

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
THURSDAY, JUNE 9, 2005  
7:00 PM**

\*\*\*\*\*

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

David Jarrell                   ) – Mayor Presiding

Talmadge Baker               )  
Linda Carter                   )  
Nancy Hunter                 ) – Council Members Present  
John McGlohon                )  
David Smith                    )

Keith Crisco                  ) – Council Members Absent  
Archie Priest                  )

John N. Ogburn, III, City Manager  
Carol J. Cole, CMC, City Clerk  
Dumont Bunker, P. E., City Engineer  
Michael Leonard, Assistance City Engineer  
Debbie Juberg, Finance Director  
Reynolds Neely, Planning Director  
Lynn Priest, CD Director  
John Evans, Code Enforcement Officer  
Trevor Nuttall, Planner  
Gary Mason, Chief of Police  
Holly Hartman, Legal Assistant  
Jeff Sugg, City Attorney

A quorum thus being present, Mayor Jarrell called the meeting to order for the transaction of business, and business was transacted as follows:

**1. Pledge of Allegiance and Invocation.**

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. Reverend Mark Beane, pastor of First Wesleyan Church, gave the invocation.

**2. Appearance and Recognition of Guests and Citizens.**

Mayor Jarrell welcomed everyone in attendance.

**3. Presentation by Chief Mason of Professional Esteem Award to Officers Lori Johnson and Arthur Heaton.**

Police Chief Gary Mason read and presented the Professional Esteem Award to Officers Lori Johnson and Arthur Deaton for their heroic actions taken by saving the life of an individual who was threatening to jump from a bridge on US 64 on April 20, 2005. Master Sergeant Donny Hill, the officers' supervisor, recommended that they be considered for this award.

**4. Consent Agenda.**

Mayor Jarrell entertained a motion to defer the consent agenda item to consider a resolution to renew the hangar lease agreement with the Randolph Composite Squadron – Civil Air Patrol.

Upon motion by Mr. McGlohon and seconded by Mrs. Hunter, council voted unanimously to defer said item and to approve the remaining consent agenda items.

Mayor Jarrell also entertained a motion to defer the regular agenda item nos. 16, 17, & 18 until the next meeting.

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to defer said items until the next meeting.

• Minutes of Previous Meetings

The minutes of the regular meeting of May 5, 2005 and special meeting of May 26, 2005 were approved as presented.

- Resolution Authorizing the City of Asheboro to Enter Into a Safety Preservation Projects Agreement With the NCDOT for the NCDOT to Provide Airport Safety Related Improvements at 100% State Funding

28 RES 6-05

**Resolution of the Sponsor**

WHEREAS, the City of Asheboro (Airport Owner hereinafter referred to as "Sponsor") has requested the North Carolina Department of Transportation (hereinafter referred to as "Department") to provide and oversee safety improvements on the operational surfaces of the Asheboro Municipal Airport; and

WHEREAS, the Department has agreed to provide safety improvement services as defined in Paragraph 1 of this Agreement in accordance with the provisions of North Carolina General Statute 63.

NOW THEREFORE, BE IT AND IS HEREBY RESOLVED, that the City Manager of the Sponsor be and he is hereby authorized and empowered to enter into an Agreement with the Department, thereby binding the Sponsor to fulfillment of its obligation as incurred under this resolution and its Agreement with the Department.

WITNESS my hand and the official seal of the Sponsor.

This the 9<sup>th</sup> day of June, 2005.

(SEAL)

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

**5. Old Business.**

- (a) From R7.5 Residential to CU-I1 Light Industrial (District Only) (RZ-05-10): A portion of the property of Ciervo Knitting Enterprises, LLC, located on the south side of Sherwood Road near its intersection with Fairway Road, totaling approximately 30,000 s. f. and identified by Randolph County Parcel ID Number 7750542005 (a portion).

Mayor Jarrell continued the public hearing on the aforementioned.

Mr. Neely reviewed the request and reported that the applicant wants to revise his original request heard last month by rezoning only 30,000 sq. ft. of his property to CU-I1 (light industrial), which is currently zoned R7.5. The Ciervo Knitting Enterprises property is split-zoned R7.5 and I1. Mr. Ciervo is not seeking a Conditional Use Permit at this time and therefore; if approved, no uses are permitted by right. Any development will require council's consideration of a Conditional Use Permit.

Mrs. Patsy Woodruff, agent for the property owner, stated that her client wants his property to be zoned the same (CU-I1), thus correcting the split zoning. Mrs. Woodruff was available to answer any questions that council might have.

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

Upon motion by Mr. Baker and seconded by Mrs. Hunter, council unanimously ordained to approve this request.

- (b) Resolution Declaring Certain City-Owned Real Property Located at the Southeast Corner of the Intersection of Glovinia Street and Brewer Street to be Surplus Property and Authorizing the Disposal of Said Property.

Mr. Bunker reported that when the city purchased land needed for a right-of-way at subject location, it had to buy the whole lot. An offer of \$7,000 has been made to the city to purchase the part of subject property that is not needed for a right-of-way. Mr. Bunker presented and recommended adoption of the aforementioned resolution declaring subject property as surplus and to advertise the offer of \$7,000 received for increased bids.

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

**RESOLUTION DECLARING CERTAIN CITY-OWNED REAL PROPERTY  
LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION  
OF BREWER STREET AND GLOVINIA STREET TO BE  
SURPLUS PROPERTY**

**WHEREAS**, the City of Asheboro (hereinafter referred to as the "City") owns a parcel of land located at the southeast corner of the intersection of Brewer Street and Glovinia Street; and

**WHEREAS**, a written offer of seven thousand dollars (\$7,000.00) has been received from Tomas Uribe Cortés for the parcel of land described in the immediately preceding paragraph; and

**WHEREAS**, the City's administrative staff has determined that 0.12 of an acre of the above-described parcel of land is not needed by the City and is eligible for classification as surplus property; and

**WHEREAS**, Section 160A-269 of the North Carolina General Statutes provides in part that "a city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids;"

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

**Section 1.** As recommended by the City's administrative staff, the 0.12 of an acre of city-owned real property described on a plat of survey prepared by the City of Asheboro Engineering Department, entitled "Survey For Proposed Sale Of City Of Asheboro Property Located At The Glovinia St./Brewer St. Intersection," dated May 30, 2005, and identified as Job # 05015 is hereby declared to be surplus property.

**Section 2.** The City Manager and City Clerk are hereby authorized to accept for publication offers received for the purchase of this property so long as the tendered offer expressly accepts as adequate the city's use of a Non-Warranty Deed to convey the city's interest in the real property, the amount of the offer is equal to or greater than seven thousand dollars (\$7,000.00), and so long as the bid is accompanied by a bid deposit equal to five percent (5%) of the bid. Once the City Clerk has received a properly submitted offer for the surplus real property, public notice of the offer shall be given in accordance with the provisions of Section 160A-269 of the North Carolina General Statutes.

**Section 3.** Once the procedures specified in Section 160A-269 of the North Carolina General Statutes are followed until no further qualifying upset bids are received, the final and best offer may be brought to the City Council for final action. The City Council may at any time reject any and all offers.

Adopted in regular session by the City Council of the City of Asheboro, North Carolina on this the 9<sup>th</sup> day of June 2005.

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

ATTEST:

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

**6. New Business.**

Public Hearings on Zoning Matters:

Mayor Jarrell opened the public hearing on the following request:

- (a) CUP for Expanded Childcare (After School Care) Services (CUP-05-11): The Properties of the Cross Road Rest & Retirement Center, Inc. located at 1302-1368 Old Cox Road, totaling approximately 32.25 acres, more specifically identified by Randolph County Parcel ID Numbers 7669560493, 7669564321, 7669551809, 7769557913, 7669554855 & 7769466475.

Mr. Neely was sworn in and presented the site plan. He reported that the applicant seeks to establish an after-school care center in a structure formerly used for the property manager's residence. Conditional Use Permits require a change of use to be reviewed by the city council. This permit modification, if approved, will require all future phases of the development to comply with current ordinance requirements. All new construction will require installation of sidewalks, according to phases as indicated, built to city specification (Asheboro Zoning Ordinance 322A).

Mr. Neely stated that the site plan submitted complies with the zoning ordinance. No additional conditions were recommended for the CU Permit modification.

Mr. Steve Rumbley, director of Cross Road Rest & Retirement Center, was sworn in and stated that the Center owns the residence next door, which is empty. The child care center wants to expand and use said residence. Mr. Rumbley addressed the four standard tests: (1) The use will not endanger the public health or safety, as the use will be for after-school care for children. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance, as per the site plan submitted. Sidewalks have been shown on the site plan, but a variance may be requested at a later date since the property is located outside of the city limits. Everything else has been approved, and they are only asking for a house modification. (3) The use will not injure the value of adjoining property. The house has been improved and the yard has been landscaped. (4) The use will be in harmony with the area and it will add to the existing program.

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

Upon motion by Mrs. Carter and seconded by Mrs. Hunter, council voted unanimously to approve the CU Permit modification based on the four standard tests being met per testimony by Mr. Rumbley. If a variance for the sidewalks is approved by the board of adjustment, the site plan will be acceptable to the council.

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

Mayor Jarrell opened the public hearing on the following request:

- (b) SUP for a Planned Unit Development – Townhouses (SUP-05-03): The property of Clayton Terry Tucker located a 711 Sunset Avenue, totaling approximately 2.15 acres and further identified by Randolph Council Property ID Number 7751522688. The applicant is Damco Development.

Mr. Nuttall was sworn in and submitted the site plan. He described the aforementioned property and stated the requested Special Use Permit is for a Planned Unit Development consisting of 14 townhouses. The property is within the city limits and all services are available. The property has frontage on Sunset Avenue and Dixon Avenue. Sunset Avenue is a minor thoroughfare with a 44-ft. right-of-way, and Dixon Avenue is a local collector street with a 50-ft. right-of-way. The northern half of the property is located within the Center City Planning Area, Tier 3. Driveway permits will be required for drives on Sunset Avenue (NCDOT) and Dixon Avenue (City). Access drives and parking areas are to be privately maintained. The submitted site plan and elevations appear to be in conformance with the zoning ordinance. Subdivision approval will be required to convey townhouse lots.

Mr. Max Summey, engineer, was sworn in stated that the subject property was formerly a Bed & Breakfast establishment. Mr. Summey addressed the four standard tests: (1) The use will not endanger the public health and safety, as he has worked with the planning staff to comply with the zoning ordinance. Mr. Summey has met with DOT officials regarding the driveway permit and encroachment agreement. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance, per testimony by Mr. Nuttall. (3) The use will not injure the value of adjoining or abutting property. Mr. Summey feels that the proposed townhouses will increase the value of property, as the proposed use will be an upscale development close to town, and they hope to attract older residents.

(4) The use will be in harmony with the area, as there are both single-family and multi-family developments. The rock wall and the trees will remain.

Mr. McGlohon was concerned about emergency vehicles being dispatched to the townhouses and not knowing exactly which unit is requesting assistance since they will have frontage on both Sunset Avenue and Dixon Avenue.

Mr. Bunker was sworn in and stated that the seven units that face Dixon Avenue will have Dixon Avenue addresses, and the seven units that face Sunset Avenue will have Sunset Avenue addresses. These addresses will be assigned by the engineering department.

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

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to approve the Special Use Permit based on the four standard tests being met, per testimony by Mr. Summey.

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

## 7. Subdivisions.

### (a) Sketch Design Approval for Autumn Place Townhouses (SUB-05-02)

Mr. Nuttall presented the sketch design for Autumn Place Townhouses, which will be located at 711 Sunset Avenue. This proposed Planned Unit Development contains 2.15 acres and consists of 14 lots.

All comments from the various city departments have been addressed, and the planning board recommended approval of the sketch design.

Upon motion by Mrs. Carter and seconded by Mrs. Hunter, council voted unanimously to accept the recommendation from the planning board for approval.

### (b) Final Plat Certification for Northmont Estate, Phase 1, Part V-D (SUB-03-04)

Mr. Neely presented the final plat for certification of Northmont Estate, Phase 1, Part V-D, which is located on the north side of Mountain Lake Road. All issues have been addressed, and the planning board recommended approval.

The developer was present to answer questions.

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to accept the recommendation from the planning board for approval.

## 8. Budget Amendments.

Ms. Juberg reviewed various amendments to the FY 2004-2005 General and Water & Sewer Funds Budget and recommended their adoption by reference.

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

- Ordinance to Amend Cemetery Improvement (Gift) Project

16 ORD 6-05

### **ORDINANCE TO AMEND CEMETERY IMPROVEMENT (GIFT) PROJECT**

WHEREAS, The City of Asheboro desires to be in compliance with all generally accepted accounting principals, and;

WHEREAS, revenues and expenditures have changed from the amounts currently shown in the Cemetery Improvement Project, and;

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

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA: that the following Budget revisions are approved:

Section 1: The following revenues are increased:

LINE ITEM	DESCRIPTION	AMOUNT
76-329-0000	Interest earned on investment	\$ 20.00
76-335-1000	Contribution GF	\$1,355.00

Section 4. The following expenditures are increased:

LINE ITEM	DESCRIPTION	AMOUNT
76-850-0000	Improvements (Rich)	\$1,375.00

Adopted this the 6th day of June, 2005

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

ATTEST:

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

- Ordinance to Close the Cemetery Improvement Project FY 2004-2005

17 ORD 6-05

**ORDINANCE TO CLOSE THE CEMETERY IMPROVEMENT PROJECT  
FY 2004-2005**

WHEREAS, the officers of the City of Asheboro have completed the Cemetery Improvement Project adopted March 4, 2004 and;

WHEREAS, the officers of the City of Asheboro submit the below as the final budget for the project and request that the project be closed;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA: that the below budget is accepted as the final budget and Cemetery Improvement Project is hereby closed.

**Section 1: Revenues**

<u>Account #</u>	<u>Revenue Description</u>	<u>Appropriated Amount</u>
76-329-0000	Interest Earned on Investments	\$20
76-335-0000	Donations	\$8,876
76-335-1000	Contribution from General Fund	\$1,355
	TOTAL	\$10,251

**Section 2: Expenses**

<u>Account #</u>	<u>Expenses Description</u>	<u>Appropriated Amount</u>
76-850-0000	Improvements	\$10,251
	TOTAL	\$10,251

Adopted this the 6th day of June, 2005

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

ATTEST:

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

- Project Ordinance Home Program Fund FY 2004-2005

18 ORD 6-05

**PROJECT ORDINANCE  
HOME PROGRAM FUND  
FY 2004-2005**

WHEREAS, the expenditures have changed from the amounts shown in the Home Program Fund;  
and

WHEREAS, the City Council desires to amend the budget as required by law;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA that the following budget revisions are approved:

The following expenditure line items be increased / decreased:

LINE ITEM	DESCRIPTION	AMOUNT
62-995-0000	Down Payment / Closing Cost	(\$28,000)
62-800-0000	Contribution to Downtown Farmers Market	\$28,000

Adopted this 9<sup>th</sup> day of June 2005.

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

ATTEST:

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

- Ordinance to Amend the Airport Runway Extension Phase III Fund FY 2004-2005

19 ORD 6-05

**ORDINANCE TO AMEND  
THE AIRPORT RUNWAY EXTENSION PHASE III FUND  
FY 2004-2005**

WHEREAS, The City of Asheboro has been approved to receive additional federal funds under the Century of Flight Authorization Act of 2003 (Vision 100). These funds have been awarded to the Asheboro Municipal Airport in conjunction with the State Aid to Airports Program and;

WHEREAS, revenues and expenditures have changed from the amounts shown in the Airport Runway Extension Phase III Fund, and;

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

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA: that the following Budget revisions are approved:

Section 1: That the following revenue line items be increased (decreased):

<u>Account #</u>	<u>Revenues Description</u>	<u>Current Appropriation</u>	<u>Increase (Decrease)</u>	<u>New Appropriated Amount</u>
66-349-0900	Federal Grant FY 05-06 #36237.23.6.1	\$ -	\$ 150,000.00	\$150,000.00
66-367-1014	Cont. GF (Fed. Match) FY 05-06	\$ -	<u>\$ 16,667.00</u>	\$ 16,667.00
	TOTAL		\$ 166,667.00	

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

<u>Account #</u>	<u>Expenses Description</u>	<u>Current Appropriation</u>	<u>Increase (Decrease)</u>	<u>New Appropriated Amount</u>
66-930-4500	Payment to Contractor	\$ -	\$ 166,667.00	\$166,667.00
	TOTAL		\$ 166,667.00	

Adopted this the 9th day of June, 2005.

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

ATTEST:

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

- Project Ordinance Asheboro Skate Park

20 ORD 6-05

**PROJECT ORDINANCE  
ASHEBORO SKATE PARK**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is adopted:

Section 1: The Asheboro Skate Park Project is hereby authorized as a project with revenues and expenditures projected for the duration of the project.

Section 2: The officers of the City of Asheboro are hereby authorized to proceed with the project within the terms of the agreement approved by the City Council and the budget contained herein.

Section 3: The following revenues are anticipated to be available to complete this project:

LINE ITEM	DESCRIPTION	AMOUNT
64-348-0000	PARTF Grant	\$100,000.00
64-349-1000	Contribution GF	\$100,000.00

Section 4. The following amounts are appropriated as expenditures for this project:

LINE ITEM	DESCRIPTION	AMOUNT
64-850-0000	Construction	\$200,000.00

Adopted this the 9th day of June, 2005.

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

ATTEST:

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

- Ordinance to Close the Street Assessment Fund FY 2004-2005

21 ORD 6-05

**ORDINANCE TO CLOSE THE STREET ASSESSMENT FUND  
FY 2004-2005**

WHEREAS, the officers of the City of Asheboro no longer has a need for the Street Assessment Fund and;

WHEREAS, all repairs outlined for individual street assessments have been completed and;

WHEREAS, all repairs were inadvertently paid of our of General Operating Funds on an ongoing basis instead of out of Street Assessment Fund Balance

WHEREAS, the officers of the City of Asheboro submit the current fund balance for the street assessment fund is \$175,873.80 and request that the fund be closed;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA: that \$175,873.80 be accepted as the fund balance to be transferred to the general operating fund and Street Assessment Fund is hereby closed.

Adopted this the 9th day of June, 2005

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

ATTEST:

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

- Ordinance to Amend the Economic Development Fund FY 2004-2005

22 ORD 6-05

**Ordinance to Amend the Economic Development Fund  
FY 2004-2005**

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

WHEREAS, the City has made a commitment of \$375,000 to be paid based on performance benchmarks to Energizer Battery for Economic Development, and;

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

**Section 1: That the following Revenue items be increased:**

<u>Account #</u>	<u>Revenue Description</u>	<u>Appropriated Amount</u>
72-367-1000	Contribution from General Fund	\$375,000

**Section 2: That the following Expense items be increased:**

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>
72-850-2400	Energizer Payments	375,000

Adopted this the 9th day of June, 2005

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

ATTEST:

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

- Ordinance to Amend General Fund FY 2004-2005

23 ORD 6-05

**ORDINANCE TO AMEND THE  
GENERAL FUND BUDGET  
FY 2004-2005**

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principals, and;

WHEREAS, the budget as adopted requires amendment to reflect adjustments in expenditures, and:

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

That the following expense line items be increased/ decreased:

10-510-0200	Salaries & Wages	\$100,000
10-510-1500	Building Maintenance	20,000
10-510-1700	Maintenance & Repair of Vehicles	10,000
10-510-3100	Gas, Oil, Tires	20,000
10-510-3600	Uniforms & Accessories	6,000
10-530-0200	Salaries	(35,000)
10-530-0708	Fire & Rescue Squad	(18,000)
10-530-8100	Principal on Debt	(7,000)
10-565-0200	Salaries & Wages	(40,000)
10-565-3100	Gas, Oil & Tires	(20,000)
10-565-2101	Equipment Rentals	(5,000)
10-565-8100	Principal on Debt	(20,000)
10-575-0200	Salaries & Wages	(15,000)
10-575-0400	Professional Services	(5,000)
10-575-7400	Capital Outlay	(65,000)
10-580-8300	Tipping Fees	16,000
10-585-1500	Maintenance & Repair – Building	13,000
10-590-0400	Professional Services	15,000
10-610-2800	Economic Development	120,000
10-620-0400	Professional Services	(18,000)
10-620-1600	Maintenance & Repair- Eq	(17,000)
10-620-7400	Capital Outlay	(45,000)
10-625-3400	Supplies & Materials	(5,000)
10-625-4800	Purchases for Resale	(5,000)
	<b>TOTAL INCREASE / (DECREASE)</b>	<b>\$0</b>

Adopted this the 9th day of June 2005.

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

ATTEST:

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

- Ordinance to Amend Water and Sewer Fund FY 2004-2005

24 ORD 6-05

**ORDINANCE TO AMEND THE  
WATER AND SEWER FUND BUDGET  
FY 2004-2005**

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principals, and;

WHEREAS, the budget as adopted requires amendment to reflect adjustments in expenditures, and:

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

Section 1: That the following expense line items be increased/ decreased:

LINE ITEM	DESCRIPTION	AMOUNT
30-830-4504	Contracted Services- Sludge	(\$120,540)
30-840-4500	Contracted Construction	(\$185,000)
30-840-7000	Contribution to Capital Project	\$305,540
30-850-4500	Contracted Construction	(\$36,600)
30-850-7000	Contribution to Capital Project	\$36,600
	TOTAL increase / decrease	\$0

Adopted this the 9th day of June 2005.

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

ATTEST:

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

- Ordinance to Amend Water System Improvements

25 ORD 6-05

**Ordinance to Amend the Project Ordinance for:  
Sidewalks on North Fayetteville Street  
Sidewalks on the West Side of South Church Street  
Sidewalks on Sunset Avenue  
Water and Sewer improvements for North Fayetteville Street NCDOT Project  
FY 2004-2005**

WHEREAS, the City Council of the City of Asheboro desires to change the scope of the above stated Project Ordinance to add funding for Water and Sewer Line Replacements at various locations throughout the City;

WHEREAS, the City Council desires to amend the budget as required by law, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA that the following budget revisions are approved:

Section 1: That the name of the project ordinance be changed to PROJECT ORDINANCE FOR:

Sidewalks on North Fayetteville Street  
Sidewalks on the west side of South Church Street  
Sidewalks on Sunset Avenue  
Water and Sewer Improvements for North Fayetteville Street NCDOT Project  
Water Line Replacements on Steele Street, Morton Ave, Bray Blvd, Woodcrest Dr.,  
Keystone Dr., Twain Dr., Sherwood Ave., and Fisher Circle  
Sewer Line Replacements on Sherwood Ave., and Harvell St.

Section 2: That the following Revenue items be increased / decreased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase / Decrease</u>	<u>Appropriated Amount</u>
73-367-1004	W & S Fund- FY 2004-2005	\$342,140	\$342,140

Section 3: That the following Expense items be increased / decreased.

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / Decrease</u>	<u>Appropriated Amount</u>
73-850-4504	Water Line- Steele Street	\$41,340	\$41,340
73-850-4505	Water Line- Morton Ave, Bray Blvd, Woodcrest Dr.	\$175,000	\$175,000
73-850-4507	Water Line- Keystone Dr. & Twain Dr.	\$60,000	\$60,000
73-850-4508	Water Line- Sherwood Ave	\$10,000	\$10,000
73-850-4509	Water Line- Fisher Circle	19,200	19,200
73-850-4510	Sewer Line- Sherwood Ave	\$10,000	\$10,000
73-850-4512	Sewer Line- Harvell Street	<u>\$26,600</u>	<u>\$26,600</u>
	TOTAL	(\$342,140)	\$342,140

Adopted this the 9th day of June 2005.

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

ATTEST:

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

**9. Public Works Committee Report.**

Ms. Juberg reported that the public works committee met May 12, 2005 and discussed the option of the city hauling its own garbage from the transfer station instead of contracting it out. The sanitation superintendent feels that this option would save the city money in the long run. Ms. Juberg stated that due to contractual obligations, this issue will have to be addressed before the end of the calendar year if the city wants to use city forces to haul its solid waste.

**10. Finance and Public Safety Committee Report.**

Ms. Juberg reported that the finance and public safety committee met May 25, 2005, at which she recommended that staff positions in the water billing and collections department be reduced from five to four. The department has currently been operating with four employees since the resignation of the supervisor in September, 2004. The employees in that department have been cross-trained on the various job responsibilities, and Ms. Juberg feels that the department can operate efficiently with four employees. The reduction in staff has been reflected in the proposed budget.

**11. Public Hearing on Proposed Fiscal Year 2005-2006 Annual Budget.**

Mayor Jarrell opened the public hearing on the aforementioned.

Mr. Ogburn reported that notice of this public hearing has been advertised as provided for by law.

Ms. Juberg reviewed the proposed FY 2005-2006 Annual Budget, which is balanced at \$28,288,513. She reported that the budget reflects a few minor changes from the preliminary budgets that were distributed at the May 5, 2005 council meeting. The changes made are as follows:

- Elimination of the code enforcement officer budgeted to be hired January, 2006 (savings of approximately \$17,000)
- Reduction in the amount set aside for the skate park project in the 2005-2006 budget (savings of \$40,000)
- Reallocation of some monies in the recreation budget to cover the purchase of updated computer equipment for the new offices in the Federal Building (no monetary change)
- A specific monetary allocation toward future economic development was discussed at the May 26, 2005 special called council meeting with Bonnie Renfro of the Randolph County Economic Development Corporation. The above savings (\$57,000) have been allocated toward future economic development.

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

**12. Adoption of Budget Ordinance for Fiscal Year 2005-2006.**

Ms. Juberg presented and recommended adoption of the Budget Ordinance for FY 2005-2006.

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

26 ORD 6-05

**BUDGET ORDINANCE**

BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina in session assembled:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the city government and its activities for the fiscal year beginning July 1, 2005, and ending June 30, 2006, in accordance with the chart of accounts heretofore established for this City:

<u>ACCOUNT</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
10-410.00	Mayor and Governing Body	\$ 178,573
10-420.00	City Manager's Office	\$ 151,882
10-430.00	City Clerk	\$ 72,792
10-440.00	Finance Office	\$ 574,558
10-470.00	Legal Services	\$ 131,357
10-480.00	Information Technology	\$ 130,765
10-490.00	Planning/Community Development	\$ 402,146
10-500.00	Municipal Building Headquarters	\$ 77,794
10-510.00	Police Department	\$5,121,227
10-530.00	Fire Department	\$2,971,171
10-540.00	Inspections Department	\$ 186,503
10-550.00	Operations Division - Public Works	\$ 690,284
10-555.00	Fleet Maintenance	\$ 729,722
10-565.00	Street Maintenance	\$1,657,998
10-575.00	City Engineer Office	\$ 191,403
10-580.00	Sanitation / Solid Waste Department	\$2,050,193
10-585.00	Recycling Transfer Station	\$ 260,080

<u>ACCOUNT</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
10-590.00	Human Resources	\$ 389,580
10-610.00	Community Promotion	\$ 299,547
10-620.00	Parks/Lakes/Playgrounds	\$1,031,618
10-625.00	Municipal Golf Course	\$ 162,942
10-630.00	Library	\$ 268,338
10-640.00	Building & Grounds Maintenance	\$1,215,263
10-650.00	Airport Authority	\$ 97,600
<b>Total Appropriations</b>		<b>\$19,043,336</b>

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2005 and ending June 30, 2006:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Current Year's Real Property Taxes	\$9,179,420
Current Year's Motor Vehicle Taxes	\$ 736,000
Prior Year's Real Property Taxes	\$ 76,000
Prior Year's Motor Vehicle Taxes	\$ 78,000
Tax Discounts	(\$ 100,000)
Tax Penalties and Interest & other taxes	\$ 45,500
Privilege Licenses	\$ 250,000
Cable TV Franchises	\$ 120,000
Interest Earned on Investments	\$ 70,000
Concessions and Merchandise	\$ 68,000
Personal Use of City Vehicles	\$ 8,300
Contracted Maintenance NCDOT	\$ 25,000
Utilities Franchise Tax State	\$1,545,000
Powell Bill Allocation - State	\$ 685,865
Local Sales Tax	\$3,945,160
Court Cost, Fees and Charges	\$ 13,500
Building Permits and Inspection Fees	\$ 116,700
Rezoning & Cemetery Fees	\$ 30,000
Charges for Services - Refuse / Brush Collection	\$ 792,000
Recycling Revenues	\$ 8,000
Sale of Cemetery Lots	\$ 22,000
Recreation Fees	\$ 274,000
Proceeds from Lease Purchase of Equipment	\$ 483,000
Vice and Narcotics Allocation	\$ 15,000
Federal Forfeiture Allocation	\$ 11,000
Grant Proceeds	\$ 251,886
Fund Balance Appropriation	\$ 125,000
All Other Revenues	\$ 169,005
<b>Total Estimated Revenues</b>	<b>\$19,043,336</b>

Section 3: The following General Fund Fees are hereby adopted for provision of services during the operation of the city government for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

**Sanitation Department Fees:**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Residential Cans / per month	\$ 0
Commercial Cans / per month	\$ 8
Residential Dumpsters / per pick-up	\$17
Commercial Dumpsters / per pick-up	\$17
Above billed <u>monthly</u> based on annualized collection schedule	
Missed Residential Dumpsters / per pick-up	\$27
Missed Commercial Dumpsters / per pick-up	\$27
Compaction Dumpsters / per pick-up	\$34
Missed Compaction Dumpster / per pick-up	\$42
Yard Waste Collection per scoop	
First and Second scoop*	\$ 0
Each Scoop thereafter*	\$12

\*Applicable to brush that is within specifications

**Sanitation Department Fees:**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Waste left in ditch, curb or street per scoop	\$24
Waste out of Specs per scoop	\$24
Waste after hours /emergency collection per scoop	\$50
White Goods Collection	\$ 5

**Recycling Transfer Station Fees:**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Tipping Fee per Ton	\$38

**Planning Department Fees:**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Rezoning:	
Text	\$200
Map	\$200
CU Permit	\$300
SUP Permit	\$300
BOA: Appeal	\$ 0
Variance	\$250
Interpretation	\$250
Watershed Permit	\$ 25
Flood Zone Permit	\$ 25
Zoning Compliance Permits:	
SF Res	\$ 25
Duplex	\$100
MF Res	\$200
Commercial	\$250
Industrial / Institutional	\$250
SF Accessory Structure	\$ 10
Accessory Structure Commercial	\$ 25
Accessory Structure Industrial	\$ 25
Accessory Structure Institutional	\$ 25
Soil Evaluation	\$ 10
Change Occupancy	\$ 25
Change Use	\$250
Sign	\$ 25
Certificate of Zoning Compliance:	
SF Res	\$ 25
Duplex	\$ 25
MF Res	\$ 50
Commercial	\$100
Industrial	\$100
Change Use	\$100
Subdivision:	
Sketch	\$100
Preliminary	\$200
Final	\$200+ \$25 per lot
Minor	\$100
Zoning Verification Official Letter	
Residential	\$ 25
Non-Residential	\$ 75

**Inspection Department Permit Fees:**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Building Permit	\$5/\$1000 up to \$150,000; \$1.50/\$1,000 thereafter
Minimum Permit	\$10
Minimum Sign	\$10
Non-bid Jobs (new)	\$40/ sq ft.
Habital Space	\$20/ sq ft.

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Plumbing Permit	\$5 per fixture, \$20 minimum
Sewer Line House	\$20
Commercial / Large	\$50
Heating / AC Permit	
Boiler	\$0.0005/BTU
Gas Line- Residential	\$10
Gas Line- Commercial	\$50
Gas Furnace	\$40
Heat Pump	\$40
Gas Pak	\$40
Air Conditioners	
6 tons & under	\$15
7 to 15 tons	\$20
16 to 25 tons	\$25
over 26 tons	\$35
Electrical Permits	
Temporary service	\$20
Residential	\$40
Commercial	\$50 first 5000 sq ft plus \$5/1000 sq ft
Service Charge	\$20
Service Repair	\$20
Mobile Home	\$30
Sign	\$20
Apartments (each)	\$20
Mobile Home	\$50
Certificate of Occupancy	
No change of Use in Occ.	\$25
Change of Use in Occ.	\$50

**Parks & Recreation Fees:**

<u>Facility</u>	<u>Service</u>	<u>City Resident</u>	<u>Non-Resident</u>
Lake Lucas:			
	Daily Fishing Permit	\$ 3.00	\$ 4.00
	Annual Fishing Permit:	\$ 35.00	\$ 50.00
	Daily Boat Rental	\$ 7.50	\$ 10.00
	Kayak/Canoe Launch	\$ 2.50	\$ 3.50
	Daily Launch Fee	\$ 7.00	\$ 9.50
	Annual Launch Fee:	\$100.00	\$135.00
	Boat Rental Spaces:	\$ 75.00	\$125.00
Lake Reese:			
	Daily Launch Fee	\$ 7.00	\$ 9.50
	Annual Launch Fee:	\$100.00	\$135.00
	Daily Duck hunting permit per boat	\$ 12.50	\$ 16.00
Tennis Ctr	Lights per hour per court	\$ 2.00	\$ 2.50
Field Rental:	Rental Per Hour (no lights)	\$ 15.00	\$ 20.00
	Light Fee Per hour	\$ 10.00	\$ 15.00
	Tournament rental per weekend		
	One field	\$175.00	\$255.00
	Two fields	\$300.00	\$400.00
	Concession Stand / Restroom	\$ 50.00	\$ 65.00
	Additional Maintenance	\$ 40.00	\$ 50.00
Youth Sports Fees:			
	City Resident	\$ 0.00	
	Inside School District	\$ 20.00	
	Outside School District	\$ 40.00	

Facility	Service	City Resident	Non-Resident
<b>Pools:</b>			
	Public Swim (day)		
	2 years & under with paying adult	\$ 0.00	\$ 0.00
	3 years & older	\$ 2.50	\$ 3.00
	Public Swim (night)		
	2 years & under with paying adult	\$ 0.00	\$ 0.00
	3 years & older	\$ 2.00	\$ 2.50
	Swimming Lessons	\$25.00	\$ 30.00
	Swim Pass (15 admissions)	\$28.00	\$ 35.00
<b>Shelter Rental</b>			
	Memorial Park: 10am-3pm; 3:30pm-dark	\$ 0.00	\$ 15.00
	Full Day	\$ 0.00	\$ 60.00
	All other Parks: 10am-3pm; 3:30pm-dark	\$ 0.00	\$ 15.00
	Full Day	\$ 0.00	\$ 30.00
<b>Room Rental:</b>			
	1 hour	\$15.00	\$ 20.00
	1/2 Day	\$45.00	\$ 60.00
	Full Day	\$75.00	\$100.00
<b>Golf Course:</b>			
	Daily Green Fees		
	Weekday	\$ 8.00	\$ 10.00
	Weekend & Holiday	\$ 10.00	\$ 13.00
	Membership Fees		
	Individual	\$315.00	\$380.00
	Family	\$430.00	\$550.00
	Student / Senior	\$210.00	\$255.00
	Cart Fee Senior Member / City Resident		
	Nine Holes	\$ 5.00	\$ 6.00
	Eighteen Holes	\$ 10.00	\$ 12.00
	Daily Cart Fees		
	Nine Holes	\$ 6.00	\$ 7.00
	Eighteen Holes	\$ 12.00	\$ 14.00

\*\*City Resident / Non-resident rates are established according to the residence of the individual.

Section 4: The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the city government and its activities for the fiscal year beginning July 1, 2005 and ending June 30, 2006, in accordance with the chart of accounts heretofore established for this City:

ACCOUNT #	DEPARTMENT OR FUNCTION	APPROPRIATION
30-720.00	Billing and Collecting	\$ 266,154
30-810.00	Water Meter Operations	\$ 343,693
30-820.00	Water Supply and Treatment	\$2,303,076
30-830.00	Wastewater Treatment	\$4,185,963
30-840.00	Water Maintenance	\$1,037,866
30-850.00	Wastewater Maintenance	\$1,108,425
	<b>Total Appropriations</b>	<b>\$9,245,177</b>

Section 5: It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2005 and ending June 30, 2006:

DESCRIPTION	AMOUNT
Interest Earned on Investments	\$ 85,000
Sale of Water	\$5,100,000
Sewer Charges	\$3,500,000
Sampling and Monitoring Fees	\$ 26,739
Surcharges	\$ 102,886
Septic Tank Discharges	\$ 40,000
Water and Sewer Connection Fees	\$ 79,700
Other Revenues	\$ 191,616
Retained Earnings Appropriation	\$ 119,236
<b>Total Estimated Revenues</b>	<b>\$9,245,177</b>

Section 6: The following Water & Sewer Fund Fees are hereby adopted for provision of services during the operation of the city government for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

**Water & Sewer Billing Department:**

SERVICE	INSIDE CITY	OUTSIDE CITY
Residential Customer ( ea. 2 month)		
Water Minimum Fee	\$13.15	\$ 32.88
Sewer Minimum Fee	\$16.50	\$ 41.25
Consumption Fee:		
Water - per 100 cu. ft. over 300 cu. ft.	\$ 2.15	\$ 5.37
Sewer - per 100 cu. ft. over 300 cu. ft.	\$ 2.15	\$ 5.37
Commercial Customer (monthly)		
Water Minimum Fee	\$10.52	\$ 26.30
Sewer Minimum Fee	\$10.52	\$ 26.30
Consumption Fee:		
Water - per 100 cu. ft. over 300 cu. ft.	\$ 2.15	\$ 5.37
Sewer - per 100 cu. ft. over 300 cu. ft.	\$ 2.15	\$ 5.37
Late Payment Charge*	\$ 5.00	\$ 5.00
Reconnect Fee	\$25.00	\$ 25.00
Return Check / Draft fee	\$25.00	\$ 25.00
Partial Payment fee	\$ 5.00	\$ 5.00
Deposit for service	\$70.00	\$100.00

\* Late Payment Charge is applicable when payments are not received in the office by 5:00pm on the due date.

**Water & Sewer Maintenance Department:**

SERVICE	INSIDE CITY	OUTSIDE CITY
Water Tap Rates:		
3/4" Complete Service	\$ 800	\$1,200
1" Complete Service	\$1,100	\$1,650
1 1/2" Complete Service	\$1,700	\$2,550
2" Complete Service	\$2,000	\$3,000
3/4" New Tap	\$ 400	\$ 600
1" New Tap	\$ 550	\$ 825
1 1/2" New Tap	\$ 850	\$1,275
2" New Tap	\$1,000	\$1,500
3/4" New Meter, Setter, Box	\$ 400	\$600
1" New Meter, Setter, Box	\$ 550	\$ 825
1 1/2" New Meter, Setter, Box	\$ 850	\$1,275
2" New Meter, Setter, Box	\$1,000	\$1,500
3/4" New Meter	\$ 50	\$ 75
1" New Meter	\$ 150	\$ 225
1 1/2" New Meter	\$ 250	\$ 375
2" New Meter	\$ 300	\$ 450
Services not listed	cost	cost plus 50%
Sewer Tap Rates:		
4" Complete Service	\$ 900	\$1,800
6" Complete Service	\$1,000	\$2,000
Services not listed	cost	cost plus 100%

Section 7: There is hereby levied a tax at the rate of fifty-five cents (\$.55) per one hundred (\$100) valuation of property as listed for taxes as of January 1, 2005 for the purpose of raising the revenue listed as " Current Year's Taxes" in the General Fund in Section 2 of this ordinance.

This rate is based on a total valuation of property for the purposes of taxation of \$1,790,000,000 and an estimated rate of collection of 97.0%.

Section 8: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:



**ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF  
ASHEBORO, NORTH CAROLINA  
(35.937 Acres of Land Located in the Northwest Corner of the Intersection of East Allred  
Street and Gold Hill Road (Proposed Robins Nest Subdivision))**

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

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

**WHEREAS**, the City Council did publish notice to the public on the 18<sup>th</sup> day of May 2005 in the Randolph Guide, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held at 7:00 o'clock p.m. on the 9<sup>th</sup> day of June 2005 at the City of Asheboro Municipal Building to consider the adoption of an ordinance annexing said area to the City of Asheboro; and

**WHEREAS**, the said public hearing was in fact held on the 9<sup>th</sup> day of June 2005; and

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

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

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

Franklinville Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe control corner that is set in the western margin of the 60-foot right-of-way for Gold Hill Road (North Carolina Secondary Road 2183) and that is located by means of the North Carolina Coordinate System at the coordinates of North 725,445.163 feet and East 1,767,904.869 feet (NAD 27); thence from said Beginning point along the western margin of the 60-foot right-of-way for Gold Hill Road the following courses and distances: South 13 degrees 55 minutes 38 seconds East 51.68 feet to a point not set; thence South 07 degrees 23 minutes 13 seconds East 219.26 feet to a point not set; thence South 03 degrees 13 minutes 03 seconds East 112.78 feet to a point; thence South 03 degrees 13 minutes 03 seconds East 27.22 feet to a point not set; thence South 02 degrees 08 minutes 07 seconds East 122.79 feet to a point not set; thence South 01 degree 37 minutes 40 seconds East 143.90 feet to a point not set; thence South 02 degrees 02 minutes 33 seconds East 204.42 feet to a point not set; thence South 01 degree 32 minutes 27 seconds East 175.14 feet to an existing iron rod; thence South 03 degrees 24 minutes 47 seconds East 158.93 feet to a point not set; thence South 10 degrees 27 minutes 09 seconds East 163.29 feet to a point not set; thence South 10 degrees 40 minutes 30 seconds East 69.41 feet to an existing iron rod; thence along the northern margin of the 60-foot right-of-way for East Allred Street (North Carolina Secondary Road 2182) the following courses and distances: South 78 degrees 34 minutes 09 seconds West 100.71 feet to a point not set; thence South 81 degrees 36 minutes 02 seconds West 72.89 feet to a point not set; thence South 87 degrees 05 minutes 36 seconds West 110.58 feet to a point not set; thence North 88 degrees 14 minutes 01 second West 87.81 feet to a point not set; thence North 86 degrees 08 minutes 43 seconds West 148.00 feet to a point not set; thence North 85 degrees 48 minutes 48 seconds West 267.71 feet to an existing iron rod; thence along Tract #2 of the JTP-Davis Subdivision recorded in Plat Book 70, Page 73, Randolph County Public Registry the following courses and distances: North 03 degrees 58 minutes 39 seconds East 200.16 feet to an existing iron pipe; thence North 08 degrees 26 minutes 36 seconds West 522.06 feet to an existing iron pipe; thence along the Vision Properties of Randolph County, LLC property described in Deed Book 1903, Page 1151, Randolph County Public Registry and the existing corporate limits line for the City of Asheboro the following courses and distances: North 20 degrees 31 minutes 23 seconds West 598.89 feet to an existing iron pipe control corner located

by means of the North Carolina Coordinate System at the coordinates of North 725,277.379 feet and East 1,766,969.537 feet (NAD 27); thence North 20 degrees 31 minutes 23 seconds West 380.06 feet to an existing iron pipe; thence continuing along the existing City of Asheboro corporate limits line North 70 degrees 25 minutes 30 seconds East 955.77 feet to an existing iron rod; thence along the western margin of the 60-foot right-of-way for Gold Hill Road the following courses and distances: South 20 degrees 21 minutes 26 seconds East 107.27 feet to a point not set; thence South 19 degrees 31 minutes 57 seconds East 170.54 feet to an existing iron rod; thence South 18 degrees 46 minutes 57 seconds East 153.07 feet to a point not set; thence South 13 degrees 55 minutes 38 seconds East 105.01 feet to the point and place of the BEGINNING, and containing 35.937 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR CITY OF ASHEBORO PROPOSED ROBINS NEST SUBDIVISION" that was drawn under the supervision of Roland D. Ward, Professional Land Surveyor with Registration No. L 2728. Said plat of survey was originally dated April 20, 2005 and was revised on April 22, 2005.

**Section 2.** Upon and after June 9, 2005, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

**Section 3.** The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Register of Deeds of Randolph County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Randolph County Board of Election, as required by Section 163-288.1 of the North Carolina General Statutes.

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

**Section 5.** This ordinance shall be in full force and effect from the 9<sup>th</sup> day of June 2005.

Adopted in regular session on this the 9<sup>th</sup> day of June 2005.

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

ATTEST:

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

Approved as to form:

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

**14. Public Hearing on Petition Received From C. T. Tucker Requesting Contiguous Annexation of 24.646 Acres Along the East Side of Gold Hill Road (Proposed Chala Ridge Subdivision).**

Mr. Bunker reported that notice of this public hearing to consider the adoption of an ordinance annexing said area has been advertised as provided for by law.

Mayor Jarrell opened the public hearing.

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

Mr. Bunker presented and recommended adoption, by reference, of an ordinance extending the corporate limits of the City of Asheboro.

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

**ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF  
ASHEBORO, NORTH CAROLINA  
(24.646 Acres of Land Located Along the East Side of Gold Hill Road  
(Proposed Chala Ridge Subdivision))**

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

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

**WHEREAS**, the City Council did publish notice to the public on the 18<sup>th</sup> day of May 2005 in the Randolph Guide, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held at 7:00 o'clock p.m. on the 9<sup>th</sup> day of June 2005 at the City of Asheboro Municipal Building to consider the adoption of an ordinance annexing said area to the City of Asheboro; and

**WHEREAS**, the said public hearing was in fact held on the 9<sup>th</sup> day of June 2005; and

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

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

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

Franklinville Township, Randolph County, North Carolina:

BEGINNING at an axle control corner that is located by means of the North Carolina Coordinate System at the coordinates of North 726,159.566 feet and East 1,767,633.635 feet (NAD 27); thence from said Beginning point South 68 degrees 40 minutes 29 seconds West 5.12 feet to an existing iron rod set in the eastern margin of the 60-foot right-of-way for Gold Hill Road (North Carolina Secondary Road 2183); thence across the 60-foot right-of-way for Gold Hill Road South 69 degrees 38 minutes 46 seconds West 60.25 feet to a point in the western margin of the 60-foot right-of-way for Gold Hill Road; thence along the western margin of the 60-foot right-of-way for Gold Hill Road South 25 degrees 00 minutes 22 seconds East 210.45 feet to an existing iron rod; thence along the existing corporate limits line for the City of Asheboro South 20 degrees 21 minutes 26 seconds East 60.00 feet to an existing iron rod; thence continuing along the western margin of the 60-foot right-of-way for Gold Hill Road the following courses and distances: South 20 degrees 21 minutes 26 seconds East 107.27 feet to a point not set; thence South 19 degrees 31 minutes 57 seconds East 170.54 feet to an existing iron rod; thence South 18 degrees 46 minutes 57 seconds East 153.07 feet to a point not set; thence South 14 degrees 07 minutes 59 seconds East 104.67 feet to an existing iron pipe; thence South 13 degrees 58 minutes 48 seconds East 51.68 feet to a point not set; thence South 07 degrees 26 minutes 23 seconds East 219.26 feet to a point not set; thence South 03 degrees 16 minutes 13 seconds East 112.78 feet to a point not set; thence across the 60-foot right-of-way for Gold Hill Road the following course and distance: North 88 degrees 12 minutes 43 seconds East 60.00 feet to an existing iron rod; thence along the Rick Smith property described in Plat Book 96, Page 45, Randolph County Public Registry and in Will Book #03E, Page #609 the following courses and distances: North 88 degrees 12 minutes 43 seconds East 715.76 feet to an existing iron rod; thence North 37 degrees 45 minutes 24 seconds East 375.33 feet to an existing iron rod; thence along the Rick Smith property described in Plat Book 95, Page 100, Randolph County Public Registry and in Will Book #03E, Page #609 North 08 degrees 37 minutes 23 seconds West 248.05 feet to an existing iron rod; thence North 51 degrees 00 minutes 12 seconds West 34.04 feet to an existing iron pipe; thence along the John Snider property described in Deed Book 1315, Page 1113, Randolph County Public Registry North 48 degrees 02 minutes 52 seconds West 1085.66 feet to an existing iron pipe control corner located by means of the North Carolina Coordinate System at the coordinates of North 726,315.286 feet and East 1,768,032.516 feet (NAD 27); thence South 68 degrees 40 minutes 29 seconds West 428.20 feet to the point and place of the BEGINNING, and containing 24.646 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR CITY OF ASHEBORO" that was drawn under the supervision of Roland D. Ward, Professional Land Surveyor with Registration No. L 2728. Said plat of survey was originally dated April 20, 2005 and was revised on April 22, 2005 and May 5, 2005.

**Section 2.** Upon and after June 9, 2005, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to section 160A-58.10 of the North Carolina General Statutes.

**Section 3.** The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Register of Deeds of Randolph County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the North Carolina General Statutes.

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

**Section 5.** This ordinance shall be in full force and effect from the 9<sup>th</sup> day of June 2005.

Adopted in regular session on this the 9<sup>th</sup> day of June 2005.

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

ATTEST:

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

Approved as to form:

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

**15. Consideration of Petition Received From BSR, LLC, Requesting Non-Contiguous Annexation of 1.175 Acres Along the South Side of Sherwood Road.**

This item was deferred.

**16. Consideration of Petition Received From Callicutt and Lambeth Requesting Contiguous Annexation of 14.7471 Acres Along the South Side of N. C. Highway 49 South.**

This item was deferred.

**17. Consideration of a Resolution of Intent to Close a Portion of Art Bryan Drive 50 Feet Long Located at the West End of Art Bryan Drive, as Requested by Energizer Battery Manufacturing, Inc.**

This item was deferred.

**18. First Reading of an Ordinance Granting a Renewal of a Certificate of Convenience and Necessity for Franchise to Operate Seven (7) Taxicabs (Tony Hafez, Asheboro Taxi Service).**

The city clerk reported that Mr. Hafez has submitted an application for renewal of his franchise to operate seven (7) taxicabs for another year, which will expire on July 12, 2006. Mr. Hafez has provided proof of financial responsibility (liability insurance), and Ms. Cole recommended that the first reading of said ordinance be approved.

Mr. and Mrs. Hafez were present to answer any questions that council might have.

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

32 ORD 6-05

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

BE IT ORDAINED by the City Council of the City of Asheboro that Asheboro Taxi is granted a renewal of franchise to operate seven (7) taxicabs for hire upon and over the public streets within the corporate limits of the City of Asheboro for a term of one year, expiring on July 12, 2006.

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

This the 9<sup>th</sup> day of June, 2005.

S/ David H. Jarrell  
Mayor

ATTEST:

S/ Carol J. Cole  
City Clerk

**19. Ordinance Amending Chapter 50 of the Code of Asheboro.**

The city attorney stated that in order to enhance the efficiency and long-term stability of the city's municipal water supply system, certain sections of Chapter 50 of the Code of Asheboro need to be amended. Mr. Sugg reviewed the proposed changes, which affect payment of service charges for delinquent accounts and discontinuance of service for delinquent accounts and restoration fees. He presented and recommended adoption of said ordinance by reference.

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

29 ORD 6-05

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

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

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

**WHEREAS**, Section 160A-312(b) of the North Carolina General Statutes authorizes a city to protect and regulate a public enterprise system belonging to or operated by the city by means of adopting by ordinance adequate and reasonable rules that apply to the public enterprise system both within and outside the corporate limits of the city; and

**WHEREAS**, Section 160A-311 of the North Carolina General Statutes defines the term "public enterprise" to include water supply and distribution systems; and

**WHEREAS**, the rules and regulations governing the municipal water supply system owned and operated by the City of Asheboro are codified as Chapter 50 of the Code of Asheboro; and

**WHEREAS**, the City Council of the City of Asheboro has determined that certain sections of Chapter 50 of the Code of Asheboro need to be amended in order to enhance the efficiency and long-term stability of the city's municipal water supply system;

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

**Section 1.** Section 50.006 of Chapter 50 of the Code of Asheboro, which is entitled "**PAYING SERVICE CHARGES**," is hereby amended to provide as follows:

(A) With the exception of accounts that are addressed by division (B) of this section due to the utilization of automatic draft payments, water and sewer accounts are payable to the City Water Department, 146 North Church Street, Asheboro, North Carolina. All bills are due and payable on receipt, and all accounts for which payment is not received by the Water Department within 15 days from the billing date indicated on the bill shall be considered delinquent. Once an account becomes delinquent, a five dollar (\$5.00) fee shall be assessed against the account as a late fee. Upon assessment, any and all late fees shall be immediately due and payable. For all delinquent accounts, a reminder notice shall be mailed which shall specify a final date, not prior to ten days after the delinquent date, by which payment must be remitted or service will be discontinued pursuant to § 50.007. The reminder notice shall also provide notice that customers may submit disputed bills to the water and sewer billing and collections department supervisor for review; the supervisor or his deputy shall be authorized to make adjustments to the billing amount in accordance with § 50.021 if such is deemed proper following the review and the bill is unpaid. The notice shall specify the hours during which a customer may call or come by for a review of disputed unpaid bills. After the review process, any customer who does not pay or make arrangements to pay the adjusted amount shall be entered on the list of delinquent customers whose services are to be terminated pursuant to § 50.007.

(B) As with all other customers, water and sewer accounts that are paid by means of automatic draft are payable to the City Water Department, 146 North Church Street, Asheboro, North Carolina. Customers who choose to make payments on their water and sewer accounts by means of automatic draft may make arrangements with the City Water Department to have an appropriate account at a financial institution drafted for payment in full of a regular billing on the 10<sup>th</sup> day, 15<sup>th</sup> day, 20<sup>th</sup> day, or 25<sup>th</sup> day of the month in which a bill is due and payable. If notification is received that an attempted automatic draft of a payment has failed due to insufficient funds in a customer's designated account or for any other reason, a charge of ~~twenty~~ twenty-five dollars (~~\$20.00~~) (\$25.00) shall be added to the customer's current bill, and such charge shall become immediately due and payable. Additionally, if any attempted automatic draft of a customer's account fails and payment in full with good funds has not been received by the 15<sup>th</sup> day of the month in which the bill is first due and payable, the bill shall be considered delinquent, and a five dollar (\$5.00) fee shall be assessed against the customer's account as a late fee. Upon assessment, any such late fee shall be immediately due and payable. A customer shall have five (5) business days from the date of notification to the City Water Department that an automatic draft of the customer's designated account has not been honored to make payment in full, including any assessed fees, with good funds to the City Water Department. If the outstanding balance is not paid in full with good funds within the time period specified in the preceding sentence or by the 25<sup>th</sup> day of the month in which the bill is first due and payable, whichever is later, the customer's water service shall be discontinued without further notice. Whenever within any twelve (12) month period the City Water Department is notified on two (2) separate occasions that an attempt to automatically draft a customer's designated account for payment has failed due to insufficient funds in the account or for any other reason, such a customer shall be required to make payment in good funds only for twelve (12) consecutive billing periods before such a customer is eligible to apply for reinstatement to automatic draft status.

**Section 2.** Section 50.007 of Chapter 50 of the Code of Asheboro, which is entitled "**DISCONTINUANCE OF SERVICE FOR DELINQUENT ACCOUNTS; RESTORATION FEE,**" is hereby amended to provide as follows:

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

(B) When water service has been discontinued to any premises pursuant to division (A) of this section, division (F) of this section, and § 50.006(B) of this Chapter, a charge of ~~\$20.00~~ twenty-five dollars (\$25.00) shall be made for a reconnect fee.

~~(C) Should the water be cut off from any premises by order of the Water and Sewer Department and thereafter be turned on without the order of the department, the water shall be again turned off and the consumer or owner charged with an additional fee of \$20.00 for each time the service is restored; provided, that nothing herein contained shall release the person found guilty of turning on the water from liability for so doing. Also, if the water meter has been locked by order of the Water and Sewer Department, it shall be unlawful for the lock to be broken or damaged and a fee of \$25.00 will be charged. Tampering with a water meter or any device attached thereto is hereby expressly declared to be unlawful and will result in a charge and other enforcement actions as hereinafter set out. Within any twelve calendar month period, there will be a charge of one hundred fifty dollars (\$150.00) for the first offense, five hundred dollars (\$500.00) for the second offense, and criminal penalties, including without limitation a fine of five hundred dollars (\$500.00), shall be instituted thereafter in accordance with Section 14-4 of the North Carolina General Statutes. By way of illustration and without limitation, a customer shall be deemed to have tampered with a water meter if, without authorization from the Water and Sewer Department, water service for any premises is restored after having been turned off by order of the Water and Sewer Department, the water meter or any device attached thereto has been damaged to any degree by an individual not employed by or acting on behalf of the city while attempting to manipulate or operate some physical component of or attachment to the water meter, or if the water meter has been relocated in some manner. Nothing contained within this division shall release a person found guilty of tampering with a water meter or any other aspect of the city's water supply and distribution system from liability for so doing, and the provisions of this division shall not preclude the city from pursuing any other remedy available at law or equity for such unlawful conduct.~~

(D) Any ~~delinquent customer~~ who has had service disconnected and who applies for restoration of service shall be considered a new customer; provided, however, that the restoration of service for such a customer shall not relieve the customer of any of his or her obligations and liabilities to the City of Asheboro for any and all outstanding balances, specifically including without limitation any assessed fees, still owed to the City of Asheboro as a consequence of the individual's or entity's past relationship with the City of Asheboro as a customer of the Water and Sewer Department. Furthermore, the provisions of this division of § 50.007 shall not be construed so as to provide relief from restrictions as to the form of payment that will be accepted from a customer when that customer has had water service discontinued pursuant to division (F) of this section and § 50.006(B) of this Chapter. Prior to the restoration of service to an individual or entity as a new customer under the provisions of this division of § 50.007, such a customer must pay the deposit amount required of a new customer, if the previous deposit was applied to an outstanding balance, plus a minimum of one-half (½) of the total outstanding balance, including any and all service fees and other assessed fees, owed by the individual or entity to the City of Asheboro as a former customer. The remaining balance of the outstanding debt shall be billed to the customer on the customer's next billing and shall be subject to collection in the same manner as prescribed for any regular bill.

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

the letter is mailed will bear a request for the Post Office to forward it to any known proper address of the customer.

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

(F) When a check for payment of water and sewer services is returned for insufficient funds or other reasons, there will be a charge of ~~\$20.00~~ twenty-five dollars (\$25.00) added to the account, and if the check is not made good within five days, water services will be discontinued. Whenever within any twelve (12) month period two (2) separate checks from a customer are returned to the City Water Department due to insufficient funds or for any other reason, such a customer shall be required to make payment in good funds only for twelve (12) consecutive billing periods before such a customer is eligible to make payments to the City Water Department in any form other than with good funds.

**Section 3.** All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

**Section 4.** This ordinance shall become effective upon and after July 1, 2005.

This ordinance was adopted in regular session on this the 9<sup>th</sup> day of June 2005.

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

ATTEST:

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

**20. Ordinance Amending Chapter 99 of the Code of Asheboro.**

At the public works committee meeting that was held on May 12, 2005, Mr. Kivett recommended that the city's policy that provides for the city to install pipe for driveway crossings, if the property owner furnishes the materials, needs to be amended. Most builders install their own pipe for driveway crossings, and the city inspects the pipe work as part of its driveway permit program. The public works committee voted to recommend to the full council that said policy be amended. Mr. Sugg presented and recommended adoption, by reference, of an ordinance amending Chapter 99, Section 99.05, of the Code of Asheboro to reflect the fact that there is no need for the city to install pipe for driveway crossings.

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

30 ORD 6-05

**AN ORDINANCE AMENDING SECTION 99.05 OF CHAPTER 99 OF THE  
CODE OF ASHEBORO**

**WHEREAS**, Section 160A-296 of the North Carolina General Statutes provides a city with general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the Board of Transportation for the State of North Carolina; and

**WHEREAS**, the City of Asheboro has codified, in part, its exercise of the authority granted to cities by the above-cited statute in Chapter 99 (Streets and Sidewalks) of the Code of Asheboro; and

**WHEREAS**, Section 99.05 (Drainage Policy) of the Code of Asheboro provides as follows:

(A) *General responsibilities.* The city will be responsible for providing necessary drainage facilities on city-maintained streets within dedicated rights-of-way to accommodate existing storm flow or increased flow from development, and for maintaining drainage facilities on all city-maintained streets within dedicated rights-of-way. Inasmuch as civil law provides that lower lands are subservient to upper lands for natural drainage flowing to it, the city cannot be responsible for problems on private property that result from acceleration of flow from development by the city or others that becomes the natural burden of lower lands, or other drainage problems on private property.

(B) *Specific policies.* The city will provide and pay for all work that is necessary in order to provide adequate drainage of city streets. The city will install pipe for driveway crossings, provided the property owner furnishes the size and quantity of pipe necessary and approved by the city engineer. The city will not enter upon private property to pipe drainage ditches, maintain drainage ditches, or to correct drainage problems other than what is necessary to provide adequate drainage for city streets. The city will not become involved in disputes between adjoining property owners involving drainage problems. Improvements to drainage facilities along city streets requested by a property owner that are not necessary for providing adequate street drainage shall be at the expense of the property owner. Such improvements would consist of piping ditches along city streets, providing rip-rap slope protection, providing concrete ditch channels, or increasing the size of an existing culvert for the benefit of the property owner. Improvements or alterations to drainage facilities on city streets must be approved by the city engineer; and

**WHEREAS**, most builders install their own pipe for driveway crossings, and the city inspects the pipe work as part of the city's driveway permit program; and

**WHEREAS**, during its meeting on May 12, 2005, the Public Works Committee of the City Council of the City of Asheboro reviewed this issue and recommended to the full council that the Code of Asheboro be amended to reflect the fact that there is no need for or benefit in the city installing pipe for driveway crossings;

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

**Section 1.** Section 99.05 of the Code of Asheboro is hereby amended to provide as follows:

**§ 99.05 DRAINAGE POLICY.**

(A) *General responsibilities.* The city will be responsible for providing necessary drainage facilities on city-maintained streets within dedicated rights-of-way to accommodate existing storm flow or increased flow from development, and for maintaining drainage facilities on all city-maintained streets within dedicated rights-of-way. Inasmuch as civil law provides that lower lands are subservient to upper lands for natural drainage flowing to it, the city cannot be responsible for problems on private property that result from acceleration of flow from development by the city or others that becomes the natural burden of lower lands, or other drainage problems on private property.

(B) *Specific policies.* The city will provide and pay for all work that is necessary in order to provide adequate drainage of city streets. ~~The city will install pipe for driveway crossings, provided the property owner furnishes the size and quantity of pipe necessary and approved by the city engineer.~~ The city will not enter upon private property to pipe drainage ditches, maintain drainage ditches, or to correct drainage problems other than what is necessary to provide adequate drainage for city streets. The city will not become involved in disputes between adjoining property owners involving drainage problems. Improvements to drainage facilities along city streets requested by a property owner that are not necessary for providing adequate street drainage shall be at the expense of the

property owner. Such improvements would consist of piping ditches along city streets, providing rip-rap slope protection, providing concrete ditch channels, or increasing the size of an existing culvert for the benefit of the property owner. Improvements or alterations to drainage facilities on city streets must be approved by the city engineer.

**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.

This ordinance was adopted in regular session on the 9<sup>th</sup> day of June 2005.

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

ATTEST:

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

**21. Ordinance Amending Chapter 110 of the Code of Asheboro.**

Mr. Sugg reviewed the proposed amendments to Chapter 110 of the Code of Asheboro that pertain to privilege license taxes. These amendments are made in order to enhance the effectiveness of the city's exercise of the authority granted by Section 160A-211 of the North Carolina General Statutes. Mr. Sugg presented and recommended adoption, by reference, of an ordinance amending Chapter 110 of the Code of Asheboro.

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

31 ORD 6-05

**AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF ASHEBORO**

**WHEREAS**, Section 160A-211 of the North Carolina General Statutes authorizes a city "to levy privilege license taxes on all trades, occupations, professions, businesses, and franchises carried on within the city;" and

**WHEREAS**, the City of Asheboro has previously exercised the above-cited authority by means of adopting legislation that is codified as Chapter 110 of the Code of Asheboro; and

**WHEREAS**, the City Council of the City of Asheboro has concluded that Chapter 110 of the Code of Asheboro should be amended in order to enhance the effectiveness of the city's exercise of the authority granted by Section 160A-211 of the North Carolina General Statutes;

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

**Section 1.** Chapter 110 of the Code of Asheboro is hereby amended to provide as follows:

**§ 110.01 DEFINITIONS.**

~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~**AGENT.** The person having the agency for the manufacturer, producer, or distributor.~~

~~**BUSINESS.** Any business, trade, occupation, profession, a vocation or calling of any kind subject, by this chapter, to a license tax.~~

~~**ENGAGED IN BUSINESS.** Engaged in the business as owner or operator.~~

~~**FISCAL YEAR.** The period beginning with July 1 and ending with June 30 next following.~~

~~**QUARTER.** Any three consecutive months.~~

~~**§ 110.02 PRIVILEGE LICENSE TAXES IMPOSED.**~~

~~In addition to the tax on property, as otherwise provided for in Chapter 36, and under the power and authority conferred by the laws of the state, there shall be levied and collected annually, or oftener, where provided for, a privilege license tax on trades, professions, agencies business operations, exhibitions, circuses and all subjects authorized to be licensed as provided in this chapter. Nothing herein contained shall be construed to prevent the City Council from imposing from time to time, as it shall see fit, such license taxes are not specifically herein defined, or from increasing or decreasing the amount of any special license tax, or from prohibiting or regulating the business or acts licensed, and all licenses are granted subject to the provisions of this Code and other ordinances of the city, as now existing or as hereafter amended or enacted.~~

~~**§ 110.03 LICENSE NON-TRANSFERABLE.**~~

~~Each license issued pursuant to this chapter shall be a personal privilege and shall not be transferable.~~

~~**§ 110.04 LICENSE REQUIRED.**~~

~~It shall be unlawful for any person or his agent or servant to engage in or carry on any business in the city for which there is required a license, without first having paid the license tax and obtained the license. For the purpose of this section the opening of a place of business, or offering to sell, followed by a single sale or the doing of any act or thing in furtherance of the business, or making a delivery within the city whether the business is located inside or outside of the city, shall be construed to be engaging in or carrying on such business; and each day that such person shall engage in or carry on such business as aforesaid, shall be construed to be a separate offense.~~

~~**§ 110.05 LICENSE AND LICENSE TAX YEAR; DISCOUNT FOR LESS THAN FULL YEAR.**~~

~~All taxes provided for and fixed in the following sections and schedule contained in this chapter shall be for 12 successive months, unless otherwise specified, and all licenses shall date from July 1 and shall expire on June 30 of the next succeeding year; provided, that where a license based on an annual tax is issued after February 1 and before July 1, then the licensee shall be required to pay one-half the tax prescribed other than the tax prescribed to be computed upon a gross receipts or percentage basis, and except where otherwise specifically provided for.~~

~~**§ 110.06 LICENSE REQUIRED FOR EACH SEPARATE BUSINESS.**~~

~~The payment of any particular tax imposed by this chapter shall not relieve the person paying the tax from the payment of any other tax imposed by this chapter for any other business he may carry on, unless so provided by the section imposing such tax. It is the intent of this chapter that license taxes prescribed by various sections or subsections hereof applicable to any business shall be cumulative except where otherwise specifically provided and except that purchasers of one or more of the following type licenses: retail, wholesale, or manufacturers, based upon the total amount of their yearly gross sales or receipts, shall not be required to purchase any other license under this chapter for that same business.~~

~~**§ 110.07 LICENSE REQUIRED FOR EACH PLACE OF BUSINESS.**~~

~~A license issued for the privilege of conducting a business shall be valid only for the business conducted at the place and by the licensee named therein. Every~~

~~person doing business in more than one factory, mill, warehouse, store, stall, stand or other place of business shall secure a separate license for each such place of business, unless such places of business are contiguous to each other, communicate directly with and open into each other and are operated as a unit. If the business is moved or if the licensee sells to another then a new license is necessary, unless original license is obtained from the City Council.~~

~~**§ 110.08 DISPLAY OF LICENSE REQUIRED.**~~

~~Every license shall be kept prominently displayed at the place of business of the licensee named in the license, or, if the licensee has no fixed place of business, such licensee shall keep his license wherever such business is being operated and where it can be inspected at any time by any authorized city officer.~~

~~**§ 110.09 NO ABATEMENT OF LICENSE TAX UPON DISCONTINUANCE OF BUSINESS.**~~

~~No license tax shall be abated nor shall any refund of any part thereof be made, in any case where the licensee discontinues his business before the end of the period for which such license was issued.~~

~~**§ 110.10 DETERMINATION OF TAX WHEN BASED ON SALES OR RECEIPTS.**~~

~~When the amount of license tax as fixed by this chapter depends upon the amount of sales or receipts, the amount of such tax to be paid shall be determined as follows:~~

~~(A) *Old business.* In case of any business already in operation at the beginning of the fiscal year, and for which a license is sought, the basis for the determination of such license tax shall be the amount of sales or receipts, as the tax may be dependent on one or the other, for the year next preceding the year for which a license tax is sought. If such business was in operation less than a year preceding such time, then the city shall, on the basis of actual sales or receipts for the time the business was in operation, estimate the yearly sales or receipts, and such estimate shall be the basis for the determination of such license tax.~~

~~(B) *New business.* In the case of a new business the applicant shall furnish the city an estimate of the sales or receipts during the period for which a license is sought, and such estimate, if accepted by the city as reasonable, shall be used as the basis for determining such license tax.~~

~~(C) *Determination is tentative in both cases.* The license tax determined by this section shall be tentative only and shall be subject to adjustment and correction as provided in § 110.11.~~

~~**§ 110.11 YEAR-END REPORTS REQUIRED.**~~

~~On or before June 30 of each year the owner, manager, or agent of every business whose license tax is determined by the provisions of § 110.10 shall submit to the city a sworn statement of the sales or receipts (whichever is used as a basis for license tax determination) of such business for the period covered by the license and an adjustment shall be made of the license tax as indicated by the report and the license tax paid. The city shall not issue any license tax for the next fiscal year until such report of the preceding year, or the part thereof covered by the license tax, has been received and the necessary adjustment thereof has been made.~~

~~**§ 110.12 BUSINESSES TAXED ON BASIS OF NUMBER OF EMPLOYEES; COMPUTATION.**~~

~~When the amount of license tax, as fixed by this chapter, depends on the number of employees engaged in the business, or engaged in some particular branch or place of the business, all owners or operators of the business, if it is owned and operated by an individual or partnership, or all officers of the corporation owning or operating the business if such owners, operators or officers are actively engaged for the whole or a part of the time in the conduct of the business or in the conduct of a particular phase of the business designated as the basis for determining the amount of tax, shall be counted in determining the number upon which license tax is made to depend.~~

**§ 110.13 FALSE STATEMENTS IN CONNECTION WITH LICENSES.**

~~Any natural person who shall willfully make a false statement in any license application, report or return, and any corporation or firm which willfully permits a false statement to be made in its behalf in any license application, report or return, shall be guilty of an offense against this chapter.~~

**§ 110.14 LICENSE DOES NOT AUTHORIZE ANY PROHIBITED BUSINESS OR ACT.**

~~Any business or act prohibited by law or by this Code or other ordinance does not become permissible by being included in the schedule of license taxes set out in § 110.15, nor does obtaining a license required by this chapter thereby authorize the practice of a profession, business or trade for which a state or city qualification license or permit is required.~~

**§ 110.01 Definitions.**

**When used in this chapter (unless the context requires a different meaning):**

(a) "Person" includes any individual, trustee, executor, other fiduciary, corporation, limited liability company, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity.

(b) "Business includes each trade, occupation, profession, business, and franchise taxed under this chapter.

(c) A business is "seasonal" in nature when it is conducted for profit six months out of the year or less.

**§ 110.02 Construction of This Chapter.**

This chapter is enacted for revenue purposes only. Therefore, it should be construed to require payment of the maximum tax permitted under its terms. In addition, issuance of a license in accordance with this chapter does not excuse a licensee from compliance with any other applicable ordinance or statute. This chapter does not prevent the city from imposing license taxes on additional businesses, from increasing or decreasing the amount of any license tax, or from regulating any business taxed.

**§ 110.03 Levy.**

**An annual privilege license tax is hereby levied on each business conducted within this city that is listed in sections 110.34 through 110.35 of this chapter and in the amounts set forth in those sections.**

**§ 110.04 Who Must Pay Tax.**

Each person who conducts a business within this city is subject to this chapter. A person "conducts business" when he engages in one act of business taxed under this chapter. He conducts the business "within the city" if he maintains a business location within the city; or if, either personally or through agents, he (1) solicits business within the city limits or (2) picks up or delivers goods or services within the city limits.

**§ 110.05 Period of License; Due Date.**

(A) Annual licenses. Unless the section of this chapter levying the privilege license tax applicable to a particular business provides otherwise, a license issued in accordance with this chapter is good for the twelve-month period beginning July 1 and ending the following June 30th. The tax is due on July 1 of each year. However, if a person begins a business after July 1 of a year, the tax for that year is due before the business is begun.

(B) Licenses for periods shorter than one year. If the section of this chapter levying the privilege license tax applicable to a particular business so provides, a

license may be issued for a period of one day, one week, or some comparable period of less than a full license year. A person may not commence a business conducted within the city and taxed under such a provision until the privilege license tax due is paid and may not continue such a business beyond the period for which the license is issued.

**§ 110.06 Proration of Tax.**

If a business is begun after January 31 and before July 1, the amount of tax due is half the amount otherwise due. If a business is seasonal in nature and if the amount of tax is not based on gross receipts, the amount of tax due is half the amount otherwise due.

**§ 110.07 Refunds.**

If for any reason a licensee discontinues his or her business during the license year, he or she is not entitled to a refund.

**§ 110.08 Separate Businesses.**

A separate license is required, and a separate privilege license tax must be paid for each place of business unless two or more places of business under common ownership are contiguous to each other, communicate directly with and open into each other, and are operated as a unit. In addition, a separate privilege license tax must be paid for each business taxable under this chapter that is conducted by the taxpayer at any one location; however, the city clerk may issue a single license for all taxable business conducted at one location by a single taxpayer.

**§ 110.09 Computation of Tax Based on Gross Receipts.**

(A) Whenever this chapter levies a privilege license tax computed on the basis of gross receipts, "gross receipts" means the amount reported as gross receipts on a business's state income tax return, or on the federal income tax return filed with the state income tax return if the state return does not separately state gross receipts for the most recently completed tax year.

(B) If a business has not been in operation long enough for the information required in division (A) of this section to be available, the city clerk shall estimate gross receipts for the business on the basis of gross receipts of comparable businesses, or any other information that the city clerk considers useful.

On or before the July 31 immediately after the license year, each licensee who paid the tax for the past license year based on estimated gross receipts shall submit to the city clerk a sworn final report showing the amount of gross receipts for the license year. If the amount shown is more than estimated gross receipts, the licensee shall pay the amount of additional tax that would have been due had the estimate been accurate. If the amount shown is less than estimated gross receipts, the city shall refund to the licensee the difference between the actual tax paid and the amount of tax that would have been due had the estimate been accurate.

**§ 110.10 Exemption.**

(A) Generally. Except as otherwise provided in this section or by state law, no person is exempt from the payment of a privilege license tax levied by this chapter.

(B) Charitable organizations. A person who operates a business for a religious, educational, civic, patriotic, charitable, or fraternal purpose, when the entire gross income of the business is used for such purpose, is exempt from paying any privilege license tax levied by this chapter.

(C) Must obtain license. A person exempt from paying a privilege license tax levied by this chapter shall nevertheless obtain a license from the city clerk. The license shall state that the licensee is exempt from paying the privilege license tax.

**§ 110.11 Application.**

A person shall apply to the city clerk for each license required by this chapter no less than thirty (30) days before the date the tax is due. The application, which shall be submitted on forms provided by the city clerk, shall contain:

(a) The name of the applicant and whether the applicant is an individual, a partnership, a corporation, a limited liability company, or some other entity.

(b) The nature of the business.

(c) Where the business is conducted.

(d) An address where notices and statements may be mailed to as required by this chapter.

(e) Whether the business is regulated by a state occupational licensing board subject to G.S. Chapter 93B, and if so, the serial number of the state license the applicant currently holds.

(f) Any other information the city clerk determines to be necessary to compute the amount of tax due.

**§ 110.12 Reasons for Refusal or Revocation of a License.**

The city clerk shall refuse to issue a license or shall revoke a license for any of the following reasons:

(a) The applicant misrepresents a fact relevant to either the amount of tax due or his or her qualification for a license.

(b) The applicant refuses to provide information necessary to compute the amount of tax due.

(c) The applicant fails to present to the city clerk a properly issued permit or certificate of approval from the appropriate city official where such a permit or form of approval issued by an official or unit of the city is required of the applicant.

**§ 110.13 Unqualified Applicants; Right to a Conference.**

After receipt of the completed application, if the city clerk believes that a reason exists for refusing a license under § 110.12 of this chapter, the city clerk shall refuse to accept payment of the tax and shall not issue the license. At the applicant's request, the city clerk shall, in accordance with § 110.22 of this chapter, give the applicant a written statement of the reason for refusing the license. The applicant may, within ten (10) days of his or her receipt of the statement, request a conference to discuss the refusal. In the request, the applicant shall specify why the application for a license should not be refused. The city clerk shall arrange the conference within a reasonable time.

If the city clerk refuses to issue a license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a license, the city clerk shall issue the license in compliance with § 110.14 of this chapter.

**§ 110.14 City Clerk to Issue License; Payment of Tax a Prerequisite.**

After receipt of the completed application, if the city clerk believes that no reason exists for refusal of a license under § 110.12 of this chapter, the city clerk shall determine the amount of tax due and notify the applicant of that amount. The city clerk shall not issue a license until the tax is paid.

**§ 110.15 Amount of Tax Disputed.**

If disputes arise over the amount of the privilege license tax the city clerk determines to be due, the applicant may either refuse to pay and request a conference with the city clerk to discuss the determination or pay the amount and request a conference to discuss the right to a refund. If a conference is requested, the city clerk shall arrange it within a reasonable time.

**§ 110.16 Revocation.**

The city clerk shall revoke a license if a reason exists to revoke it as set forth in § 110.12 of this chapter. Before revoking a license, the city clerk shall give the licensee written notice of the grounds for revocation, in accordance with § 110.22 of this chapter. The licensee may within ten (10) days after the day on which the notice is served request in writing a conference with the city clerk. The request shall specify the reasons why the license should not be revoked. The city clerk shall arrange the conference within a reasonable time.

If the licensee fails to request a conference within ten (10) days after the day on which notice is served, the city clerk shall revoke the license. If the licensee requests a conference, the city clerk may not revoke the license until after the conference.

If the city clerk revokes a license, the former licensee may apply for a new license at any time thereafter. If the reason for which the license was revoked no longer exists and if no other reason exists for refusing to issue a license, the city clerk shall issue the license in accordance with § 110.14 of this chapter.

**§ 110.17 Form and Contents of License.**

A license shall show the name of the person licensed, the place where the business is conducted (if it is to be conducted at one place), the nature of the business licensed, the period for which the license is issued, and the amount of tax paid. In addition, if a machine is licensed, the license shall show the serial number of the machine. The tax collector shall keep a copy of each license issued.

**§ 110.18 Assignments.**

A license may be assigned if (1) a business licensed under this chapter and carried on at a fixed place is sold as a unit to any person, and (2) the purchaser is to carry on the same business at the same place. Such a change shall be reported to the city clerk in accordance with § 110.19 of this chapter. Otherwise, each license issued under this chapter is a personal privilege and is not assignable.

**§ 110.19 Changes in the Business Conducted by License During the Tax Year.**

A licensee or assignee shall report a change in the information contained in the license application to the city clerk within ten (10) days after the change occurs. If information shown on the license itself is affected, the licensee or assignee shall surrender the license to the city clerk when reporting the change.

(A) Changes affecting the amount of tax due. If there are no reasons for revoking the license under § 110.12 of this chapter, and the change results in the imposition of a separate or additional tax, the city clerk shall reissue a license reflecting the change upon payment of the separate or additional tax.

(B) Changes not affecting the amount of tax due. If there are no reasons for revoking the license under § 110.12 of this chapter and the change does not result in an imposition of a separate or additional tax, the city clerk shall reissue a license reflecting the change upon payment of a fee of \$1.00.

(C) Change requiring refusal of a license. If there is reason for revoking the license under § 110.12 of this chapter, the city clerk shall refuse to reissue a license and shall instead begin proceedings to revoke the license in accordance with § 110.16 of this chapter.

**§ 110.20 City Clerk to Furnish Duplicates.**

Upon satisfactory proof that a license has been lost or destroyed, the city clerk shall furnish a duplicate for a fee of \$1.00.

**§ 110.21 Record of Conferences.**

The city clerk shall maintain for three (3) years a record of each conference held in accordance with this chapter. The record shall contain the applicant's or licensee's name, the date of the conference, a brief statement of the issue(s) discussed, and the result reached. After three (3) years, the city clerk shall dispose of the record in accordance with G.S. 121-5.

**§ 110.22 Providing Notice to an Applicant or Licensee.**

Whenever this chapter requires the city clerk to give a written statement or notice to an applicant or a licensee, the city clerk may do so in one of three ways:

- (a) By personally delivering the statement or notice to the applicant or licensee;
- (b) By mailing the statement or notice by registered or certified mail and returning the receipt requested to the address specified for that purpose in the license application; or
- (c) By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for service of process under Rule 4, North Carolina Rules of Civil Procedure.

**§ 110.23 Duty to Determine Whether Tax Due.**

Each person has the duty to determine whether the business he or she conducts is taxed under this chapter and if so, whether that tax has been paid for the current tax year.

**§ 110.24 City Clerk to Investigate.**

If the city clerk has reason to believe that a person is conducting a business in the city in violation of this chapter, the city clerk shall conduct an investigation to determine the person's tax liability.

**§ 110.25 Duty to Keep Books.**

Each person who conducts a business taxed under this chapter shall keep all records and books necessary to compute the tax liability. If a person fails to keep books and records as required, the city clerk shall make a determination of that person's tax liability from the information available.

**§ 110.26 Duty to Permit Inspection.**

Each person who conducts business in the city shall permit the city clerk or the clerk's designee to inspect the business premises during normal business hours to determine the nature of the business conducted there and to examine the books and records to determine the nature and amount of business transacted.

**§ 110.27 Duty to Post License.**

A licensee shall post the license or licenses conspicuously in the place of business licensed. If the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. If a machine is licensed, the license shall be affixed to the machine.

**§ 110.28 Notice of Deficiency.**

If the city clerk determines that a person has not paid the full amount of tax due under this chapter, either for the current license year or for a prior license year, the city clerk shall give the person written notice of the deficiency, in accordance with § 110.22 of this chapter. The notice of deficiency shall specify the total amount of tax due; the section of this chapter upon which the tax is based; the amount of tax paid; any interest due; the balance owed; the manner and time period in which the person may respond to the notice of the deficiency; and the consequences of failing to respond as specified.

**§ 110.29 Request for a Conference.**

The person may, within ten (10) days after the day on which notice of deficiency is served, request a conference in writing. The request shall specify the person's objections to the notice of deficiency. By way of illustration but not limitation, a person who receives notice of a deficiency may object on the following grounds:

- (a) That the tax due has already been paid;
- (b) That the city clerk miscalculated the amount of tax due;

(c) That the city clerk based her calculation on incorrect or insufficient information concerning either the nature or the amount of business conducted; or

(d) That the city clerk based the determination on an erroneous interpretation of a section of this chapter that establishes a category of business subject to a particular tax.

**§ 110.30 Deficiency to Become Final.**

If the taxpayer fails to request a conference under § 110.29 of this chapter, the deficiency becomes final, and the city clerk shall proceed to collect the deficiency.

**§ 110.31 Conference Held.**

If the taxpayer makes a timely request for a conference, the city clerk shall not proceed to collect the deficiency until hearing the taxpayer's objections and determining that the deficiency should become final. The city clerk shall maintain for three (3) years a record of each conference held in accordance with § 110.29 of this chapter. The record shall contain the name of the taxpayer, the date of the conference, a brief statement of the issues discussed, and the results of the discussion. After three (3) years, the city clerk shall dispose of the record in compliance with G.S. 121-5.

**§ 110.32 Collection of Deficiency.**

(A) The city clerk may use any of the following methods to collect a deficiency:

(1) Criminal prosecution in accordance with § 110.33(A) of this chapter;

(2) Equitable relief in accordance with § 110.33(B) of this chapter; or

(3) The remedies of levy, sale, attachment, and garnishment in accordance with G.S. 160A-207.

(B) Any person who continues to conduct a business taxed under this chapter without payment of the tax is liable for the additional tax of five (5) percent every thirty (30) days as imposed by G.S. 105-109.

**§ 110.33 Enforcement of Chapter.**

(A) Criminal Remedies. Conducting business within this city without having paid the privilege license tax imposed by this chapter, or without a valid license issued in accordance with this chapter, or without posting a license in compliance with § 110.27 of this chapter is a misdemeanor, punishable as provided by G.S. 105-109 or G.S. 14-4. Each day that a person conducts business in violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings in accordance with this section does not relieve a person of the liability for taxes imposed under this chapter.

(B) Equitable Remedies. In addition to the criminal remedies set forth in division (A) of this section and in compliance with G.S. 160A-175(d), the city may seek an injunction against any person who conducts a business in violation of this chapter.

**§ 110.34 SCHEDULE OF PRIVILEGE LICENSE TAXES FORMERLY TAXED BY THE STATE UNDER ARTICLE 2 OF CHAPTER 105 OF THE NORTH CAROLINA GENERAL STATUTES.**

(a) The following businesses shall pay a tax in accordance with the amounts set forth in G.S. Chapter 105:

Outdoor theaters	105-36.1
Movie theaters	105-37
General amusements	105-37.1
Circuses and animal shows	105-38
Collection agencies	105-45
Undertakers	105-46
Bicycle dealers	105-49
Pawnbrokers	105-50

Automatic machines	105-51
Peddlers, itinerant merchants, and flea market operators and vendors	105-53
Contractors	105-54
Installing elevators and sprinkler systems	105-55
Fortune tellers	105-58
Day care centers	105-60
Hotel and motels	105-61
Campgrounds and trailer parks	105-61.1
<del>Restaurants</del>	<del>105-62</del>
Pool tables	105-64
Bowling alleys	105-64.1
Music machines	105-65
Sundries	105-65.2
Pinball and similar amusements	105-66
Electronic video games	105-66.1
Security dealers	105-67
Packing house	105-70
Sale of certain oils	105-72
<del>Dry cleaners</del>	<del>105-74</del>
Barber shops and beauty parlors	105-75.1
Dealers in firearms and other weapons	105-80
Sale of piano and record players	105-82
<del>Laundries</del>	<del>105-85</del>
Outdoor advertising	105-86
Loan agencies	105-88
Service stations, wholesale supply dealers, and automobile dealers	105-89
Motorcycle dealers	105-89.1
Emigrant and employment agents	105-90
<del>Plumbers, heating contractors, and electricians</del>	<del>105-91</del>
Manufactures and sellers of ice cream	105-97
Chain stores	105-98

(b) Restaurants. Every person engaging in the business of operating a restaurant, café, cafeteria, hotel with a dining service on the European plan, drugstore, or other place where prepared food is sold shall pay a privilege license tax of:

(1) Twenty-five dollars (\$25.00) for a business that has seats for four customers or less; or

(2) Forty-two dollars and fifty cents (\$42.50) for a business that has seating for at least five customers.

The provisions of this division of § 110.34 are not applicable to either food items sold through vending machines or nonprofit cafés or cafeterias located in industrial plants for the convenience of employees.

(c) Dry Cleaners. Every person engaging in the business of operating a cleaning plant, pressing club, or hat-blocking establishment shall pay a privilege license tax of fifty dollars (\$50.00) for each business location if the licensee does not solicit business outside of Randolph County. If the licensee solicits business outside of Randolph County, the privilege license tax shall be one hundred dollars (\$100.00) for each business location. The tax levied under this division shall only be charged if the business is located in the corporate limits of the city. If a dry cleaning or pressing business has several pick-up stations or receiving outlets in the city, only one privilege license tax shall be levied on the business; a separate tax may not be charged for each station.

(d) Laundries. Every person engaging in the business of operating a laundry, including wet- or damp-wash laundries and businesses known as launderettes, launderalls, and similar types of businesses, shall pay a privilege license tax of fifty dollars (\$50.00) for each business location if the licensee does not solicit business outside of Randolph County. If the licensee solicits business outside of Randolph County, the privilege license tax shall be one hundred dollars (\$100.00) for each business location. For purposes of this division, a laundry includes a person engaging in the business of supplying or renting clean linen or towels or wearing apparel. The tax levied under this division shall only be charged if the business is located in the corporate limits of the city. If a laundry has several pick-up stations or

receiving outlets in the city, only one privilege license tax shall be levied on the business; a separate tax may not be charged for each station.

(e) Plumbers, Heating Contractors, and Electricians.

(1) Every person engaging in the business of a plumber or installing plumbing fixtures, piping, or equipment; a steam or gas fitter or installing hot-air heating systems; installing electrical equipment; or offering to perform such services shall pay a privilege license tax of fifty dollars (\$50.00). Any person engaged exclusively in the businesses enumerated in and licensed under this division shall not be liable for the tax on contractors, construction companies, installers of elevators and automatic sprinkler systems, and persons repairing elevators and automatic sprinkler systems.

(2) With respect to electricians and electrical contractors, a license procured under this division shall cover the installation of electrical equipment, fixtures, and wiring in or upon the consumer's premises, or on the "customer's side" of the point of delivery of electric service, but shall not cover the installation of or service to transmission or distribution lines or work on the "distributor's side" of the point of delivery of electric service. With respect to plumbers and plumbing contractors, a license procured under this division shall cover plumbing work and plumbing installation in buildings, upon the premises upon which the buildings are situated, and up to the connection with the sewer or water mains, but shall not cover the construction of or work upon water or sewer systems or mains.

**§ 110.35 SUPPLEMENTAL SCHEDULE OF PRIVILEGE LICENSE TAXES.**

The following business shall pay the amounts specified in this schedule.

ABATTOIRS. Every person engages in the business of operating an abattoir (establishment where animals are butchered), per annum \$50.00

ADVERTISING. Advertising not otherwise specifically taxed (outdoor advertising another classification), per annum \$17.50

AUTOMOTIVE CAR WASH. Per annum \$25.00

BALLOONS, NOVELTIES, SOUVENIRS, CURIOS AND FLAGS. Every person offering for sale balloons, novelties, souvenirs, curios, flags:

Per person per day \$5.00  
Per person per week \$20.00

BED AND BREAKFAST. Every person offering their residence for the purpose of paying guest and serving at least one meal a day for as many as ten people shall pay per annum. \$10.00

~~CLOSING-OUT SALES, ETC. "Closing-out" sales, within the purview of G.S. Chapter 66, Article 17, shall be licensed as therein provided. Requirements for a business operating in the same location for one year or more shall be:~~

~~(1) Inventory required. A complete inventory of all merchandise or goods actually on hand with details necessary to locate and identify fully the merchandise or goods.~~

~~(2) Reasons for sale. The applicant must show all the facts relating to the reasons and character of such sale, including the opening and terminating dates of the proposed sale.~~

~~(3) License fee and bond. The above must be submitted in writing under oath at least seven days prior to the beginning of the sale. A license will be issued without fee and the bond exempt upon receipt of a satisfactory written affidavit as outlined above.~~

~~(4) License good for 30 days only. Must renew with the City Clerk after each 30-days period. There is a 90-day limit.~~

CONCRETE-READY MIX. Every person engaged in the business of selling ready-mixed concrete, per annum \$25.00

DELIVERY SERVICE. Every person engaged in the business of parcel delivery or engaged in the business of contracting to perform deliveries, per annum, \$25.00

DIRECTORIES. Every person compiling and selling directories, per annum \$25.00

DRAYS, MOVING CONCERNS AND TRANSFER COMPANIES. Every person engaged in the business of operating a moving or transfer company, per annum \$10.00

DEMOLITION CONTRACTOR. Every person engaged in the business of wrecking and demolition, per annum \$10.00

ELDERLY DAY CARE.  
 Less than ten persons, per annum \$15.00  
 10 to 25 persons, per annum \$25.00  
 Over 25 persons, per annum \$40.00

FLORIST/LANDSCAPING. Every person engaged in the business or horticulture, growing, planting, or selling flowers, bulbs, plants, shrubs or nursery stock and every person selling or offering for sale cut flowers, bulbs, shrubs, nursery stock, evergreens, artificial flowers or wreaths shall pay per annum, \$25.00

The foregoing shall not apply to the sale of Christmas Trees, loose holly, mistletoe, or similar loose decorations that are sold by the producer during the Christmas season.

FORTUNE-TELLERS, CLAIRVOYANTS AND SIMILAR TRADES. Every fortune-teller, clairvoyant or person following similar trades, per annum \$1,000.00

FOUNDRY AND MACHINE SHOP. Every person operating a foundry or machine shop, per annum \$25.00

HARVESTING AND AGRICULTURAL MACHINERY. Every person engaged in the business of selling, trading or dealing in harvesting and agricultural machinery, per annum \$27.50

LUMBER BROKER. Per annum \$25.00

MANUFACTURES. Every person engaged in the business of manufacturing shall pay a license tax as follows:

Annual gross business of not over	Per annum
\$ 80,000	\$15.00
160,000	30.00
240,000	45.00
320,000	60.00
400,000	75.00
480,000	90.00
560,000	105.00
640,000	120.00
720,000	135.00
Annual gross business of over \$720,000	150.00

MARBLE YARD/MONUMENTS. Every person engaged in the business of erection, selling or offering for sale monuments or articles of like kind, per annum \$30.00

MISCELLANEOUS. Every person engaged in any business not specifically taxed herein and not exempt by state law or by this code or other ordinance shall pay a license tax of, per annum \$25.00

MOTOR VEHICLES. Upon every motor vehicle resident within the municipality a license plate fee, per annum \$1.00

MUSICAL INSTRUMENTS. Every person engaged in the business of selling or offering for sale pianos, organs, phonographs, or phonograph records, radios, television sets or radio or television accessories, per annum \$10.00

NURSING HOME/ADULT CARE FACILITY. Every person engaged in the business of a nursing home/adult care facility which includes the mentally and physically infirm, homes for the aged, group homes, (not more than ten person) convalescent and rest homes. This section shall not apply to any hospital licensed under the General Assembly, per annum \$50.00

PAINTING. Every person engaged in the business as a painting contractor either by a contract or by the hour, per annum \$15.00

PEDDLER-FURNITURE BY TRUCK. Every person selling furniture from a truck, not having an established permanent location in the city, per annum \$200.00

PRECIOUS METALS/JEWELRY DEALER. (In accordance with G.S. § 66-165)

(1) "Precious metal" means gold, silver or platinum.

(a) "Gold" is defined as any item or article containing ten karat of gold or more which may be in combination or alloy or with other metal.

(b) "Silver" is defined as any item or article containing 925 parts per 1000 of silver which may be in combination or alloy with any nonprecious metal or which is marked "sterling."

(c) "Platinum" is defined as any item or article containing 900 parts per 1000 or more of platinum which may be in combination or alloy with any metal.

(2) Every person engaged as a dealer in the business of purchasing precious metal either as a separate business or in connection with other business operations shall pay an annual fee of \$10 for each dealer's permit.

Every employee engaged in the precious metal business shall the sum of \$3 annual fee.

PRINTING ESTABLISHMENT. Every person engaged in the business of operating a printing establishment, engraver for printing, or newspaper printing, per annum \$25.00

REPAIR SHOP/SERVICE. Every person engaged in the business of operating a repair business not otherwise taxed, per annum \$15.00

RETAIL BUSINESS. Every person selling at retail not specifically taxed herein shall pay license as follows (not pertaining to outside city merchants):

(1) Annual gross sales or receipts of not over \$20,000 per annum \$15.00

(2) For each \$1,000 or fraction thereof in excess of \$20,000, per annum \$.65

ROOFING CONTRACTORS, ROOFING PATCHERS, REPAIRERS. Every person engaged in the business of roofing shall pay, per annum \$15.00

SANDWICHES, WHOLESALE DEALERS. Every person engaged in the business of preparing and selling sandwiches at wholesale, per annum \$10.00

SHEET METAL, SIDING, TINNING. Every person engaged in the business as a sheet metal, siding, tinning contractor or operating a tin shop, per annum \$15.00

STORAGE WAREHOUSE. Every person engaged in the business of operating a warehouse, storage or transfer warehouse wherein anything not belonging to the owner or operator of the same is stored for compensation, per annum \$50.00

TELEGRAPH COMPANIES. Every telegraph company engaged in business within the corporate limits, per annum \$15.00

TELEPHONE ANSWERING SERVICE. Every person engaged in the business of answering telephones for other companies, per annum \$15.00

TREE SERVICES. Every person engaged in the business of trimming, cutting, pruning trees, per annum \$25.00

UPHOLSTERS. Every person operating a place of business where any kind of upholstery is done (other than upholstering of automobiles or trucks) shall pay, per annum \$25.00

WHOLESALE BUSINESS. Every person selling at wholesale shall pay a privilege license tax as follows:

Annual Gross Sales or Receipts of Not Over	Per Annum
\$ 40,000	\$ 15.00
80,000	30.00
120,000	45.00
160,000	60.00
200,000	75.00
240,000	90.00
280,000	105.00
320,000	120.00
360,000	135.00
Annual Gross Sales or Receipts of Over	
\$ 360,000	\$ 150.00

WRESTLING AND BOXING. Every promoter or exhibitor of any wrestling or boxing matches for which an admission charge is made, per annum \$50.00

**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. A valid privilege license issued prior to the adoption of this ordinance shall remain in full force and effect until such a privilege license expires on June 30, 2005.

Adopted in regular session on this the 9<sup>th</sup> day of June 2005.

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

ATTEST:

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

**22. Discussion of Proposed Planning Department Research Initiatives.**

Mr. Neely stated that throughout the city, businesses are using various banners for advertising. Banners are considered as signs and are non-conforming with the city's ordinance. Mr. Neely presented slides of car lots, etc., which showed the banners being displayed. He asked council if the banners should be regulated.

After discussion, Mayor Jarrell stated that this matter needs further investigation and directed the staff to find out how other municipalities handle banners. This item was deferred until the next meeting.

**23. Items Not on the Agenda.**

Mayor Jarrell presented a list of 52 names for persons being considered to serve on the steering committee or task force for the city's upcoming strategic planning process. He will be sending letters to these persons asking them for their willingness to serve.

There being no further business, the meeting was adjourned at 8:55 PM

\_\_\_\_\_  
Carol J. Cole, CMC, City Clerk

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

