

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
THURSDAY, OCTOBER 4, 2007  
7:00 p.m.**

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

David H. Jarrell           ) – Mayor Presiding  
  
Talmadge Baker           )  
Linda Carter             )  
Keith Crisco             )  
Nancy Hunter             ) – Council Members Present  
Walker Moffitt           )  
Archie Priest             )  
David Smith              )

John N. Ogburn, III, City Manager  
Dumont Bunker, P.E., City Engineer  
Richard L. Cox, Jr., Community Planning and Development Department Intern  
Holly H. Doerr, City Clerk/Senior Legal Assistant  
Richard Foster Hughes, Recreation Director  
Deborah P. Juberg, Finance Director  
R. Reynolds Neely, Jr., Planning Director  
O. Lynn Priest, Community Development Director  
Jeffrey C. Sugg, City Attorney  
Kermit D. Williamson, Sanitation Superintendent

**1. Call to Order.**

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

**2. Pledge of Allegiance.**

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

**3. Appearance and recognition of guests and citizens.**

Mayor Jarrell welcomed everyone in attendance.

**4. Consent Agenda.**

Prior to asking the Council whether any items needed to be removed from the Consent Agenda for discussion, Mayor Jarrell informed the Council that the Planning Board did not hold its regular October meeting due to the absence of a quorum. Consequently, the recommendations needed from the Planning Board for Land Use Cases RZ-07-29 and SUB-01-02 were not available. In the absence of these recommendations, these land use cases and any associated Council actions had to be continued to the Council's next regular meeting in November 2007.

Upon motion by Mr. Crisco and seconded by Ms. Carter, Council voted unanimously to continue Land Use Cases RZ-07-29 and SUB-01-02 as well as the following consent agenda items to the Council's regular November meeting.

- An ordinance authorizing stop signs to be installed on recently completed streets in the Heathwood Acres Phase II and Phase III Subdivision:
  - Stop traffic on Butterfly Trail entering Old Castle Drive
  - Stop traffic on Buckhorn Drive (east and west connections) entering Old Castle Drive.

Upon motion by Mr. Smith and seconded by Ms. Hunter, Council voted unanimously to approve the remaining consent agenda items:

- The minutes of the regular meeting of the City of Council that was held on September 6, 2007.

- The minutes of the special meeting of the City Council that was held on September 18, 2007.
- The minutes of the special meeting of the City Council that was held on September 21, 2007.
- The findings of fact, conclusions of law, and order in the matter of SUP-07-07.

**Case No. SUP-07-07  
City Council  
City of Asheboro**

**IN THE MATTER OF THE APPLICATION BY PHILLIPS MANAGEMENT GROUP FOR A SPECIAL  
USE PERMIT AUTHORIZING A MULTI-FAMILY DEVELOPMENT WITH A FLOOR AREA RATIO OF  
UP TO 22%**

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

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THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council that was held on September 6, 2007. 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. Phillips Management Group (hereinafter referred to as the "Applicant") has properly filed an application with the City of Asheboro for a Special Use Permit that would authorize the development of multiple family dwelling units with a floor area ratio (hereinafter referred to as "FAR") of up to twenty-two percent (22%).
2. The Applicant has already been permitted as a matter of right with a staff issued zoning compliance permit to develop thirty-two (32) units on a parcel of land located at 2230 North Fayetteville Street. This parcel of land (hereinafter referred to as the "Zoning Lot") encompasses approximately 24.08 acres of land and is more specifically identified by Randolph County Parcel Identification Number 7763133665.
3. The proposed use for the Zoning Lot, which requires a Special Use Permit, is identified as Phase II of a larger project. The Applicant proposes to develop a total of one hundred forty-four (144) units as part of Phase II of this project. The placement of one hundred forty-four (144) units on the Zoning Lot will produce a FAR of approximately twenty percent (20%).
4. The Zoning Lot is located in a RA6 zoning district. Multiple family dwelling units are allowed by right in this zoning district so long as the FAR does not exceed seventeen percent (17%). Multiple family dwelling units with a FAR of up to twenty-two percent (22%) are permitted in a RA6 zoning district with the issuance of a Special Use Permit.
5. The Applicant's overall project has already been developed to a large extent. In fact, an acceleration lane has already been built for North Fayetteville Street, which is a major thoroughfare with a 100-foot right-of-way. Additionally, some multiple family dwelling units are already located on the Zoning Lot itself.
6. The Zoning Lot is located within the corporate limits of the City of Asheboro, and all city services are available to the lot.
7. The Growth Strategy Map identifies the area in which the Zoning Lot is located as a "Primary Growth" area, and the Proposed Land Development Plan Map indicates that the lot is located in an area designated as "Urban Residential."
8. The land use to the north of the Zoning Lot is classified as multi-family residential, medium-density residential land uses are located to the south and east, and a mixture of multi-family dwellings, manufactured housing, and commercial land uses are located to the west of the Zoning Lot.
9. A 100-year flood plain associated with Hasketts Creek is located along the northern and eastern portions of the Zoning Lot.
10. The planning department staff has reviewed the submitted site plan, and the staff opinion is that the submitted site plan does conform with the requirements prescribed by the Asheboro Zoning Ordinance.

11. Mr. Jonathan Megerian, Esq. testified on behalf of the Applicant that amenities are being added to the proposed land use, and this addition of amenities is taking up space.

12. No noise complaints or other problems pertaining to the Applicant's existing units have been reported.

13. No change in the appearance of the existing buildings is proposed, and there is no evidence to indicate that the proposed additional structures will in any way conflict in an aesthetic sense with the existing development. The same design group continues to be associated with this project.

14. One individual did testify in opposition to the request due to generalized concerns about fire safety when multiple family dwelling units are at issue.

15. During the hearing of this matter, no specific evidence was introduced to show that any sort of design flaw would hinder the ability of emergency response vehicles to access and provide service to the development.

Based on the foregoing findings of fact, the Council hereby 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 meets all of the required conditions and specifications of the Asheboro Zoning Ordinance.

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

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

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

#### **ORDER**

The Applicant is hereby issued a Special Use Permit authorizing a multiple family dwelling unit development on the Zoning Lot with a floor area ratio of up to twenty-two percent (22%). This permit shall be valid so long as, and only so long as, the Applicant, and its heirs, successors, and assigns, conducts the approved land use in compliance with the approved site plan, the provisions of the Asheboro Zoning Ordinance, and the following conditions:

a. An engineering study of storm water runoff shall be made of the entirety of the above-described parcel of land. If this study indicates that post development runoff will exceed predevelopment conditions, plans for runoff control shall be designed and certified by a professional engineer. Such controls shall be designed to reduce the runoff during the occurrence of a 10-year storm to predevelopment volumes and rates. Prior to the issuance of a certificate of occupancy, a professional engineer shall provide certification that the storm water controls were built according to the plans. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be the responsibility of the property owner.

b. The submitted site plan contains minor clerical errors in the labeling of the building numbers. Building 3 is incorrectly labeled as Building 18. Building 4 is incorrectly labeled as Building 20. Building 9 is incorrectly labeled as Building 13. Thus, the Applicant shall prepare a revised site plan that corrects these clerical errors. The revised site plan shall be submitted to the planning department in a timely manner for staff review, approval, and inclusion in the file without further review by the Council. This condition shall only apply to site plan revisions strictly related to effectively implementing this condition, and not to revisions that would otherwise be defined as a permit modification.

Adopted by the Asheboro City Council in regular session on the 4<sup>th</sup> day of October, 2007.

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

ATTEST:

s/ Holly H. Doerr  
Holly H. Doerr, City Clerk

- The findings of fact, conclusions of law, and order in the matter of CUP-07-27.

**CUP-07-27  
City Council  
City of Asheboro**

**IN THE MATTER OF THE APPLICATION BY RANDOLPH FELLOWSHIP HOME, INC. FOR A  
CONDITIONAL USE PERMIT AUTHORIZING THE DEVELOPMENT OF A PROFESSIONAL  
RESIDENTIAL FACILITY (STRUCTURED ENVIRONMENT)**

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

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THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council that was held on September 6, 2007. 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. Randolph Fellowship Home, Inc. (hereinafter referred to as the "Applicant") properly filed an application with the City of Asheboro for a legislative rezoning of certain real property from an I-1 Light Industrial zoning district to a Conditional Use B-2 General Business zoning district. Concurrent with the filing of an application for this legislative rezoning, the Applicant also properly filed an application for a Conditional Use Permit that would authorize the development of a land use classified by the Asheboro Zoning Ordinance as a Professional Residential Facility (Structured Environment).
2. The Applicant proposes to develop this facility on a parcel of land that it owns and is located on East Pritchard Street near Farr Street in Asheboro. This parcel of land (hereinafter referred to as the "Zoning Lot") encompasses approximately 0.63 of an acre of land and is more specifically identified by Randolph County Parcel Identification Number 7761372135.
3. Prior to formally considering the evidence submitted in support of the requested Conditional Use Permit, the Council followed the recommendation of the Planning Board and placed the Zoning Lot into the requested Conditional Use B-2 zoning district.
4. The Zoning Lot is located within the corporate limits of the City of Asheboro, and all city services are available to the lot.
5. Pritchard Street is a collector street.
6. The land uses surrounding the Zoning Lot are a mixture of institutional, multiple family dwelling units, and industrial uses.
7. The Growth Strategy Map designates the area in which the Zoning Lot is located as an "Economic Development" area, and the Proposed Land Development Plan identifies the area as "Industrial."
8. Article 1100 of the Asheboro Zoning Ordinance defines a "Professional Residential Facility" as a "residential establishment, other than a hospital or nursing home, providing to persons in need of a structured environment board, lodging, supervision, medication, counseling, or other diagnostic or therapeutic services and licensed by the North Carolina Department of Social Services."
9. The facility proposed by the Applicant is to house ten (10) residents with one (1) employee on each shift and one (1) facility vehicle.
10. A Professional Residential Facility (Structured Environment) is permitted in a B-2 zoning district with the issuance of a Special Use Permit.
11. Section 102 of the Asheboro Zoning Ordinance provides, in pertinent part, that the issuance of a Conditional Use Permit for a specific land use within a conditional use zoning district "shall preclude any requirement for obtaining a Special Use Permit" for that same use.
12. The city's planning director offered uncontroverted testimony that, in his professional opinion, the site plan does comply with the regulations prescribed by the Asheboro Zoning Ordinance.
13. The Zoning Lot is currently vacant, and the Applicant proposes to clean up the lot by developing a facility that has been designed with the assistance of a professional architect.
14. The facility is designed to help people recover from difficulties they have encountered with substance abuse. According to the testimony provided during the hearing of this matter, the locks are on the doors for the primary purpose of keeping people out, and there will be an on-site manager at

all times. Mr. Sam Cranford testified that, in his thirteen (13) years of experience with the Applicant, he did not know of a single time when law enforcement officers have been needed to resolve a problem at the facility.

15. No testimony or other form of evidence was submitted to the Council 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 proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. The proposed use meets all required conditions and specifications of the Asheboro Zoning Ordinance.
3. The Applicant's proposed use will not substantially injure the value of the adjoining or abutting property.
4. The location and character of the use if developed according to the plan as approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

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

**ORDER**

The Applicant, Randolph Fellowship Home, Inc., is hereby issued a Conditional Use Permit that authorizes the development and operation on the Zoning Lot of a Professional Residential Facility (Structured Environment). This Conditional Use Permit shall remain valid so long as the Applicant, and its successors and assigns, complies with the provisions of the Asheboro Zoning Ordinance and conducts the approved land use in compliance with the site plan reviewed and approved by the Council during the hearing of this matter.

Adopted by the Asheboro City Council in regular session on the 4<sup>th</sup> day of October, 2007.

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

ATTEST:

s/ Holly H. Doerr  
Holly H. Doerr, City Clerk

- The findings of fact, conclusions of law, and order in the matter of CUP-07-09.

**Case No. CUP-07-09  
City Council  
City of Asheboro**

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

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

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THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council that was held on September 6, 2007. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

**FINDINGS OF FACT**

1. Joseph Shuping (hereinafter referred to as the "Applicant") has properly submitted an application for a new Conditional Use Permit authorizing the construction and operation of a motor vehicle repair business – major on the Applicant's undeveloped parcel of land located at 1339 East Salisbury Street.

2. This parcel of land (hereinafter referred to as the "Zoning Lot") encompasses approximately 1.521 acres of land and is more specifically described by Randolph County Parcel Identification Number 7761429387.

3. The Zoning Lot is located in a Conditional Use I-2 zoning district, and construction activity is already occurring on the lot because the Applicant has an existing Conditional Use Permit, which was issued under planning department file number CUP-05-21, authorizing the development of a land use identified under the Asheboro Zoning Ordinance as a motor vehicle repair business – major.

4. A motor vehicle repair business – major is a permitted land use in the underlying I-2 zoning district.

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

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

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

8. East Salisbury Street is a major thoroughfare with a 100-foot right-of-way. This portion of East Salisbury Street does not have curb and gutter, and there are no sidewalks in the vicinity of the Zoning Lot.

9. The existing site plan indicates that a sidewalk is to be constructed by the Applicant along East Salisbury Street. When the initial Conditional Use Permit for a motor vehicle repair business – major was issued for this lot under planning department file number CUP-04-24, sidewalks were required for new industrial construction on streets without curb and gutter.

10. Subsequent to the issuance of the existing Conditional Use Permit, the Council amended the Asheboro Zoning Ordinance and removed the sidewalk requirement for new industrial construction on streets without curb and gutter. Consequently, the Applicant wants to amend his existing Conditional Use Permit to revise the site plan and remove any conditions that would require him to install a sidewalk.

11. With the exception of the removal of the sidewalk to be constructed along East Salisbury Street, the evidence supporting the Applicant's proposed land use is unaltered from the evidence this Council originally found sufficient to issue permits for a motor vehicle repair business – major under planning department file numbers CUP-04-24 and CUP-05-21.

12. The revised site plan submitted during the hearing of this matter complies with the current provisions of the Asheboro Zoning Ordinance.

13. No substantive evidence was introduced during the hearing of this matter to indicate that the revised site plan presented any potential negative impacts associated with the Applicant's proposed land use that were not satisfactorily addressed during the hearing on the question of the issuance of a Conditional Use Permit under file numbers CUP-04-24 and CUP-05-21.

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

#### **CONCLUSIONS OF LAW**

1. The Council has concluded that the proposed amendment of the existing Conditional Use Permit will not materially endanger the public health or safety if the proposed land use is located where proposed and developed according to the revised plan as submitted and approved.

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

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

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

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

**ORDER**

Joseph Shuping is hereby issued a Conditional Use Permit for a motor vehicle repair business – major on the Zoning Lot, and the revised site plan submitted and approved during the most recent hearing of this matter, specifically including the deletion of the sidewalk requirement along East Salisbury Street, is hereby approved and adopted as part of this permit. The issuance of this permit and its continuing validity is hereby made expressly contingent upon the Applicant, and his heirs, successors, and assigns, complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, including without limitation the revised site plan approved by this order, and accepting and remaining in strict compliance with the following supplementary conditions:

1. All applicable conditions imposed by the Conditional Use Permits issued under file numbers CUP-04-24 and CUP-05-21 are hereby adopted by this permit and shall remain in effect. No condition shall be deemed to have been eliminated by a subsequent permit unless the requirement imposed by a particular condition has been expressly and directly eliminated by a subsequently issued Conditional Use Permit.

2. If, subsequent to the date of the hearing of this matter, the Asheboro Zoning Ordinance is amended to permit a reduction in the number of parking spaces required for the type of use authorized by this Conditional Use Permit, the Applicant may avail himself of such an amendment to the zoning ordinance by revising and submitting to the city's Zoning Administrator for approval a site plan reflecting the utilization of lawfully adopted changes in the city's parking requirements. Such a revised site plan does not need to be submitted to the Council for approval so long as the revision is strictly limited to reflecting action taken in reliance upon an amendment to the regulations of the Asheboro Zoning Ordinance pertaining to the minimum number of parking spaces required for a motor vehicle repair business – major. Any and all other proposed changes to the approved site plan, including without limitation alterations affecting building location or vehicular access and maneuvering, shall be subject to the standard analysis prescribed by Section 1013.5 of the Asheboro Zoning Ordinance.

Adopted by the Asheboro City Council in regular session on this 4<sup>th</sup> day of October, 2007.

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

ATTEST:

s/ Holly H. Doerr  
Holly H. Doerr, City Clerk

- An ordinance amendment to close the project fund for the Downtown Farmers' Market.

**43 ORD 10-07**

**[The hard copy of the above-referenced ordinance is on file in the City Clerk's Office.]**

- An ordinance amendment to close the project fund for the Asheboro Skate Park.

**44 ORD 10-07**

**[The hard copy of the above-referenced ordinance is on file in the City Clerk's Office.]**

- A request by Trittech Civil Environmental, PC for a contract amendment for engineering services for water line replacements along Sunny Lane, Keystone Drive and Twain Drive, and for sewer line extensions along Sunny Lane, Brookwood Drive and Twain Drive, increasing the contract amount by \$3,600 to \$47,900 for changes in the scope of work.
- An ordinance amending the Airport Runway Extension Phase III Fund to incorporate additional revenue and expenditures associated with the VISION 100 Grant #36237.23.8.1 received on August 31, 2007.

**45 ORD 10-07**

**[The hard copy of the above-referenced ordinance is on file in the City Clerk's Office.]**

- A resolution authorizing the mayor to enter into a Municipal Agreement between the NC Department of Transportation and the City of Asheboro for reinspection of bridges on the Municipal Street System, with 80% funding by the Federal Highway Administration:
  - Greenvale Road crossing Hasketts Creek
  - Bonkemeyer Drive crossing Hasketts Creek
  - Vance Street crossing Penwood Branch
  - Newbern Avenue crossing a tributary to Vestal/Richland Creek
  - Chamberlin Drive crossing Cedar Fork Creek
  - Art Bryan Drive crossing a Tributary to Hasketts Creek

**45 RES 10-07**

**RESOLUTION APPROVING A BRIDGE INSPECTION AGREEMENT**

**WHEREAS**, the City of Asheboro (hereinafter referred to as the "City") has requested that the North Carolina Department of Transportation (hereinafter referred to as the "NCDOT") perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the inspection and analysis of all public bridges on the Municipal Street System in the City of Asheboro; and

**WHEREAS**, the City proposes to enter into an agreement with NCDOT for said work wherein the NCDOT or a consulting engineering firm retained by the NCDOT will inspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and

**WHEREAS**, under the proposed agreement, the Federal Highway Administration shall reimburse NCDOT for eighty percent (80%) of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

**WHEREAS**, under the proposed agreement, the City shall reimburse NCDOT for all costs of the work incurred by NCDOT that are not paid by the Federal Highway Administration.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that the agreement for the above-referenced bridge inspection work is hereby formally approved, and the Mayor and City Clerk are hereby empowered to sign and execute the required agreement between the City and NCDOT.

Adopted by the Asheboro City Council in regular session on the 4<sup>th</sup> day of October, 2007.

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

ATTEST:

s/ Holly H. Doerr  
Holly H. Doerr, City Clerk

- A resolution authorizing the auction of surplus vehicles and other surplus personal property (Auction scheduled for 10:00 a.m., Saturday, November 17, 2007).

**46 RES 10-07**

**RESOLUTION AUTHORIZING THE PUBLIC AUCTION OF SURPLUS PERSONAL PROPERTY**

**WHEREAS**, the city staff members have identified items of city-owned personal property, specifically including vehicles and other types of personal property, that are no longer suitable for use by city forces; and

**WHEREAS**, the above-referenced items of personal property have been identified on the attached Schedule A, which is hereby incorporated into this resolution by reference as if copied fully herein, and the City Manager has recommended that the items listed on Schedule A be declared surplus property and sold at a public auction in accordance with Section 160A-270(b) of the North Carolina General Statutes; and

**WHEREAS**, the City Council concurs with the City Manager's recommendation.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that the City Manager is hereby authorized to dispose of the aforesaid surplus property at a public auction to be advertised in accordance with Section 160A-270(b) of the North Carolina General Statutes and conducted on the following date at the time and place listed below and subject to the following terms of sale:

Date: Saturday, November 17, 2007

Time: 10:00 A. M.

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

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

Adopted by the Asheboro City Council in regular session on the 4<sup>th</sup> day of October, 2007.

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

ATTEST:

s/ Holly H. Doerr  
Holly H. Doerr, City Clerk

**OLD BUSINESS:**

5. **SUP-07-05: Request for a Special Use Permit for a Public Use Facility (proposed Zoo City Park); including the legislative rezoning, under planning department file number RZ-07-31, of the city-owned land from CU-R10/CU-R15 zoning to R-15 zoning.** The property of the City of Asheboro is located along Zoo Parkway north of Old Cox Road and consists of approximately 64.94 acres of land. Randolph County Parcel Identification Number 7669589611 more specifically describes the property.

Mayor Jarrell opened the public hearing on a requested rezoning that initially arose and was heard by the Council as a request for a Special Use Permit only. The first sworn testimony pertaining to the Special Use Permit application was received during a public hearing held on August 9, 2007 under planning department file number SUP-07-05.

During the hearing of this matter in August 2007, Mr. Reynolds Neely testified that the planning department staff had reviewed the proposed site plan and found it to be in compliance with Section 1005 of the Asheboro Zoning Ordinance. However, the proposed Public Use Facility did not meet all of the requirements of the Asheboro Zoning Ordinance. Consequently, the use is not permitted by right and a Special Use Permit is needed for the proposed Public Use Facility.

After testimony was presented by Mr. Foster Hughes and Ms. Paula Spencer, the city staff requested a continuance of the hearing to the regular October 2007 Council meeting. During the intervening time period, the city submitted an application to rezone the site of the proposed Zoo City Park to a R15 zoning district so as to obtain a Special Use Permit rather than a Conditional Use Permit.

During the public hearing on this legislative rezoning request identified by planning department file number RZ-07-31, Mr. Neely presented the staff's analysis of the request by the City of Asheboro to rezone the above-described property from CU-R10 Medium-Density Residential and Conditional Use R15 Low Density Residential to R15 Low Density Residential. The Planning Department Staff and the Planning Board recommended approval of the request in that it complies with the Land Development Plan.

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

Upon motion by Mr. Crisco and seconded by Ms. Carter, Council voted unanimously to adopt the recommendation of the Planning Board and placed the above-described property in a R15 Low Density Residential zoning district.

Mayor Jarrell then re-opened the public hearing in regards to the request for a Special Use Permit that was originally heard in August 2007 under file number SUP-07-05.

Mr. Neely presented the staff's analysis of the proposed site plan and request by the City of Asheboro for a Special Use Permit to allow a Public Use Facility to be located at 3005 Zoo Parkway. A copy of the staff analysis report is on file in the City Clerk's office, and the proposed site plan does comply with Section 1005 of the Asheboro Zoning Ordinance.

Mr. Foster Hughes, Recreation Director for the City of Asheboro, affirmed his testimony and addressed the four standard tests.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing. An audio tape recording of the testimony presented during the public hearing is on file in the City Clerk's office.

Upon motion by Ms. Carter and seconded by Mr. Priest, Council voted unanimously to approve the requested Special Use Permit. The issuance of this permit was based on the four standard tests being met.

The formal findings of fact, conclusions of law, and order authorizing the Special Use Permit will be entered by the Council in regular session on November 8, 2007.

## **NEW BUSINESS:**

### **6. Land Use Issues:**

- (a) RZ-07-29: Technical Amendments to the Zoning Ordinance (Kim Markham).

This item was continued to the Council's regular November meeting pursuant to a motion adopted by the Council immediately prior to the Council's consideration of the Consent Agenda.

- (b) CUP-07-10: Request for a modification of an existing Conditional Use Permit for a Health Practitioner Office. The property of Matthew Ryan and Lisa Ann Salyer is located along the west side of Brower's Chapel Road approximately 700 feet south of East Dixie Drive.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely affirmed his testimony and presented the staff's analysis of the Applicant's request, including the submitted revised site plan. The Applicants, Matthew Ryan Lisa Ann Salyer, requested a Conditional Use Permit that modifies the existing site plan approved under planning department file number CUP-07-16 by increasing the square footage of the proposed two-story structure.

Ms. Lisa Salyer affirmed her testimony and addressed the four standard tests. Additionally, Mr. Mack Summey, P.E., of Summey Engineering presented testimony as an expert in the field of engineering in support of the request.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing. An audiotape of the testimony presented during this hearing is on file in the City Clerk's office.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to approve the requested Conditional Use Permit. The issuance of this Conditional Use Permit was based on the four standard tests being met.

The formal findings of fact, conclusions of law, and order granting the Conditional Use Permit will be entered by the Council during regular session on November 8, 2007. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

- (c) CUP-07-12: Request for a modification to an existing Conditional Use Permit for a Hotel. The property of Hotels at Executive Way, LLC is located along the east side of Dublin Road approximately 400 feet north of East Dixie Drive and on the west side of Executive Way and consists of approximately 2.83 acres of land. Randolph County Parcel Identification Number 7760490124 more specifically describes the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely affirmed his testimony and presented the staff's analysis of the Applicant's request, including the submitted revised site plan. The Applicant, Hotels at Executive Way, requested a Conditional Use Permit that modifies the existing site plan approved under planning department file number CUP-07-08 by reducing the original proposed hotel of four stories containing approximately 95 rooms to a hotel of three stories, containing approximately 95 rooms.

Mr. Jonathan Megerian, Esq. was sworn in and addressed the four standard tests. Additionally, Mr. Mack Summey, P.E. of Summey Engineering was sworn in and presented testimony as an expert in the field of engineering in support of the request.

Ms. Ruth Ann Allred, a neighboring property owner affirmed her testimony and presented questions in regards to the Conditional Use Permit. She posed the question of whether Leland Cypress trees would be planted along with the construction of a fence to screen neighboring

properties. Mr. Neely explained that the site plan depicts screening that complies with the conditions imposed under file number CUP-07-08.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing. An audiotape of the testimony presented during this hearing is on file in the City Clerk's office.

Upon motion by Mr. Priest and seconded by Mr. Moffitt, Council voted unanimously to approve the requested Conditional Use Permit. The issuance of this Conditional Use Permit was based on the four standard tests being met.

The formal findings of fact, conclusions of law, and order granting the Conditional Use Permit will be entered by Council during regular session on November 8, 2007. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

(d) SUB-01-2: Heathwood Acres Phase III (Final Plat).

This item was continued to the Council's regular November meeting pursuant to a motion adopted by the Council immediately prior to the Council's consideration of the Consent Agenda.

**7. Public Comment Period.**

No comments were offered by the public during this portion of the meeting.

**8. Consideration of authorization for The Wooten Company to proceed with design and survey services for the Dave's Mountain Area Sewer Project:**

- (a) Design Services @ 6.1% of estimated construction cost = \$427,000
- (b) Property and Easement Surveys (65 parcels @ \$1,100 each) = \$71,500

Mr. Bunker presented the above-referenced terms as proposed by The Wooten Company for the design and survey services for the Dave's Mountain Area Sewer Project.

Upon motion by Mr. Priest and seconded by Mr. Moffitt, Council voted unanimously to authorize The Wooten Company to proceed with design and survey services for the Dave's Mountain area sewer project in accordance with the above-referenced terms.

**9. Consideration of a project ordinance for Dave's Mountain Project fiscal year 2007-2008.**

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

Upon motion by Mr. Moffitt and seconded by Mr. Crisco, Council voted unanimously to adopt the following ordinance by reference.

**46 ORD 10-07**

**[The hard copy of the above-referenced ordinance is on file in the City Clerk's Office.]**

**10. Consideration of an ordinance to amend the water and sewer fund fiscal year 2007-2008.**

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

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

**47 ORD 10-07**

**[The hard copy of the above-referenced ordinance is on file in the City Clerk's Office.]**



result of this public bid process, to furnish equipment comparable to that sought by the City of Asheboro to another political subdivision of the State of North Carolina, and (iii) the vendor is willing to furnish said equipment to the City of Asheboro at the same or more favorable prices, terms, and conditions as those provided to the other political subdivision; and

**WHEREAS**, a vendor, Carolina Environmental Systems, Inc., capable of supplying a side loading refuse truck that meets the specifications established by the city's public works division has been identified by personnel in the said public works division; and

**WHEREAS**, Carolina Environmental Systems, Inc. participated in October 2006 in a public, formal bid process conducted by the City of Burlington, North Carolina and, as a consequence of that bid process, was awarded on October 13, 2006 a contract to supply the City of Burlington with a side loading refuse truck comparable to the unit sought by the City of Asheboro; and

**WHEREAS**, Carolina Environmental Systems, Inc. is willing to furnish the City of Asheboro with a comparable side loading refuse truck at the same or more favorable prices, terms, and conditions as those provided to the City of Burlington; and

**WHEREAS**, on September 22, 2007, notice was published in the *Courier Tribune*, a newspaper of general circulation in the Asheboro area, that the City Council would consider during its regular meeting on October 4, 2007 approving a waiver of the competitive bid procedures specified in Section 143-129 of the North Carolina General Statutes in order to contract with Carolina Environmental Systems, Inc. for the purchase of such a side loading refuse truck.

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

**Section 1.** Pursuant to Section 143-129(g) of the North Carolina General Statutes, the City Council of the City of Asheboro does hereby waive the bid procedures prescribed by Section 143-129 of the North Carolina General Statutes in order to contract with a qualified supplier, Carolina Environmental Systems, Inc. for the purchase of a side loading refuse truck at the same or more favorable prices, terms, and conditions as those provided to the City of Burlington, North Carolina during a public, formal bid process held in October 2006.

**Section 2.** The purchase from Carolina Environmental Systems, Inc. of a side loading refuse truck at a price of One Hundred Ninety-Four Thousand Nine Hundred Eighty-Four and No/100 Dollars (\$194,984.00) plus an additional charge of One Thousand Eight Hundred and No/100 Dollars (\$1,800.00) to paint the cab/chassis of the truck in accordance with the City of Asheboro's fleet paint scheme is hereby approved.

Adopted by the Asheboro City Council in regular session on the 4<sup>th</sup> day of October, 2007.

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

ATTEST:

s/ Holly H. Doerr  
Holly H. Doerr, City Clerk

13. **Consideration of a resolution per G.S. 143-64.32 exempting the City of Asheboro from the advertisement/qualification based selection procedure to contract with Glenn Brown Surveying, Inc. of Asheboro, NC for surveying services to provide a property survey of 4.54 acres of land between Lake Lucas and Lake Lucas Road being offered to the City as a gift by Charles W. McCrary, Jr. and John Toledano.**

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

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

**49 RES 10-07**

**RESOLUTION EXEMPTING A SURVEY PROJECT FROM ARTICLE 3D OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES**

**WHEREAS**, Section 143-64.31 of Chapter 143, Article 3D of the North Carolina General Statutes provides in pertinent part as follows:

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof . . . to announce all requirements for . . . surveying . . . services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price



Upon motion by Mr. Moffitt and seconded by Mr. Smith, Council voted unanimously to authorize the acceptance and recordation of the said non-warranty deed and deeds of easement in order to properly obtain ownership of the sanitary sewer lift station located at Parkway South.

**16. Consideration of an ordinance amending Chapter 50 (Water and Sewers) of the Code of Asheboro.**

Mr. Sugg presented and recommended adoption, by reference, of the aforementioned ordinance amending Chapter 50 of the Code of Asheboro.

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

**48 ORD 10-07**

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

**WHEREAS**, Chapter 50 of the Code of Asheboro prescribes general water and sewer provisions for the City of Asheboro; and

**WHEREAS**, the City Council has concluded that certain provisions within Chapter 50 should be updated.

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

**Section 1.** Section 50.016 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 50.016 DEPOSIT REQUIRED FOR WATER SERVICE.**

All occupants of residential, business or commercial dwellings, or buildings, other than owners thereof, are required to make a deposit of one hundred ten and no/100 dollars (\$110.00) for customers charged inside rates and one hundred forty and no/100 dollars (\$140.00) for customers charged outside rates. ~~In cases where a line of credit can be established with the City Finance Officer, the deposit will be waived.~~

**Section 2.** Section 50.096 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 50.096 SEPTIC TANKS IN LIEU OF SEWER CONNECTIONS.**

Septic tanks will be permitted for a period of ~~five~~ ten (10) years after a public sewer becomes available, or when city sewer is not accessible within 200 feet of a property, or it is not practical to install a gravity sewer service line. If at anytime the health officer shall certify that, in his opinion, such septic tank facilities create a hazard to the health and welfare of any of the citizens of the city, the owner of such property shall, within a period of 120 days after notice from the city, discontinue the use of such septic tank facilities and shall connect the wastewater lines from the improvements on such properties to the sanitary sewer system of the city.

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

**Section 4.** This ordinance shall take effect and be in force from and after November 1, 2007.

Adopted by the Asheboro City Council in regular session on the 4<sup>th</sup> day of October, 2007.

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

ATTEST:

s/ Holly H. Doerr  
Holly H. Doerr, City Clerk

**17. Consideration of an ordinance amending Chapter 51 (Garbage) of the Code of Asheboro.**

Mr. Sugg presented and recommended adoption, by reference, of the aforementioned ordinance amending Chapter 51 of the Code of Asheboro. After discussing the existing requirement shortening the time allowed for a business or manufacturer to remove empty containers, the

Council members expressed their desire to have all individuals and entities subject to the same requirements for the removal of empty containers.

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

49 ORD 10-07

**AN ORDINANCE AMENDING CHAPTER 51 OF THE CODE OF ASHEBORO**

**WHEREAS**, Chapter 51 of the Code of Asheboro prescribes general regulations pertaining to the operation of the city's sanitation department and the maintenance of environmental health in the City of Asheboro; and

**WHEREAS**, the City Council has determined that certain provisions found within Chapter 51 must be updated in order to effectively address safety concerns for pedestrians and motorists as well as community appearance concerns that arise when individuals and businesses leave containers for the collection and disposition of garbage and recyclables immediately adjacent to streets and sidewalks for an extended period of time beyond the actual collection day.

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

**Section 1.** Section 51.17 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 51.17 CONTAINERS TO BE PLACED AT STREET ONLY ON COLLECTION DAYS.**

~~Garbage containers, whether containing garbage or not, shall not be placed on a street or sidewalk adjacent to any street or sidewalk, except on a day on which the garbage and/or recyclables is to be collected on such street designated collection day.~~ No container issued to an individual or any other legal entity for the collection and disposition of solid waste or recyclable material, regardless of whether any contents are actually present in the container, shall not be placed out or left in a location adjacent to any street or sidewalk, except on a day on which the garbage and/or recyclables is to be collected on such street designated collection day. A schedule of days for collection of garbage, brush, recyclables, and appliances shall be maintained in the office of the Director of Public Works and shall here be open to public inspection. Such schedule may be altered or amended, from time to time, but when any such alteration is made, notice thereof will be given by publication.

**Section 2.** Section 51.18 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 51.18 REMOVAL OF EMPTY CONTAINERS.**

~~(A) Garbage Solid waste containers and containers for recyclable materials that have been placed adjacent to any street or sidewalk for collection shall be removed from their position adjacent to the street or sidewalk after a collection service, city-operated or otherwise, has collected the contents of such containers. The removal of such a container from its position adjacent to the street or sidewalk shall occur before the end of the calendar day on which the contents of the container were physically collected. streets or sidewalks after the contents have been taken by the city garbage truck, not later than some hour of the day of garbage removal, except that at places of business or manufacturing, empty containers shall not be left on the street for more than 30 minutes during the hours between 9:00 a.m. and 6:00 p.m.~~ (A) Garbage Solid waste containers and containers for recyclable materials that have been placed adjacent to any street or sidewalk for collection shall be removed from their position adjacent to the street or sidewalk after a collection service, city-operated or otherwise, has collected the contents of such containers. The removal of such a container from its position adjacent to the street or sidewalk shall occur before the end of the calendar day on which the contents of the container were physically collected.

~~(B) When a container is placed adjacent to a street or sidewalk in violation of § 51.17 and/or is not removed in accordance with the provisions of subsection (A) of this Section, the following enforcement actions shall be taken by city personnel designated by the City Manager:~~ (B) When a container is placed adjacent to a street or sidewalk in violation of § 51.17 and/or is not removed in accordance with the provisions of subsection (A) of this Section, the following enforcement actions shall be taken by city personnel designated by the City Manager:

~~(1) Upon discovery of a violation, city personnel shall make an on-site notification of the violation by means of placing a door hanger, or some equivalent form of notification, at the structure for which the improperly placed container is designated. This notification shall describe the nature of the violation and advise the recipient that this violation must be abated within five (5) business days of the date of the notice.~~ (1) Upon discovery of a violation, city personnel shall make an on-site notification of the violation by means of placing a door hanger, or some equivalent form of notification, at the structure for which the improperly placed container is designated. This notification shall describe the nature of the violation and advise the recipient that this violation must be abated within five (5) business days of the date of the notice.

~~(2) If the violation is not corrected within the time period prescribed by the initial notice of violation, a second notice of violation shall be transmitted to the offending party or parties. This second notice of violation shall state that the continuing violation must be abated within five (5) business days of the date of the notice in order to avoid an interruption in the solid waste removal and/or curbside recycling service. Two methods of delivery shall be used in order to provide the second notice of violation. A second door hanger,~~ (2) If the violation is not corrected within the time period prescribed by the initial notice of violation, a second notice of violation shall be transmitted to the offending party or parties. This second notice of violation shall state that the continuing violation must be abated within five (5) business days of the date of the notice in order to avoid an interruption in the solid waste removal and/or curbside recycling service. Two methods of delivery shall be used in order to provide the second notice of violation. A second door hanger,

or some equivalent form of notification, shall be posted on the premises where the violation is occurring and a written notice of violation shall be mailed to the owner of the premises as determined by an examination of the county tax records. The written notice to the property owner shall be transmitted via the United States Postal Service as registered or certified mail.

(3) Upon the expiration of the time period specified in the second notice of violation, any container located adjacent to the street or sidewalk in violation of this Section shall be removed from the premises by city employees. The city's sanitation department shall retain any container removed from service as a consequence of a violation of this Section until a service fee of sixty and no/100 dollars (\$60.00) is paid to the City of Asheboro for each container that has to be moved by the city. This fee is to serve as reimbursement for the costs incurred by the city to remove and store the improperly placed container(s). During the time that a container is held by the city pursuant to this Section, the city's sanitation department shall not provide service to the location from which any containers were removed unless a container appropriate for the materials to be collected is on-site and placed in the proper location.

(4) After city employees have removed a container designated for solid waste collection from a location pursuant to this Section, the container designated for recyclable materials shall not be utilized for the disposition of solid waste materials that are ineligible for collection as recyclables. Any such use of a container designated for the collection of recyclable materials is strictly prohibited and shall result in city employees removing an improperly used recyclables container without further notice. Once removed from a site, such a container will not be returned to the site and the corresponding curbside-recycling service will be suspended until a service fee of sixty and no/100 dollars (\$60.00) is paid to the City of Asheboro for each container that has to be moved by the city.

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

**Section 4.** This ordinance shall take effect and be in force from and after November 1, 2007.

Adopted by the Asheboro City Council in regular session on the 4<sup>th</sup> day of October, 2007.

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

ATTEST:

s/ Holly H. Doerr  
Holly H. Doerr, City Clerk

**18. Consideration of a resolution authorizing the city manager to transfer by means of private sale to Westside Volunteer Fire and Rescue Department, Inc. certain city-owned personal property.**

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

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

**50 RES 10-07**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SELL TO WESTSIDE VOLUNTEER FIRE AND RESCUE DEPARTMENT, INC. SURPLUS FIRE HOSES**

**WHEREAS**, Section 160A-274 of the North Carolina General Statutes authorizes the city to sell to a volunteer fire department, with or without consideration, city-owned personal property upon such terms and conditions as the city deems wise; and

**WHEREAS**, due to the age and present condition of the equipment, the city's Division of Water Resources has determined that the city should declare as surplus certain fire hoses that were used by the Division of Water Resources after the Asheboro Fire Department completed its use of the hoses; and

**WHEREAS**, a representative of the Westside Volunteer Fire and Rescue Department, Inc. has notified the city that the volunteer fire department would like to use the above-referenced equipment to assist in that department's fire suppression and rescue efforts; and

**WHEREAS**, the fire hoses requested from the city are more particularly described as three (3) sections of 5" diameter rubber hose with each section consisting of a length of approximately one hundred feet (100') each, seven (7) sections of 2½" diameter double jacketed hose with each section consisting of a length of approximately fifty feet (50') each, two (2) sections of 2½" diameter rubber hose with each section consisting of a length of approximately fifty feet (50') each, three (3) sections of 1½" diameter double jacketed hose with each section consisting of a length of approximately fifty feet (50') each, and one (1) 10-foot to 15-foot section of 1½" in diameter double jacketed hose; and

**WHEREAS**, the City Manager has recommended to the City Council that the above-described personal property be declared surplus property and transferred to the Westside Volunteer Fire and Rescue Department, Inc. in order to dispose of surplus personal property that is no longer of benefit to the City of Asheboro while simultaneously assisting a neighboring volunteer fire department.

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

**Section 1.** The above-described sections of fire hose are hereby declared to be surplus personal property.

**Section 2.** The City Manager is hereby authorized to transfer, by means of private sale, the city's ownership interest in the above-described personal property to the Westside Volunteer Fire and Rescue Department, Inc. so long as the transaction is consummated by means of the City Manager accepting an offer to purchase that is submitted by the Westside Volunteer Fire and Rescue Department, Inc. in a form substantially similar to the OFFER TO PURCHASE PERSONAL PROPERTY that is attached to this resolution as Exhibit 1 and hereby incorporated by reference into this resolution as if copied fully herein.

Adopted by the Asheboro City Council in regular session on the 4<sup>th</sup> day of October, 2007.

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

ATTEST:

s/ Holly H. Doerr  
Holly H. Doerr, City Clerk

**EXHIBIT 1**

**STATE OF NORTH CAROLINA**

**OFFER TO PURCHASE  
PERSONAL PROPERTY**

**COUNTY OF RANDOLPH**

In accordance with Section 160A-274 of the North Carolina General Statutes, the Westside Volunteer Fire and Rescue Department, Inc., as Offeror, hereby offers to purchase from the City of Asheboro three (3) sections of 5" diameter rubber hose with each section consisting of a length of approximately one hundred feet (100') each, seven (7) sections of 2½" diameter double jacketed hose with each section consisting of a length of approximately fifty feet (50') each, two (2) sections of 2½" diameter rubber hose with each section consisting of a length of approximately fifty feet (50') each, three (3) sections of 1½" diameter double jacketed hose with each section consisting of a length of approximately fifty feet (50') each, and one (1) 10-foot to 15-foot section of 1½" in diameter double jacketed hose.

In consideration of this transfer by the City of Asheboro of its ownership interest in the above-described sections of fire hose, the Westside Volunteer Fire and Rescue Department, Inc. pledges to utilize, to the maximum degree possible, this equipment in furtherance of the department's fire suppression and rescue operations. This promise to utilize the surplus sections of fire hose in furtherance of fire suppression and rescue operations shall serve as the sole consideration for the transfer of this equipment to the Westside Volunteer Fire and Rescue Department, Inc.

This offer to purchase shall remain open for acceptance by the City of Asheboro until the end of the business day on October 31, 2007.

**DATE OF OFFER:**

\_\_\_\_\_

**WESTSIDE VOLUNTEER FIRE AND RESCUE  
DEPARTMENT, INC.**

By: \_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Print Name and Title

**DATE OF ACCEPTANCE:**

\_\_\_\_\_  
**CITY OF ASHEBORO**

By: \_\_\_\_\_  
John N. Ogburn, III,  
City Manager

**19. Upcoming Events.**

- NCLM Annual Conference October 14,15,16 in Fayetteville.
- Wednesday, October 17, 2007 – Employee Health Fair at Public Works Facility

**20. Discussion of items not on the agenda.**

On behalf of the Redevelopment Commission, Ms. Carter moved that the Council reappoint Ms. Cynthia Bailey to the Commission. Mr. Smith seconded the motion and the Council voted unanimously to reappoint Ms. Cynthia Bailey to the Redevelopment Commission.

There being no further business, the meeting was adjourned at 8:39 p.m.

\_\_\_\_\_  
Holly H. Doerr, City Clerk

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