

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, JULY 14, 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)
Keith Crisco)
Nancy Hunter) – Council Members Present
John McGlohon)
Archie Priest)
David Smith)

John N. Ogburn, III, City Manager
Carol J. Cole, CMC, City Clerk
Michael Leonard, Asst. City Engineer
Debbie Juberg, Finance Director
Reynolds Neely, Planning Director
Lynn Priest, CD Director
Wendell Holland, Zoning Administrator
John Evans, Code Enforcement Officer
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 Ralph Kraft, pastor of St. John's Lutheran Church, gave the invocation.

2. Appearance and Recognition of Guests and Citizens.

Mayor Jarrell welcomed everyone in attendance.

3. Consent Agenda.

Mayor Jarrell entertained a motion to defer the consent agenda item regarding the resolution accepting an offer of \$7,000 from Tomas Uribe Cortes for surplus city-owned property located at the southeast corner of the intersection of Glovinia Street and Brewer Street.

Upon motion by Mr. Crisco and seconded by Mr. McGlohon, council voted unanimously to defer said item.

Mayor Jarrell entertained a motion to defer the consent agenda item regarding an ordinance establishing uniform 25 MPH speed limits within school zones.

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to defer said item.

Upon motion by Mr. Priest and seconded by Mrs. Carter, council voted unanimously to approve the remaining consent agenda items as follows:

- Minutes of Previous Meeting
Minutes of the June 9, 2005 council meeting were approved as presented.
- Findings of Fact, Conclusions of Law, and Order in the Matter of CUP-05-09

IN THE MATTER OF THE APPLICATION OF THE MEDICAL RESOURCE CENTER
FOR RANDOLPH COUNTY, INC. FOR AN AMENDMENT OF AN EXISTING
CONDITIONAL USE PERMIT

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

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during the Council's regularly scheduled meeting on May 5, 2005. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Medical Resource Center for Randolph County, Inc. (hereinafter referred to as the "Applicant") has properly submitted an application for a new Conditional Use Permit that would amend an existing Conditional Use Permit issued under file number CUP-04-28.

2. The Applicant is planning to build a dental clinic, and this land use is classified by the Asheboro Zoning Ordinance as a health practitioner's office.

3. The Applicant intends to construct the health practitioner's office on approximately 2.26 acres of land owned by the Applicant and located along the south side of Brewer Street.

4. This parcel of land (hereinafter referred to as the "Zoning Lot") is more specifically identified by Randolph County Parcel Identification Number 7761041867.

5. The Zoning Lot is located in an area that is designated on the Growth Strategy Map as a "Primary Growth" area, and said area is identified on the Proposed Land Development Plan Map as "Urban Residential."

6. The Zoning Lot is currently undeveloped.

7. The land uses surrounding the Zoning Lot consist of institutional and residential uses to the north, undeveloped land to the south, undeveloped land and residential use to the east, and residential use to the west.

8. The Zoning Lot is located within the corporate limits of the City of Asheboro, and all city services are available to the lot.

9. Brewer Street is a local street.

10. In December 2004, this Council issued, under file number CUP-04-28, a Conditional Use Permit that would allow the Applicant to develop a health practitioner's office – dental on the Zoning Lot.

11. This matter has come before the Council for a new hearing because the Applicant is seeking to mitigate the cost associated with overcoming certain topographical features of the Zoning Lot by relocating the building and parking lot previously shown on the site plan approved under CUP-04-28 and because the Applicant has chosen to add a new phase to the project with an additional building and parking lot.

12. Pursuant to Section 1013.5 of the Asheboro Zoning Ordinance, the Council must review a change to an approved site plan that constitutes a substantial change in vehicular access or circulation.

13. The revised site plan, which was submitted for the Council's review during the hearing of this matter, does comply with the Asheboro Zoning Ordinance.

14. The proposed land use, specifically including without limitation the modifications and additions shown on the revised site plan, will not be detrimental to the value of adjoining parcels of land.

15. In fact, the improvements proposed for the currently undeveloped Zoning Lot will most likely have a positive impact on the value of real property in the immediate vicinity of the Zoning Lot.

16. The proposed amendment of the site plan does not undermine the credibility or validity of the evidence introduced apart from the site plan and relied upon by the Council, in part, as the basis for the issuance of the existing Conditional Use Permit in 2004 under file number CUP-04-28.

17. Medical supplies and equipment located on the premises of the health practitioner's office will be handled and utilized in accordance with the applicable state licensing requirements.

18. As evidenced by the site plan and reaffirmed by the Applicant's representative during his testimony, the Applicant does intend to comply with the sidewalk requirements of the Asheboro Zoning Ordinance unless and until the Board of Adjustment for the City of Asheboro grants a variance from the applicable sidewalk provisions of the zoning ordinance.

19. No testimony or other form of evidence was submitted to the Council during the hearing of this matter in opposition to the Applicant's request.

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

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

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

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

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

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

ORDER

Medical Resource Center for Randolph County, Inc. is hereby issued a Conditional Use Permit that allows the Applicant to construct and operate a Health Practitioner's Office on the Zoning Lot so long as the approved land use is conducted in strict compliance with the approved site plan and the provisions of the Asheboro Zoning Ordinance and so long as the Applicant, and its successors and assigns, remain in strict compliance with the following conditions:

1. No implementation of Phase II shall be undertaken by the Applicant unless and until the Applicant has received written notification from the Asheboro Zoning Administrator that the proposed plan of implementation for Phase II has been thoroughly reviewed by the Asheboro Planning Department's staff and found to be in compliance with the Asheboro Zoning Ordinance.

2. If a variance from the rules and regulations of the Asheboro Zoning Ordinance pertaining to sidewalks is granted by the Board of Adjustment for the City of Asheboro, the receipt of such a variance shall be reflected on a revised site plan that shall be submitted to the Zoning Administrator. Such a revised site plan does not need to be submitted to the Council for approval so long as the revision is strictly limited to reflecting a change authorized by the granting of a variance by the Board of Adjustment to the sidewalk requirements of the Asheboro Zoning Ordinance.

Adopted by the Asheboro City Council in regular session on this 14th day of July, 2005.

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

ATTEST:

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

- Findings of Fact, Conclusions of Law, and Order in the Matter of CUP-05-11

Case No. CUP-05-11
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION OF CROSS ROAD REST & RETIREMENT
CENTER, INC. FOR AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT

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

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during the Council's regularly scheduled meeting on June 9, 2005. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Cross Road Rest & Retirement Center, Inc. (hereinafter referred to as the "Applicant") has properly submitted an application for a Conditional Use Permit that would allow the applicant to expand its child care services into a structure not currently utilized for such a purpose under the master site plan approved as part of file number CUP-04-3.
2. The existing Conditional Use Permit issued under file number CUP-04-3 encompasses the entire 32.25 acres of the Applicant's land located at 1302-1368 Old Cox Road.
3. The real property referenced in the immediately preceding paragraph is more specifically identified by Randolph County Parcel Identification Numbers 7669466475, 7669560493, 7669564321, 7669557913, 7669554855, and 7669551809, and these parcels are hereinafter collectively referred to as the "Zoning Lot."
4. Nursing/rest home facilities and day care facilities are currently located on the Zoning Lot.
5. The land uses surrounding the Zoning Lot are residential.
6. The area in which the Zoning Lot is located is identified on the Growth Strategy Map as "Resource Conservation," and this area is designated as "Conservation Residential" on the Proposed Land Development Plan Map.
7. The Zoning Lot is located in the city's extraterritorial planning jurisdiction and is served by the city's water and sewer lines that go to the North Carolina Zoo.
8. The character of the area in which the Zoning Lot is located is suburban and rural.
9. The Zoning Lot adjoins Old Cox Road and Zoo Parkway.
10. Zoo Parkway is a major thoroughfare.
11. The Applicant is seeking to amend the master site plan approved under file number CUP-04-3 because a structure previously used as the manager's residence became

vacant, and the Applicant decided to use the structure to expand the existing child care center located next to the now vacant structure.

12. In particular, the Applicant proposes to use the structure for office space for the director of the child care program and for summer and after school child care programs.

13. In addition to discontinuing use of the existing structure's well and septic tank and connecting the structure to city water and sewer services, the Applicant proposes to clean, paint, and hang wallpaper in the structure.

14. The Applicant's proposal does not call for an expansion of the existing structure.

15. Fire prevention officers, health department officials, and day care inspectors have inspected the existing structure, and the Applicant has taken any and all corrective action deemed necessary by these inspectors in order to allow the structure to be used for child care activities.

16. When a use approved by an existing Conditional Use Permit is changed, such a change must be reviewed by the Council.

17. The change in use of the former manager's residence has been reflected in the revised master site plan submitted to the Council during the hearing of this matter.

18. This revised master site plan does comply with the requirements prescribed by the Asheboro Zoning Ordinance, including without limitation the sidewalk requirements imposed subsequent to the approval of the existing Conditional Use Permit under file number CUP-04-3.

19. In order to modify an existing Conditional Use Permit, a new permit must be issued.

20. A new Conditional Use Permit for the Zoning Lot mandates that all future phases of the Applicant's development must comply with the rules and regulations prescribed by the Asheboro Zoning Ordinance at the time of the issuance of the new permit.

21. The Applicant's revised site plan does comply with the current sidewalk requirements of the Asheboro Zoning Ordinance even though the Applicant may seek a variance from the city's Board of Adjustment for the said sidewalk requirements on the basis of the contention that the size and orientation of the Zoning Lot necessitates the installation of an extraordinary amount of sidewalk in an area that is located approximately two miles from the nearest existing sidewalk.

22. The existing Conditional Use Permit issued under CUP-04-3 authorized the following uses for the Zoning Lot: Nursing Home, Rest Homes or Homes for the Aged, Large Day Care Center, and Congregate Living Facility.

23. The proposed amendment of the master site plan does not undermine the credibility or validity of the evidence introduced apart from the original master site plan and relied upon by the Council, in part, as the basis for the issuance of the existing Conditional Use Permit under file number CUP-04-3.

24. No testimony or other form of evidence was submitted to the Council during the hearing of this matter in opposition to the Applicant's request.

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

CONCLUSIONS OF LAW

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

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

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

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

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

ORDER

Cross Road Rest & Retirement Center, Inc. is hereby issued a Conditional Use Permit that allows the Applicant to construct, operate, and maintain a Nursing Home, Rest Home or Homes for the Aged, Large Day Care Center, and Congregate Living Facility on the Zoning Lot so long as the approved land use is conducted in strict compliance with the approved site plan and the provisions of the Asheboro Zoning Ordinance and so long as the Applicant, and its successors and assigns, remain in strict compliance with the following condition:

1. If a variance from the rules and regulations of the Asheboro Zoning Ordinance pertaining to sidewalks is granted by the Board of Adjustment for the City of Asheboro, the receipt of such a variance shall be reflected on a revised site plan that shall be submitted to the Zoning Administrator. Such a revised site plan does not need to be submitted to the Council for approval so long as the revision is strictly limited to reflecting a change authorized by the granting by the Board of Adjustment of a variance to the sidewalk requirements of the Asheboro Zoning Ordinance.

Adopted by the Asheboro City Council in regular session on this the 14th day of July, 2005.

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

ATTEST:

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

- Findings of Fact, Conclusions of Law, and Order in the Matter of SUP-05-03

Case No. SUP-05-03
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION OF DAMCO DEVELOPMENT FOR A
SPECIAL USE PERMIT ALLOWING A PLANNED UNIT DEVELOPMENT-TOWNHOUSES

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

THIS MATTER was commenced by the filing of an application by Damco Development for a Special Use Permit allowing a Planned Unit Development-Townhouses. This matter came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during the Council's regularly scheduled meeting on June 9, 2005. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Damco Development (hereinafter referred to as the "Applicant") has properly filed an application with the City of Asheboro Planning Department for a Special Use Permit that would allow the construction of a Planned Unit Development consisting of fourteen (14) townhouses.

2. The Applicant proposes to built the said townhouses on a currently undeveloped parcel of land owned by Clayton Terry Tucker and located at 711 Sunset Avenue in Asheboro.

3. The said parcel of land is more specifically identified by Randolph County Parcel Identification Number 7751522688 and will be hereinafter referred to as the "Zoning Lot."

4. The Zoning Lot consists of approximately 2.15 acres of land and is divided by OA6 and RA6 zoning districts.

5. The Growth Strategy Map identifies the area in which the Zoning Lot is located as "Primary Growth," and the Proposed Land Development Plan Map designates the area in question as "Activity Center/Neighborhood Residential."

6. The land use to the north of said lot is institutional/residential, while the land uses to the south, east and west are medium-density residential.

7. The Zoning Lot is within the corporate limits of the City of Asheboro and is served by all city services.

8. The Zoning Lot has frontage on Sunset Avenue and Dixon Avenue.

9. Sunset Avenue is a minor thoroughfare with an apparent 44-foot right-of-way. Dixon Avenue is a local collector street with a 50-foot right-of-way.

10. The northern one-half portion of the Zoning Lot is located within the Center City Planning Area, Tier 3.

11. The Applicant has obtained a driveway permit from the North Carolina Department of Transportation for the drive located on Sunset Avenue, and a separate driveway permit will have to be obtained from the Operations Department for the City of Asheboro for the drive accessing Dixon Avenue.

12. The Applicant's proposal calls for seven (7) units to be accessed from Sunset Avenue and for the remaining townhouses to be accessed from Dixon Avenue rather than providing a drive that connects Sunset Avenue to Dixon Avenue.

13. Access driveways and parking areas are to be privately maintained.

14. The Applicant's site plan and elevations for the proposed project comply with the rules and regulations of the Asheboro Zoning Ordinance.

15. Subdivision approval will be required to lawfully convey the townhouse lots.

16. The actual townhouses are designed to be upscale 2-bedroom units.

17. In the experience of the engineer who designed this project for the Applicant, such an upscale development of a vacant lot has never diminished the value of adjoining parcels of land and should, in fact, enhance the value of the parcels of land surrounding the Zoning Lot.

18. The Applicant proposes to leave in tact the existing trees that are located on the eastern and western sides of the Zoning Lot.

19. No testimony or other form of evidence was submitted to the Council during the hearing of this matter in opposition to the Applicant's request.

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

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

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

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

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

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

ORDER

Damco Development is hereby issued a Special Use Permit for a Planned Unit Development – Townhouses on the Zoning Lot, and this Special Use Permit shall remain valid so long as the approved land use is conducted in strict compliance with the approved site plan and the provisions of the Asheboro Zoning Ordinance.

Adopted by the Asheboro City Council in regular session on this the 14th day of July, 2005.

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

ATTEST:

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

- Reappointment of Wayne Thomas as Chairman of the Recreation Policy Review Committee for a Two-Year Term Beginning July 1, 2005
- Amended Membership Agreement and Resolution Authorizing Participation in the Interlocal Risk Financing Fund of North Carolina

30 RES 7-05

Governing Body Resolution of the City of Asheboro

WHEREAS, certain municipalities and other units of local government of the State of North Carolina, as defined in G. S. 160A-460(2), have agreed to create the INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA and have agreed to pool the risks of their exposure to property losses and potential liabilities in the manner herein provided pursuant to, and to be governed by, the provisions of North Carolina General Statutes 160A-460 *et seq.* (Part 1 of Article 20 of Chapter 160A);

NOW, THEREFORE, BE IT RESOLVED that the above named unit of local government elects to become a member of the INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA upon the terms and conditions stated in the "Interlocal Agreement for a Group Self-Insurance Pool for Property and Liability Risk Sharing," with such future policy renewals constituting a continuing ratification of this decision to be a member of the Fund and to abide by the terms and conditions of the Interlocal Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the duly authorized officials of the above named unit of local government are directed to execute in the name of said unit the "Interlocal Agreement for a Group Self-Insurance Pool For Property and Liability Risk Sharing," a copy of which is attached to and made a part of this Resolution.

Adopted this the 14th day of July, 2005.

S/ David H. Jarrell
Mayor

ATTEST:

S/ Carol J. Cole
Clerk

(A copy of the aforementioned Agreement is attached to the original resolution on file in the city clerk's office.)

- Resolution Authorizing the Mayor to Enter Into a Utility Agreement Between the City of Asheboro and the NC Department of Transportation to Replace Water and Sewer Lines on Sunset Avenue (SR 1442) Between South Park Street (SR 1451) and US 220 Bypass for the NCDOT Street Improvement Project (Estimated Cost to the City is \$353,258 to be Paid Over Three (3) Years

31 RES 7-05

Resolution

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans for the improvement of SR 1442 (Sunset Avenue), including mill, replace concrete islands and resurface from SR 1451 in Asheboro; and,

WHEREAS, said Department of Transportation and the City of Asheboro propose to enter into an agreement whereby said Department will include in its construction contract provisions for the relocation and adjustment of municipally-owned water and sewer lines; and,

WHEREAS, the Municipality agrees to reimburse the Department of Transportation for the entire cost of said utility work with reimbursement to be made three (3) equal annual principal installments with the first payment due within sixty (60) days of invoicing by the Department.

NOW, THEREFORE, BE IT RESOLVED that WBS 37628, Randolph County, is hereby formally approved by the City Council of the City of Asheboro and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

Adopted this the 14th day of July, 2005.

S/ Carol J. Cole
Clerk
City of Asheboro
North Carolina

- Ordinance Establishing 2-Hour Parking on the West Side of South Church Street Beginning 173 Feet North of the Center Line of Hill Street at the Intersection of South Church Street and Hill Street and Extending to 213 Feet North of the Center Line of Hill Street

33 ORD 7-05

ORDINANCE ESTABLISHING TWO HOUR PARKING ALONG A CERTAIN PORTION OF THE WEST SIDE OF SOUTH CHURCH STREET

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

WHEREAS, Section 71.34 of the Code of Asheboro provides as follows:

When authorized signs are placed, erected, or installed, giving notice thereof, no person shall park a vehicle for longer than two hours upon any of the streets within the area so designated. The designated area shall be listed in Schedule 19 of § 72.02; provided that failure to so list shall not affect the parking requirements set forth herein; and

WHEREAS, the City Council has concluded that, between the hours of 9:00 a.m. and 6:00 p.m., no vehicle should be parked for longer than two hours upon the portion of the west side of South Church Street that extends northward from a point located one hundred seventy-three (173) feet north of the intersection of the centerline of Hill Street with South Church Street to a point that is located two hundred thirteen (213) feet north of the intersection of the centerline of Hill Street with South Church Street; and

WHEREAS, Schedule 19 of Section 72.02 of the Code of Asheboro is currently enumerated as "parking limited to two hours at any time;" and

WHEREAS, Section 72.02 should be amended to more accurately enumerate the subject matter addressed by Schedule 19 as "parking limited to two hours at designated times."

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

Section 1. Between the hours of 9:00 a.m. and 6:00 p.m., no vehicle shall be parked for longer than two hours upon the portion of the west side of South Church Street that extends northward from a point located one hundred seventy-three (173) feet north of the intersection of the centerline of Hill Street with South Church Street to a point that is located two hundred thirteen (213) feet north of the intersection of the centerline of Hill Street with South Church Street.

Section 2. The City Manager is hereby authorized and directed to cause the above-described portion of the west side of South Church Street to be posted in accordance with provisions of Section 71.34 of the Code of Asheboro and in accordance with the provisions of Section 1 of this ordinance.

Section 3. The enumeration of Schedule 19 within Section 72.02 of the Code of Asheboro is hereby amended to provide as follows: "Schedule 19: Parking limited to two hours at ~~any~~ designated times."

Section 4. The City Manager is hereby directed to notify the City Clerk of the above-stated description of the affected portion of South Church Street for recordation in Schedule 19 of Section 72.02 of the Code of Asheboro.

Section 5. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 6. This ordinance shall become effective upon adoption.

Adopted by the Asheboro City Council in regular session on this the 14th day of July, 2005.

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

ATTEST:

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

- Resolution Approving Certain Modifications to the Job Descriptions for the Captains in the Police Department

32 RES 7-05

**RESOLUTION APPROVING THE CLASS ALLOCATION OF THE POLICE
DEPARTMENT CAPTAINS UNDER THE CITY OF ASHEBORO
POSITION CLASSIFICATION PLAN**

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

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

WHEREAS, under the adopted position classification plan, the classification of Police Captain has been established with a pay grade of 25 under the city's pay plan; and

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

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

WHEREAS, the Chief of Police has made the determination that the duties and corresponding job descriptions of the Police Captains should be changed in order to enhance the operations of the police department; and

WHEREAS, the Chief of Police has prepared revised comprehensive job descriptions for the Police Captains and submitted these job descriptions (hereinafter referred to as the "Job Descriptions") to the Director of Human Resources and to the City Manager for review; and

WHEREAS, the Job Descriptions are attached to this resolution as Exhibit 1 and are hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, the Director of Human Resources and the City Manager have approved the Job Descriptions, and the City Manager has determined that the revised duties of the Police Captains do not materially impact the current classification of the Police Captains under the city's position classification plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the Job Descriptions attached hereto as Exhibit 1 are hereby approved; and

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

Adopted by the Asheboro City Council in regular session on this the 14th day of July, 2005.

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

ATTEST:

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

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

OLD BUSINESS:

4. **Resolution to Renew the Hangar Lease Agreement Between the City of Asheboro and the Randolph Composite Squadron – Civil Air Patrol (C. A. P.) for a Term of Ten (10) Years at One Dollar (\$1.00) Per Year Annual Rent.**

Mr. Sugg recommended that this item be deferred until the August meeting, as he is waiting to hear from Walter Gordon with the Civil Air Patrol.

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to defer this item until August.

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

Asst. City Engineer Michael Leonard presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate said annexation petition.

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

33 RES 7-05

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN
ANNEXATION PETITION
(1.175 Acres of Land Located along the South Side of Sherwood Road)**

WHEREAS, a petition requesting the annexation of an area described in said petition as 1.175 acres of land along the south side of Sherwood Road has been received by the City Council of the City of Asheboro; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina, on this the 14th day of July, 2005, that the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the results of her investigation.

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

ATTEST:

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

After the city clerk certified as to the sufficiency of the annexation petition, Mr. Leonard presented and recommended adoption, by reference, of a resolution fixing the date of the public hearing on question of annexation.

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

34 RES 7-05

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION PURSUANT TO SECTION 160A-58.2 OF THE
NORTH CAROLINA GENERAL STATUTES
(1.175 Acres of Land Located along the South Side of Sherwood Road)**

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina, on this the 14th day of July, 2005, as follows:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at the City of Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina, at 7:00 o'clock p.m. on the 4th day of August, 2005.

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

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

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

ATTEST:

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

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

Mr. Leonard presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate the aforementioned annexation petition.

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

35 RES 7-05

RESOLUTION DIRECTING CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES (14.7471 Acres of Land along the South Side of North Carolina Highway 49)

WHEREAS, a petition requesting annexation of an area described in said petition as approximately 14.7471 acres of land located along the south side of North Carolina Highway 49 has been received by the City Council of the City of Asheboro; and

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

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

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

Adopted in regular session on this the 14th day of July, 2005.

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

ATTEST:

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

After the city clerk certified as to the sufficiency of the annexation petition, Mr. Leonard presented and recommended adoption, by reference, of a resolution fixing the date of the public hearing on the question of annexation.

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

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE
NORTH CAROLINA GENERAL STATUTES
(14.7471 Acres of Land along the South Side of North Carolina Highway 49)**

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina, at 7:00 o'clock p.m. on the 4th day of August, 2005.

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

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

Adopted by the Asheboro City Council in regular session on this the 14th day of July, 2005.

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

ATTEST:

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

7. 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.

Mr. Leonard presented and recommended adoption, by reference, of a resolution of the city's intent to close a portion of Art Bryan Drive. Energizer Battery is making this request to help improve security for its employees.

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

**RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF
ART BRYAN DRIVE**

WHEREAS, Section 160A-299 of the North Carolina General Statutes prescribes the procedure to be followed by a city in order to permanently close a street or alley; and

WHEREAS, the City Council of the City of Asheboro has determined that it is advisable to consider permanently closing a portion of Art Bryan Drive as requested by Energizer Battery Manufacturing, Inc.; and

WHEREAS, in order for a municipality to lawfully permanently close a street, Section 160A-299 of the North Carolina General Statutes requires that a city council first adopt a resolution declaring its intent to permanently close the street in question and then call a public hearing on the question.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, this 14th day of July, 2005, as follows:

Section 1. It is the intent of the City Council of the City of Asheboro to permanently close a certain portion of Art Bryan Drive that is located within the corporate limits of the City of Asheboro and is more particularly described as follows:

Randleman Township, Randolph County, North Carolina:

BEGINNING at a new iron rod that is set in the northern right-of-way line of the 60-foot right-of-way for Art Bryan Drive, this new iron rod can be tied to the centerline of the intersection of Art Bryan Drive and North Fayetteville Street (United States Highway 220 Business) by means of the following courses and distances: South 00 degrees 37 minutes 37 seconds East 29.97 feet to a point in the centerline of Art Bryan Drive; thence along the centerline of Art Bryan Drive the following courses and distances: North 88 degrees 24 minutes 31 seconds East 175.06 feet to a point not set; thence North 88 degrees 23 minutes 19 seconds East 2018.12 feet to the centerline of the intersection of Art Bryan Drive and North Fayetteville Street; thence from the said Beginning point that is set in the northern right-of-way line of the existing 60-foot right-of-way for Art Bryan Drive South 88 degrees 25 minutes 04 seconds West 50.01 feet along the said right-of-way line to an existing iron pipe; thence South 00 degrees 37 minutes 37 seconds East 59.91 feet across the right-of-way for Art Bryan Drive to an existing iron pipe set in the southern right-of-way line for Art Bryan Drive; thence along the southern right-of-way line for Art Bryan Drive the following course and distance: North 88 degrees 25 minutes 30 seconds East 50.01 feet to a new iron rod; thence across the right-of-way for Art Bryan Drive the following course and distance: North 00 degrees 37 minutes 37 seconds West 59.92 feet to the point and place of the BEGINNING, and being all of that certain 2,996 square feet of land, more or less, encompassed by the preceding metes and bounds description.

Also included is the right-of-way for the above-described portion of Art Bryan Drive, the said portion of right-of-way to be permanently closed is shown on the plat of survey referenced below.

This description is in accordance with a plat of survey entitled "PROPOSED STREET CLOSURE OF A PORTION OF ART BRYAN DRIVE" that was drawn under the supervision of Jerry A. King, a professional land surveyor with registration number L-3373. The said plat of survey is dated June 2, 2005, and is hereby incorporated into this resolution by reference as if copied fully herein.

Section 2. A public hearing on the matter of the proposed permanent closure of the above-described portion of Art Bryan Drive is hereby called and is to be held at the regular meeting of the City Council of the City of Asheboro on September 8, 2005, at 7:00 p.m. in the Council Chambers of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro. At said public hearing, any person may be heard on the question of whether or not the intended closing of the above-described portion of Art Bryan Drive would be detrimental to the public interest or the property rights of any individual.

Section 3. The City Clerk is hereby directed to cause the publication of this Resolution of Intent once a week for four (4) successive weeks prior to the above-referenced public hearing in the Courier Tribune, a newspaper of general circulation in the City of Asheboro and Randolph County.

Section 4. The City Clerk is further directed to transmit a copy of this Resolution of Intent by registered or certified mail to each owner of property adjoining Art Bryan Drive. The identity of said property owners is to be determined on the basis of the Randolph County Tax Department's records.

Section 5. The City Clerk is further directed to cause the prominent posting of this Resolution of Intent in a minimum of two (2) locations along Art Bryan Drive.

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

ATTEST:

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

NEW BUSINESS:

8. Public Hearings on Zoning Matters.

Mayor Jarrell opened the public hearing on the following request:

- (a) Modify CUP-04-01 to Allow Outside Customer Seating for the Existing Eating Establishment (CUP-05-12): The property of Barney L. Trogdon, Jr. located at 841 Cross Street, totaling approximately 12,736 sq. ft., further identified by Randolph County Property ID Number 7761258757.

Mr. Neely was sworn in and stated that this request is to modify the current Conditional Use Permit to allow outside customer seating, consisting of a total of no more than 25 seats, at the existing eating establishment. He presented the site plan, which shows six four-seat picnic tables. He stated that this request cannot be approved unless Zoning Item (b) is approved, which is a request by Reverend Barney Trogdon to rezone his property on the east side of Cross Street to CU-B2 and Conditional Use Permit for a parking lot as the principal use. Mr. Neely recommended that all previous conditions be carried forward if council approves this request.

Mayor Jarrell entertained a motion to recess this public hearing until council has heard the evidence for Zoning Request Item (b).

Upon motion by Mr. Baker and seconded by Mr. Crisco, council voted unanimously to recess said public hearing.

Mayor Jarrell opened the public hearing on the following request:

- (b) Rezone From RA6 to CU-B2 and a Conditional Use Permit to Allow a Parking Lot as a Principal Use (CUP-05-13): The property of Barney L. Trogdon, Jr. located on the east side of Cross Street south of 840 Cross Street, totaling approximately 18,900 sq. ft., further identified by Randolph County Property ID Number 7761259683.

Mr. Neely was sworn in and described the aforementioned property. He stated that the intended use of the property is a parking lot. The applicant is requesting council's approval of a modification to CUP-04-01 to allow customer seating for Mr. T's Diner. The parking lot would be for customers, should the rezoning and permit be approved. The area consists of primarily residential uses, with a commercial use to the west (Mr. T's Diner) and undeveloped commercial land to the south. Recent rezonings have altered the land use context of the area. The B2 General Business district is intended to provide convenience and shoppers' goods and services. The ordinance states that the district should "always have access to minor or major thoroughfares." The LDP recommends that this Primary Growth Area develop consistently with Neighborhood Residential uses.

The planning board recommended approval of the district rezoning with the following comment: Although the LDP suggests that this area develop residentially, prior rezonings have changed the current and future land use characteristics of the area. The Conditional Use process, combined with buffering and screening requirements, should help to increase compatibility with the area. The property abuts commercial land to the south and is across the street from an existing commercial use that this property is intended to support.

Mr. Neely stated two conditions for council's consideration if it finds in favor of the Conditional Use Permit.

Reverend Barney Trogdon affirmed and stated that he opened Mr. T's Diner last fall, which is a walk-up carry-out restaurant. He would like for his customers to have a place to sit down and eat, which will require a parking lot. He addressed the four standard tests as follows: (1) The proposed parking lot will not materially endanger the public health or safety, as it will keep cars from parking on the street. (2) The use will meet all required conditions and specifications of the Asheboro Zoning Ordinance. (3) The use will not substantially injure the value of adjoining or abutting property. Reverend Trogdon feels that the parking lot will enhance the property. (4) The use will be in harmony with the area, as it will assist his existing business.

Mrs. Hunter asked Reverend Trogdon if he was going to post "No Loitering After Hours" signs on his property. Reverend Trogdon replied that he would.

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

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council unanimously ordained to accept the recommendation of the planning board for approval of the district rezoning.

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

Reverend Trogdon agreed to the conditions.

The conditions will be further detailed in the city attorney's Findings of Fact, Conclusion of Law and order Granting the Conditional Use Permit.

Mayor Jarrell reopened the recessed public hearing on Zoning Item (a), which is a request to modify the existing CUP to allow outdoor customer seating for the existing eating establishment.

Reverend Trogdon affirmed and referred to the previous rezoning case that was approved. He stated that he does not think that the 25-person seating limitation at his diner will in any way have an adverse effect.

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

Upon motion by Mr. McGlohon and seconded by Mr. Priest, council voted unanimously to approve the request with the existing conditions to continue, that seating be limited to 25 persons, and that Reverend Trogdon post his property to prohibit loitering after business hours. This motion was made based on the four standard tests being met per testimony by Reverend Trogdon.

Reverend Trogdon accepted all conditions.

The conditions will be further detailed in the city attorney's Findings of Fact, Conclusion of Law and Order granting the modification to the existing CUP to be approved by council at its August meeting.

Mayor Jarrell opened the public hearing on the following request:

- (c) Rezone From R10 Medium Density Residential to B2 General Business Commercial: The property of Bobby and Brenda Stalker located at 1839 US Highway 64 East, totaling approximately 1.2 acres and further identified by Randolph County Property ID Number 7761839158.

Mr. Neely described the aforementioned property and stated that the property is outside the city limits. City water and sewer services are currently unavailable. US Highway 64 East is a major thoroughfare with a 150-foot right-of-way. The immediate vicinity is comprised of single-family residences and undeveloped land. Much of the surrounding land is zoned for commercial or office uses. The area is transitioning from residential to commercial uses. The B2 Commercial district is intended to provide convenience and shoppers' goods and services along major and minor thoroughfares. Approval of the request would allow all uses permitted in the district. The LDP recommends that this Economic Development Area develop commercially.

The planning board recommended approval, as the request is largely supported by the LDP's maps, goals, and policies.

Mr. Greg Bryant with RE/MAX Realty, representative for the applicants, was present to answer any questions.

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

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

9. Special Use Permit.

Mayor Jarrell opened the public hearing on the following request:

- (a) Special Use Permit Request for School Expansion in a Residential District (Guy B. Teachey Elementary School) (SUP-05-04): The property of the Asheboro City Board of Education located at 294 Newbern Avenue, totaling 20.47 acres and further identified by Randolph County Parcel ID Number 7750905864.

Mr. Neely was sworn in and presented the site and grading plans. He described the aforementioned property and stated that the Board of Education proposes to expand Guy B. Teachey Elementary School with new administration offices, classroom additions, a reconfigured bus lane, and enlarged parking areas. In the R10 District, school uses require council's consideration of a Special Use Permit. Schools as a Special Use are regulated under Section 634 of the zoning ordinance. Newbern Avenue is a public street with a 60-foot right-of-way. Teachey School Drive is a state-maintained private school access drive. NCDOT driveway permits are required. The site plan shows two curb cuts and one temporary construction entrance and is in compliance with the ordinance. Testimony will be presented discussing the potential for this temporary entrance to become permanent. The sanitation department has commented that access to the new dumpster locations must be passable during pick-up.

Mr. Neely stated that the staff may present, at a later date, a text amendment to the zoning ordinance allowing more than two curb cuts for council's consideration. If the amendment is approved, the temporary construction entrance/proposed third driveway shall be allowed to become permanent.

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

Mr. John Sinnett, architect for the proposed project, was sworn in and presented oral and written evidence addressing the four standard tests. A copy of the written evidence is on file in the planning department.

Mr. W. S. Chandler, Jr. was sworn in and asked questions concerning the setbacks of the proposed structures and parking lot from the roadway and property line. Mr. Chandler was also concerned about possible water problems with the slope of the property and the proposed lighting. Mr. Chandler's questions were answered to his satisfaction.

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

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

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

The conditions will be further 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 August meeting.

10. Subdivisions.

Mayor Jarrell added the following Subdivision Item 10 (a) to the agenda:

- (a) Extension of Preliminary Plat for Turtle Lake Subdivision (SUB-04-05)
Mr. Neely reported that the developer has asked for a one-year extension of the preliminary plat for Turtle Lake Subdivision.

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to approve the one-year extension of the preliminary plat for Turtle Lake Subdivision.

(b) Preliminary Plat Approval for Autumn Place Townhomes (SUB-05-02)

Mr. Neely presented the preliminary plat for Autumn Place Townhomes, which is located at 711 Sunset Avenue. This subdivision contains 2.15 acres and consists of 14 lots, with the average lot size being 1,693 sq. ft. Corrections have been made to the plat, and the staff recommends approval.

Mr. Neely reported that a variance of three feet has been requested from the requirement of a twenty-five foot right-of-way to allow for the maintenance of a rock wall located on the property.

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to approve the requested variance.

Upon motion by Mrs. Carter and seconded by Mr. Baker, council voted unanimously to approve the preliminary plat.

11. Public Comment Period.

Mayor Jarrell asked if anyone present wished to make any comments. (Legislation was recently enacted (G. S. 160A-81.1) requiring the governing body to provide at least one period for public comment per month at a regular meeting.)

No one present wished to speak.

12. Second Reading and Final Adoption of an Ordinance Granting a Renewal of a Certificate of Convenience and Necessity for Franchise to Operate Seven Taxicabs (Asheboro Taxi, Tony Hafez, Owner).

The city clerk stated that council adopted the first reading of the aforementioned ordinance (32 ORD 6-05) at its June meeting and recommended that the second reading and final adoption be approved.

Upon motion by Mr. Smith and seconded by Mr. McGlohon, council voted unanimously to approve the final adoption of Ordinance 32 ORD 6-05.

13. Bond Order Authorizing the Issuance of \$10,000,000 Refunding Bonds of the City of Asheboro.

Ms. Jugerg presented and recommended adoption of a resolution introducing the aforementioned Bond Order. She stated that the issuance of \$10,000,000 refunding bonds would save the City approximately \$360,000.

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

(Note: Due to a numbering mix-up, there is no resolution numbered 38 RES 7-05.)

39 RES 7-05

**“BOND ORDER AUTHORIZING THE ISSUANCE OF \$10,000,000
REFUNDING BONDS OF THE CITY OF ASHEBORO”**

WHEREAS, the City of Asheboro (the “City”) has issued General Obligation Sanitary Sewer Bonds, Series 1995, dated November 1, 1995 (the “General Obligation Sanitary Sewer Bonds, Series 1995”), a certain portion of which remain outstanding (the “Outstanding General Obligation Sanitary Sewer Bonds, Series 1995”); and

WHEREAS, the City has issued General Obligation Library Bonds, Series 1995, dated November 1, 1995 (the “General Obligation Library Bonds, Series 1995”), a certain portion of which remain outstanding (the “Outstanding General Obligation Library Bonds, Series 1995”); and

WHEREAS, the City has issued General Obligation Sanitary Sewer Bonds, Series 1996, dated June 1, 1996 (the "General Obligation Sanitary Sewer Bonds, Series 1996"), a certain portion of which remain outstanding (the "Outstanding General Obligation Sanitary Sewer Bonds, Series 1996"); and

WHEREAS, the City Council deems it advisable to refund all or a portion of the Outstanding General Obligation Sanitary Sewer Bonds, Series 1995, Outstanding General Obligation Library Bonds, Series 1995 and Outstanding General Obligation Sanitary Sewer Bonds, Series 1996 (collectively referred to herein as the "Bonds to be Refunded") pursuant to and in accordance with The Local Government Finance Act; and

WHEREAS, the Council has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Council that the application has been filed and accepted for submission to the Commission;

NOW, THEREFORE, BE IT ORDERED by the Council as follows:

Section 1. The City Council has ascertained and hereby determines that it is advisable to refund the Bonds to be Refunded.

Section 2. To raise all or a portion of the money required to refund the Bonds to be Refunded as set forth above and to pay expenses in connection therewith, bonds of the City are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of bonds authorized by this bond order shall be \$10,000,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 5. The bond order shall take effect upon its adoption.

Adopted this the 14th day of July, 2005.

14. Resolution Authorizing Public Hearing on Bond Order.

Ms. Juberg presented and recommended adoption of a resolution authorizing a public hearing on said Bond Order.

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

40 RES 7-05

RESOLUTION AUTHORIZING PUBLIC HEARING ON BOND ORDER

WHEREAS, the bond order entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF \$10,000,000 REFUNDING BONDS OF THE CITY OF ASHEBORO" has been introduced at the meeting of the City Council of the City of Asheboro held on July 14, 2005, and the Council desires to provide for a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Finance Act;

NOW, THEREFORE, BE IT RESOLVED by the Council as follows:

The public hearing upon that bond order shall be held in the City Hall Council Chambers, 146 North Church Street, Asheboro, North Carolina, at a meeting that begins at 7:00 PM, August 4, 2005.

The City Clerk is hereby directed to cause a copy of the bond order to be published with the notice of public hearing in the form prescribed by law in a qualified newspaper no fewer than six days prior to the public hearing.

The City's Finance Director is hereby directed to file with the City Clerk prior to publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the city and the net debt of the City.

Adopted this the 14th day of July, 2005.

15. Consideration of a Petition Received From Allene Woodle Requesting Contiguous Annexation of 1.28 Acres Located at 1314 Martin Luther King, Jr. Drive.

The city attorney recommended that this item be deferred, due to ongoing research of the matter.

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to defer said item.

16. Discussion of Planning Department Research Into the Comparability Between Certain Enactments of Other Jurisdictions and Provisions Found Within Articles 500 and 1100 of the Asheboro Zoning Ordinance.

Mr. Neely presented the staff's survey results of how other North Carolina communities handled temporary/promotional signs (windblown devices). The data indicated that the city's current regulations are in line with other communities. Mr. Neely stated that we may need to fine-tune our language to be more inclusive and defined.

After discussion, it was the consensus of the council to regulate the city's current ordinance and remind businesses that they are in violation. The staff would write letters to the businesses notifying them of the violation and then start the official process if the violations were not corrected.

17. Finance & Public Safety and Public Works Matters.

No official meetings were held.

18. Items Not on the Agenda.

- Mayor Jarrell announced that Allen Holt, who was chairman of the Asheboro Airport Authority, has resigned and recommended that Steve Knight be appointed as chairman of the airport authority.

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to appoint Mr. Knight as chairman of the airport authority.

- Mr. Smith stated that he has received complaints concerning junk yards—two south of town and one north of town. The junk yards used to be storage yards.

Mayor Jarrell instructed the city attorney to investigate the complaints and report his findings back to council.

- Mr. Neely reported that there are two vacancies on the planning board for members in the ETJ.

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

