

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
THURSDAY, OCTOBER 6, 2005  
7:00 P.M.**

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

David H. Jarrell           ) – Mayor Presiding

Talmadge Baker         )  
Linda Carter            )  
Keith Crisco            )  
Nancy Hunter           ) – Council Members Present  
John McGlohon         )  
Archie Priest            )  
David Smith             )

John N. Ogburn, III, City Manager  
Dumont Bunker, P.E., City Engineer  
Holly J. Hartman, Legal Assistant/Deputy City Clerk  
Wendell Holland, Zoning Administrator  
Foster Hughes, Director of Parks and Recreation  
T. Myers Johnson, Human Resources Director  
Deborah P. Juberg, Finance Director  
Trevor Nuttall, Planner  
Lynn Priest, Community Development Director  
Jim Smith, Fire Chief  
Jeffrey C. Sugg, City Attorney  
S.A. Vuncannon, Police Captain

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 W. Russell Ward, Jr., Pastor of First Presbyterian Church, gave the invocation.

**2. Resolution approving the appointment by the City Manager of the Legal Assistant in the Legal Services Department to perform the functions of Deputy City Clerk.**

Mr. Ogburn presented and recommended, by reference, the adoption of the aforementioned resolution.

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

58 RES 10-05

**RESOLUTION APPROVING THE ASSIGNMENT BY THE CITY MANAGER OF THE  
FUNCTIONS OF DEPUTY CITY CLERK TO THE LEGAL ASSISTANT IN THE LEGAL  
SERVICES DEPARTMENT**

**WHEREAS**, Article VII, Section 7.4 of the Charter of the City of Asheboro authorizes the City Manager, with the approval of the City Council, to assign the functions of any administrative officer or employee of the city to the holder of any other administrative office or position of employment with the city; and

**WHEREAS**, the City Manager has recommended that a city employee be designated to perform the functions of Deputy City Clerk during those periods of time when the duly appointed City Clerk is unavailable; and

**WHEREAS**, the City Manager has recommended the assignment and consolidation of the functions of Deputy City Clerk into the position of Legal Assistant in the city's Legal Services Department; and

**WHEREAS**, the City Manager has recommended the maintenance of the position of Legal Assistant, with its expanded functions, within the Legal Services Department at a pay grade of 21; and

**WHEREAS**, Holly J. Hartman is the Legal Assistant in the Legal Services Department; and

**WHEREAS**, the City Council concurs with the above-listed recommendations.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that the City Manager is hereby authorized to consolidate the functions of Deputy City Clerk into the existing position of Legal Assistant, which shall retain its status as a position of employment in the City of Asheboro Legal Services Department, at the new pay grade of 21; and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to administer the oath of office of Deputy City Clerk to Holly J. Hartman, who is and shall remain the Legal Assistant in the city's Legal Services Department.

Adopted by the Asheboro City Council in regular session on the 6<sup>th</sup> day of October, 2005.

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

ATTEST:

s/ Holly J. Hartman  
Holly J. Hartman, Deputy City Clerk

**3. Presentation of resolution honoring Mr. Allen F. Holt, for six (6) years of service as a member of the Asheboro Airport Authority, including four (4) years as chairman.**

Mayor Jarrell read and presented the following resolution to Mr. Holt for his diligent service to the City of Asheboro.

**RESOLUTION**

**WHEREAS**, the City Council of Asheboro, North Carolina hereby desires to express commendation and appreciation for the untiring and valuable service rendered to the City by

**Allen F. Holt**

as a member and chairman of the Asheboro Airport Authority and that the City Clerk is hereby authorized and instructed to spread a copy of this resolution upon the city records and to transmit a copy thereof to Mr. Holt; and

**WHEREAS**, Mr. Holt has served as a member of the Asheboro Airport Authority for six years, including four years as chairman, and giving generously of his time and efforts, unselfishly in all deliberations in a dignified, faithful, and businesslike manner.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council, City Staff, and the Citizens of Asheboro extend to Mr. Holt their humble expression of esteem for him in serving the City faithfully and well, and their best wishes for good health, success, and prosperity for many years to come.

Adopted this the sixth day of October, 2005.

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

ATTEST:  
s/ Carol J. Cole  
Carol J. Cole  
City Clerk

s/ Talmadge Baker  
Talmadge Baker

s/ Linda Carter  
Linda Carter

s/ John N. Ogburn, III  
John N. Ogburn, III  
City Manager

s/ Keith Crisco  
Keith Crisco

s/ John McGlohon  
John McGlohon

s/ Nancy Hunter  
Nancy Hunter

s/ Mack Priest  
Mack Priest

s/ David Smith  
David Smith

**4. Appearance of Mr. Sam Cranford, of Randolph Fellowship Homes, Inc.**

Mr. Cranford gave a brief presentation of the functions of Randolph Fellowship Homes, Inc. Randolph Fellowship Homes, Inc. facilitates a program assisting individuals who are recovering from drug and alcohol addictions by preparing them for a successful re-entry into the community.

On behalf of the entity, Mr. Cranford proposed that the city declare a portion of city-owned property located at the end of Pritchard Street, Asheboro, as surplus property. Mr. Cranford expressed the entity's desire to purchase said land for a newly constructed halfway house consisting of approximately twenty-two (22) square feet. The construction of the new halfway house would enable Randolph Fellowship Homes, Inc. to assist more citizens with drug and alcohol addictions within the community. Mr. Cranford presented the Council with a sketch design of the proposed structure created by Mr. Steve Cofer.

Without objection from the Council, city staff is proceeding with the administrative actions needed to bring the above-described property before the Council for formal consideration of whether the said property should be sold by upset bid as surplus property.

**5. Appearance of Mr. Jose D. Palma, of Project P.R.I.D.E., Juvenile Day Reporting Center.**

Mr. Palma gave a brief presentation of the Juvenile Day Reporting Center Program and the services offered by Project P.R.I.D.E. The program offers rehabilitation through military style exercises for at-risk youth from Randolph and Montgomery Counties who are involved in court proceedings.

Since drugs and gangs are becoming major problems for young adults in many cities, Mr. Palma asked the Council to assist Project P.R.I.D.E. whenever possible.

**6. Appearance and recognition of other guests and citizens.**

Mayor Jarrell welcomed everyone in attendance.

**7. Consent Agenda.**

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to approve the consent agenda items as follows:

- Minutes of the September 13, 2005 and September 22, 2005 special council meetings as presented
- Findings of Fact, Conclusions of Law, and Order in the Matter of SUP-05-05

Case No. SUP-05-05  
City Council  
City of Asheboro

**IN THE MATTER OF THE APPLICATION OF GARCO, INC. FOR A SPECIAL USE PERMIT  
AMENDING A PREVIOUSLY ISSUED PERMIT  
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE REQUESTED  
SPECIAL USE PERMIT**

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THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during the Council's regularly scheduled meeting on September 8, 2005. 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. Garco, Inc. (hereinafter referred to as the "Applicant") properly filed an application with the City of Asheboro Planning Department for a Special Use Permit that would amend an existing permit for a transfer station located at 2501, 2503, and 2505 North Fayetteville Street by approving a master site plan for the transfer station that includes the addition of a corporate office, a maintenance facility, and a combination truck washing/off-loading facility.
2. The land located at 2501, 2503, and 2505 North Fayetteville Street is more specifically identified by Randolph County Parcel Identification Numbers 7753978580 and 7753975316.
3. The land upon which the Applicant's facility is located (hereinafter referred to as the "Zoning Lot") consists of approximately 8.39 acres of land.
4. The Growth Strategy Map designates the area in which the Zoning Lot is located as a "Primary Growth" area, and the Proposed Land Development Plan Map identifies the area as an "Employment Center."
5. As indicated above, the Zoning Lot is already utilized for an industrial transfer station.
6. Industrial and commercial land uses exist to the north and east of the Zoning Lot, while commercial and residential land uses exist to the south and west.
7. The Zoning Lot is located within the corporate limits of the City of Asheboro, and all city services are available.
8. The Zoning Lot is located in an I2 zoning district.
9. North Fayetteville Street is a major thoroughfare and, according to the tax maps, has an 80- foot right-of-way.
10. The transfer station is regulated by state and federal permits with regard to storm water control and the storage of hazardous materials.
11. The master site plan submitted for approval depicts a phased plan of development that is designed to improve the efficiency of the Applicant's operations, including an enhancement of traffic circulation within the complex, while also improving the appearance of the premises.
12. The Applicant's proposed master site plan does comply with the requirements of the zoning ordinance.
13. The existing transfer station is operating pursuant to a Special Use Permit that was originally issued under file number SUP-02-03, was modified for expansion under file number SUP-02-07, and was last modified under file number SUP-03-07 in order to make changes to the landscaping and parking at the Applicant's complex.
14. During the hearing of this matter, the Applicant's representative testified that the evidence submitted in support of the existing Special Use Permit is still valid, and the Applicant will continue to abide by the conditions imposed under the existing Special Use Permit.
15. No evidence was submitted during the hearing of this matter to indicate that any negative impacts have been experienced by adjoining properties or that any safety problems have been encountered as a consequence of the Applicant's existing use of the Zoning Lot.
16. No testimony was presented in opposition to the Applicant's request.

CONCLUSIONS OF LAW

1. During the hearing of this matter, the evidence submitted to the Council indicated that the proposed master site plan and the additions to the existing transfer station do not impact in any negative manner the established safety of the Applicant's on-going operations, and, thus, 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 proposed use meets all of the required conditions and specifications of the Asheboro Zoning Ordinance.

3. The Applicant's proposed use is an enhancement of the existing operation and 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 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

Garco, Inc. is hereby issued a Special Use Permit that amends the previously issued permit for a transfer station on the Zoning Lot to reflect the approval and adoption of the master site plan, specifically including the addition of a corporate office, maintenance facility, and a combination truck washing/off-loading facility, that was submitted by the Applicant during the hearing of this matter. The issuance of this permit and its continuing validity is hereby made expressly contingent upon the Applicant, and its successors and assigns, complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, including without limitation the master site plan approved by this order, and accepting and remaining in strict compliance with the following supplementary conditions:

1. All applicable conditions imposed by the Special Use Permit issued under file number SUP-03-07 shall remain in effect.

2. The updated Spill Prevention, Control, and Countermeasures Plan shall be provided to the Asheboro Police Department and to the Asheboro Fire Department.

3. The Applicant shall be responsible for ensuring compliance with all applicable state and federal permitting requirements.

Adopted in regular session on this the 6<sup>th</sup> day of October, 2005.

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

ATTEST:

s/ Holly J. Hartman  
Holly J. Hartman, Deputy City Clerk

- Findings of Fact, Conclusions of Law, and Order in the Matter of CUP-05-21

Case No. CUP-05-21  
City Council  
City of Asheboro

**IN THE MATTER OF THE APPLICATION OF JOSEPH SHUPING FOR A CONDITIONAL USE PERMIT AMENDING AN EXISTING PERMIT**

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

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THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during the Council's regularly scheduled meeting on September 8, 2005. 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. Joseph Shuping (hereinafter referred to as the "Applicant") has properly submitted an application to amend an existing Conditional Use Permit, which was issued under file number CUP-04-24, to allow the construction and operation of a motor vehicle repair business – major on an undeveloped piece of property located at 1339 East Salisbury Street.

2. The Applicant is seeking an amendment of the existing permit because site conditions have been discovered on the above-referenced undeveloped property (hereinafter referred to as "Zoning Lot") that will make development of the Zoning Lot in compliance with the site plan approved under file number CUP-04-24 very difficult to complete.

3. The design and construction difficulties created by the site conditions found on the Zoning Lot can be mitigated by revising the building and parking locations designated on the previously approved site plan.

4. The Zoning Lot originally constituted a portion of a larger parcel of land identified by Randolph County Parcel Identification Number 7761427896.

5. The Zoning Lot consists of approximately 1.5 acres of land.

6. The Zoning Lot 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 "Urban Residential."

7. The Zoning Lot is located in a CU-I2 zoning district.

8. The land uses immediately surrounding the Zoning Lot are undeveloped and residential uses to the north; undeveloped, office, and residential uses to the south; single-family residential use to the east; and institutional use to the west.

9. The Zoning Lot is located outside the corporate limits of the City of Asheboro, but the lot is within the city's extraterritorial planning jurisdiction.

10. The Applicant does propose to connect to city services, and, consequently, voluntary annexation will be required.

11. East Salisbury Street is a major thoroughfare with a 100-foot right-of-way.

12. With the exception of the change in building and parking locations within the Zoning Lot, the evidence supporting the Applicant's proposed land use is unaltered from the evidence this Council originally found sufficient to issue the permit for a motor vehicle repair business – major under file number CUP-04-24.

13. The site plan and building elevations submitted during the hearing of this matter are in compliance with the Asheboro Zoning Ordinance.

14. No substantive evidence was introduced during the hearing of this matter to indicate that the revised site plan presented any potential negative impacts associated with the Applicant's proposed land use that were not satisfactorily addressed during the hearing on the question of the issuance of a Conditional Use Permit under file number CUP-04-24.

15. In fact, the revised site plan and accompanying testimony indicates that the proposed buffering has been slightly enhanced when compared to the buffering depicted in the site plan approved in 2004.

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

#### CONCLUSIONS OF LAW

1. The Council has concluded that the proposed amendment of the existing Conditional Use Permit 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 to the existing Conditional Use Permit 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, as amended by the Applicant, 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

Joseph Shuping is hereby issued a Conditional Use Permit that amends the previously issued permit for a use on the Zoning Lot that is classified under the Asheboro Zoning Ordinance as a motor vehicle repair business - major to reflect the approval and adoption of the revised site plan, specifically including the changes shown in building and parking locations, that was submitted by the Applicant during the hearing of this matter. The issuance of this permit and its continuing validity is hereby made expressly contingent upon the Applicant, and his heirs, successors, and assigns, complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, including without limitation the revised site plan approved by this order, and accepting and remaining in strict compliance with the following supplementary conditions:

4. All applicable conditions imposed by the Conditional Use Permit issued under file number CUP-04-24 shall remain in effect.

5. If, subsequent to the date of the hearing of this matter, the Asheboro Zoning Ordinance is amended to permit a reduction in the number of parking spaces required for the type of use authorized by this Conditional Use Permit, the Applicant may avail himself of such an amendment to the zoning ordinance by revising and submitting to the city's Zoning Administrator for approval a site plan reflecting the utilization of lawfully adopted changes in the city's parking requirements. Such a revised site plan does not need to be submitted to the Council for approval so long as the revision is strictly limited to reflecting action taken in reliance upon an amendment to the regulations of the Asheboro Zoning Ordinance pertaining to the minimum number of parking spaces required for a motor vehicle repair business – major. Any and all other proposed changes to the approved site plan shall be subject to the standard analysis prescribed by Section 1013.5 of the Asheboro Zoning Ordinance.

Adopted by the Asheboro City Council in regular session on this 6<sup>th</sup> day of October, 2005.

s/ David H. Jarrell

David H. Jarrell, Mayor

ATTEST:

s/ Holly J. Hartman

Holly J. Hartman, Deputy City Clerk

- The 2005-2006 Canada goose and duck hunting season dates at Lake Reese: November 23, 26; December 21, 23, 29; January 5, 7, 11, 13, 19, 21.
- Appointment of Dr. Jim Rich to the Asheboro Airport Authority for a three (3) year term.
- Ordinance Prohibiting the Riding of Skateboards, Roller Skates, and Other Toy Vehicles on Posted Private Property Located at 350 Stowe Avenue.

42 ORD 10-05

**AN ORDINANCE PROHIBITING ANY PERSON FROM RIDING ON A SKATEBOARD, ROLLER SKATES, OR ANY OTHER TYPE OF TOY VEHICLE ON POSTED PRIVATE PROPERTY**

**WHEREAS**, Section 160A-174(a) of the North Carolina General Statutes provides that a city may define, prohibit, regulate, or abate by ordinance acts, omissions, or conditions that are detrimental to the health, safety, or welfare of the city's citizens and the peace and dignity of the city; and

**WHEREAS**, Section 70.53 of the Code of Asheboro restricts the use of play vehicles in the following manner:

**§ 70.53 USE OF PLAY VEHICLES RESTRICTED.**

(A) It shall be unlawful for any person riding on a skateboard, roller skates, coaster, toy vehicle or similar device to ride any of such devices on the premises of the municipal buildings, on any of the facilities or structures located in Bicentennial Park, on any municipal parking facility, or to ride any such devices on any sidewalk or street located in the central business district of the city, as designated on the City Zoning Map as a B-3 District.

(B) It shall be unlawful for any person riding on a skateboard, roller skate or any other toy vehicle to ride on a roadway except while crossing a street

at a crosswalk or intersection; provided, that this section shall not apply upon streets set aside as play streets.

(C) It shall be unlawful for any person to ride on a skateboard, roller skates, or any other toy vehicle on private property when signs are placed, erected, or installed giving notice that skateboarding, roller skating or riding any other toy vehicle is regulated, prohibited, or prohibited during certain hours, in that space or area; and

**WHEREAS**, Mr. Edwin R. McGrath, Jr. has properly petitioned the City Council of the City of Asheboro to have his real property located at 350 Stowe Avenue (Townhomes at Greystone) posted in order to prohibit, in accordance with Section 70.53(C) of the Code of Asheboro, the riding by any person of a skateboard, roller skates, or any other toy vehicle on the service road, concrete drives, and concrete slabs at building sites located upon the premises of the said town home complex.

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

**Section 1.** Pursuant to and in accordance with Section 70.53 (C) of the Code of Asheboro, it is hereby declared to be unlawful for any person to ride on a skateboard, roller skates, or any other toy vehicle on the service road, concrete drives, and concrete slabs at building sites that are located upon the premises of the Townhomes at Greystone, 350 Stowe Avenue, Asheboro, North Carolina.

**Section 2.** The number and type of signs necessary to lawfully implement the provisions of Section 1 of this ordinance shall be erected or installed in a manner to be determined by the chief of police or his designee, and the entirety of the cost of erecting or installing the necessary signs shall be paid by Mr. Edwin R. McGrath, Jr. as the property owner requesting the adoption of this ordinance.

**Section 3.** The city clerk shall enter a description in Schedule 20 of Chapter 72 of the Code of Asheboro of the type of prohibition imposed by this ordinance and a description of the private property subject to said prohibition.

**Section 4.** This ordinance shall become effective upon adoption.

Adopted in regular session by the Asheboro City Council on this the 6<sup>th</sup> day of October, 2005.

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

ATTEST:

\_\_\_\_\_  
s/ Holly J. Hartman  
Holly J. Hartman, Deputy City Clerk

**OLD BUSINESS**

**8. Resolution Authorizing the Transfer of Title of Certain Fire Prevention and Education Equipment to FIRE SAFETY FOR KIDS, INC.**

Chief Smith presented and recommended adoption, by reference, of the aforementioned resolution.

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

60 RES 10-05

**RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE  
OF CERTAIN CITY-OWNED PERSONAL PROPERTY FOR FIRE  
PREVENTION AND EDUCATION PURPOSES**

**WHEREAS**, Section 160A-279 of the North Carolina General Statutes authorizes a city to convey by private sale personal property to a private entity that carries out a public purpose; and

**WHEREAS**, Fire Safety For Kids, Incorporated is a North Carolina non-profit corporation formed to enhance and promote educational and public safety issues; and

**WHEREAS**, Fire Safety For Kids, Inc. has requested the transfer by means of private sale of the city's ownership interest in certain personal property utilized for fire prevention and education purposes to Fire Safety For Kids, Inc. for continued use in fire prevention and education programs conducted throughout the city and Randolph County; and

**WHEREAS**, the personal property requested from the city is more particularly described as follows:

1. 1998 Scotty Fire Safety Trailer with vehicle identification number 1SSTT1PT2W11SS345 and commonly referred to as the "Kids Smokehouse"
2. 1998 5 x 8 Continental Cargo Trailer with vehicle identification number 4X4TSE213WL001039 and commonly referred to as the trailer for Pluggie the Fire Hydrant
3. A robotic fire hydrant known as Pluggie the Fire Hydrant; and

**WHEREAS**, the Asheboro Fire Chief has recommended to the council that the above-listed personal property be transferred to Fire Safety For Kids, Inc. in order to facilitate, with minimal liability exposure for the City of Asheboro, the wide spread use of this fire prevention and education equipment throughout the city and county.

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

**Section 1.** The City Manager is hereby authorized to transfer, by means of private sale, the city's ownership interest in the above-described personal property to Fire Safety For Kids, Inc. so long as the transaction is consummated by means of the City Manager accepting an offer to purchase that is submitted by Fire Safety For Kids, Inc. in a form substantially similar to the OFFER TO PURCHASE CERTAIN PERSONAL PROPERTY that is attached to this resolution as Exhibit 1 and incorporated by reference as if copied fully herein.

**Section 2.** This private sale shall be conducted by the City Manager in full accord with the provisions of Section 160A-267 of the North Carolina General Statutes.

Adopted by the Asheboro City Council in regular session on this the 6<sup>th</sup> day of October, 2005.

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

ATTEST:

\_\_\_\_\_  
s/ Holly J. Hartman  
Holly J. Hartman, Deputy City Clerk

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

**9. Rezoning and Conditional/Special Use Permit: and Subdivision**

RZ/CUP/SUP-05-25 Rezone from I1 and R15 to CU-RA6 and Permits for a PUD/Terminus of Springwood Road: The property of E & C Investments located at the terminus of Springwood Road consisting of approximately 6.75 acres of land. Randolph County Parcel Identification Numbers 7750423605 and 7750432053 more specifically describe the property.

This matter was continued from the Council's regular meeting on September 8, 2005. During the September meeting, testimony and evidence was received by the Council during a public hearing that was closed prior to the Council continuing the matter to the October Council meeting.

At the October meeting, Mr. Nuttall reviewed the request of E & C Investments to rezone approximately 6.75 acres of land located at the terminus of Springwood Road from I1 light industrial and R15 low density residential to CU-RA6 high density residential with a conditional use and special use permit to allow the development of twenty-six (26) townhouse lots.

After considerable discussion, and upon motion by Mr. Baker, which was seconded by Mr. McGlohon, to rezone the property from I1 light industrial and R15 low density

residential to CU-RA6 high density residential, Council ordained to accept the recommendation of

the Planning Board and approve the rezoning requested by the Applicant. Ms. Hunter, Mr. Crisco, and Mr. Smith opposed.

Based on the sufficient evidence to support the granting of a conditional use and a special use permit with the staff suggested conditions, Mr. Crisco made a motion to reduce the number of townhouse lots from the proposed twenty-six (26) to twenty (20) lots. Said motion died for lack of a second.

Mr. Smith stated that with a decreased density, the four standard tests are met, and he moved to grant the conditional use and special use permit with the conditions suggested by city staff and the Council, by reducing the number of building lots from the proposed twenty-six (26) to twenty-one (21). Mr. Crisco seconded the motion and Council voted to grant the requested permit with twenty-one (21) units. Mr. Baker, Mr. Priest, and Ms. Carter opposed.

Mr. Ben Morgan, Attorney for the Applicant, E & C Investments, stated that he was not authorized to accept a condition allowing twenty-one (21) units. His client had only authorized him to accept such a limitation on the number of units at a level of twenty-two (22) units or more.

The City Attorney advised the Council that a motion to reconsider could be considered at this time if the Council so chose. Upon motion by Mr. Baker, and seconded by Ms. Carter, Council voted to reconsider the above-mentioned motion. Mr. Smith and Mr. Crisco opposed.

Upon motion by Mr. McGlohon, and seconded by Ms. Carter, Council voted to approve the Conditional Use and Special Use Permit with the staff-recommended conditions and the condition imposed by Council reducing the number of building lots from twenty-six (26) to twenty-two (22) lots. Mr. Crisco opposed.

On behalf of E & C Investments, Mr. Morgan stated that the aforementioned conditions were accepted.

The formal Findings of Fact, Conclusions of Law, and Order will be entered by the City Council during regular session on November 10, 2005.

#### SUB-05-03 Townhomes on Springwood Sketch Design Approval

Based on the conditional use permit that was granted reducing the number of townhouse units, Mr. Nuttall recommended that this be deferred until the November 10, 2005 regular council meeting in order to allow the developer and surveyor to re-draft the site plan to reflect twenty-two (22) townhouse units.

Upon motion by Mr. Crisco and seconded by Mr. Baker, Council voted unanimously to defer said item.

#### NEW BUSINESS

**10. Special Council Meeting Scheduled for Monday, October 10, 2005 at 7:00 P.M., in the Council Chamber of the Asheboro Municipal Building in Order to Conduct Public Hearings on Zoning Matters.**

Due to a failure on the part of the newspaper to run the mandated public notice for the scheduled public hearings in a timely manner, the public hearings have to be deferred to a special council meeting at 7:00 p.m. on October 10, 2005.

Upon motion by Mr. McGlohon and seconded by Ms. Carter, Council voted to unanimously approve the date and time for said meeting.

**11. Subdivisions.**

#### Preliminary Plat Approval for SUB-03-05: Hamilton Downs Section 3

Mr. Nuttall presented the preliminary plat. Deep Blue Investments, LLC requests the approval of a preliminary plat for Hamilton Downs Section 3. This subdivision is located along the north side of Old Cox Road at Zoo Parkway and contains approximately 12.5 acres of land, consisting of 32 lots.

All departments have reviewed the plat. Both Planning Department Staff and Planning Board recommended approval provided that pending minor checklist items are completed

Upon motion by Mr. Baker and seconded by Ms. Carter, Council ordained to accept the recommendation of the Planning Board for approval of the preliminary plat.

(The aforementioned preliminary plat is on file in the Planning Department.)

Final Plat Approval for SUB-01-02: Heathwood Acres Phase 2

Mr. Nuttall presented the final plat. The Applicant, James Worth Heath, requests final plat approval for Heathwood Acres Phase 2. The property is located on Old Castle Drive and contains approximately 32.3 acres of land, consisting of 48 lots.

All Engineering and Public Works requirements are complete. Both Planning Department Staff and the Planning Board recommended approval of the final plat.

Upon motion by Mr. Smith and seconded by Mr. Crisco, Council ordained to accept the recommendation of the Planning Board for approval of the final plat.

(The aforementioned final plat is on file in the Planning Department.)

**12. Public Comment Period.**

On behalf of the residents of Springwood Road, Mr. John Megerian, Attorney, presented their concerns of the narrow street. Mr. Megarian suggested that a type of traffic control device along with widening the street would accommodate and address the concerns of the citizens residing along said street. This request is in regards to the possible increase of traffic volume due to the construction of the recently approved development to be located at the end of the street.

Mr. Ogburn and Mayor Jarrell stated that city staff would research the project.

There being no further comments nor concerns, Mayor Jarrell closed the public comment period.

**13. Resolution Approving the Class Allocation under the City of Asheboro Position Classification Plan of the Position of Golf Course Technician within the Grounds Maintenance Department.**

Mr. Johnson presented and recommended adoption, by reference, the aforementioned resolution.

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

61 RES 10-05

**RESOLUTION APPROVING THE CLASS ALLOCATION OF THE POSITION OF GOLF COURSE TECHNICIAN IN THE GROUNDS MAINTENANCE DEPARTMENT UNDER THE CITY OF ASHEBORO POSITION CLASSIFICATION PLAN**

**WHEREAS**, the City of Asheboro Personnel Policies and Procedures Manual, which was promulgated by the City Manager and approved by resolution of the City Council of the City of Asheboro on March 4, 2004, provides in Section 1 of Article II of the said manual that a position classification plan shall be prepared by the City Manager and adopted by the City Council; and

**WHEREAS**, such a position classification plan has been duly adopted by the City Council; and

**WHEREAS**, under the adopted position classification plan and within the Grounds Maintenance Department of the Public Works Division, the classification of Greenskeeper has been established with a pay grade of 11 under the city's pay plan; and

**WHEREAS**, Section 10 of Article II of the City of Asheboro Personnel Policies and Procedures Manual provides, in pertinent part, as follows:

When a new position is established or the duties of an existing position change, the department head shall submit in writing a comprehensive job description describing in detail the duties of such a position. The city manager shall investigate the actual or suggested duties and recommend the appropriate class allocation or the establishment of a new class to the City Council for approval; and

**WHEREAS**, the Grounds Maintenance Superintendent has made the determination that the duties and corresponding job description of the Greenskeeper should be changed in order to enhance the operations of the Grounds Maintenance Department; and

**WHEREAS**, the Grounds Maintenance Superintendent has prepared and submitted to the Director of Human Resources and the City Manager a comprehensive job description for the position of Golf Course Technician (replacing the position of Greenskeeper); and

**WHEREAS**, this new job description is attached to this resolution as Exhibit 1 and is hereby incorporated into this resolution by reference as if copied fully herein; and

**WHEREAS**, the Director of Human Resources and the City Manager have approved the job description submitted by the Grounds Maintenance Superintendent; and

**WHEREAS**, upon the recommendation of the Director of Human Resources, the City Manager has determined that, in light of the duties prescribed by the attached job description, the Golf Course Technician should be established at a pay grade of 10.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that the job description attached hereto as Exhibit 1 is hereby approved with an effective date of October 6, 2005; and

**BE IT FURTHER RESOLVED** that the pay grade recommendation made by the City Manager for the position listed in Exhibit 1 is hereby adopted and approved without modification.

Adopted by the Asheboro City Council in regular session on this the 6<sup>th</sup> day of October, 2005.

\_\_\_\_\_  
s/ David H. Jarrell

David H. Jarrell, Mayor

ATTEST:

\_\_\_\_\_  
s/ Holly J. Hartman

Holly J. Hartman, Deputy City Clerk

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

**14. Resolution to Auction Surplus Vehicles and Surplus Personal Property.**

Mr. Bunker presented and recommended adoption, by reference, of the aforementioned resolution.

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

62 RES 10-05

**RESOLUTION TO AUCTION SURPLUS VEHICLES AND OTHER SURPLUS PERSONAL  
PROPERTY BY THE CITY COUNCIL  
CITY OF ASHEBORO, NORTH CAROLINA**

WHEREAS, the City of Asheboro proposes to sell surplus vehicles and other surplus personal property listed on the attached Schedule "A";

THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to dispose of the aforesaid property at public auction as follows:

Date: Saturday, November 19, 2005

Time: 10:00 A.M.

Place: Round Building behind Municipal Building, 146 North Church Street,  
Asheboro, NC

Term of Sale: All property will be sold as is to the highest bidder at the sale upon receipt of cash or good check. Any property not removed within ten (10) days of date of sale will revert back to the City of Asheboro for disposal.

Upon motion by John McGlohon and seconded by Archie Priest, this Resolution was voted upon and adopted by the City Council of the City of Asheboro in regular meeting on October 6, 2005.

Certified to be a true and correct copy of the Resolution this the 6<sup>th</sup> day of October, 2005.

s/ Holly J. Hartman

Deputy City Clerk

(Schedule "A" that is referred to in this resolution is attached to the original resolution on file in the City Clerk's office.)

**15. Resolution to Approve Lease Agreement Between the City of Asheboro and the Civil Air Patrol for Hangar Space at the Asheboro Municipal Airport.**

Mr. Sugg presented and recommended adoption, by reference, of the aforementioned resolution.

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

63 RES 10-05

**RESOLUTION AUTHORIZING THE LEASE OF CERTAIN CITY-OWNED HANGAR SPACE AT THE ASHEBORO MUNICIPAL AIRPORT TO THE NORTH CAROLINA WING OF CIVIL AIR PATROL, INCORPORATED**

**WHEREAS**, Section 160A-272 of the North Carolina General Statutes as amended by the local modification found in Chapter 867 of the 1989 (Reg. Sess., 1990) Session Laws of North Carolina authorizes the City Council of the City of Asheboro to lease in relation to the operation of the Asheboro Municipal Airport city-owned property located at said airport for a maximum lease term of thirty (30) years so long as the property will not be needed by the municipality during the term of the lease; and

**WHEREAS**, in response to a request submitted by the Civil Air Patrol, the City Council of the City of Asheboro, during its regular meeting on September 8, 2005, expressed its intent to continue to lease to the corporation the hangar space currently utilized by the Civil Air Patrol at the Asheboro Municipal Airport at a rental rate of one dollar (\$1.00) per year for a term of ten (10) years; and

**WHEREAS**, a proposed lease agreement between the City of Asheboro and the Civil Air Patrol has been drafted by the city attorney in order to implement the lease of hangar space to the Civil Air Patrol; and

**WHEREAS**, this proposed lease agreement is attached hereto as "EXHIBIT 1" and is hereby incorporated into this resolution by reference as if copied fully herein; and

**WHEREAS**, the property subject to the aforementioned lease agreement will not be needed by the city during the requested term of the lease; and

**WHEREAS**, public notice of the intent to authorize the said lease agreement with the Civil Air Patrol was given in the Courier Tribune on September 22, 2005, in accordance with Section 160A-272 of the North Carolina General Statutes.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that the lease of hangar space at the Asheboro Municipal Airport to the Civil Air Patrol in accordance with the terms and conditions specified in "EXHIBIT 1" is hereby approved; and

**BE IT FURTHER RESOLVED** that, the Mayor and City Clerk are authorized and directed to execute lease documents substantially and materially similar in all respects to "EXHIBIT 1" in order to effectuate the approved lease.

Adopted by the Asheboro City Council in regular session on this the 6<sup>th</sup> day of October, 2005.

s/ David H. Jarrell

David H. Jarrell, Mayor

ATTEST:

s/ Holly J. Hartman  
Holly J. Hartman, Deputy City Clerk

(Exhibit 1 that is referred to in this resolution is attached to the original resolution on file in the City Clerk's office.)

**16. Ordinance Amending Section 130.01 of the Code of Asheboro.**

Mr. Sugg presented and reviewed the proposed amendments

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

43 ORD 10-05

**AN ORDINANCE AMENDING SECTION 130.01 OF THE CODE OF ASHEBORO**

**WHEREAS**, Section 130.01 of the Code of Asheboro provides as follows:

(A) A curfew of 11:00 p.m. is established in each of the following parks and recreation areas:

- (1) Asheboro Memorial Park, including Nance Little League Field and Thomas Tennis Center.
- (2) North Asheboro City Park.
- (3) Frazier Park.
- (4) Westwood Park.
- (5) Hammer Memorial Park.
- (6) Mini-park at Cross and Brewer Streets.
- (7) Athletic field at Brewer, Tucker and Watkins Streets.
- (8) Park on South Park Street.
- (9) Kiwanis Park off Meadowbrook Road.
- (10) City ball fields on Farr Street.
- (11) McCrary Ball Field.
- (12) Pugh Little League Field on Country Club Drive.
- (13) Smith Ball Field off Balfour Avenue.
- (14) Central Falls Park off Old Liberty Road.
- (15) Bicentennial Park; provided, however, no person shall be deemed guilty of violating the curfew if such a person is present in Bicentennial Park within thirty (30) minutes of the official conclusion of an event conducted in the park with the approval of the Asheboro Parks and Recreation Department.

(B) Anyone found guilty of violating the curfew shall be guilty of a misdemeanor punishable under the General Statutes of the State of North Carolina; and

**WHEREAS**, Section 130.01(A) of the Code of Asheboro does not adequately specify the hours of the day during which a curfew is in effect in the listed parks and recreation areas; and

**WHEREAS**, the list of parks and recreation areas that are subject to the curfew needs to be updated; and

**WHEREAS**, Section 130.01 of the Code of Asheboro should be clarified with regard to those instances when a person will not be deemed to be in violation of the established curfew.

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

**Section 1.** Section 130.01 of the Code of Asheboro is hereby amended to provide as follows:

(A) A curfew shall be in effect between the hours of 11:00 p.m. and 6:00 a.m. ~~is established~~ in each of the following parks and recreation areas:

- (1) Asheboro Memorial Park, including Nance Little League Field and Thomas Tennis Center.
- (2) North Asheboro City Park
- (3) Frazier Park.
- (4) Westwood Park.
- (5) Hammer Memorial Park.
  
- (6) Mini-park at Cross and Brewer Streets.
- (7) Athletic field at Brewer, Tucker and Watkins Streets.
- (8) Park Street Park located on South Park Street.
- (9) Kiwanis Park off Meadowbrook Road.
- (10) City ball fields on Farr Street.
- (11) McCrary Ball Field.
- (12) Pugh Little League Field on Country Club Drive.
- ~~(13) Smith Ball Field off Balfour Avenue.~~
- ~~(14) Central Falls Park off Old Liberty Road.~~
- ~~(15)~~ (13) Bicentennial Park. ~~provided, however, no person shall be deemed guilty of violating the curfew if such a person is present in Bicentennial Park within thirty (30) minutes of the official conclusion of an event conducted in the park with the approval of the Asheboro Parks and Recreation Department.~~

(B) No person shall be deemed guilty of violating the curfew if such a person is present in one of the parks and recreation areas specified in Division (A) of this section within thirty (30) minutes of the official conclusion of an event conducted in the parks and recreation area with the approval of the Asheboro Parks and Recreation Department.

~~(B)~~ (C) Anyone found guilty of violating the curfew shall be guilty of a misdemeanor punishable under the General Statutes of the State of North Carolina.

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

**Section 3.** This ordinance shall become effective upon adoption.

Adopted by the Asheboro City Council in regular session on this the 6<sup>th</sup> day of October, 2005.

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

ATTEST:

          s/ Holly J. Hartman            
Holly J. Hartman, Deputy City Clerk

**17. Ordinance Amending the Parks and Recreation Department Policy Manual.**

Mr. Sugg recommended that this item be deferred.

Upon motion by Mr. Priest and seconded by Ms. Hunter, Council voted unanimously to defer said item.

**18. Resolution to Participate in the “North Carolina Local Government Debt Setoff Program.”**

Ms. Juberg presented and recommended adoption, by reference, of the aforementioned resolution.

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

64 RES 10-05

**RESOLUTION FOR CITY OF ASHEBORO TO PARTICIPATE IN THE  
NORTH CAROLINA LOCAL GOVERNMENT DEBT SETOFF PROGRAM**

**WHEREAS**, North Carolina General Statutes Chapter 105A, Setoff Debt Collection Act, authorizes the North Carolina Department of Revenue to cooperate in identifying debtors who owe money to qualifying local agencies and who are due refunds from the Department of Revenue; and

**WHEREAS**, the law authorizes the setting off of certain debts owed to qualifying local agencies against tax refunds; and

**WHEREAS**, the North Carolina Association of County Commissioners and the North Carolina League of Municipalities have jointly established a clearinghouse to submit debts on behalf of the City Council of the City of Asheboro as defined in G. S. 105A-2(6), effective January 1, 2006 and thereafter as provided by law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that the City will participate in the debt setoff program and hereby designates the City Manager as the person to hold hearings and conduct necessary proceedings.

**BE IT FURTHER RESOLVED** that the Mayor, City Manager, and Finance Officer are hereby authorized to execute such documents and agreements as necessary to participate in the debt setoff program.

Adopted by the Asheboro City Council on the 6<sup>th</sup> day of October, 2005.

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

ATTEST:

          s/ Holly J. Hartman            
Holly J. Hartman, Deputy City Clerk

**19. Adoption of the Randolph County National Incident Management System Ordinance.**

Chief Smith presented and recommended adoption, by reference, of the aforementioned ordinance.

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

44 ORD 10-05

**ADOPTION OF THE RANDOLPH COUNTY NATIONAL INCIDENT MANAGEMENT SYSTEM  
ORDINANCE**

**WHEREAS**, the Randolph County Board of Commissioners adopted the National Incident Management System Ordinance in regular session on September 6, 2005; and

**WHEREAS**, the Randolph County National Incident Management System Ordinance is attached to this ordinance as Exhibit 1 and is hereby incorporated into this ordinance by reference as if copied fully herein; and

**WHEREAS**, upon the recommendation of the Asheboro Fire Chief and the City Manager, the City Council of the City of Asheboro has concluded that the Randolph County National Incident Management System Ordinance should be adopted by the City of Asheboro.

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

**Section 1.** The Randolph County National Incident Management System Ordinance is hereby ratified and adopted for the City of Asheboro.

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

**Section 3.** This ordinance shall become effective upon adoption.

Adopted by the Asheboro City Council in regular session on this the 6<sup>th</sup> day of October, 2005.

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

ATTEST:

\_\_\_\_\_  
s/ Holly J. Hartman  
Holly J. Hartman, Deputy City Clerk

(Exhibit 1 that is referred to in this resolution is attached to the original resolution on file in the City Clerk's office.)

**20. Upcoming Events.**

Mayor Jarrell announced the following upcoming events:

- North Carolina League of Municipalities Annual Conference October 16, 17, 18, in Hickory, North Carolina.

**21. Finance and Public Safety Matters.**

No official meetings were held.

There being no further business, the meeting was adjourned at 8:40 p.m.

\_\_\_\_\_  
Holly J. Hartman, Deputy City Clerk

\_\_\_\_\_  
David H. Jarrell, Mayor