located in an area designated as “Neighborhood Residential.”
5. The land uses to the north, south, east, and west of said lot are residential.
6. Coxemoor Place is a local street.
7. The site is within the corporate limits of the City of Asheboro and served by all city services.
8. The area in question is characterized as neighborhood residential.
9. The Applicant is pursuing this application for the principal purpose of utilizing his residence at 1800 Coxemoor Place as the office for his architectural services business.
10. The Applicant wishes to turn only one (1) room of the residence into a business office, with no change in the outside appearance of his residence. Therefore, there will be no outward development.
11. The Applicant prefers to have meetings with clients elsewhere, and only a limited number of vendor representatives will be frequenting the office on a monthly basis. Thus, there will not be a high volume of traffic to and from the residence for business purposes.
12. The Applicant anticipates that the business will be located at his residence only for a short term.
13. The Applicant has no plans to advertise his business via sign in any location near or at the residence. Only a sign stating the street address and the name of the family will be posted near the residence.
14. The Applicant has worked with city staff members in the Planning Department to ensure the compliance of his application with the rules and regulations of the Asheboro Zoning Ordinance.

15. No testimony was presented in opposition to the Applicant's request.

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

CONCLUSIONS OF LAW

1. During the hearing of this matter, the evidence submitted to the Council indicated that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

2. The proposed use meets all required conditions and specifications of the Asheboro Zoning Ordinance.

3. The Applicant's proposed use will not substantially injure the value of adjoining or abutting property.

4. The location and character of the 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 Steven Cofer for a Special Use Permit allowing a Home Occupation – Professional Service, Architecture is hereby approved on the express condition that the Applicant and his heirs, successors, and assigns meet and remain in compliance with the following conditions:

1. The use approved shall be a Home Occupation –Professional Service, Architecture.

2. The use shall be conducted within the existing dwelling unit.

3. Identification signage shall be allowed as per Article 500 of the Asheboro Zoning Ordinance.

4. All requirements of the Asheboro Zoning Ordinance's Section 625 Home Occupations shall be met and maintained.

Adopted in regular session this 10th day of June, 2004.

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

ATTEST:

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

Case No. CUP-04-12
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION OF CHARLES B. WEST, JR. FOR A
CONDITIONAL USE PERMIT ALLOWING A HEALTH PRACTITIONER'S OFFICE

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 May 6, 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, Charles B. West, Jr., (hereinafter referred to as the "Applicant") has properly submitted an application to have certain property that is located at the northeastern corner of Sunset Avenue and North Park Street rezoned to a Conditional Use B3 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 Health Practitioner's Office.
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 "Primary Growth," and said area is identified on the Proposed Land Development Plan Map as "Activity Center."
4. Said property (hereinafter referred to as the "Zoning Lot") is currently located in a B2 zoning district, and the existing land use on the property is classified as vacant.
5. The land uses immediately surrounding the Zoning Lot are commercial.
6. The Zoning Lot is owned by the Applicant and his wife, Laurie B. West. It consists of approximately twenty-eight thousand one hundred eighty-one (28,181) square feet.
7. The Zoning Lot is more specifically identified by Randolph County Parcel Identification Number 7751624943.
8. Sunset Avenue is a minor thoroughfare; North Park Street is a major thoroughfare.
9. The Zoning Lot is served by all City services.
10. The area is characterized by commercial development.
11. The site is within normal walking distance to public parking areas.
12. The site plan indicates a structure built up to the street with parking located in the interior side yard and to the rear of the structure.
13. The structure is proposed to be constructed in two (2) phases, no time frame for phase two (2) is given. This will leave a thirty (30) foot setback on Sunset Avenue until phase two (2) is built.
14. 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 B2 zoning district to a Conditional Use B3 zoning district.
15. The Applicant has submitted a proper application, including a site plan and elevations, for the requested Conditional Use Permit. Furthermore, a North Carolina Licensed Architect testified on the Applicant's behalf 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 the surrounding land uses and with the Asheboro Zoning Ordinance.
16. City staff members in the Planning Department have reviewed the Applicant's site plan and found the proposals on the site plan to be in compliance with the specifications and requirements of the Asheboro Zoning Ordinance.
17. No opposition to the Applicant's request for a Conditional Use Permit was expressed during the hearing of this matter.
18. The proposed building is being designed and engineered by professional architects and engineers that are properly licensed in the State of North Carolina.

19. Driveway entrances to the Zoning Lot are being designed to North Carolina Department of Transportation standards, and the proposed building is set back adequately from the corner to insure a safe sight distance.

20. The proposed project will be professionally landscaped.

21. Given the apparent quality of design and construction materials for the structure and site appurtenances, the proposed project will be of equal or possibly greater quality as compared to surrounding properties.

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 and safety if located where proposed and developed according to the plan as submitted and approved.

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

3. The proposed use will not substantially injure the value of 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 is 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 Charles B. West, Jr. for a Conditional Use Permit allowing a Health Practitioner's Office is hereby approved on the express condition that the Applicant and his heirs, successors, and assigns meet and remain in compliance with the following conditions:

1. The use approved shall be a Health Practitioner's Office.

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

4. Buffering and screening shall be installed and maintained as required by Article 304A of the Asheboro Zoning Ordinance.

5. Off street parking shall be provided as required by Article 400 of the Asheboro Zoning Ordinance.

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

Adopted by the Asheboro City Council in regular session on this 10th day of June, 2004.

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

ATTEST:

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

(b) Consideration of an Ordinance Establishing a 25 MPH Speed Limit on Lamar Drive

Upon motion by Mr. Crisco and seconded by Mr. McGlohon, council voted unanimously to defer the following ordinance until the July council meeting for further discussion:

**ORDINANCE LOWERING THE SPEED LIMIT ON LAMAR DRIVE TO
TWENTY-FIVE (25) MILES PER HOUR**

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Section 20-141(b) of the North Carolina General Statutes provides as follows:

Except as otherwise provided in this Chapter, it shall be unlawful to operate a vehicle in excess of the following speeds:

(1) Thirty-five miles per hour inside municipal corporate limits for all vehicles.

(2) Fifty-five miles per hour outside municipal corporate limits for all vehicles except school buses and school activity buses; and

WHEREAS, Section 20-141(e) of the North Carolina General Statutes provides as follows:

Local authorities, in their respective jurisdictions, may authorize by ordinance higher speeds or lower speeds than those set out in subsection (b) upon all streets which are not part of the State highway system; but no speed so fixed shall authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this subsection shall be effective when appropriate signs giving notice thereof are erected upon the part of the streets affected; and

WHEREAS, Section 72.02 of the Code of Asheboro provides that speed restrictions established by the City Council by means of the adoption of an appropriate ordinance are to be recorded in Schedule 16; and

WHEREAS, Lamar Drive is located within the corporate limits of the City of Asheboro, and said street is not part of the State highway system; and

WHEREAS, based on the information contained within a petition signed by residents living along Lamar Drive and presented by Lamar Drive resident Joyce M. Davis to the City Council during a regular council meeting held on May 6, 2004, the City Council has concluded that Lamar Drive is experiencing an increase in the volume of traffic utilizing said road and that the maximum speed authorized on Lamar Drive should be set at twenty-five (25) miles per hour in an effort to enhance the safety of any and all children living along Lamar Drive; and

WHEREAS, the City Council of the City of Asheboro agreed on May 6, 2004, to lower the speed limit on Lamar Drive to twenty-five (25) miles per hour, and this ordinance is being prepared to formalize the council's action.

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

Section 1. The maximum speed authorized on Lamar Drive is hereby restricted to twenty-five (25) miles per hour for all vehicles.

Section 2. The City Manager, in consultation with the city police department, shall cause the appropriate signage to be erected on Lamar Drive in order to provide notice of the twenty-five (25) mile per hour speed limit established in Section 1 of this ordinance.

Section 3. The City Clerk shall amend Schedule 16 of Section 72.02 of the Code of Asheboro to reflect the imposition of the above-stated speed restriction.

Section 4. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall become effective upon adoption.

Adopted this 10th day of June, 2004.

ATTEST:

David H. Jarrell, Mayor

Carol J. Cole, CMC, City Clerk

- (c) Resolution Accepting an Increase in the State Revolving Loan Offer for the Upgrade of Sewer Pump Stations #1 (Sunset Avenue), #2 (East Dixie Drive), and #6 (Laurel Drive) With Related Sewer Force Mains and Sewer Interceptors (Increases the Loan Amount by \$231,107 to \$2,542,173)

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to adopt the aforementioned resolution.

30 RES 6-04

Resolution Accepting an Increase in the State Revolving Loan Offer for the Upgrade of Sewer Pump Stations #1 (Sunset Avenue), #2 (East Dixie Drive) and #6 (Laurel Drive) With Related Sewer Force Mains and Sewer Interceptors

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 and the Education, Clean Water, and Parks Bond Act of 1993 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems and water supply systems, water conservation projects; and

WHEREAS, the North Carolina Environmental Management Commission has offered a State Revolving Loan in the amount of \$2,311,066 with an increase of \$231,107 to \$2,542,173 for the construction of the upgrade of sewer pump stations #1 (Sunset Avenue), #2 (East Dixie Drive) and #6 (Laurel Drive) with related sewer force mains and sewer interceptors; and

WHEREAS, the City of Asheboro intends to construct said project in accordance with the approved plans and specifications;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:

That the City of Asheboro does hereby accept the State Revolving Loan offer increasing the loan amount by \$231,107 to \$2,542,173.

That the City of Asheboro does hereby give assurance to the North Carolina Environmental Management Commission that all items specified in the loan offer, Section II – Assurances will be adhered to.

That John N. Ogburn, III, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Asheboro has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 10th day of June, 2004 at Asheboro, North Carolina.

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

ATTEST:

5. Public Hearings on Zoning Matters.

Mayor Jarrell opened the public hearing on the following request:

- (a) From RA-6 Residential to CU-B-2 Commercial and a Conditional Use Permit Allowing Commercial Development With Multi-Use and/or Structures With FAR Up to .33 (RZ/CUP-04-15): The property of James D. Siler located at 748 Martin Luther King Drive, totaling approximately 11,250 sq. ft., more specifically identified by Randolph County Parcel ID Number 7761231644. The request for the CUP includes the vacant lot to the east.

Mr. Reynolds Neely was sworn in and submitted the site plan. He stated that Martin Luther King Drive is a local street. The site is served by all city services. The area is characterized by a mix of uses, including residential, multifamily and commercial. The request for a CU Permit includes two properties. The previous CU Permit issued for Lot No. 7761230654 expired. Mr. Neely stated some suggested conditions for council's consideration if it finds in favor of the request.

Mr. James Siler, applicant, was sworn in and stated that the existing building has been on the property for a long time. He feels that Martin Luther King Drive has become a major thoroughfare and more commercial. He proposes to put a clothing store and/or other commercial uses in the existing building. Mr. Siler addressed the four standard tests as follows: (1) The use will not materially endanger the public health or safety, as he will maintain the building to safe standards. (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. Mr. Siler has cleaned up the lot and feels that after the improvements have been made, the property value will be enhanced. (4) The use will be in harmony with the area. Mr. Siler reported that the NC Department of Transportation has approved a driveway for the property and that after improvements have been made, the property will be an asset to the area.

There was no opposition to this request.

Mayor Jarrell asked Mr. Siler if he agreed to the conditions as stated by Mr. Neely. Mr. Siler accepted the conditions.

Mayor Jarrell closed the public hearing.

Upon motion by Mr. Smith and seconded by Mr. Crisco, council unanimously ordained to approve the district rezoning to CU-B-2 Commercial.

Upon motion by Mr. Baker and seconded by Mrs. Hunter, council voted unanimously to approve the Conditional Use Permit with the conditions as stated by Mr. Neely, based on the four standard tests being met as per testimony by Mr. Siler.

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 July meeting.

Mayor Jarrell opened the public hearing on the following request:

- (b) From R-10 Residential to RA-6 Residential (RZ-04-16): The property of Teresa L. Chriscoe located at the northeast corner of Glovinia Street and Dunbar Street and frontage on East Presnell Street, totaling approximately 5.164 acres, more specifically identified by Randolph County Parcel ID Number 7761357809.

Mr. Neely described the aforementioned property and stated that East Presnell Street is a major thoroughfare, and Glovinia and Dunbar Streets are local streets. The site is outside the corporate limits and is not served by any city services. However, water and sewer services are available. The property is currently split by existing zoning districts. The portion zoned R-10 has no road frontage. A small portion of the property is located within a flood zone.

The planning board recommended approval, as the request resolves the split zoning situation.

Ms. Teresa Chriscoe was present to answer 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.

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Mayor Jarrell opened the public hearing on the following request:

- (c) From I-2 Industrial and CU-B-3 Commercial to B-2 Commercial (RZ-04-17): The property of Charles G. Willard located at 209 Summit Avenue and with frontage on Peachtree Street, totaling approximately 3.07 acres, more specifically identified by Randolph County Parcel ID Numbers 7751546141, 7751547311, and 7751547216.

Mr. Neely described the aforementioned property and stated that Summit Avenue and Peachtree Street are local streets. The site is served by all city services. The area is characterized by a mix of industrial, commercial and residential. The applicant has purchased additional property.

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

Mr. Charles Willard, applicant, stated that the complex will be a Class A medical center and he has already contracted with doctors. He proposes to build a second building and he wants some flexibility as to where he can put the structure.

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

Upon motion by Mr. Priest 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 Existing Conditional Use Permit for a Development With Mixed Uses and/or Structures to Add an Access Drive and Parking (CUP-04-18): The property of Glenn King and others located at the corner of East Salisbury Street and NC Highway 42, totaling approximately 4.395 acres, more specifically identified by Randolph County Parcel ID Numbers 7761326037 and 7761324278.

Mr. Neely was sworn in and submitted the site plan. He stated that Highway 42 South and Salisbury Street are major thoroughfares. The site is served by all city services. The area is characterized by a mix of uses; i. e., residential, commercial and multifamily. The request is to amend the existing Conditional Use Permit for a development with mixed uses and/or structures to add an access drive and parking. The additional driveway will be accessed off of Highway 42 South, and six (6) parking spaces will be added.

Mr. Neely stated that if council finds in favor of the request, the staff's recommendation is that all previous conditions are to continue and that the amended site plan be approved as submitted.

Mr. Glenn King, applicant, was sworn in and stated that the only standard test that has been changed by this request is Test #1, which concerns public health and safety. He is still meeting the other conditions. Previously, there has been no access from Highway 42. The NC Department of Transportation has issued a driveway permit, and six (6) parking spaces will be provided at the end of the lot. Mr. King cannot put any parking off of Dublin Square Road, as the NC Department of Corrections is taking up all of the parking spaces. The other three (3) units are not desirable now because of the parking situation. The parking lot will be made of concrete and have very limited use.

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

Upon motion by Mrs. Hunter and seconded by Mr. McGlohon, council voted unanimously to approve the request, as it still meets the four standard tests per testimony by Mr. King. The previous conditions shall remain in effect, and the amended site plan is approved as submitted.

These conditions will be further detailed in the city attorney's Findings of Fact, Conclusion of Law and Order Granting the Amended CUP to be approved by council at its July meeting.

6. Subdivision Ordinance.

Mr. Neely presented and reviewed the proposed amendments to Article IX Required Improvements and Design Standards, Section E. Water and Sewerage Systems of the Asheboro Subdivision Ordinance. He announced that the public hearing on the proposed amendments will be scheduled for the July 8, 2004 council meeting.

7. Public Hearing on Proposed Changes in the Provisions of Chapter 50 of the Code of Asheboro that Regulate Connections to the Municipal Water and Sewer System.

Mayor Jarrell opened the public hearing on the aforementioned.

Mr. Ogburn reported that this public hearing has been advertised as provided for by law. He reviewed the proposed changes, which applies to every consumer. Mr. Ogburn presented and recommended adoption, by reference, of an ordinance amending Chapter 50 of the Code of Asheboro to reflect these changes.

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

Upon motion by Mr. Baker and seconded by Mr. Crisco, council voted unanimously to adopt the following ordinance by reference, which is to become effective July 1, 2004:

12 ORD 6-04

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ASHEBORO

WHEREAS, Section 160A-312(a) of the North Carolina General Statutes authorizes the City of Asheboro to “acquire, construct, establish, enlarge, improve, maintain, own, operate, and contract for the operation of any or all of the public enterprises . . .” defined in Article 16 of Chapter 160A of the North Carolina General Statutes for the purpose of furnishing “services to the city and its citizens”; and

WHEREAS, Section 160A-311 of the North Carolina General Statutes defines the term “public enterprise” to include water supply and distribution systems as well as wastewater collection, treatment, and disposal systems of all types; and

WHEREAS, Section 160A-312(a) of the North Carolina General Statutes further provides that the City of Asheboro “may acquire, construct, establish, enlarge, improve, maintain, own, and operate any public enterprise outside its corporate limits, within reasonable limitations, but in no case shall a city be held liable for damages to those outside the corporate limits for failure to furnish any public enterprise service”; and

WHEREAS, Chapter 50 of the Code of Asheboro prescribes regulations governing the operation of the City of Asheboro water and sewer systems; and

WHEREAS, Section 50.008 of the Code of Asheboro provides as follows:

§ 50.008 CONNECTIONS OUTSIDE CITY LIMITS.

(A) In order to broaden the city’s development and tax base, owner(s) of property outside the city limits proposing commercial or industrial use, or major residential subdivision development must petition the city for annexation before connections to the city’s water and sewer facilities are allowed.

(B) These properties may be connected to water or sewer lines and remain outside the city limits, but the owner(s) must petition the city for annexation before connections to both water and sewer lines will be allowed; and

WHEREAS, one of the missions of the City of Asheboro as a municipal corporation organized and existing under the laws of the State of North Carolina is to provide the governmental services essential for sound urban development and for the protection of health, safety, and welfare in areas being intensively used for residential, commercial, industrial, institutional, and governmental purposes or in areas undergoing such development; and

WHEREAS, the City Council of the City of Asheboro has determined that the current provisions of Section 50.008 of the Code of Asheboro do not adequately support the mission stated in the immediately preceding paragraph.

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

~~Section 1.~~ Section **50.008** of the Code of Asheboro, which is entitled "**CONNECTIONS OUTSIDE CITY LIMITS**", is hereby amended to provide as follows:

§ 50.008 CONNECTIONS OUTSIDE CITY LIMITS.

~~(A) In order to broaden the city's development and tax base On~~ (A) city's water and sewer facilities are allowed.

~~(B) These properties Unless compliance with one of the conditions specified by division (C) of this section is demonstrated by an applicant, owner(s) of real property located outside the city limits seeking to connect to the city's water and sewer facilities or after July 1, 2004, owner(s) of real property located outside the city limits proposing commercial or industrial use, or major residential subdivision development must petition the city for annexation and be annexed into the city before connections to the must connect to both facilities and shall not have the option of connecting to one facility without the other. may be connected to water or sewer lines and remain outside the city limits, but the owner(s) must petition the city for annexation before connections to both water and sewer lines will be allowed.~~

~~(C) Owner(s) of real property located outside the city limits may connect to either the city water facilities or the city sewer facilities and not be subject to the requirement of petitioning for annexation before making the requested connection if any one of the following conditions is met.~~

- ~~1. The real property for which application is made for connection to either the city water facilities or the city sewer facilities consists of one and only one parcel of land that immediately adjoins an existing water or sewer line that is owned, operated, and maintained by the City of Asheboro;~~
~~or~~
- ~~2. Authorization has been granted by the City Council of the City of Asheboro for the connection of certain real property to either the city water facilities or the city sewer facilities. Such authorization shall only be granted upon written request submitted to the council through the City Manager, who shall act as the council's agent, and upon a finding by the council that the requested authorization is warranted in light of severe topographical conditions or other conditions peculiar to the site that would cause an undue hardship if the applicant were required to connect to both the city's water and sewer facilities.~~

~~(D) If at any point and time the owner(s) of real property that is connected to only the city water facilities or the city sewer facilities seeks to connect to the previously unutilized facilities, such owner(s) must petition the city for annexation and be annexed into the city before connection will be permitted to the requested facilities.~~

~~(E) As used in this section:~~

- ~~1. "Water line" means any water distribution line built to utility standards.~~
- ~~2. "Sewer line" means any sanitary sewer collector, interceptor, and outfall line built to utility standards.~~

~~(F) Notwithstanding the provisions of this section, when any real property located outside the city limits is subject to a major subdivision of land plat governed by the Subdivision Ordinance of the City of Asheboro,~~

North Carolina, any application or request for connection to the city water and sewer facilities shall be subject to and reviewed in accordance with

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the provisions of the Subdivision Ordinance pertaining to water and sewerage system improvements.

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

Section 3. This ordinance shall become effective on July 1, 2004.

Adopted in regular session by the City Council of the City of Asheboro on this 10th day of June, 2004.

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

ATTEST:

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

8. Consideration of Approval of Pay Classification Plan.

Mr. Ogburn reviewed the proposed changes in the salary grades in the Pay and Classification Plan. He stated that salary grades for the fire department will still be in line with the police department.

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to approve the new Pay and Classification Plan.

9. Consideration of the Development of a 10-Year Comprehensive Solid Waste Management Plan.

Mayor Jarrell announced that this is a public meeting, which was advertised in *The Courier-Tribune*, a local newspaper, for the purpose of facilitating public participation in the development of a 10-year Comprehensive Solid Waste Management Plan.

Sanitation Superintendent Kermit Williamson presented and reviewed said Plan, which will be submitted to the Solid Waste Section of the NC Department of Environment and Natural Resources, as required by the General Statutes. The purpose of this plan is to allow the city of Asheboro to continue to develop local solid waste needs, as well as protecting both public health and the environment. Mr. Williamson reported that the City is exceeding its goal that the State has set for Asheboro. This plan will be followed by a three-year update, as required by law, in June of 2007.

After discussion, Mr. Crisco moved and Mrs. Carter seconded that council adopt the 10-year Comprehensive Solid Waste Management Plan as presented by Mr. Williamson. The motion was unanimously carried.

10. Consideration of Request by Dr. Mary Johnson to Amend the Minutes of the April 8, 2004 Council Meeting.

Mrs. Irene Johnson, Dr. Mary Johnson's mother, appeared before council on her daughter's behalf and read an e-mail from Doctor Johnson. The e-mail was dated May 26, 2004, and sent to Mr. John Ogburn requesting that the council's minutes of April 8, 2004, be amended to include the entire text of a written statement that she presented at said meeting.

After Mrs. Irene Johnson's presentation, the city council members engaged in some discussion with the city attorney about the past practice and policy of the City in regards to the content of council minutes. At the conclusion of this discussion, the request by Doctor Johnson for an amendment to the minutes of the April 8th meeting failed for the lack of a motion to amend said minutes.

11. Consideration of the First Reading of an Ordinance Granting a Renewal of a Certificate of Convenience and Necessity for Franchise to Operate Taxicabs (Asheboro Taxi Service).

City Clerk Carol Cole reported that Mr. Tony Hafez of Asheboro Taxi Service has submitted an application to renew his franchise to operate seven (7) taxicabs within the city of Asheboro. The

franchise is for a term of one (1) year, expiring on July 12, 2005. Mr. Hafez has presented proof of the required liability insurance. 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.

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Upon motion by Mr. McGlohon and seconded by Mr. Baker, council voted unanimously to adopt the first reading of the following ordinance:

13 ORD 6-04

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, 2005.

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 10th day of June, 2004.

ATTEST: S/ David H. Jarrell
Mayor

S/ Carol J. Cole
City Clerk

12. Public Hearing on Consideration of a Petition Received From Edward S. Turlington Requesting Contiguous Annexation of 18.238 Acres on the West Side Of US Highway 220 Business North (Proposed Providence Park Subdivision).

Mayor Jarrell opened the public hearing on the aforementioned annexation request.

Mr. Bunker reported that notice of this public hearing to consider said annexation was published in *The Courier-Tribune* on May 12, 2004.

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

Mr. Bunker presented an ordinance to extend the corporate limits of the City of Asheboro, effective this date, and recommended its adoption by reference.

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

14 ORD 6-04

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEBORO (18.238 Acres of Land Located on the West Side of U.S. Highway 220 Business North (Proposed Providence Park Subdivision))

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition signed by the owner of all of the real property located within the area hereinafter described was heretofore presented to the City Council, by which petition a request was made that said area be annexed to the City of Asheboro; and

WHEREAS, the City Council has by resolution directed the City Clerk of the City of Asheboro to investigate the sufficiency of the petition, and the City Clerk has certified the sufficiency of said petition; and

WHEREAS, the City Council did publish notice to the public on the 12th day of May, 2004, in *The Randolph Guide*, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held at 7:00 o'clock p.m. on the 10th day of June, 2004, at the City of Asheboro Municipal Building to consider the adoption of an ordinance annexing said area to the City of Asheboro; and

WHEREAS, during said public hearing that was in fact held on the 10th day of June, 2004, no person owning property within the area to be annexed alleged an error in the petition, and no resident of the municipality questioned the necessity of annexation; and

WHEREAS, the City Council has determined that the petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

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

Section 1. By virtue of the authority granted in the North Carolina General Statutes, Chapter 160A, Article 4A, Part 1, the following area is annexed and attached to, and hereby becomes a part of the City of Asheboro, and is described as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe, control corner that is set on the existing corporate limits line of the City of Asheboro and is located by means of the North Carolina Coordinate System at the coordinates of North 742,065.1452 feet and East 1,759,187.0352 feet (NAD 27); thence from said Beginning point South 71 degrees 57 minutes 45 seconds West 984.71 feet along the northern line of the Murphy Brown property described in Deed Book 1663, Page 1450, Randolph County Registry to an existing iron rod, control corner that is located by means of the North Carolina Coordinate System at the coordinates of North 741,759.9497 feet and East 1,758,250.8143 feet (NAD 27); thence South 71 degrees 57 minutes 45 seconds West 59.27 feet to a point in the centerline of a 100 foot right-of-way for Carolina & Northwestern Railroad; thence North 13 degrees 51 minutes 32 seconds East 972.75 feet along the centerline of said railroad right-of-way to a point; thence South 87 degrees 26 minutes 37 seconds East 543.74 feet to an existing iron rod; thence South 88 degrees 36 minutes 38 seconds East 378.03 feet to an existing iron rod; thence along a line parallel to the western right-of-way line of US Highway 220 Business North the following course and distance: South 22 degrees 03 minutes 22 seconds East 100.00 feet to a point not set; thence North 35 degrees 01 minute 29 seconds East 12.03 feet to a point not set in the western right-of-way line of US Highway 220 Business North; thence along said western right-of-way as it curves to the right a course and chord distance of South 16 degrees 55 minutes 55 seconds East 410.40 feet (Delta Angle 08 degrees 37 minutes 01 second, Radius 2731.40, Arc 410.79, Tangent 205.78) to a point not set; thence along the existing corporate limits line of the City of Asheboro the following courses and distances: South 70 degrees 51 minutes 20 seconds West 20.37 feet to an existing iron pipe; thence South 70 degrees 58 minutes 00 seconds West 323.80 feet to the point and place of the BEGINNING, and containing 18.238 acres, more or less.

This description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR THE CITY OF ASHEBORO PROVIDENCE PARK SUBDIVISION". This plat of survey was drawn under the supervision of Jerry A. King, Professional Land Surveyor with Registration Number L-3373, from an actual survey made under his supervision. Said plat of survey bears a date of January 17, 2003.

Section 2. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the office of the Register of Deeds of Randolph County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described

in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the North Carolina General Statutes.

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Section 4. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be in full force and effect from the 10th day of June, 2004.

Adopted this 10th day of June, 2004.

S/ David H. Jarrell
David H. Jarrell
Mayor of the City of Asheboro

ATTEST:

S/ Carol J. Cole
Carol J. Cole, CMC
City Clerk of the City of Asheboro

Approved as to form:

S/ Jeffery C. Sugg
Jeffery C. Sugg,
City Attorney

13. Public Hearing on Consideration of Petition Received From Ken Gallimore and A. B. Caviness Requesting to Permanently Close the Unopened Portion of McLaurin Drive Connecting to Vision Drive.

Mayor Jarrell opened the public hearing on the aforementioned.

Mr. Bunker reported that the resolution declaring the city council's intent to permanently close the unopened portion of McLaurin Drive connecting to Vision Drive was published in *The Courier-Tribune* once a week for four successive weeks.

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

Mr. Bunker presented and recommended adoption of an ordinance and order to close said portion of McLaurin Drive, which will become effective upon adoption.

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

CITY OF ASHEBORO STREET CLOSURE ORDINANCE NO. 15 ORD 6-04

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

**IN RE THE CLOSING OF THE UNOPENED)
PORTION OF McLAURIN DRIVE THAT)
CONNECTS TO VISION DRIVE)**

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 6th day of May, 2004, at its regularly scheduled May meeting, a resolution (26 RES 5-04) declaring the intent of the City Council to permanently close the unopened portion of McLaurin Drive that connects to Vision Drive; and

WHEREAS, Resolution Number 26 RES 5-04 properly called for a public hearing to be held at 7:00 o'clock p.m. on the 10th day of June, 2004, in the Council Chamber of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro, on the question of whether or not such closing 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 the above-described portion of McLaurin Drive; and

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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 the above-described portion of McLaurin Drive, said property owners are more particularly identified as follows:

1. Kenneth P. and Bridget Gallimore
2. A.B. Caviness, Jr.

WHEREAS, notice of both the City Council's intention to permanently close the above-described portion of McLaurin Drive and the call for a public hearing on the question of the closure of said street was prominently posted in two places along the unopened portion of McLaurin Drive for which permanent closure is proposed; and

WHEREAS, after holding the public hearing called by the adopted resolution of intent to permanently close the above-described portion of McLaurin Drive, it appears to the satisfaction of the City Council of the City of Asheboro that the permanent closure of said portion of McLaurin Drive is not contrary to the public interest and that no individual owning property in the vicinity of the said portion of McLaurin Drive 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. The unopened portion of McLaurin Drive that connects to Vision Drive is hereby permanently closed. Said permanently closed portion of McLaurin Drive 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 an existing iron pin or pipe that is set in the eastern terminus of the southern line of the 30 foot right-of-way for the city maintained street known as McLaurin Drive (formerly North Carolina Secondary Road 1700), said point is located 455 feet, more or less, east of the centerline of South Tremont Drive and is located South 21 degrees 56 minutes 38 seconds East 16.14 feet from an existing PK nail set in the eastern terminus of the city maintained portion of McLaurin Drive; thence from said Beginning point along the eastern line of the 30 foot right-of-way for the unopened portion of McLaurin Drive that connects to Vision Drive (U.S. 220 Bypass Connector To North Fayetteville Street) the following course and distance: South 21 degrees 52 minutes 19 seconds East 122.33 feet to an existing iron pin or pipe set in the northern right-of-way line of Vision Drive; thence South 58 degrees 14 minutes 53 seconds West 30.43 feet along the northern right-of-way line of Vision Drive to an existing iron pin or pipe; thence along the western line of the 30 foot right-of-way for the unopened portion of McLaurin Drive the following course and distance: North 21 degrees 53 minutes 28 seconds West 139.43 feet to an existing iron pin or pipe set in the southern right-of-way line of the city maintained portion of McLaurin Drive; thence along said southern right-of-way line of McLaurin Drive North 89 degrees 42 minutes 35 seconds East 32.29 feet to the point and place of the BEGINNING and being all of that certain unopened portion of McLaurin Drive located within the 3,927 square feet or 0.0902 of an acre encompassed by the preceding metes and bounds description.

Also included is the thirty (30) foot right-of-way that includes the unopened portion of McLaurin Drive, which right-of-way is shown on the below-referenced plat of survey.

This description is in accordance with a plat of survey entitled "Plat Prepared For KEN GALLIMORE," dated January 22, 2004, and drawn under the supervision of Steven D. Brown, P.L.S. with Registration Number L-1435.

Section 2. This ordinance and order shall become effective upon adoption.

Section 3. Any person aggrieved by the permanent closure of the above-described portion of McLaurin Drive 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 4. 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.

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Adopted this 10th day of June, 2004.

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

ATTEST:

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

14. Public Hearing on Consideration of a Proposal to Permanently Close the Unopened Portion of Spring Street Connecting to Cedar Falls Road.

Mayor Jarrell opened the public hearing on the aforementioned.

Mr. Bunker reported that the resolution declaring the city council's intent to permanently close the unopened portion of Spring Street connecting to Cedar Falls Road was published in *The Courier-Tribune* once a week for four successive weeks.

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

Mr. Bunker presented and recommended adoption of an ordinance and order to close the unopened portion of Spring Street that connects to Cedar Falls Road, by reference.

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

CITY OF ASHEBORO STREET CLOSING ORDINANCE NO. 16 ORD 6-04

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

**IN RE THE CLOSING OF THE UNOPENED)
PORTION OF SPRING STREET THAT) ORDER
CONNECTS TO CEDAR FALLS ROAD)**

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 6th day of May, 2004, at its regularly scheduled May meeting, a resolution (27 RES 5-04) declaring the intent of the City Council to permanently close the unopened portion of Spring Street that connects to Cedar Falls Road; and

WHEREAS, Resolution Number 27 RES 5-04 properly called for a public hearing to be held at 7:00 o'clock p.m. on the 10th day of June, 2004, in the Council Chamber of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro, on the question of whether or not such closing 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 the above-described portion of Spring Street; 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 the above-described portion of Spring Street, said property owners are more particularly identified as follows:

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3. Mason Homes, Inc.
4. The Look to Jesus Ministries
5. Emigdio Blanco Juarez

WHEREAS, notice of both the City Council's intention to permanently close the above-described portion of Spring Street and the call for a public hearing on the question of the closure of said street was prominently posted in two places along the unopened portion of Spring Street for which permanent closure is proposed; and

WHEREAS, after holding the public hearing called by the adopted resolution of intent to permanently close the above-described portion of Spring Street, it appears to the satisfaction of the City Council of the City of Asheboro that the permanent closure of said portion of Spring Street is not contrary to the public interest and that no individual owning property in the vicinity of the said portion of Spring Street 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. The unopened portion of Spring Street that connects to Cedar Falls Road is hereby permanently closed. Said permanently closed portion of Spring Street 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 set in the southern terminus, which is a cul-de-sac, of the open portion of Spring Street, said new iron pipe is set South 44 degrees 56 minutes 37 seconds East 74.15 feet from an existing iron pipe that is located by means of the North Carolina Coordinate System at the coordinates of North 713,996.37 feet and East 1,762,929.39 feet (NAD 27); thence from said Beginning point along the western line of the right-of-way for the unopened portion of Spring Street that connects to Cedar Falls Road (North Carolina Secondary Road 2216) the following courses and distances: South 02 degrees 52 minutes 22 seconds West 98.81 feet to a point not set; thence South 02 degrees 52 minutes 22 seconds West 133.22 feet to a new iron pipe set in the northern right-of-way line of Cedar Falls Road; thence along the northern right-of-way line of Cedar Falls Road North 59 degrees 16 minutes 21 seconds East 36.02 feet to a new iron pipe; thence along the eastern line of the right-of-way for the unopened portion of Spring Street the following courses and distances: North 02 degrees 52 minutes 22 seconds East 195.32 feet to a point not set; thence North 02 degrees 52 minutes 22 seconds East 10 feet to a point not set; thence North 02 degrees 52 minutes 22 seconds East 30.65 feet to a new iron pipe; thence following the curve of the cul-de-sac located at the southern terminus of the open portion of Spring Street a course and chord distance of South 54 degrees 21 minutes 53 seconds West 38.34 feet (said curve having a radius of 45.00 feet) to the point and place of the BEGINNING and being all of that certain unopened portion of Spring Street located within the 0.159 of an acre encompassed by the preceding metes and bounds description.

Also included is the right-of-way that includes the unopened portion of Spring Street, which right-of-way is shown on the below-referenced plat of survey.

This description is in accordance with a plat of survey entitled "Survey Of Proposed Closing Of A Portion Of Spring Street", dated April 12, 2004, and drawn under the supervision of Philip M. Henley, P.L.S. with Registration Number L-1494.

Section 2. 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

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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 3. This ordinance and order shall become effective upon adoption.

Section 4. Any person aggrieved by the permanent closure of the above-described portion of Spring Street 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 5. 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 10th day of June, 2004.

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

ATTEST:

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

15. Consideration of a Resolution Authorizing the Lease of Certain City-Owned Real Property to Alltel Communications of North Carolina Limited Partnership for Installation of a Proposed Antenna on the Water Tower at 252 South Church Street.

Mr. Bunker reported that Alltel Communications has requested that the City of Asheboro lease its property at 252 South Church Street to allow Alltel to install an antenna on the water tower. The lease agreement would be for an initial term of five (5) years at \$1,500 per month rental and one (1) renewal term of five (5) years at \$1,725 per month rental.

Mr. Bunker presented and recommended adoption of a resolution approving an option and lease agreement between the City of Asheboro and Alltel Communications of North Carolina.

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

31 RES 6-04

**RESOLUTION APPROVING AN OPTION AND LEASE AGREEMENT BETWEEN
THE CITY OF ASHEBORO AND ALLTEL COMMUNICATIONS
OF NORTH CAROLINA LIMITED PARTNERSHIP**

WHEREAS, the City of Asheboro (hereinafter referred to as the "City") owns two (2) parcels of land on South Church Street that are identified by Randolph County Parcel Identification Numbers 7751710819 and 7751619869, said real property is more particularly described in Deed Book 210, Page 133 and Deed Book 208, Page 376, Randolph County Registry; and

WHEREAS, a water tower that is owned and operated by the City is located upon the premises described in the immediately preceding paragraph (said premises shall be hereinafter referred to as the "Water Tower Premises"); and

WHEREAS, Alltel Communications of North Carolina Limited Partnership, a Delaware limited partnership, (hereinafter referred to as "Alltel") has expressed its desire to the City to lease

a portion of the Water Tower Premises for use in connection with Alltel's federally licensed communications business; and

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WHEREAS, Section 160A-272 of the North Carolina General Statutes provides that property owned by the City may be leased to a tenant if the desired property will not be needed by the City for the term of the lease; and

WHEREAS, public notice was given on May 31, 2004, by the City Council of the City of Asheboro in accordance with Section 160A-272 of the North Carolina General Statutes that said council intended to consider a resolution authorizing the lease of the property desired by Alltel during the council's regularly scheduled meeting on June 10, 2004; and

WHEREAS, on the basis of the recommendation from the City's professional staff, the City Council of the City of Asheboro has determined that the portion of the Water Tower Premises that Alltel wishes to lease will not be needed by the City during the term of the lease; and

WHEREAS, a proposed option and lease agreement between the City and Alltel has been submitted by the city's professional staff with a favorable recommendation to the city council as "EXHIBIT 1", said option and lease agreement is hereby incorporated into this resolution by reference as if copied fully herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, during a regular meeting of the council, as follows:

Section 1. The proposed option and lease agreement with Alltel, which is attached to this resolution as "EXHIBIT 1", is hereby approved.

Section 2. The Mayor and City Clerk of the City of Asheboro are hereby authorized and directed to execute any and all documents and instruments necessary to carry into full force and effect the above-referenced option and lease agreement.

Adopted this 10th day of June, 2004.

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

ATTEST:

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

("Exhibit 1", as referred to in this resolution, is attached to the original resolution on file in the city clerk's office.)

16. Presentation of Proposed Fiscal Year 2004-2005 Annual Budget.

Mr. Ogburn presented the proposed FY 2004-2005 budget and stated that the Water & Sewer Fund will be amended to reflect the loss of projected revenues due to the closing of the Sara Lee plant.

17. Consideration of Scheduling a Public Hearing on the Proposed Fiscal Year 2004-2005 Budget.

Mayor Jarrell announced that a public hearing will be scheduled for Thursday, June 24, 2004, at 7:00 PM to consider adopting the proposed FY 2004-2005 budget.

18. Consideration of a Resolution Naming Asheboro Central Business District "Downtown Asheboro."

Mayor Jarrell stated that at the Planning Retreat, council indicated that it preferred designating the Central Business District as "Downtown Asheboro." He presented a resolution making this designation official.

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

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32 RES 6-04

Resolution Designating the Central Business District as “Downtown”

WHEREAS, the Central Business District is the core area for legal, financial, and professional activities within the City of Asheboro; and

WHEREAS, the Central Business District is defined as being the area within the boundaries of the following; and

WHEREAS, this boundary is described as follows: beginning at the intersection of East Salisbury Street and Cox Street, thence south along Cox Street to Academy Street, thence along Academy Street to South Fayetteville Street, thence from South Fayetteville Street along West Academy Street to South Church Street, thence north along South Church Street to West Salisbury Street, thence along West Salisbury Street to the beginning; and

NOW THEREFORE BE IT RESOLVED by the Asheboro City Council of the City of Asheboro that the area described shall be designated as “Downtown Asheboro.”

Adopted this the 10th day of June, 2004.

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

ATTEST:

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

19. Consideration of an Ordinance to Provide for One-Way Traffic on Sunset Avenue (West to East) Between North Street and Fayetteville Street, and to Provide for Angle Parking on the North Side of Sunset Avenue Between North Street and Fayetteville Street During Construction of the Sunset Avenue Streetscape Improvements Project.

Mr. Bobby Kivett, public works director of operations, stated that during construction of the streetscape improvements project, the temporary use of angle parking spaces on the north side of Sunset Avenue and making Sunset Avenue a one-way street would better utilize the parking spaces, while also controlling traffic.

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

17 ORD 6-04

ORDINANCE TEMPORARILY ESTABLISHING A ONE-WAY DIRECTION OF TRAVEL AND ANGLE PARKING ON THE NORTH SIDE OF SUNSET AVENUE BETWEEN NORTH STREET AND FAYETTEVILLE STREET

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Sunset Avenue between North Street and Fayetteville Street (United States Highway 220 Business) is located within the corporate limits of the City of Asheboro, and said street is not part of the State highway system; and

WHEREAS, Section 70.29(C) of the Code of Asheboro provides in pertinent part as follows:

Pursuant to instructions given to him by the City Council from time to time and entered in the council minute book, the City Manager shall:

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(C) Cause all streets and parts of streets which are designated as one-way streets to be posted accordingly and so as to show the direction in which traffic shall proceed. He shall then notify the City Clerk, who shall enter the description of such streets and parts of streets, and the direction of traffic thereon, in schedule 8 of § 72.02; and

WHEREAS, Section 70.43 of the Code of Asheboro provides as follows:

Upon those streets and parts of streets described in schedule 8 of § 72.02, vehicular traffic shall move only in the indicated direction when authorized signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited; and

WHEREAS, Section 71.17 of the Code of Asheboro provides as follows:

Where an angle parking zone has been established on a street or portion of a street and described in Schedule 13 of § 72.02, vehicles shall be parked within the marked spaces at the indicated angle with the curb of either approximately 30°, 45°, 60°, or 90°. The provisions of this Section of Chapter 71 shall not be deemed to be applicable to the parking authorized and regulated by Section 71.04(a) of this Chapter along Walker Avenue for persons attending Sunday morning services at the First Presbyterian Church of Asheboro; and

WHEREAS, the City Manager and the Director of Operations for Public Works have advised the City Council that a traffic control plan allowing angle parking on the north side of Sunset Avenue, in addition to the angle parking that is already designated on the south side of the street, and permitting only an eastward direction of travel on Sunset Avenue between North Street and Fayetteville Street is the preferred methodology for city forces to utilize during the implementation of Phase 1 of the Sunset Avenue Streetscape Project; and

WHEREAS, the traffic control plan recommended by the city's professional staff does appear to minimize, to the extent possible, the interruption of the business activities of the merchants located along the affected portion of Sunset Avenue during the course of implementation of Phase 1 of the Sunset Avenue Streetscape Project; and

WHEREAS, the recommended traffic control plan is needed only during the period of implementation by the city of Phase 1 of said project, and this phase is to be completed by September 24, 2004.

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

Section 1. From a point located on the north side of Sunset Avenue and situated approximately one hundred ten (110) feet from the centerline of Fayetteville Street to a point located on the north side of Sunset Avenue and situated approximately seventeen (17) feet from the centerline of North Street, any person parking a vehicle on this portion of the street shall park the vehicle within a marked space at the indicated angle with the curb of approximately 30°.

Section 2. Notwithstanding the provisions of Section 1 of this ordinance, the Director of Operations for Public Works is hereby expressly authorized to block from time to time one or more of the parking spaces marked for angle parking on either side of Sunset Avenue between North Street and Fayetteville Street when such action is necessitated by safety and operational needs associated with Phase 1 of the Sunset Avenue Streetscape Project.

Section 3. The City Manager shall cause the appropriate marked spaces to be marked on Sunset Avenue in accordance with Section 1 of this ordinance.

Section 4. The City Clerk shall amend Schedule 13 of Section 72.02 of the Code of Asheboro to reflect the imposition of the parking requirements prescribed by Section 1 of this ordinance.

Section 5. Sunset Avenue between North Street and Fayetteville Street is hereby designated as a one-way street, and the only permitted direction of traffic shall be eastward from the intersection of North Street with Sunset Avenue to the intersection of Fayetteville Street with Sunset Avenue.

Section 6. The City Manager, in consultation with the city police department, shall cause the portion of Sunset Avenue described in the immediately preceding paragraph to be posted so as to give proper notice of the direction in which traffic shall proceed.

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Section 7. The City Manager shall notify the City Clerk of the designation in Section 5 of this ordinance of the above-described portion of Sunset Avenue as a one-way street, and the City Clerk shall enter the description of said portion of Sunset Avenue, and the direction of traffic thereon, in Schedule 8 of Section 72.02 of the Code of Asheboro.

Section 8. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 9. This ordinance shall be effective from June 10, 2004, until the date upon which the City Manager determines that the traffic control plan referenced by this ordinance is no longer necessary or, alternatively, midnight on September 24, 2004, whichever is earlier. Upon the expiration of this ordinance, the affected portion of Sunset Avenue shall be subject to the same parking and traffic regulations as were applicable to said portion of Sunset Avenue on June 9, 2004.

Adopted this 10th day of June, 2004.

ATTEST:

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

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

20. Finance Matters.

No official meetings were held.

21. Public Safety and Public Works Matters.

No official meetings were held.

There being no further business, the meeting was adjourned at 8:50 PM.

Carol J. Cole, CMC, City Clerk

David H. Jarrell, Mayor

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