

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, NOVEMBER 10, 2005
7:00 P.M.**

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

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
John Evans, Code Enforcement Officer
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
Robert H. Kivett, Director of Operations for Public Works
Reynolds Neely, Planning Director
Trevor Nuttall, Planner
O. Lynn Priest, Community Development Director
Jeffrey C. Sugg, City Attorney
Ricky Wilson, 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 J.F. Kerns, Pastor of Greater St. John’s Baptist Church, gave the invocation.

2. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

3. Recognition of T. Myers Johnson, Human Resources Director, for attaining the IPMA-CP credentials from the International Public Management Association for Human Resources.

Mr. Ogburn recognized Mr. Johnson for his accomplishments and outstanding service to the city as Human Resources Director.

4. Presentation by Lonnie Hamm of Randolph Community College Small Business Center concerning small business incubator.

Mr. Hamm gave a brief presentation of the process of developing a prospective small business incubator in Randolph County and presented the Council with hard copies of a presentation summarizing a “Business Incubation Assessment Study.” A copy of said summary is on file in the city clerk’s office. Mr. Hamm invited interested individuals to attend a public forum located at the Asheboro/Randolph Public Library on Tuesday, November 15, 2005, regarding specific information about the development.

Mr. Hamm requested that interested individuals join a steering committee to facilitate the process of the development of the small business incubator.

5. Consent Agenda.

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

- Minutes of the October 4, 2005, October 6, 2005, October 10, 2005, and October 20, 2005 special and regular council meetings as presented.
- Findings of Fact, Conclusions of Law, and Order in the Matter of CUP-05-25.

Case No. CUP-05-25
City Council
City of Asheboro

**IN THE MATTER OF THE APPLICATION OF E & C INVESTMENTS FOR A CONDITIONAL USE
PERMIT AUTHORIZING A PLANNED UNIT DEVELOPMENT**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING A 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 September 8, 2005, and for further consideration by the Council during its regularly scheduled meeting on October 6, 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. Prior to the Council's consideration of the request by E & C Investments (hereinafter referred to as the "Applicant") for a Conditional Use Permit, the Council legislatively approved the Applicant's request to have its property located at the terminus of Springwood Road rezoned from a combination of I1 and R15 zoning districts to a CU-RA6 zoning district.

2. The real property for which the Applicant is requesting a Conditional Use Permit (hereinafter referred to as the "Zoning Lot") consists of approximately 6.75 acres of land and is more specifically identified by Randolph County Parcel Identification Numbers 7750423605 and 7750432053 (only a portion of the land encompassed by this parcel identification number is included within the Zoning Lot).

3. The Applicant is seeking a Conditional Use Permit authorizing a Planned Unit Development with attached townhouses that utilizes a cluster development concept.

4. As requested, the development would consist of a maximum of twenty-six (26) townhouses.

5. The RA6 zoning district is the only zoning district that permits more than two (2) dwellings to be attached, and, under a straight RA6 zoning district, which is a high-density district, approximately forty (40) building lots could be developed on a tract of comparable size to the Zoning Lot.

6. The Zoning Lot is located in an area designated on the Growth Strategy Map as a "Primary Growth" area, and the Proposed Land Development Plan Map identifies the area in which the Zoning Lot is located as an area for "Neighborhood Residential" development.

7. The neighborhood residential development recommended by the Land Development Plan is designed to encourage new medium-density residential development that is compatible with existing neighborhoods, and, in theory, the Land Development Plan's maps, goals, and policies would support an R10 zoning district.

8. In a straight R10 zoning, approximately twenty-five (25) building lots could be developed on the Zoning Lot.

9. The site plan and elevations for the proposed development are in compliance with the Asheboro Zoning Ordinance.

10. The Zoning Lot is currently undeveloped.

11. By the Applicant's own admission, residential development would be more in character with adjoining property even though a substantial portion of the Zoning Lot was previously located in an industrial zoning district.

12. The surrounding land uses are industrial to the south of the Zoning Lot, single-family residential to the east, undeveloped and residential to the north, and United States Highway 220 Bypass is located to the west.

13. Existing easements that burden the Zoning Lot and site conditions found on the Zoning Lot make cluster development a practical alternative to a traditional subdivision design.

14. The size of the townhouses proposed by the Applicant is approximately one thousand five hundred (1,500) to one thousand eight hundred (1,800) square feet per unit.

15. The Applicant's attorney testified that, other than signs or mailboxes, no development will occur east of the water line easement burdening the Zoning Lot, and this design feature will create a buffer of approximately one hundred (100) feet between the development's residential units and the existing residences located at the terminus of Springwood Road.

16. The Applicant's plan of development includes overflow parking spaces and amenities such as picnic tables/shelters.

17. While Springwood Road as a point of access is not as wide as the Council may wish, no analytically sound evidence was introduced during the hearing of this matter to establish that police, fire, or any other type of public service vehicle would be unable to reasonably access and provide service to Springwood Road and the proposed development to be located at the terminus of the road.

18. No traffic count or any other type of traffic study was introduced to indicate that Springwood Road would be unable to handle within acceptable parameters the traffic flow that may be generated either by the proposed development or any other potential development that could have occurred on the portion of the Zoning Lot zoned for industrial use prior to the Council's decision to rezone the Zoning Lot to a CU-RA6 zoning district.

19. Jim Wright, a real estate appraiser, offered credible testimony that the proposed development would not detrimentally impact the value of adjoining properties, especially in light of the fact that the proposed development was more desirable in terms of the value of adjoining properties than industrial development.

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 modified and approved by the Council.

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. After reducing the number of permitted units from twenty-six (26) to twenty-two (22) in order to account for the difference between the proposed use and the approximate number of units permitted in a straight R10 zoning district along with reasonably accounting for the inherent uncertainties associated with the assessment of how many units could be placed on the Zoning Lot in an R10 district, the location and character of the Applicant's proposed use if developed according to the plan as modified 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

E & C Investments is hereby issued a Conditional Use Permit for a planned unit development with attached townhouses that utilizes a cluster development concept. Furthermore, the maximum number of townhouses that may be located upon the Zoning Lot shall be twenty-two (22) townhouses. This Conditional Use Permit shall be valid so long as, and only so long as, the approved land use is developed and conducted in compliance with the approved site plan and the provisions of the Asheboro Zoning Ordinance and so long as the Applicant, and its heirs, successors and assigns, remain in strict compliance with the following conditions:

1. The Applicant shall revise and submit to the city's Zoning Administrator for approval a site plan reflecting the Council's Order to reduce the number of townhouses to be developed on the Zoning Lot from twenty-six (26) to twenty-two (22). 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 compliance with this Order. 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.

2. Significant existing vegetation shall be preserved where possible. Clearing and grading shall be permitted under the following circumstances: (A) Where necessary for construction of the streets; (B) Where necessary for the installation of the water and sewer lines, required improvements, and/or other infrastructure; and (C) Where necessary for the building of dwellings.

Adopted by the Asheboro City Council in regular session on this the 10th day of November, 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-05-26.

Case No. CUP-05-26
City Council
City of Asheboro

**IN THE MATTER OF THE APPLICATION OF BRANSON MCKENZIE FAMILY LIMITED
PARTNERSHIP FOR A CONDITIONAL USE PERMIT ALLOWING THE EXPANSION OF A MULTI-
FAMILY DEVELOPMENT**

**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 a properly noticed special meeting on October 10, 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. Branson McKenzie Family Limited Partnership (hereinafter referred to as the "Applicant") has properly submitted an application to have the property located at 2118 Old Farmer Road (hereinafter referred to as the "Zoning Lot") rezoned from an R7.5 zoning district to a Conditional Use RA6 zoning district.
2. In addition to requesting a legislative rezoning of the above-referenced property, the Applicant has also requested that the Council conduct a quasi-judicial proceeding and issue a Conditional Use Permit for the expansion of a multi-family development.
3. Randolph County Parcel Identification Number 7750091048 more specifically identifies the approximately 2.3 acre parcel of land for which the Applicant is seeking a Conditional Use Permit.
4. An apartment building (a tri-plex) is already located on the Zoning Lot.
5. The land uses immediately surrounding the Zoning Lot are single-family residential to the south, east, and west. The land use to the north of the Zoning Lot is a mix of single-family residential and commercial.
6. The Zoning Lot is located in an area that is designated on the Growth Strategy Map as "Adjacent Developed" and is identified as "Neighborhood Residential" on the proposed Land Development Plan Map.
7. Old Farmer Road is a minor thoroughfare with a sixty (60) foot right-of-way.
8. The Zoning Lot is located outside the city's corporate limits, but the lot is served by city water and sewer.
9. The Applicant is requesting a Conditional Use Permit for the specific purpose of adding four (4) residential units (a four-plex) along with parking spaces and a recreational area as indicated on the submitted site plan.
10. Prior to addressing the question of the issuance of the requested Conditional Use Permit, the Council, consistent with the recommendation of the Asheboro Planning Board, rezoned the Zoning Lot from an R7.5 zoning district to a Conditional Use RA6 zoning district.

11. When the Planning Board made its recommendation to rezone the Zoning Lot, the Planning Board also commented as part of the recommendation that the Council consider requiring the preservation of the existing natural vegetation on the Zoning Lot as a buffer between the adjoining land uses.

12. The city planning department's staff has reviewed the site plan submitted by the Applicant and has found this site plan to be in compliance with the Asheboro Zoning Ordinance.

13. The Land Development Plan's "Neighborhood Residential" designation supports medium density residential development, and the proposed land use is consistent with medium density residential development by developing the property at a rate of approximately three (3) units per acre.

14. The Applicant's proposed land use does not involve any inherently or abnormally dangerous activities.

15. The nature and quality of the design of the proposed development, as reflected on the submitted site plan, is indicative of the type of development that has historically enhanced the value of the lot upon which the development is to be constructed and, consequently, has usually enhanced the value of adjoining properties.

16. During the hearing of this matter, no evidence was presented in opposition to the Applicant's request for the issuance of a Conditional Use Permit.

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

CONCLUSIONS OF LAW

1. 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

Branson McKenzie Family Limited Partnership is hereby issued a Conditional Use Permit allowing the expansion of a multi-family development. This Conditional Use Permit shall be valid so long as, and only so long as, the approved land use is developed and conducted in compliance with the approved site plan and the provisions of the Asheboro Zoning Ordinance and so long as the Applicant, and its heirs, successors and assigns, remain in strict compliance with the following condition:

1. The natural vegetation along the perimeter of the Zoning Lot and along Old Farmer Road shall be retained to provide a buffer between the development and surrounding land uses. The retained buffer shall provide equivalent or greater buffering and screening than is required by the Asheboro Zoning Ordinance (Type "A" and Section 308A).

Adopted by the Asheboro City Council in regular session on this the 10th day of November, 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 SUP-05-28.

Case No. SUP-05-28
City Council
City of Asheboro

**IN THE MATTER OF THE APPLICATION OF R & M OF RANDOLPH FOR A SPECIAL USE PERMIT
ALLOWING MANUFACTURING, PROCESSING, AND ASSEMBLY – LIGHT (DRY POWDER
COATING BUSINESS) IN A B2 ZONING DISTRICT**

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

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a properly noticed special meeting of the Council on October 10, 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. Through its authorized representative, R&M of Randolph (hereinafter referred to as the "Applicant") properly submitted an application with the City of Asheboro Planning Department to have the real property located at 1948 North Fayetteville Street rezoned from a CU-I2 zoning district to a B2 zoning district.

2. Due to the fact that the Applicant's existing dry powder coating business is permitted only as a special use in a B2 zoning district and not by right, the Applicant also requested that the Council conduct a quasi-judicial proceeding and issue a Special Use Permit allowing a Manufacturing, Processing, and Assembly – Light use (Dry Powder Coating Business) in a B2 zoning district.

3. The parcel of land at issue with the applications for a legislative rezoning and the issuance of a Special Use Permit consists of approximately 7.11 acres of land and is more specifically identified by Randolph County Parcel Identification Number 7762193771.

4. Prior to conducting a quasi-judicial hearing on the application for a Special Use Permit, the Council adopted the Asheboro Planning Board's recommendation and approved the requested rezoning for the entirety of the parcel of land identified above in paragraph number three (3).

5. A thirty-five thousand (35,000) square foot building, which was constructed in the 1970's and was formerly a shopping center, is located on this parcel of land, and the Applicant has been operating a dry powder coating business for approximately six (6) years in a portion of the building consisting of approximately twenty-two thousand (22,000) square feet.

6. The Applicant is requesting a Special Use Permit only for the portion of the building currently used for the dry powder coating business.

7. The remaining portion of the building would be rented for commercial purposes permitted in a B2 zoning district.

8. The Applicant's dry powder coating business is located in an area identified by the Growth Strategy Map as a "Primary Growth" area, and the Proposed Land Development Plan Map designates the area as "Commercial."

9. A mixture of commercial and residential uses exist to the north and south, the land use to the east is single-family residential, and the land uses to the west are commercial and industrial.

10. North Fayetteville Street is a major thoroughfare with a one hundred (100) foot right-of-way, and East Central Avenue is a minor thoroughfare with a sixty (60) foot right-of-way.

11. The parcel of land located at 1948 North Fayetteville Street is within the corporate limits of the City of Asheboro and is served by all city services.

12. The Applicant has submitted a site plan for the dry powder coating business that complies with the requirements of the Asheboro Zoning Ordinance.

13. As illustrated by the fact that the Applicant's existing operation does not require solvents that must be registered with the United States Environmental Protection Agency, the dry powder coating operation is environmentally friendly and does not create any abnormal hazards.

14. No evidence has been presented to this Council to indicate that any adverse impact has been experienced in any material sense by any adjoining property owners over the course of the approximately six (6) years that the dry powder coating business has been in operation.

15. The operations conducted by the Applicant's dry powder coating business are performed entirely within the confines of the existing structure.

16. Consequently, noise has not been a problem for the business, and there is no evidence to suggest that such a problem will arise in the future.

17. A cinder block wall will separate the on-going dry powder coating business from the remaining portion of the building that is to be rented and is not subject to this Special Use Permit.

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

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

CONCLUSIONS OF LAW

1. The proposed use has not and 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 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

R&M of Randolph is hereby issued a Special Use Permit allowing a Manufacturing, Processing, and Assembly - Light use (a dry powder coating business) in a portion of the building located upon the real property located at 1948 North Fayetteville Street. This Special Use Permit shall be valid so long as, and only so long as, the approved land use is developed and conducted in compliance with the approved site plan and the provisions of the Asheboro Zoning Ordinance.

Adopted by the Asheboro City Council in regular session on this the 10th day of November, 2005.

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

ATTEST:

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

- Redesignation of O. Lynn Priest as zone contact for North Carolina Department of Commerce, Division of Community Assistance, State Development Zone.
- Request by Frank Rose of Randolph County Veteran's Council to temporarily close streets for a Veteran's Day Parade at 4:50 p.m. to 5:30 p.m. on November 11, 2005, beginning at the Sunset Avenue and Church Street intersection and ending at the Worth Street and Cox Street intersection.
- Request from Chamber of Commerce to block off the streets – Kivett, South Church, Sunset Avenue, and South Fayetteville for the Christmas parade on Friday, December 2, 2005.
- Request from Asheboro/Randolph Chamber of Commerce Downtown Development Committee to block off the streets, Sunsent Avenue (from Church Street to Fayetteville Street, Church Street (from City Hall to Sunset Avenue) on December 9, 2005, from 6:00 p.m. to 9:00 p.m. for a downtown "Christmas on Sunset" street festival.
- Final Change Order #1 on the Water and Sewer Improvements Project – 16" Water Line from Water Treatment Plant to Park Drive and the 16" sewer force main extension for sewer pump station #1 (Terry's Plumbing & Utilities, Inc.) decreasing the construction contract amount by \$ 61,928.70 to \$ 983,391.30 for adjustment of quantities as built.
- Ordinance prohibiting the riding of skateboards, rollers skates, and other toy vehicles on posted private property located at 306 White Oak Street (Asheboro Drug).

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 PROHIBITED.

(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, the operator of Asheboro Drug Company, Inc. and the owner of the real property upon which the business is located have properly petitioned the City Council of the City of Asheboro to have the real property located at 306 White Oak Street 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 any portion of the paved area(s) of the Asheboro Drug Company, Inc. premises.

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 any portion of the paved area(s) of the Asheboro Drug Company, Inc. premises.

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 Edmondson Properties, LLC 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 10th day of November, 2005.

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

ATTEST:

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

- Ordinance prohibiting the riding of skateboards, roller skates, and other toy vehicles on posted private property located at 171 MacArthur Street (Surgical Associates of Asheboro).

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, 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, an authorized representative of Surgical Associates of Asheboro, which has general charge and control of the real property located at 171 MacArthur Street, has properly petitioned the City Council of the City of Asheboro to have the property located at 171 MacArthur Street 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 premises of Surgical Associates of Asheboro.

NOW, THEREFORE, BE IT ORAINED 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 in the parking lot or upon any other portion of the premises of Surgical Associates of Asheboro at 171 MacArthur Street in 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 Surgical Associates of Asheboro as the entity with general charge and control of the premises and which has requested, by and through David Gimenez, 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 10th day of November, 2005.

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

ATTEST:

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

OLD BUSINESS

6. SUB-05-03 Townhomes on Springwood Sketch Design Approval

In response to a request submitted by the Applicant, Mr. Neely recommended that this item be deferred until the December 8, 2005 regular council meeting.

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

7. Ordinance amending the Asheboro Parks & Recreation Department Policy Manual.

Mr. Hughes presented the packet of proposed changes to the Asheboro Parks & Recreation Department Policy Manual.

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

47 ORD 11-05

**AN ORDINANCE AMENDING THE PARKS AND RECREATION
DEPARTMENT POLICY MANUAL**

WHEREAS, Section 98.01 of the Code of Asheboro provides that the Parks and Recreation Department Policy Manual, adopted March 5, 1998, and as amended, has been adopted by reference as a part of the Code of Asheboro; and

WHEREAS, the Parks and Recreation Director has recommended to the city council that the Parks and Recreation Department Policy Manual be amended in order to update the said manual; and

WHEREAS, the requested amendments to the Parks and Recreation Department Policy Manual are attached hereto as EXHIBIT 1 and are hereby incorporated into this ordinance by reference as if copied fully herein.

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

Section 1. The Parks and Recreation Department Policy Manual is hereby amended to provide as specified in EXHIBIT 1.

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 10th day of November, 2005.

ATTEST:

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

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

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

NEW BUSINESS

8. Public Hearings on Zoning Matters.

Mayor Jarrell opened the public hearing on the following request:

- (a) RZ-05-32: Rezone from CU-B2 to B2 / East Dixie Drive and Kenmore Street: The property of Randolph Bank and Trust Company is located along the south side of East Dixie Drive at the intersection of Kenmore Street and contains approximately 23,653 square feet of land. Randolph County Parcel Identification Number 7760274630 more specifically describes the property.

Mr. Neely presented the request of the Applicant, Randolph Bank and Trust to rezone the above-described property from CU-B2 Conditional Use General Business to B2 General Business. The Planning Department Staff and the Planning Board recommended approval of the request as follows:

"The request is supported by the goals, maps, and policies of the Land Development Plan. The elimination of the conditional use district and permit does prevent the Council's review of proposed uses and site plans for compatibility with the residential uses to the south, but the property fronts a major thoroughfare, is identified by the Land Development Plan as a commercial property and has been used commercially for the last twenty years. Upon redevelopment, any nonconforming issues, such as landscaping for example, will be identified and addressed through staff's site plan review."

Mr. H.R. Gallimore, a representative of Remax Central Realty was present to answer questions on behalf of the Applicant.

Mr. Danny Myers, Mr. Fred Baker and Ms. Sue Moffitt, neighboring residents, presented comments and concerns in opposition to the requested rezoning.

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

Upon motion by, Mr. Smith and seconded by Mr. Baker, the Council adopted the recommendation of the Planning Board and approved the requested rezoning. Ms. Carter, Mr. Crisco, and Ms. Hunter opposed.

Mayor Jarrell opened the public hearing for the following request:

- (b) SUP-05-06: Special Use Permit for a Planned Unit Development / 600 West Salisbury Street: The property of Hope Center Association is located at 600 West Salisbury Street and contains approximately 1.97 acres of land. Randolph County Parcel Identification Numbers 7751545297 and 7751534857 more specifically describe the property.

Mr. Neely was sworn in and presented the Applicant's proposed site plan and the staff's analysis of the request for a Special Use Permit to allow the existing condominium development located at 600 West Salisbury Street, to be divided into six (6) separate units that may be sold as separate building lots.

Mr. Charles Willard, representative for Hope Center Association, was sworn in and addressed the four standard tests.

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

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to approve the Special Use Permit for a Planned Unit Development. This motion is based on the four standard tests being met.

The formal Findings of Facts, Conclusions of Law, and Order for this Special Use Permit will be entered by the City Council in regular session on December 8, 2005.

Mayor Jarrell opened the public hearing for the following request:

- (c) SUP-05-07: Modify a Special Use Permit for a Transfer Station / 630 Transfer Station Place: The property of the City of Asheboro is located at 630 Transfer Station Place and contains approximately 39.1 acres of land. Randolph County Parcel Identification Numbers 7761376467, 7761362312, 7761360126, 7761360477 more specifically describe the property.

Mr. Neely was sworn in and presented the site plan and the staff's analysis of the request to modify the existing Special Use Permit to allow 27,443 square feet of land located at the terminus of East Pritchard Street to be removed from the existing Special Use Permit.

Mr. Robert H. Kivett, Director of Operations for Public Works and representative for the City of Asheboro, was sworn in and addressed the four standard tests.

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

Upon motion by Mr. Priest and seconded by Ms. Hunter, Council voted unanimously to approve the Special Use Permit for a Transfer Station. This motion is based on the four standard tests being met.

The formal Findings of Fact, Conclusions of Law, and Order for this Special Use Permit will be entered by the City Council in regular session on December 8, 2005.

9. Subdivisions.

Preliminary Plat Approval for SUB-03-05: Hamilton Downs Sections 4 and 5:

Mr. Neely presented the preliminary plat. Deep Blue Investments, LLC requests the approval of a preliminary plat for Hamilton Downs Sections 4 and 5. This subdivision is located along the north

side of Old Cox Road at Zoo Parkway and contains approximately 53 acres of land, consisting of 54 lots.

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

Upon motion by Mr. Smith and seconded by Mr. Crisco, 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.)

10. Public hearing on the question of the granting of a franchise to Morton and Sewell Land Company, LLC for a construction and demolition debris landfill located at 385 Gold Hill Road.

Mayor Jarrell opened the public hearing for the following request:

Mr. Al Morton, a representative of Morton and Sewell Land Company, LLC, presented a proposal to renew the existing franchise between Morton and Sewell Land Company, LLC and the City of Asheboro for a construction and demolition debris landfill located at 385 Gold Hill Road. Additionally, Mr. Morton presented proposed revisions to current specifications of the existing franchise.

Because the property located at 385 Gold Hill Road is in the process of being annexed into the city limits, Mr. Sugg recommended that the public hearing for the renewal of said franchise be continued until after the annexation proceedings are concluded at the December 8, 2005 regular council meeting.

Upon motion by Mr. Priest and seconded by Ms. Hunter, Council voted unanimously to continue said public hearing.

11. Public Comment Period.

Mr. Neely reported that the Planning Board is currently discussing amendments to the Asheboro Zoning Ordinance. Proposed amendments, specifically addressing commercial projects, will be presented during a public hearing at the December 8, 2005 regular council meeting.

Mayor Jarrell congratulated newly elected City Council Member, Walker Moffitt, who was in attendance.

12. Resolution approving the class allocation under the City of Asheboro Position Classification Plan of the position of Street Equipment Operator II within the Street Department and the PGA Professional in the Parks and Recreation Department.

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

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

64 RES 11-05

RESOLUTION APPROVING CERTAIN CLASS ALLOCATIONS IN THE PARKS AND RECREATION DEPARTMENT AND THE STREET 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, 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, under the adopted position classification plan and within the Parks and Recreation Department, the classification of Golf Professional has been established with a pay grade of 16 under the city's pay plan; and

WHEREAS, upon the recommendation of the Director of Human Resources, the City Manager has determined that, in light of the Class A PGA Golf Professional Certification obtained by the incumbent, the Golf Professional should be established at a pay grade of 17; and

WHEREAS, under the adopted position classification plan and within the Street Department, the classification of Street Equipment Operator II has been established with a pay grade of 10 under the city's pay plan; and

WHEREAS, the Operations Director Public Works has made the determination that the duties and corresponding job description of the Street Equipment Operator II should be changed in order to enhance the operations of the street department; and

WHEREAS, the Operations Director Public Works has prepared a revised comprehensive job description for the Street Equipment Operator II position and submitted this job description (hereinafter referred to as the "Job Description") to the Director of Human Resources and to the City Manager for review; and

WHEREAS, the 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, and the City Manager has determined that the revised duties of the Street Equipment Operator II does not materially impact the current classification of the Street Equipment Operator II position under the city's position classification plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the pay grade recommendation made by the City Manager for the position of Golf Professional is hereby adopted and approved without modification, to be effective November 16, 2005; and

BE IT FURTHER RESOLVED that that the Job Description attached hereto as Exhibit 1 is hereby approved; and

BE IT FURTHER RESOLVED that the recommendation of the City Manager to maintain the current classification of the Street Equipment Operator II position under the city's position classification plan is adopted and approved without modification.

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

13. Petition received from Pharr, Shuping, Kearns, Terry York Builders, Inc., and Randolph County Farm Bureau, Inc., requesting contiguous annexation of 12.3 acres along East Salisbury Street.

Mr. Bunker reported that Terry York Builders, Inc., and Randolph County Farm Bureau, Inc., have requested the city to pay for or provide materials for 400 feet of an eight (8) inch sewer line extension along East Salisbury Street per the city's adopted policy for water and sewer line extensions at an estimated cost of \$8,000.

Upon motion by Mr. McGlohon and seconded by Ms. Hunter, Council voted unanimously to approve the aforementioned request.

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting contiguous annexation of 12.3 acres of land along East Salisbury Street.

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

65 RES 11-05

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION
RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES
(12.3 Acres of Land Located Along East Salisbury Street)**

WHEREAS, a petition requesting the annexation of an area described in said petition as approximately 12.3 acres of land located along East Salisbury Street has been received by the City Council of the City of Asheboro, North Carolina; and

WHEREAS, Section 160A-31 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings make take place; and

WHEREAS, the City Council of the City of Asheboro deems it available to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the city clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the city council the results of her investigation.

Adopted in regular session on this the 10th day of November, 2005.

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

ATTEST:

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

As a consequence of the receipt of written certification from the Deputy City Clerk as to the sufficiency of said annexation petition, Mr. Bunker presented and recommended adoption, by reference, of a resolution fixing the date for a public hearing on the question of annexation.

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

66 RES 110-05

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT
TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES
(12.3 Acres of Land Located Along East Salisbury Street)**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Asheboro, North Carolina has by resolution directed the city clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the city clerk as to the sufficiency of said petition has been made.

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at 7:00 o'clock p.m. on the 8th day of December, 2005 in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina.

Section 2. The area proposed for annexation is described on the attached sheet that is identified as Exhibit 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

Section 3. Notice of said public hearing shall be published in *The Courier Tribune*, a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of said public hearing.

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

ATTEST:

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

14. Petition received from Roger C. Chriscoe requesting non-contiguous annexation of 0.82 acre at 3707 U.S. Highway 220 Business South.

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting non-contiguous annexation of 0.82 of an of land located at 3707 U.S. Highway 220 Business South.

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

67 RES 11-05

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION
(0.82 of an Acre of Land Located at 3707 U.S. Highway 220 Business South)**

WHEREAS, a petition requesting the annexation of an area described in said petition as 0.82 of an acre of land located at 3707 United States Highway 220 Business South has been received by the City Council of the City of Asheboro; and

WHEREAS, Section 160A-58.2 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Asheboro deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina, on this the 10th day of November, 2005, that the city clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the results of her investigation.

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

ATTEST:

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

As a consequence of the receipt of written certification from the Deputy City Clerk as to the sufficiency of said annexation petition, Mr. Bunker presented and recommended adoption, by reference, of a resolution fixing the date for a public hearing on the question of annexation.

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

68 RES 11-05

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION
PURSUANT TO SECTION 160A-58.2 OF THE NORTH CAROLINA GENERAL STATUTES
(0.82 of an Acre of Land Located at 3707 U.S. Highway 220 Business South)**

WHEREAS, a petition requesting annexation of the non-contiguous area described therein has been received; and

WHEREAS, the City Council of the City of Asheboro, North Carolina has, by resolution, directed the city clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina, on this the 10th day of November, 2005 as follows:

Section 1. A public hearing on the question of the annexation of the non-contiguous area described herein will be held at 7:00 o'clock p.m. on the 8th day of December, 2005 in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina.

Section 2. The area proposed for annexation is described on the attached sheet, which is identified as Exhibit 1 and is incorporated by reference as if copied fully herein.

Section 3. Notice of said public hearing shall be published in *The Courier Tribune*, a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of said public hearing.

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

ATTEST:

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

15. Petition received from Morton and Sewell Development Co., Inc., requesting contiguous annexation of 66.16 acres at 385 Gold Hill Road.

Mr. Bunker presented that the correct entity requesting annexation is Morton and Sewell Land Co., LLC and that said entity requests that 65.8416 acres of land contiguous to the primary corporate limits be annexed. He recommended adoption, by reference, of a resolution directing the city clerk to investigate the subject annexation petition.

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

69 RES 11-05

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES (65.8416 Acres of Land Located at 385 Gold Hill Road)

WHEREAS, a petition requesting the annexation of an area described in said petition as approximately 65.8416 acres of land located at 385 Gold Hill Road has been received by the City Council of the City of Asheboro, North Carolina; and

WHEREAS, Section 160A-31 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Asheboro deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the city clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the city council the results of her investigation.

Adopted by the Asheboro City council in regular session on this the 10th day of November, 2005.

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

ATTEST:

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

As a consequence of the receipt of written certification from the Deputy City Clerk as to the sufficiency of said annexation petition, Mr. Bunker presented and recommended adoption, by reference, of a resolution fixing the date for a public hearing on the question of annexation.

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

70 RES 11-05

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION
PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES
(65.8416 Acres of Land Located at 385 Gold Hill Road)**

WHEREAS, a petition requesting annexation of the area described therein has been received;
and

WHEREAS, the City Council of the City of Asheboro, North Carolina has by resolution directed the city clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the city clerk as to the sufficiency of said petition has been made.

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

Section 1. A public hearing on the question of the annexation of the area described herein will be held at 7:00 o'clock p.m. on the 8th day of December, 2005 in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina.

Section 2. The area proposed for annexation is described on the attached sheet that is identified as Exhibit 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

Section 3. Notice of said public hearing shall be published in *The Courier Tribune*, a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of said public hearing.

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

ATTEST:

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

16. Petition received from residents of Woodland Acres Subdivision requesting an ordinance establishing a 20 MPH speed limit within Woodland Acres Subdivision.

On behalf of the residents of Woodland Acres Subdivision, Mr. Michael Allen presented a request to establish a twenty (20) mile per hour speed limit to address certain safety hazards and concerns within the subdivision.

Upon motion by Mr. Smith and seconded Mr. Crisco, Council voted unanimously to approve this request.

The Ordinance prescribing this speed limit will be entered by the City Council in regular session on December 8, 2005.

17. Recommendations from the Asheboro Airport Authority meeting on October 18, 2005.

Mr. Bunker reported that the Asheboro Airport Authority recommends that the term of the lease agreement with the current fixed base operator, Cardinal Air, LLC, be extended by three (3) years until December 31, 2010, in consideration of Cardinal Air providing a self-service pump dispenser at an estimated cost of \$ 18, 642 for the AVGAS fuel.

Upon motion by Mr. Smith and seconded by Ms. Carter, Council voted unanimously to approve this recommendation.

Mr. Bunker presented the request of the Asheboro Airport Authority to change the name of the "Asheboro Municipal Airport" to the "Asheboro Regional Airport."

Upon motion by Mr. Crisco and seconded by Mr. Baker, Council voted unanimously to approve the aforementioned request.

18. Potential lease to Clearwire, LLC of space on the water tower located at 252 S. Church Street for the placement of electronic communications equipment.

Mr. Sugg reported that Clearwire, LLC has asked to lease a portion of the water tower premises located at 252 South Church for placement of electronic communications equipment in order to provide a wireless internet service in the Asheboro area. Clearwire, LLC has agreed in principle to the standard lease terms utilized by the City for such leases.

Mr. Rick Shaw, a representative of Clearwire, LLC presented information and answered questions about Clearwire's proposed use of the premises to be leased.

Mr. Sugg recommended Council to direct city staff to proceed, as required by the North Carolina General Statutes, with notifying the public of the Council's intent to approve a lease between Clearwire, LLC and the City of Asheboro. The formal Lease will be presented for approval by the City Council in regular session on December 8, 2005.

Upon motion by Mr. Smith and seconded by Ms. Carter, Council voted unanimously to accept the aforementioned recommendation.

19. Resolution supporting a Pedestrian Planning Grant.

Mr. O. Lynn Priest presented and recommended the adoption, by reference, of the aforementioned resolution.

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

71 RES 11-05

RESOLUTION SUPPORTING A PEDESTRIAN PLANNING GRANT

WHEREAS, the City Council of the City of Asheboro desires to provide citizens with safe pedestrian travel ways and crossings; and

WHEREAS, the City Council of the City of Asheboro has determined that a Comprehensive Pedestrian Master Plan would enhance the construction of safe pedestrian travel ways.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asheboro that it would be in the best interest of the City of Asheboro to seek funding from the North Carolina Department of Transportation's Division of Bicycle and Pedestrian Transportation to prepare a Comprehensive Pedestrian Master Plan for the City of Asheboro.

Adopted in regular session on this the 10th day of November, 2005.

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

ATTEST:

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

20. Report of Finance and Public Safety Committee.

Mayor Jarrell reported that a meeting of the Finance Committee was held on November 9, 2005 at 4:00 p.m. A report will be presented at the next regular council meeting on December 8, 2005 regarding a proposal of a potential purchase of certain real property located in the City's Central Business District.

No official meeting of the Public Safety Committee was held.

21. Upcoming Events.

Mayor Jarrell announced the following upcoming events:

- Veteran's Parade, November 11, 2005, 4:30 p.m.
- S.C.O.R.E. Luncheon, November 15, 2005, 12:00 p.m.
- Strategic Planning, November 28, 2005, 7:00 p.m.
- Annual Christmas Parade, December 2, 2005, 7:00 p.m.
- Christmas on Sunset, December 9, 2005, 6:00 p.m.

There being no further business, the meeting was adjourned at 9:25 p.m.

Holly J. Hartman, Deputy City Clerk

David H. Jarrell, Mayor