

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, AUGUST 9, 2007
7:00 p.m.**

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
Edsel L. Brown, Code Compliance Inspector
Dumont Bunker, P.E., City Engineer
Holly H. Doerr, City Clerk/Senior Legal Assistant
John L. Evans, Planner
Wendell Holland, Zoning Administrator
Foster Hughes, Recreation Director
Deborah P. Juberg, Finance Director
Gary L. Mason, Chief of Police
R. Reynolds Neely, Jr., Planning Director
O. Lynn Priest, Community Development Director
Jeffrey C. Sugg, City Attorney

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. Father Larry Emerson gave the invocation.

3. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

4. Recognition of service rendered by Master Police Sergeant Johnny Owens and Police Officer II Travis Curry.

Chief Mason read a memorandum honoring Police Officer II Travis Curry for his courageous acts during his response to an emergency call on May 20, 2007 when Officer Curry entered an apartment building and warned the residents of the need to evacuate the building because it was on fire. Chief Mason presented Officer Curry with a valor pin to be worn on his uniform.

On behalf of the Asheboro Police Department and in honor of his retirement after twenty (20) years service, Chief Mason presented Master Sergeant Johnny Owens with a plaque containing the shield that he wore. Additionally, on behalf of the City of Asheboro, Mr. Ogburn presented Master Sergeant Owens with a plaque for his service and dedication to the citizens of Asheboro.

Upon motion by Mr. Crisco and seconded by Ms. Carter, Council voted unanimously to adopt a resolution awarding to Master Sergeant Johnny Owens his service side arm.

**RESOLUTION AWARDING A SERVICE SIDE ARM TO A RETIRING OFFICER OF THE ASHEBORO
POLICE DEPARTMENT**

WHEREAS, Section 20-187.2 of the North Carolina General Statutes authorizes the City Council of the City of Asheboro to award to a retiring sworn law enforcement officer of the Asheboro Police Department his service side arm at a price to be determined by the governing board; and

WHEREAS, Master Police Sergeant Johnny H. Owens has retired from the Asheboro Police Department after rendering honorable and invaluable service to the City of Asheboro and its citizens from January 12, 1987 to July 31, 2007; and

WHEREAS, the City Council wishes to honor and thank Mr. Owens for his service to the city as a law enforcement officer by awarding to him the service side arm that he carried at the time of his retirement in July 2007.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, upon securing a permit as required by Section 14-402 of the North Carolina General Statutes, Johnny H. Owens is to be awarded, at no cost to him, the service side arm that he carried at the time of his retirement.

Adopted by the Asheboro City Council in regular session on the 9th day of August, 2007.

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

ATTEST:

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

Chief Mason presented Mr. Owens with the weapon that he carried while on duty. Mr. Owens thanked Mr. Ogburn, Mayor Jarrell and the members of the Council for allowing him to serve the City of Asheboro.

5. Consent Agenda.

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

- The minutes of the regular meeting of the City Council on July 5, 2007.
- Findings of fact, conclusions of law, and order in the matter of CUP-07-22.

**Case No. CUP-07-22
City Council
City of Asheboro**

**IN THE MATTER OF THE APPLICATION OF NEAL G. BRANSON FOR A CONDITIONAL USE
PERMIT AUTHORIZING BUSINESS SERVICES, PERSONAL SERVICES, AND PROFESSIONAL
SERVICES AT 564 COX AVENUE**

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

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council that was held on July 5, 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. Neal G. Branson (hereinafter referred to as the "Applicant") properly submitted an application for a Conditional Use Permit that would allow on her lot at 564 Cox Avenue land uses classified by the Asheboro Zoning Ordinance as Business Services, Personal Services, and Professional Services.

2. Randolph County Parcel Identification Number 7760064470 more specifically identifies this lot (hereinafter referred to as the "Zoning Lot").

3. The Zoning Lot encompasses approximately 14,577 square feet of land.
4. The Zoning Lot is located in a Conditional Use B-2 zoning district.
5. As of the date of the hearing of this matter, the existing land use on the Zoning Lot is a vacant structure.
6. The land uses immediately surrounding the Zoning Lot are commercial to the north and west, while residential land uses are located to the south and east of the Zoning Lot.
7. The Zoning Lot is located in an area designated on the Growth Strategy Map as a "Primary Growth" area, and this same area is identified as "Urban Residential" on the Proposed Land Development Plan Map.
8. Cox Avenue and Cliff Road, which adjoin the Zoning Lot, are local streets.
9. The lot's zoning history indicates the existence of limited business use. The Council previously approved a site plan for a small daycare for a maximum of 29 children on August 9, 2001.
10. All city services are available to the Zoning Lot.
11. Under the Asheboro Zoning Ordinance, the land uses of Business Services, Personal Services, and Professional Services are permitted by right in the underlying B2 zoning district.
12. The Asheboro Zoning Ordinance defines Business Services as follows:

An establishment offering primarily services to the business community and to individuals. Such services include but are not limited to advertising agencies, blueprinting and photocopying services, cleaning and maintenance of building services, computer and data processing services, detective agencies and security services, insurance agency, management consulting and public relations services, news syndicates, personnel services, art and graphics services, and real estate services.
13. The Asheboro Zoning Ordinance defines Personal Services as follows:

Services generally involving the care of a person or person's apparel, including but not limited to barber shops, beauty salons, seamstress shops, shoe repair and shining shops, dry cleaning and laundry pickup facilities, coin-operated laundry and dry cleaning facilities.
14. The Asheboro Zoning Ordinance defines Professional Services as follows:

Services generally involves (sic) practitioners of a calling or vocation in which a knowledge of some department of science or learning is used in its application to the affairs of others. Such activities would include but not be limited to accounting, auditing and bookkeeping services, architectural services, engineering and surveying services, interior design services and legal services. Physicians and dentists are classified as Health Practitioners.
15. The city's planning department staff did express some concern about the potential presence of dry cleaning and laundry pickup facilities as well as coin-operated laundry and dry cleaning services on the Zoning Lot due to the amenability of these uses to 24-hour operations.
16. The city's planning department staff has reviewed the site plan submitted by the Applicant, and this site plan has been found by city staff to meet the specifications prescribed by the Asheboro Zoning Ordinance for Business Services, Personal Services, and Professional Services to be located on the Zoning Lot.
17. No abnormally hazardous activities are proposed for the Zoning Lot.
18. During her testimony, the Applicant stated that she has been familiar with area in which the Zoning Lot is located for a period of time in excess of 60 years. Based on this knowledge of the area, her opinion is that the proposed land use(s) will not have a negative impact on the value of any adjoining parcels of land.
19. During the hearing of this matter, no testimony or any other form of evidence was introduced in opposition to the granting of the requested Conditional Use Permit.

CONCLUSIONS OF LAW

1. The Council has concluded that the proposed uses 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 hearing of this matter established that the proposed uses 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 uses would not substantially injure the value of the adjoining or abutting property.
4. The location and character of the Applicant's proposed uses, if developed according to the plan as submitted and approved, will be in harmony with the area in which they are to be located and in general conformity with the plan of development of Asheboro and its environs.

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

ORDER

Subject to the following condition, Neal G. Branson is hereby issued a Conditional Use Permit allowing land uses identified by the Asheboro Zoning Ordinance as Business Services, Personal Services, and Professional Services to exist on the Zoning Lot. This Conditional Use Permit shall be valid so long as, and only so long as, the Applicant, and her heirs, successors and assigns, conducts the approved land uses in compliance with the approved site plan, the provisions of the Asheboro Zoning Ordinance, and the following condition:

Notwithstanding the listing by the Asheboro Zoning Ordinance of dry cleaning and laundry pickup facilities as well as coin-operated laundry and dry cleaning facilities as Personal Services land uses, dry cleaning and laundry pickup facilities as well as coin-operated laundry and dry cleaning facilities are prohibited from operating on the Zoning Lot.

Adopted by the Asheboro City Council in regular session on the 9th day of August, 2007.

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

ATTEST:

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

- The closing of the following streets or portions of streets for Fall Festival XXXV: Fayetteville Street from Salisbury Street to Kivett, North Street at Salisbury Street, Sunset Avenue at Church Street, Worth Street, Scarboro Street, East Academy Street and Cranford Streets at Cox Street, West Academy Street at the entrance to the city parking lot, and Bicentennial Park. (A site plan of the streets and sites to be used for the Fall Festival is on file in the City Clerk's Office.)
- Resolution approving an amended job description for the Assistant Fleet Maintenance Superintendent to include the requirement of a Class "A" CDL.

38 RES 8-07

RESOLUTION APPROVING AN AMENDED JOB DESCRIPTION FOR THE ASSISTANT FLEET MAINTENANCE SUPERINTENDENT

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

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

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

When a new position is established or the duties of an existing position change, the department head shall submit in writing a comprehensive job description

describing in detail the duties of such a position. The city manager shall investigate the actual or suggested duties and recommend the appropriate class allocation or the establishment of a new class to the City Council for approval; and

WHEREAS, under the adopted position classification plan, the position of Assistant Fleet Maintenance Superintendent has been established at the pay grade of 19; and

WHEREAS, in order to enhance the operations of the fleet maintenance department, the Fleet Maintenance Superintendent has recommended amending the job description for the Assistant Fleet Maintenance Superintendent to reflect a modification of the special requirements detailed in the said job description; and

WHEREAS, the amended job description (hereinafter referred to as the "Job Description") prepared by the Fleet Maintenance Superintendent is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, on the basis of their determination that the operations of the city's fleet maintenance department would be enhanced by approving the recommendation of the Fleet Maintenance Superintendent, the Director of Human Resources and the City Manager have recommended approval of the Job Description; and

WHEREAS, the City Manager has determined that the modification of the special requirements associated with the position of Assistant Fleet Maintenance Superintendent does not materially impact the current status of the position under the city's position classification plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the Job Description attached hereto as EXHIBIT 1 is hereby approved; and

BE IT FURTHER RESOLVED that the recommendation of the City Manager to maintain the current classification of the position of Assistant Fleet Maintenance Superintendent under the city's position classification plan is hereby adopted and approved without modification.

Adopted by the Asheboro City Council in regular session on the 9th day of August, 2007.

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

ATTEST:

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

(A copy of EXHIBIT 1 is on file in the City Clerk's office.)

- Request by Michael Bryant of Recovery Christian Center to close the portion of Brewer Street between Watkins Street and Cross Street from 9:00 a.m. to 7:00 p.m. on August 18, 2007 for a Drug Awareness and Crime Prevention Outreach program.
- Resolution exempting the City of Asheboro from the advertisement/qualification based selection procedure to contract with Withers & Ravenel, Inc. of Cary, North Carolina for engineering services for a geographic information system (GIS) for a portion of the water system at a lump sum of \$57, 500.

39 RES 8-07

RESOLUTION EXEMPTING A PROJECT FROM THE PROVISIONS OF 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 architectural, engineering, surveying, and construction management at risk 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 information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm; and

Pursuant to instructions given to him by the City Council from time to time and entered in the council minute book, the City Manager shall [c]ause all streets and parts of streets where parking shall be prohibited at all times to be posted accordingly, or cause the curbs thereof to be painted yellow. He shall then notify the City Clerk, who shall enter the description of such streets or parts of streets in Schedule 1 of § 72.02; and

WHEREAS, West Taft Avenue is located within the corporate limits of the City of Asheboro; and

WHEREAS, safety concerns have been raised as to the parking of vehicles on both sides of West Taft Avenue in the vicinity of the United States Post Office.

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

Section 1. In accordance with Section 71.01(A)(1) of the Code of Asheboro, on-street parking is hereby prohibited at all times along the north side and the south side of the portion of West Taft Avenue that is located between South Church Street and South Park Street.

Section 2. The City Manager is hereby authorized and directed to cause the north side and the south side of the portion of West Taft Avenue described in the immediately preceding paragraph to be posted and/or painted in accordance with the provisions of Section 71.01(A)(1) of the Code of Asheboro and in accordance with the provisions of Section 1 of this ordinance.

Section 3. The City Manager and the City Clerk are hereby directed to revise Schedule 1 of Section 72.02 of the Code of Asheboro to reflect the on-street parking prohibition imposed by this ordinance.

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

Section 5. This ordinance shall take effect and be in force from and after the date of its adoption.

Adopted by the Asheboro City Council in regular session on the 9th day of August, 2007.

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

ATTEST:

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

OLD BUSINESS

6. (a) SUP-07-04: Request for a Special Use Permit for a Planned Unit Development with a Floor Area Ratio not to exceed 22 percent. This zoning request pertains to two (2) parcels of land located along Meadowbrook Road and Eastview Drive. The property of Dorlos Steed consists of approximately 5.11 acres of land and is further described by Randolph County Parcel Identification Number 7761171522. The property of First Assembly of God consists of approximately 0.63 of an acre of land and is further described by Randolph County Parcel Identification Number 7761173733.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented a written request from the Applicant to withdraw the above-referenced item, and no further action was taken on this matter.

- (b) SUB-07-05: Townhomes on Meadowbrook. Sketch Design Approval.

Mr. Neely presented a written request from the Applicant to withdraw the above-referenced item, and no further action was taken on this matter.

- (c) SUP-07-05: Request for a Special Use Permit for a Public Use Facility. The property of the City of Asheboro is located at 3005 Zoo Parkway and consists of approximately 64.94 acres of land. Randolph County Parcel Identification Number 7669589611 more specifically describes the property.

At the request of city staff and upon motion by Ms. Carter and seconded by Mr. Crisco, Council voted unanimously to move the above-referenced item to immediately follow agenda item 7(d).

NEW BUSINESS

7. Land Use Issues

- (a) RZ-07-21: Request to rezone from RA-6 High Density Residential to O&I Office and Institutional. This zoning request pertains to two (2) parcels of land. The property of Ash-Rand Rescue and EMS, Inc. is located at 805 South Cox Street and is further described by Randolph County Parcel Identification Number 7750891697. The property of Mark T. and Jan Braswell is located at 733 South Cox Street and consists of approximately 14,995 square feet of land. Randolph County Parcel Identification Number 7750892736 more specifically describes this second parcel of land.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Ash-Rand Rescue and EMS, Inc. to rezone the above-described property from RA-6 to O&I Office and Institutional. The Planning Department Staff and the Planning Board recommended approval in that the request is supported by the Land Development Plan, and "the request is reasonable and in protection of public health, safety, and welfare. The Land Development Plan indicates this area is within an activity center which encourages a mix of land uses."

On behalf of the applicant, Mr. Greg Bryant, Realtor with ReMax Central Realty and Treasurer for Ash-Rand Rescue and EMS, presented comments in support of the requested rezoning.

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

Upon motion by Mr. Baker and seconded by Ms. Hunter, Council voted unanimously to adopt the recommendation of the Planning Board and placed the above-described property in an O&I Office and Institutional zoning district.

- (b) RZ-07-23: Request to rezone from R7.5 Medium Density Residential to O&I Office and Institutional. The property of Mark and Rhonda Trollinger is located at 511 Greensboro Street and consists of approximately 16,982 square feet of land. Randolph County Parcel Identification Numbers 7751954364 and 7751954441 more specifically describe the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Mark and Rhonda Trollinger to rezone the above-described property from R7.5 Residential to O&I Office and Institution. The Planning Department and the Planning Board recommended denial of the request in that the Land Development Plan does not support this rezoning. However, in their staff report, the Planning Department staff did note that office uses can be appropriate transitional land uses between commercial and residential uses.

Mr. Mark Trollinger, the applicant, presented comments in support of the requested rezoning. Based on an outline submitted to the Council, Mr. Trollinger highlighted and summarized certain goals and policies as outlined in the City of Asheboro 2020 Land Development Plan that, in his opinion, support this rezoning request. A copy of this outline is on file in the City Clerk's office.

Ms. Cara Barnette, owner of property located at 523 Greensboro Street, presented comments in support of the rezoning. Ms. Barnette felt that commercial development would enhance the neighborhood.

In opposition to the rezoning request, Ms. Vanessa Logan Thompson expressed her personal concerns along with the concerns of the neighboring property owners along Greensboro Street. Ms. Thompson and the neighboring property owners have enjoyed living in a neighborhood aided by the convenience of walking to and from the hospital, the drug store, and the downtown area. Additionally, Ms. Thompson felt that neighborly relationships and the sense of community within the neighborhood would diminish with the intrusion of commercial development into this residential neighborhood.

Ms. Carla Cassidy presented comments and concerns in opposition to the rezoning.

In response to the above comments, Mr. Trollinger expressed that he was very sympathetic and understanding of the neighbors' concerns, but at the same time, he felt that the existing structure that is located on the property in question is not suitable for a residential use. Thus, commercial development would be the best use of the property. Furthermore, commercial development is present and growing in the area of Greensboro Street and Presnell Street.

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, by a vote of 6 to 1, placed the above-described property in an O & I Office and Institutional zoning district. This decision was based on the Council's agreement with the interpretations of the Land Development Plan presented by the Applicant. To the degree that the Land Development Plan can be read to not support the request, the Council disagrees with the plan. Mr. Baker voted no.

- (c) RZ-07-25: Rezone from R-10 Medium Density Residential to B-2 General Business. The property of Larry and Christy McKenzie is located on the north side of Veteran's Loop Road, approximately 1400 feet south of the intersection of U.S. Highway 220 and McDowell Road, and consists of approximately 18.83 acres of land. Randolph County Parcel Identification Number 7659273991 more specifically identifies the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Larry McKenzie to rezone the above-described property from R-10 Medium Density Residential to B-2 General Business. The Planning Department Staff and the Planning Board recommended approval based on the following:

"The current land development plan identifies this parcel as industrial. The adjoining property to the south is residential and the B-2 designation is less intensive than an industrial classification. The land development plan encourages commercial uses to be designated along major thoroughfares and key intersections. Therefore, while the map identifies the parcel as industrial, the text and spirit of the land development plan is generally supportive of the request. Staff advises that the rezoning is generally in the public's interest and encourages a reasonable use of the property."

Mr. McKenzie was available to answer questions regarding this rezoning request.

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

Upon motion by Mr. Moffitt and seconded by Ms. Hunter, Council voted unanimously to adopt the recommendation of the Planning Board and placed the above-described property in a B-2 General Business zoning district.

- (d) RZ-07-26: Technical Amendments to the Zoning Ordinance. Amend Table 200-2 and Article 600 of the Asheboro Zoning Ordinance to address the review of public use facilities through a special use permit process or staff review. Delete Article 200, Note 46 from Article 200 and move to Article 600. Amend Table 200-2 and Article 1100 by combining the definition of a "public use facility" and "public facility" into one definition: "public use facility."

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the Planning Department Staff's proposed amendments to Table 200-2, Article 600, and Article 1100 of the Asheboro Zoning Ordinance. The general intent of the proposed amendments is to create a process whereby the overall importance of public use facilities is recognized by creating a stream lined review process. This process allows for expedited staff review of proposed public use facilities that meet all established zoning requirements and quasi-judicial review by the Council of all other public use facilities.

The Planning Department Staff and the Planning Board recommended approval of the requested amendment to the Asheboro Zoning Ordinance based in part, on the statement that:

"Public Use Facilities and Public Facilities serve as a public purpose, which staff feels creates a unique situation in balancing compatibility with surrounding uses with the efficient delivery of public services."

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

Upon motion by Ms. Carter and seconded by Mr. Baker, Council voted unanimously to adopt the recommendation of the Planning Board and approved, as presented, the amendments to Table 200-2, Article 600, and Article 1100 of the Asheboro Zoning Ordinance. A copy of the approved text of the amendments is on file in the City Clerk's office.

(e) Item 6(c) was moved by Council action to immediately follow agenda item 7(d).

SUP-07-05: Request for a Special Use Permit for a Public Use Facility. The property of the City of Asheboro is located at 3005 Zoo Parkway 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 the following request.

Mr. Neely affirmed his testimony and 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, specifically Zoo City Park to be located at 3005 Zoo Parkway. A copy of the staff analysis report is on file in the City Clerk's office. Staff review of the site plan for the proposed Public Use Facility indicates that not all of the requirements of the Asheboro Zoning Ordinance have been met. Therefore, the Council must review the proposed use. The 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.

During his presentation, Mr. Hughes highlighted that the proposed Zoo City Park would be located approximately three (3) miles from Downtown Asheboro and approximately three (3) miles from the North Carolina Zoo. With almost sixty-five (65) acres of land, this park, if constructed, would be the largest park in Asheboro and would offer a variety of activities for the citizens. The park would consist of certain amenities, including but not limited to, soccer fields, a practice field, a play ground area, bocce courts, horseshoe pits, shuffle board, picnic areas, basketball and volleyball courts, and 1.8 miles of walking trails.

In order to address certain issues with the possibility of an increase in traffic volume along Zoo Parkway, Mr. Hughes testified that they city is currently working the North Carolina Department of Transportation in order to provide ways to direct the heavy zoo traffic onto U.S. Highway 220 Bypass and U.S. Highway 220 Business.

The Parks and Recreation Master Plan indicates the need for a park to be located in the South Asheboro area, preferably adjacent to Zoo Parkway. Additionally, there is a need for a multipurpose soccer field and play areas. By constructing this park, the city would be making an effort to follow the Recreation Master Plan.

The park would not substantially injure the value of adjoining or abutting property. According to research from the National Recreation and Parks Association, the real estate market demonstrates that people are willing to pay more for homes/property that are located near a park and open space areas, than for homes that do not offer such an amenity.

Finally, Mr. Hughes testified that the park would be in harmony with the surrounding area in that all utilities will be underground. There would be no aboveground wiring.

Ms. Paula Spencer, a neighboring property owner, affirmed her testimony and presented comments and concerns in opposition to the request. Ms. Spencer was concerned with the possibility of a significant increase in traffic along Zoo Parkway if the park were built in the vicinity. Zoo Parkway is already heavily traveled and congested.

At the request of city staff, and upon motion by Mr. Crisco and seconded by Mr. Smith, Council voted unanimously to continue this public hearing until the October 4, 2007 regular council meeting.

8. Consideration of a resolution authorizing the Mayor to enter into a municipal agreement between the City of Asheboro and the North Carolina Department of Transportation to relocate water and sewer lines along West Central Avenue (SR 1504) at Hasketts Creek for the NCDOT Bridge Replacement Project (B-4243), wherein the estimated cost to the City is \$142,070.

Mr. Bunker highlighted that the estimated cost had been reduced by the North Carolina Department of Transportation to \$129,622.

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

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

40 RES 8-07

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHEBORO AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the North Carolina Department of Transportation (hereinafter referred to as the "NCDOT") has prepared and adopted plans to make certain street and highway improvements within the City of Asheboro under Project B-4243, Randolph County, said plans consisting of the replacement of Bridge # 71 over Hasket Creek on North Carolina Secondary Road 1504 in Asheboro; and

WHEREAS, NCDOT and the City of Asheboro (hereinafter referred to as the "City") propose to enter into an Agreement pertaining to the above-referenced project; and

WHEREAS, at the request of the City, NCDOT shall place provisions in the construction contract for the adjustment and relocation of municipally-owned water and sewer lines, subject to reimbursement by the City after completion of construction; and

WHEREAS, the City shall reimburse NCDOT the entire cost of the said utility work, which is estimated to be one hundred twenty-nine thousand six hundred twenty-two and no/100 dollars (\$129,622.00), in accordance with the terms of the proposed Agreement; and

WHEREAS, NCDOT agrees to acquire the right-of-way and construct the project in accordance with the approved project plans; and

WHEREAS, the Agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that Project B-4243, Randolph County, is hereby formally approved; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to sign and execute with NCDOT an agreement containing terms and conditions that are materially similar to the representations found within the above-listed recitals.

Adopted by the Asheboro City Council in regular session on August 9, 2007.

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

ATTEST:

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

9. Public Comment Period.

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

10. Update on Dave's Mountain area and Cedar Creek annexation.

Mr. Bunker presented a map depicting the potential annexation of the Dave's Mountain area and the Cedar Creek Subdivision. This annexation would occur in two (2) phases. Additionally, Mr. Bunker highlighted and summarized certain requirements of a statutory annexation as prescribed by the North Carolina General Statutes.

Mr. John Grey, P.E., with the Wooten Company presented a preliminary engineering report for the proposed annexation areas. Specifically, Mr. Grey summarized a preliminary map, drafted by the Wooten Company, of a possible sewer layout to serve the area proposed for annexation. The cost for this project is approximately \$8.4.

No formal action was taken on this item by the Council.

11. Report of North Fayetteville Street Widening Meeting on August 7, 2007.

On August 7, 2007, Mr. Neely, Mr. Ogburn, and Mr. Bunker met with the officials of the North Carolina Department of Transportation to discuss the comments and questions that were presented by the citizens of Asheboro during a public hearing on June 19, 2007, held at North Asheboro Middle School. The purpose of that public hearing was to give the citizens an opportunity to pose questions and concerns in regards to the proposed widening of U.S. Highway 220 Business (North Fayetteville Street).

Mr. Neely reported that during the meeting on August 7, 2007, the NCDOT felt that the initially proposed four-lane, divided roadway was the safest design for the highway. After hearing the citizens' comments during the public hearing, NCDOT proposed a plan that includes additional median openings/crossovers in order to provide access to the businesses located along North Fayetteville Street.

Mr. Neely read an official press release from NCDOT addressing the proposal. A copy of this press release is on file in the City Clerk's office.

12. Consideration of a resolution authorizing the submission of an application for Community Development Block Grant funding for the Malt-O-Meal Company economic development project.

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

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

41 RES 8-07

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE MALT-O-MEAL COMPANY ECONOMIC DEVELOPMENT PROJECT

WHEREAS, the Asheboro City Council has previously indicated its desire to assist in economic development efforts within the City, specifically including assisting the Malt-O-Meal Company with obtaining adequate industrial rail service for its Asheboro Mill; and

WHEREAS, the Asheboro City Council held two (2) public hearings, one public hearing was held on October 5, 2006, and the other public hearing was held on January 4, 2007, concerning the proposed application by the city for Community Development Block Grant funding for an economic development project that will benefit Malt-O-Meal Company; and

WHEREAS, the Asheboro City Council has concluded that the city should pursue a formal application for Community Development Block Grant funding to assist with the Malt-O-Meal Company's need for industrial rail service at its Asheboro Mill; and

WHEREAS, in furtherance of its efforts to obtain Community Development Block Grant funding for this economic development project, the City is committed to investing as the applicant Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00) for the local cash match; and

WHEREAS, the Asheboro City Council certifies that it will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City of Asheboro is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development to benefit Malt-O-Meal Company.

Adopted by the Asheboro City Council in regular session on the 9th day of August, 2007.

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

ATTEST:

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

13. Consideration of an ordinance amending Chapter 116 (Health Massage Therapy) of the Code of Asheboro.

At the request of city staff and upon motion by Mr. Smith and seconded by Mr. Baker, Council voted unanimously to continue the above-referenced item to the Council's regular September meeting.

14. Consideration of an ordinance amending Chapter 110 (General License Provisions) of the Code of Asheboro.

Mr. Sugg presented and recommended adoption, by reference, of an ordinance amending Chapter 110 of the Code of Asheboro.

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

39 ORD 8-07

AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF ASHEBORO

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

WHEREAS, the City of Asheboro has previously exercised the above-cited authority by means of adopting Chapter 110 of the Code of Asheboro; and

WHEREAS, the City Council of the City of Asheboro has concluded that Section 110.35 of the Code of Asheboro should be rewritten to clarify that the provisions of Chapter 110 of the Code of Asheboro are not designed to impose on precious metal businesses regulated by Article 25 of Chapter 66 of the North Carolina General Statutes any requirements that go above and beyond the requirements and fees imposed by the said statutory provisions.

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

Section 1. Section 110.35 of Chapter 110 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 110.35 SUPPLEMENTAL SCHEDULE OF PRIVILEGE LICENSE TAXES.

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

ABATTOIRS. Every person engages in the business of operating an abattoir (establishment where animals are butchered), per annum	\$50.00
ADVERTISING. Advertising not otherwise specifically taxed (outdoor advertising another classification), per annum	\$17.50
AUTOMOTIVE CAR WASH. Per annum	\$25.00
BALLOONS, NOVELTIES, SOUVENIRS, CURIOS AND FLAGS. Every person offering for sale balloons, novelties, souvenirs, curios, flags:	
Per person per day	\$5.00
Per person per week	\$20.00
BED AND BREAKFAST. Every person offering their residence for the purpose of paying guest and serving at least one meal a day for as many as ten people shall pay per annum.	\$10.00
CONCRETE-READY MIX. Every person engaged in the business of selling ready-mixed concrete, per annum	\$25.00
DELIVERY SERVICE. Every person engaged in the business of parcel delivery or engaged in the business of contracting to perform deliveries, per annum,	\$25.00
DIRECTORIES. Every person compiling and selling directories, per annum	\$25.00
DRAYS, MOVING CONCERNS AND TRANSFER COMPANIES. Every person engaged in the business of operating a moving or transfer company, per annum	\$10.00
DEMOLITION CONTRACTOR. Every person engaged in the business of wrecking and demolition, per annum	\$10.00

ELDERLY DAY CARE.

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

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

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

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

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

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

LUMBER BROKER. Per annum \$25.00

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Annual Gross Sales or Receipts of Over
\$ 360,000 \$ 150.00

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

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

Section 3. This ordinance shall become effective upon adoption.

Adopted by the Asheboro City Council in regular session on this the 9th day of August, 2007.

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

ATTEST:

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

15. Consideration of a resolution retiring police canine Bodie and awarding the animal to an officer to whom Bodie was previously assigned.

Chief Mason presented and recommended adoption, by reference, of a resolution retiring police canine Bodie and awarding the animal to Officer Bennie Davis of the Asheboro Police Department.

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

42 RES 8-07

RESOLUTION RETIRING A POLICE CANINE

WHEREAS, police canine Bodie has faithfully served the Asheboro Police Department since June 2000; and

WHEREAS, Bodie's current handler has reported that the canine, who is nine (9) years old, can no longer perform her duties with the requisite amount of sustained interest, desire, and energy; and

WHEREAS, in order to field a handler and canine team that can successfully meet the constant demands placed on them, Bodie must be replaced; and

WHEREAS, Officer Bennie Davis, who is one of Bodie's former handlers and is currently employed by the Asheboro Police Department, is willing to take ownership of the canine and care for her; and

WHEREAS, in light of Bodie's training and extended service as a police canine that renders her unsuitable for adoption as a pet, the City Council concurs with the professional staff's opinion as to the danger posed by Bodie to the public if she were to be transferred to an individual who has not been trained to handle a police canine; and

WHEREAS, Section 160A-266(d) of the North Carolina General Statutes provides, in pertinent part, that a "city may discard any personal property that . . . poses a potential threat to the public health or safety."

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

Section 1. Police canine Bodie is hereby retired from service, declared to be surplus property, and deemed to pose a potential threat to the public health and safety if not provided with proper care and management subsequent to the transfer of the city's ownership interest in Bodie.

Section 2. The city's ownership interest in Bodie is hereby transferred to Officer Bennie Davis, free and clear of any purchase price or transfer fee of any kind, on the condition that Officer Davis assume full responsibility for providing adequate shelter, care, and supervision of Bodie without any funding or other assistance from the city.

Section 3. As an additional condition to this transfer of ownership, if Officer Davis should become unable to provide proper shelter, care, and supervision for Bodie, the officer shall use his best efforts to secure another trained handler who can properly care for and manage a former police canine. If a qualified individual cannot be found to properly care for and manage Bodie, the canine shall be returned to the city so that, in the interest of the public health and safety, the dog can be humanely euthanized.

Adopted by the Asheboro City Council in regular session on the 9th day of August, 2007.

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

ATTEST:

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

16. Discussion of Items not on the agenda.

- The date of Friday, September 21, 2007 at 8:30 a.m. is to be considered by Council members as a possible date for a City Council work session/mini-retreat to be held at the City of Asheboro Public Works Facility.

There being no further business, the meeting was adjourned at 9:56 p.m.

Holly H. Doerr, City Clerk

David H. Jarrell, Mayor