

**REGULAR MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, DECEMBER 10, 2009
7:00 p.m.**

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

David H. Jarrell) – Mayor Presiding

Talmadge S. Baker)
Edward J. Burks)
Linda H. Carter)
Stuart B. Fountain) – Council Members Present
Walker B. Moffitt)
Archie B. Priest, Sr.,)
David H. Smith)

John N. Ogburn, III, City Manager
Edsel L. Brown, Code Enforcement Officer
Dumont Bunker, P.E., City Engineer
Holly H. Doerr, City Clerk/Senior Legal Assistant
John L. Evans, Planner
Cassandra M. Fletcher, Marketing Specialist
R. Wendell Holland, Jr., Zoning Administrator
Justin T. Luck, Community Planning and Development Department Intern
R. Reynolds Neely, Jr., Planning Director
Ralph W. Norton, Assistant Chief of Police
Deborah P. Reaves, Finance Director
Michael D. Rhoney, Water Resources Director
James W. Smith, II, Fire Chief
Jeffrey C. Sugg, City Attorney
Jody Williams, Police Captain
Rickey D. Wilson, Chief of Police

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 and invocation.

Mayor Jarrell asked everyone to stand and repeat the pledge of allegiance, after which Reverend Mike Holder, Pastor of First United Methodist Church gave the invocation.

3. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

4. Consent agenda:

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

- (a) The minutes of the regular meeting of the City Council that was held on November 5, 2009.**
- (b) A resolution requesting State Aid to the Asheboro Regional Airport in the Aviation Element of the Transportation Improvement Program.**

53 RES 12-09

RESOLUTION APPROVING REQUESTS FOR STATE AID TO THE ASHEBORO REGIONAL AIRPORT IN THE AVIATION ELEMENT OF THE TRANSPORTATION IMPROVEMENT PROGRAM BY THE CITY COUNCIL OF THE CITY OF ASHEBORO

WHEREAS, the North Carolina Department of Transportation Division of Aviation has requested that the City of Asheboro submit a list of projects for the Aviation Element of the FY 2011-2015 Transportation Improvement Program; and

WHEREAS, the City of Asheboro has prepared a list titled "NEW PROJECT Requests for Asheboro Regional Airport" incorporated herein by reference to modify previously submitted requests.

NOW, THEREFORE, BE IT RESOLVED that the Asheboro City Council has reviewed the referenced TIP submission, and that the City Council hereby formally approves the submission of these requests for State Aid to Airports and for the State Block Grant Program where applicable.

Adopted in regular session on this 10th day of December, 2009.

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

ATTEST:

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

[The "NEW PROJECT" Requests for Asheboro Regional Airport" attached to Resolution No. 53 RES 12-09 and incorporated therein by reference is on file in the City Clerk's office.]

- (c) **An ordinance to amend the Airport Runway Extension Phase III Fund to account for an additional allocation of Federal VISION 100 Funds in the amount of \$150,000.00.**

51 ORD 12-09

**ORDINANCE TO AMEND THE AIRPORT RUNWAY EXTENSION PHASE III FUND
FY 2009-2010**

WHEREAS, the City of Asheboro Regional Airport has been approved to receive additional federal funds under the Federal Aviation Century of Flight Authorization Act of 2003 (Vision 100) in conjunction with the State Aid to Airports Program. These funds have been awarded for additional improvements contained in the project, State Project NO 36237.23.8.1, with a scope noted as follows: Taxilane & Access Road, T-Hangar Site Prep, Waterline & Sewer Improvements;

WHEREAS, due to the award of these new funds and changes in existing appropriations, revenues and expenditures have changed from the amounts currently shown in the Airport Runway Extension Phase III project fund, and;

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

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: That the following revenue line items are increased:

<u>Account</u>	<u>Description</u>	<u>Increase</u>	<u>Amended Budget</u>
66-349-1300	Federal Grant (07-10) #36237.23.8.1	150,000	450,000
66-367-1016	GF Contribution (07-08)		16,667
66-367-1017	GF Contribution (08-09)		16,667
66-367-1018	GF Contribution (09-10)	16,667	16,667
	Total increase	166,667	500,001

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

<u>Account</u>	<u>Description</u>	<u>Increase</u>	<u>Amended Budget</u>
66-970-0400	Engineering Services		36,695
66-970-0500	Administration	970	970
66-970-4500	Construction & Project Improvement	165,697	462,336
	Total increase	166,667	500,001

Adopted this the 10th day of December 2009.

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

ATTEST:

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

Old Business:

5. **SUP-09-04: Request for a Special Use Permit for a Church and Private K-12 School in a Residential Zoning District.** The property of first Apostolic Church is located at 1424 North Carolina Highway 42 South and consists of approximately 8.387 acres of land. Randolph County Parcel Identification Number 7770144380 more specifically identifies the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely was sworn in and presented the staff's analysis of the applicant's request, including the submitted site plan. The Applicant, First Apostolic Church, requested a Special Use Permit for a K-12 school, church, and church parsonage in an R-40 Residential zoning district.

The church's pastor, Reverend James Ellis, affirmed his testimony and addressed the four standard tests.

There being no further comments, and no 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 Dr. Fountain, Council voted unanimously to approve the requested Special Use Permit. The issuance of the Special Use Permit was based on the four stand tests being met.

The written findings of fact, conclusions of law, and order granting the Special Use Permit will be entered by the Council during regular session on January 7, 2010. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

6. **Prior to the swearing in ceremonies, Mayor Jarrell congratulated the newly elected mayor and council members. He also extended special words of appreciation to Council Member Priest for his twenty-two (22) years of dedicated service on the Asheboro City Council.**

Additionally, Mayor Jarrell expressed that it has been an honor to serve as Mayor of the City of Asheboro and thanked the city manager and the city staff for their dedicated service to the City of Asheboro during his tenure.

New Business:

7. **Organizational meeting: [Agenda Item Number 6]**
- (a) **Administer oath of office for mayor and city council members.**
- (i) **Oath of Office for Mayor.**

Mr. David H. Smith took the oath of office as Mayor of the City of Asheboro.

OATH OF MAYOR

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, David H. Smith, do solemnly swear (or affirm) that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Mayor of the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

s/ David H. Smith
David H. Smith

Sworn to and subscribed before me this 10th day of December, 2009.

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

(ii) Oath Office for Council Members.

Mr. Clark R. Bell took the oath of office as a member of the City Council for the City of Asheboro.

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Clark R. Bell, do solemnly swear (or affirm) that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

s/ Clark R. Bell
Clark R. Bell

Sworn to and subscribed before me this 10th day of December, 2009.

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

Ms. Linda H. Carter took the oath of office as a member of the City Council for the City of Asheboro.

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Linda H. Carter, do solemnly swear (or affirm) that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

s/ Linda H. Carter
Linda H. Carter

Sworn to and subscribed before me this 10th day of December, 2009.

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

Mr. Michael W. Hunter took the oath of office as a member of the City Council for the City of Asheboro.

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Michael W. Hunter, do solemnly swear (or affirm) that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

s/ Michael W. Hunter
Michael W. Hunter

Sworn to and subscribed before me this 10th day of December, 2009.

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

Mr. Walker B. Moffitt took the oath of office as a member of the City Council for the City of Asheboro.

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Walker B. Moffitt, do solemnly swear (or affirm) that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

s/ Walker B. Moffitt
Walker B. Moffitt

Sworn to and subscribed before me this 10th day of December, 2009.

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

Mayor and Council Members in attendance, after the administration of the oaths of office, were as follows:

- David H. Smith) – Mayor Presiding
- Talmadge S. Baker)
- Clark R. Bell)
- Edward J. Burks)
- Linda H. Carter) – Council Members Present
- Stuart B. Fountain)
- Michael W. Hunter)
- Walker B. Moffitt)

(b) Election of Mayor Pro Tempore.

Upon motion by Mr. Moffitt and seconded by Mr. Bell, Council voted unanimously to select Mr. Talmadge S. Baker as Mayor Pro Tempore.

8. Resolutions honoring Mayor David Jarrell and Council Member Mack Priest. [Agenda Item Number 7]

(a) Resolution honoring Council Member Mack Priest.

Mayor Smith presented a resolution honoring Council Member Archie B. Priest. Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to adopt the following resolution. Council Members Baker, Bell, Burks, Carter, Fountain, Hunter, and Moffitt voted in favor of the motion.

54 RES 12-09

RESOLUTION HONORING ARCHIE "MACK" PRIEST

WHEREAS, Mr. Archie "Mack" Priest has served as a member of the City Council for twenty-two years, and as a member of the Asheboro Planning Board for seven years during which time he has given generously of his time and efforts, while conducting himself in an unselfish, dignified, faithful, and businesslike manner; and

WHEREAS, the City Council of Asheboro, North Carolina hereby desires to express commendation and appreciation for the untiring and valuable service rendered to the City by Mr. Priest as a member of the City Council and Planning Board,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City Council extends to Mr. Priest its best wishes for good health, success, and prosperity for many years to come, and as an expression of esteem for serving the City faithfully and well, the Mayor and City Council do hereby proclaim Thursday, December 10, 2009, as

MACK PRIEST DAY

in the City of Asheboro in acknowledgment of the fact that the City is deeply indebted for his service; and

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to spread a copy of this proclamation upon the city records and to transmit a copy thereof to Mr. Priest.

Adopted this the tenth day of December, 2009.

ATTEST:

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

s/ John N. Ogburn, III
John N. Ogburn, III
City Manager

s/ David H. Smith
David H. Smith, Mayor

s/ Talmadge Baker
Talmadge Baker

s/ Clark Bell
Clark Bell

s/ Eddie Burks
Eddie Burks

Linda Carter
Linda Carter

s/ Stuart Fountain
Stuart Fountain

s/ Michael Hunter
Michael Hunter

s/ Walker Moffitt
Walker Moffitt

Mr. Ogburn presented the framed resolution to Mr. Priest in honor of his service to the City of Asheboro. Additionally, on behalf of the City Council, Mayor Smith presented a key to the City of Asheboro to Mr. Priest, while Mr. Ogburn presented a pottery commemorative plate picturing Asheboro City Hall. On behalf of the city employees, Mr. Ogburn presented a watch with the city seal to Mr. Priest. Additionally, Mr. Ogburn announced that the city's public works division and its employees have named the city's motor grader "Big Mack" in honor of Mr. Priest.

Mr. Priest expressed his love for the City of Asheboro and thanked the citizens for allowing him to serve them for over twenty (20) years.

(b) Resolution honoring Mayor David H. Jarrell.

Mayor Smith presented a resolution honoring Mayor David H. Jarrell. Upon motion by Dr. Fountain and seconded by Mr. Burks, Council voted unanimously to adopt the following resolution.

55 RES 12-09

RESOLUTION HONORING DAVID H. JARRELL

WHEREAS, Mr. David H. Jarrell has served as a member of the City Council for four years and as Mayor for eight years, during which time he has given generously and unselfishly of his time and efforts in a dignified, faithful, and businesslike manner; and

WHEREAS, the City Council of the City of Asheboro, North Carolina desires to express commendation and appreciation for the untiring and valuable service rendered to the City by David H. Jarrell as a member of the City Council and as Mayor;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Asheboro extends to **DAVID H. JARRELL** the City Council's humble expression of its esteem for him in serving the City faithfully and well, and its best wishes for good health, success, and prosperity for many years to come; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and instructed to spread a copy of this resolution upon the city records and to transmit a copy thereof to Mr. Jarrell.

Adopted this the tenth day of December, 2009.

ATTEST:

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

s/ John N. Ogburn, III
John N. Ogburn, III
City Manager

s/ David H. Smith
David H. Smith, Mayor

s/ Talmadge Baker
Talmadge Baker

s/ Clark Bell
Clark Bell

s/ Eddie Burks
Eddie Burks

s/ Linda Carter
Linda Carter

s/ Stuart Fountain
Stuart Fountain

s/ Michael Hunter
Michael Hunter

s/ Walker Moffitt
Walker Moffitt

Mayor Smith presented to Mayor Jarrell the framed resolution in honor of his twelve (12) years of service to the City of Asheboro. On behalf of the City Council, Mr. Ogburn presented to Mayor Jarrell a pottery commemorative plate picturing Asheboro City Hall. Additionally, Mayor Smith presented to Mayor Jarrell a key to the City of Asheboro. On behalf of the city employees, Mr. Ogburn presented to Mayor Jarrell an engraved gavel in honor of his leadership.

Mayor Jarrell thanked the citizens for their support during his tenure as Mayor.

9. Land Use Issues: [Agenda Item Number 8]

(a) SUP-09-05: Request for a Special Use Permit for a public use facility. The property of the City of Asheboro is located at 1032 Bonkemeyer Drive and consists of approximately 90.3 acres of land. Randolph County Parcel Identification Numbers 7763645814, 7763758973, 7763742717, 7763639878, and 7763634796 more specifically identify the property.

Mayor Smith opened the public hearing on the following request.

Mr. Neely was sworn in and presented the staff's analysis of the Applicant's request including the submitted site plan. The Applicant, the City of Asheboro, requested a Special Use Permit for a public use facility. In essence the city is requesting the allowance of four accessory structures (storage buildings for chemicals and equipment), additional parking, and a generator on the site of the existing wastewater treatment plant.

Mr. Jon Megerian, Esq. was sworn in and addressed the four standard tests on behalf of the city.

There being no further comments, nor opposition from the public, Mayor Smith 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. Moffitt and seconded by Mr. Burks, Council voted unanimously to approve the requested Special Use Permit. The issuance of this Special Use Permit was based on the four standard tests being met.

(b) RZ-09-13: Request for technical amendments to the zoning ordinance. An application filed by Charles Willard of WRTB (We Read The Bible) to amend Article 100, Section 106 of the Asheboro Zoning Ordinance.

Mayor Smith opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Mr. Charles Willard of WRTB (We Read The Bible) to amend Article 100, Section 106 of the Asheboro Zoning Ordinance. The Applicant is requesting an amendment to the Zoning Ordinance in order to allow a church cemetery to be established on a lot that does not have direct access to a dedicated public street.

Section 106 of the Asheboro Zoning Ordinance is designed to require, with certain exceptions, every lot to abut a street. The applicant proposed an amendment that added the following exception to the general requirement prescribed by Section 106 (the additional text proposed by the applicant is underlined):

"No building, structure or use of land for other than agricultural purposes or church as defined in NCGS 65-48 (3) that is adjacent to an existing municipal owned cemetery, shall be established on a lot which does not abut and have direct access to a dedicated public street."

After reviewing the applicant's request, the city's planning department staff recommended the following amendment that is a modified version of the applicant's request:

"No building, structure or use of land, ~~for~~ other than for agricultural purposes or for a cemetery, shall be established on a lot ~~which that~~ does not abut and have direct access to a dedicated public street. For purposes of this section, the term 'cemetery' shall be construed in a broad manner that comports with Chapter 65 of the North Carolina General Statutes."

In support of its recommendation, the planning department staff provided the following analysis:

"Staff believes the request is reasonable in regulating cemeteries in a manner consistent with North Carolina General Statutes. Staff recommends including broader language than the applicant proposes to reflect the current state of the law. Staff believes the amendment is within the public interest in supporting a reasonable use of property."

The Planning Board concurred with the staff's reasoning.

Mr. Charles Willard stated that he did not oppose the staff's recommendation.

There being no further comments and no opposition from the public, Mayor Smith closed the public hearing.

The City Council members agreed with the staff's analysis and found the request to be consistent with the comprehensive plan. However, the council members saw no reason to limit the definition of "cemetery" to Chapter 65 of the North Carolina General Statutes. Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve the following text amendment for Section 106 of the Asheboro Zoning Ordinance:

"No building, structure or use of land, ~~for~~ other than for agricultural purposes or for a cemetery, shall be established on a lot ~~which that~~ does not abut and have direct access to a dedicated public street. For purposes of this section, the term

'cemetery' shall be construed in a broad manner that comports with Chapter 65 of the North Carolina General Statutes."

(c) **Combined Public Hearing on the Question of the Issuance of a Conditional Use Permit for a Gas Station and an Accessory Automatic Carwash Use (CUP-09-14) and on the Question of the Issuance of a Conditional Use Permit for a Bank (CUP-09-15).**

Mayor Smith opened the public hearing on the following requests.

- (i) **CUP-09-14:** The requested Conditional Use Permit encompasses the parcel of land identified as Tract #1 on the plat of survey recorded in Plat Book 123, Page 70, Randolph County Public Registry.

During the combined public hearing, Mr. Neely was placed under oath and presented the city planning department staff's analysis of the request by Sheetz, Inc. for approval of a gas station use, which includes the sale of retail convenience goods, and an accessory automatic carwash use. Additionally, the following individuals were placed under oath and offered comments in support of this application:

Mr. Alan Pugh, Esq.
Mr. Tony Foderaro, a representative from Sheetz, Inc.
Mr. Lee Roberts, a certified real estate appraiser
Mr. Jim Bell, P.E. of ARCADIS

Later in the hearing, Mr. Dumont Bunker, P.E. was placed under oath and answered questions in his official capacity as Asheboro City Engineer. These questions pertained to the previous closure by the city of Dublin Road Extension.

There being no further comments, nor evidence to present, Mayor Smith 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. Moffitt and seconded by Ms. Carter, Council voted unanimously to approve the requested Conditional Use Permit for a gas station and an automatic carwash. 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 January 7, 2010. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

- (ii) **CUP-09-15:** The requested Conditional Use Permit encompasses the parcel of land identified as Tract #2 on the plat of survey recorded in Plat Book 123, Page 70, Randolph County Public Registry.

During the combined public hearing, Mr. Neely was placed under oath and presented the city planning department staff's analysis of the request by Frank Edmondson for approval of a bank land use. Additionally, the following individuals were placed under oath and offered comments in support of this application:

Mr. Ben Morgan, Esq.
Mr. Jim Bell, P.E. of ARCADIS
Ms. Jillian West, a certified real estate appraiser

Later in the hearing, Mr. Dumont Bunker, P.E. was placed under oath and answered questions in his official capacity as Asheboro City Engineer. These questions pertained to the previous closure by the city of Dublin Road Extension.

There being no further comments, nor evidence to present, Mayor Smith 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. Moffitt and seconded by Mr. Baker, Council voted unanimously to approve the requested Conditional Use Permit for a bank. 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 January 7, 2010. This order will reflect certain conditions imposed upon these permits as a consequence of the testimony presented during the hearing of this matter.

(d) Reappointment of Frank Havens to the Planning Board and the Board of Adjustment for a five year term beginning January 1, 2010.

Mr. Neely announced that Mr. Frank Havens has agreed to serve as a member of the Planning Board and the Board of Adjustment for another five year term beginning January 1, 2010.

Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to reappoint Mr. Havens to the Planning Board and the Board of Adjustment for a five year term beginning January 1, 2010.

10. With the general consent of the City Council, Mayor Smith made the following committee appointments prior to opening the public comment period:

Finance Committee:

Mayor David H. Smith, Chairperson
Linda H. Carter
Clark R. Bell
Stuart B. Fountain

Public Works Committee:

Talmadge S. Baker, Chairperson
Edward J. Burks
Michael W. Hunter
Walker B. Moffitt

Linda H. Carter, Asheboro Appearance Commission Chairperson
Walker B. Moffitt, Council Liaison for the Community Watch Program

11. Public comment period. [Agenda Item Number 9]

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

12. Consideration of closing portions of the Lansdowne Road right-of-way where the street has not been built at Gold Hill Road and East Presnell Street as requested by Trollinger Investment Company. [Agenda Item Number 10]

Mayor Smith opened the public hearing on the proposed permanent closing of portions of the Lansdowne Road right-of-way where the street has not been built at Gold Hill Road and East Presnell Street.

Mr. Bunker reported that the resolution declaring the city council's intent to permanently close portions of the Lansdowne Road right-of-way was published in *The Courier Tribune* once a week for four successive weeks, property owners have been notified by mail in accordance with the North Carolina General Statutes, and that signs were posted along the impacted sections of Lansdowne Road.

Mr. Mark Trollinger presented comments in support of the requested permanent street closing.

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

Mr. Bunker presented and recommended adoption, by reference, of an ordinance/order to permanently close three (3) sections of Lansdowne Road that have never been built.

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

52 ORD 12-09

CITY OF ASHEBORO STREET CLOSURE ORDINANCE NO. _____

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

IN RE THE CLOSING OF THREE (3) SECTIONS OF LANSDOWNE ROAD THAT HAVE NEVER BEEN CONSTRUCTED)))))	<u>ORDER</u>
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WHEREAS, pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Asheboro adopted on the 5th day of November, 2009, during a

regular meeting, a resolution (51 RES 11-09) declaring the intent of the City Council to permanently close three (3) sections of Lansdowne Road that have never been constructed; and

WHEREAS, Resolution Number 51 RES 11-09 properly called for a public hearing to be held during the Asheboro City Council's regular meeting at 7:00 o'clock p.m. on the 10th day of December, 2009, in the Council Chamber of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro, on the question of whether or not such closing would be detrimental to the public interest or the property rights of any individual; and

WHEREAS, pursuant to Section 160A-299 of the North Carolina General Statutes, the said resolution of intent was published in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, Randolph County, North Carolina, once a week for four successive weeks prior to the public hearing called on the question of the permanent closure of the three (3) sections of right-of-way for Lansdowne Road described herein (this notice was published on November the 12th, 19th, and 26th as well as December the 3rd of 2009); and

WHEREAS, a copy of the said resolution of intent was sent by certified mail to all of the owners, as determined by reviewing the county tax records, of property adjoining the three (3) sections of right-of-way for Lansdowne Road described herein, said property owners are more particularly identified as follows:

1. Trollinger Investment Company
2. Ronald Leigh Sewell
3. James W. Crowder Heirs and Barbara Crowder
4. Dennis R. and Kimberly Crowder
5. Ruthie S. Hoskins Heirs c/o William J. Hoskins
6. Michael Coble and Others
7. Lindale Thomas, Sr. and Mary M. Thomas
8. Yolanda M. Robinson
9. Roger and Deborah L. Harris
10. Queenie Elizabeth Greene
11. Angela Marie and Vincent A. Coble
12. David L. and Gail W. Miller
13. Thomas L. and Vivian L. Timmons
14. Melvin B. and Betty S. Marley
15. Reginald and Mildred R. Womble
16. Christopher E. and Laura Holland and Others

WHEREAS, notice of the Asheboro City Council's intention to permanently close the three (3) dedicated sections of right-of-way for Lansdowne Road described herein, as well as the call for a public hearing on the question of the proposed street closure, was prominently posted in two places along each of the three (3) sections of right-of-way for Lansdowne Road for which permanent closure is proposed; and

WHEREAS, after holding the above-described public hearing, the Asheboro City Council has concluded that the permanent closure of the three (3) sections of right-of-way for Lansdowne Road that have never been constructed is not contrary to the public interest and that no individual owning property in the vicinity of the proposed street closures would be deprived of reasonable means of ingress and egress to his or her property by such closures.

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

Section 1. The three (3) sections of irrevocably dedicated right-of-way for Lansdowne Road, which are located at the western terminus and at the eastern terminus of the platted street and are more specifically described herein, are hereby permanently closed. The said sections of Lansdowne Road are located within either the corporate limits of the City of Asheboro or the city's extraterritorial planning jurisdiction. The street rights-of-way permanently closed by this ordinance are more particularly described by metes and bounds as follows:

WESTERN SECTION OF THE RIGHT-OF-WAY FOR LANSDOWNE ROAD FOR WHICH PERMANENT CLOSURE IS PROPOSED

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe set in the southern margin of the right-of-way for Lansdowne Road near the western terminus of the paved portion of Lansdowne Road, the said Beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 716,729.18 feet and East 1,765,958.65 feet (NAD 27); thence from the said Beginning point in a southwesterly direction along the southern margin of the right-of-way for Lansdowne Road following the arc of a curve with a radius of 293.95 feet and an arc length of 78.25 feet a chord bearing and distance of South 83 degrees 50 minutes 40 seconds West 78.02 feet to an existing

iron pipe; thence continuing along the margin of the right-of-way for Lansdowne Road in a northwesterly direction following the arc of a curve with a radius of 293.95 feet and an arc length of 117.84 feet a chord bearing and distance of North 77 degrees 02 minutes 30 seconds West 117.05 feet to an existing iron pipe; thence South 70 degrees 25 minutes 01 second West 91.76 feet to a new iron pipe located by means of the North Carolina Coordinate System at the coordinates of North 716,716.30 feet and East 1,765,680.56 feet (NAD 27); thence along the western terminus of the unconstructed portion of the right-of-way for Lansdowne Road North 28 degrees 27 minutes 01 second East 67.19 feet to a right-of-way monument; thence along the eastern margin of the right-of-way for Gold Hill Road (North Carolina Secondary Road 2183) the following courses and distances: North 41 degrees 08 minutes 20 seconds East 29.93 feet to a new iron pipe; thence North 41 degrees 08 minutes 20 seconds East 73.16 feet to a new iron pipe; thence along the northern margin of the right-of-way for Lansdowne Road the following courses and distances: South 20 degrees 50 minutes 17 seconds East 60.59 feet to a computed point; thence in a southeasterly direction along the arc of a curve with a radius of 233.95 feet and an arc length of 145.33 feet a chord bearing and distance of South 86 degrees 11 minutes 36 seconds East 143.00 feet to an existing iron pipe; thence across the right-of-way for Lansdowne Road the following courses and distances: South 13 degrees 38 minutes 59 seconds East 29.70 feet to a new iron pipe; thence South 13 degrees 38 minutes 59 seconds East 29.70 feet to the point and place of the BEGINNING, and being all of that certain 0.385 of an acre of land, more or less, encompassed by the preceding metes and bounds description, specifically including the right-of-way for the above-described section of Lansdowne Road. The right-of-way to be permanently closed is shown on the plat of survey referenced below.

This description is in accordance with a plat of survey entitled "PLAT PREPARED FOR CLOSING A PORTION OF LANSDOWNE ROAD (WEST END)" that was drawn under the supervision of Glenn L. Brown, a Professional Land Surveyor with registration number L-3663. This plat of survey, which is identified as Job No. G09058 and is dated September 14, 2009, is hereby incorporated into this resolution by reference as if copied fully herein.

EASTERN SECTION (ON THE NORTH SIDE OF EAST PRESNELL STREET) OF THE RIGHT-OF-WAY FOR LANSDOWNE ROAD FOR WHICH PERMANENT CLOSURE IS PROPOSED

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe set in the northern margin of the right-of-way for Lansdowne Road at the southeast corner of the Reginald M. and Mildred D. Womble property described in Deed Book 1056, Page 896, Randolph County Public Registry, the said Beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 716,387.90 feet and East 1,767,210.88 feet (NAD 27); thence from the said Beginning point in a southeasterly direction along the northern margin of the right-of-way for Lansdowne Road following the arc of a curve with a radius of 426.79 feet and an arc length of 91.25 feet a chord bearing and distance of South 68 degrees 59 minutes 45 seconds East 91.08 feet to a computed point; thence continuing along the margin of the right-of-way in a southeasterly direction following the arc of a curve with a radius of 426.79 feet and an arc length of 100.23 feet a chord bearing and distance of South 56 degrees 08 minutes 33 seconds East 100.00 feet to a computed point; thence continuing in a southeasterly direction along the margin of the right-of-way and following the arc of a curve with a radius of 426.79 feet and an arc length of 100.23 feet a chord bearing and distance of South 42 degrees 41 minutes 12 seconds East 100.00 feet to a computed point; thence continuing southeasterly along the margin of the right-of-way following the arc of a curve with a radius of 426.79 feet and an arc length of 90.40 feet a chord bearing and distance of South 29 degrees 53 minutes 26 second East 90.23 feet to a computed point in the northern margin of the right-of-way for East Presnell Street (North Carolina Secondary Road 2345); thence along the northern margin of the right-of-way for East Presnell Street the following courses and distances: South 60 degrees 23 minutes 50 seconds West 30.48 feet to a new iron pipe; thence South 60 degrees 23 minutes 50 seconds West 13.33 feet to a right-of-way monument; thence South 78 degrees 46 minutes 09 seconds West 17.46 feet to a computed point; thence in a northwesterly direction along the southern margin of the right-of-way for Lansdowne Road following the arc of a curve with a radius of 366.79 feet and an arc length of 66.94 feet a chord bearing and distance of North 28 degrees 59 minutes 35 seconds West 66.84 feet to a computed point; thence continuing in a northwesterly direction following the arc of a curve with a radius of 366.79 feet and an arc length of 100.31 feet a chord bearing and distance of North 42 degrees 03 minutes 20 seconds West 99.99 feet to a computed point; thence continuing along the margin of the right-of-way in a northwesterly direction following the arc of a curve with a radius of 366.79 feet and an arc length of 161.23 feet a chord bearing and distance North 62 degrees 28 minutes 57 seconds West 159.93 feet to a new iron pipe; thence

across the right-of-way for Lansdowne Road the following courses and distances: North 14 degrees 55 minutes 30 seconds East 30.29 feet to a new iron pipe; thence North 14 degrees 55 minutes 30 seconds East 30.29 feet to the point and place of the BEGINNING, and being all of that certain 21,671 square feet of land, more or less, encompassed by the preceding metes and bounds description, specifically including the right-of-way for the above-described section of Lansdowne Road. The right-of-way to be permanently closed is shown on the plat of survey referenced below.

This description is in accordance with a plat of survey entitled "PLAT PREPARED FOR CLOSING A PORTION OF LANSDOWNE ROAD (EAST END)" that was drawn under the supervision of Glenn L. Brown, a Professional Land Surveyor with registration number L-3663. This plat of survey, which is identified as Job No. G09060 and is dated September 23, 2009, is hereby incorporated into this resolution by reference as if copied fully herein.

EASTERN SECTION (ON THE SOUTH SIDE OF EAST PRESNELL STREET) OF THE RIGHT-OF-WAY FOR LANSDOWNE ROAD FOR WHICH PERMANENT CLOSURE IS PROPOSED

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the southern margin of the right-of-way for East Presnell Street (North Carolina Secondary Road 2345) at a computed point that is located the following courses and distances from a new iron pipe, which can itself be found on the southern margin of the said right-of-way by means of the North Carolina Coordinate System at the coordinates of North 716,036.54 feet and East 1,767,713.65 feet (NAD 27): South 66 degrees 11 minutes 33 seconds West 103.89 feet from the said new iron pipe to a right-of-way monument; thence South 85 degrees 43 minutes 00 seconds West 90.89 feet to the Beginning point; thence from the said Beginning point South 00 degrees 07 minutes 55 seconds West 24.29 feet along the eastern margin of the platted right-of-way for Lansdowne Road to a computed point; thence along the terminus of the platted right-of-way for Lansdowne Road the following courses and distances: North 88 degrees 12 minutes 59 seconds West 30.00 feet to a point; thence North 88 degrees 12 minutes 59 seconds West 30.00 feet to a computed point; thence North 00 degrees 21 minutes 30 seconds East 17.94 feet to a computed point in the southern margin of the right-of-way for East Presnell Street; thence along the southern margin of the right-of-way for East Presnell Street the following courses and distances: North 85 degrees 43 minutes 00 seconds East 30.04 feet to a computed point; thence North 85 degrees 43 minutes 00 seconds East 30.04 feet to the point and place of the BEGINNING, and being all of that certain 1,265 square feet of land, more or less, encompassed by the preceding metes and bounds description, specifically including the right-of-way for the above-described section of Lansdowne Road. The right-of-way to be permanently closed is shown on the plat of survey referenced below.

This description is in accordance with a plat of survey entitled "PLAT PREPARED FOR CLOSING A PORTION OF LANSDOWNE ROAD (EAST END)" that was drawn under the supervision of Glenn L. Brown, a Professional Land Surveyor with registration number L-3663. This plat of survey, which is identified as Job No. G09060 and is dated September 23, 2009, is hereby incorporated into this resolution by reference as if copied fully herein.

Section 2. Pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, the City of Asheboro hereby reserves the perpetual right, title, and interest of private utilities, which at the time of this permanent street closure have a utility agreement or franchise with the city, in existing utility improvements and easements owned by the said utilities. In particular, and without limitation, this reservation of right, title, and interest extends to Progress Energy's overhead electric power lines depicted on the above-referenced plat of survey that is entitled "PLAT PREPARED FOR CLOSING A PORTION OF LANSDOWNE ROAD (EAST END)."

Section 3. This ordinance shall take effect and be in force from and after the date of its adoption.

Section 4. Any person aggrieved by the permanent closure of the above-described sections of Lansdowne Road may appeal the adoption of this ordinance and order to the General Court of Justice of Randolph County, North Carolina within thirty (30) days after the adoption of the ordinance and order.

Section 5. In the event there is no appeal within thirty (30) days after the adoption of this ordinance and order, a certified copy of this ordinance and order shall be filed in the Office of the Register of Deeds of Randolph County, North Carolina as provided by law.

This ordinance and order was adopted in open session during a regular meeting of the Asheboro City Council on the 10th day of December, 2009.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

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

13. Consideration of a petition received from Baybuilt Properties, LLC requesting contiguous annexation of 0.436 of an acre of land located at 664 Lincoln Avenue. [Agenda Item Number 11]

- (a) Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting contiguous annexation of 0.436 of an acre of land located at 664 Lincoln Avenue.

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

56 RES 12-09

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES (Total Annexation Area of 0.504 of an Acre of Land in the Vicinity of 664 Lincoln Avenue)

WHEREAS, a petition requesting the annexation of a lot encompassing approximately 0.436 of an acre of land and located at 664 Lincoln Avenue has been received by the Asheboro City Council from Baybuilt Properties, L.L.C., which owns the land for which annexation is requested; and

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

WHEREAS, in response to this petition, the Asheboro City Council has decided to proceed with the statutorily prescribed voluntary annexation proceedings.

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

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of December, 2009.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

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

CERTIFICATE OF SUFFICIENCY
(Total Annexation Area of 0.504 of an Acre of Land in the Vicinity of 664 Lincoln Avenue)

TO: The City Council of the City of Asheboro, North Carolina

I, Holly H. Doerr, City Clerk of the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto. As a consequence of that investigation, I have found as a fact that all owners of real property lying in the area described therein have signed the said petition, and the petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina in order to make this certification effective as of the 10th day of December, 2009.

(SEAL)

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

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

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

57 RES 12-09

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES
(Total Annexation Area of 0.504 of an Acre of Land in the Vicinity of 664 Lincoln Avenue)

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

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

WHEREAS, on the basis of her review of information gathered by city staff members during an investigation of the submitted petition, the city clerk has certified to the Asheboro City Council the sufficiency of this petition to proceed with setting a date for a public hearing on the question of annexation pursuant to Section 160A-31 of the North Carolina General Statutes.

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

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, during the city council's regular meeting that is to be held at 7:00 o'clock p.m. on the 7th day of January, 2010.

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

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

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of December, 2009.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

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

EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe control corner set at the northwest corner of the Baybuilt Properties, L.L.C. property described in Deed Book 2078, Page 468, Randolph County Registry, which is identified as Lot 263 on a plat of survey recorded in Plat Book 1, Page 227, Randolph County Public Registry (the said Beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 717,567.24 feet and East 1,753,766.96 feet (NAD 83)); thence from the said Beginning point South 88 degrees 07 minutes 05 seconds East 198.84 feet along the southern margin of the 30-foot right-of-way for Wilson Street (North Carolina Secondary Road 1461) to an existing iron pipe control corner located by means of the North Carolina Coordinate System at the coordinates of North 717,560.71 feet and East 1,753,965.70 feet (NAD 83); thence South 03 degrees 33 minutes 26 seconds West 95.94 feet along the eastern boundary line of the Baybuilt Properties, L.L.C. lot identified above as Lot 263 to an existing iron pipe; thence North 87 degrees 52 minutes 05 seconds West 198.87 feet along the existing City of Asheboro primary corporate limits line to a computed point on the eastern margin of the 30-foot right-of-way for Lincoln Avenue (North Carolina Secondary Road 1458); thence continuing along the existing primary corporate limits line by going across the right-of-way for Lincoln Avenue North 89 degrees 10 minutes 32 seconds West 30.64 feet to an existing iron pipe set in the western margin of the right-of-way for Lincoln Ave; thence North 03 degrees 35 minutes 22 seconds East 97.57 feet to an existing iron pipe set at the intersection of the southern margin of the right-of-way for Wilson Street with the western margin

of the right-of-way for Lincoln Avenue; thence across the right-of-way for Lincoln Avenue the following course and distance: South 84 degrees 29 minutes 28 seconds East 30.62 feet to the point and place of BEGINNING, and containing a total of 0.504 of an acre of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION PLAT PREPARED FOR CITY OF ASHEBORO 664 LINCOLN AVENUE." This plat of survey was drawn under the supervision of Glenn L. Brown, Professional Land Surveyor with Registration Number L-3663, from an actual survey made under his supervision. The said plat of survey is dated November 16, 2009, and the job number for the plat of survey is G09084AX.

14. Consideration of a resolution approving the conveyance of right-of-way and easements along Lake Lucas Road (SR 1518) to the North Carolina Department of Transportation for construction of a new bridge across Lake Lucas for \$2,500.00 offered by the North Carolina Department of Transportation. [Agenda Item Number 12]

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

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

58 RES 12-09

RESOLUTION APPROVING THE CONVEYANCE OF RIGHT-OF-WAY AND EASEMENTS ALONG LAKE LUCAS ROAD (SR 1518) TO THE NC DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF A NEW BRIDGE ACROSS LAKE LUCAS

WHEREAS, the NC Department of Transportation (NCDOT) has offered the City of Asheboro \$2,500.00 to purchase 0.79 acre of additional right-of-way, 0.15 acre of permanent utility easement, 700 square feet of permanent drainage easement and 2,250 square feet of temporary construction easement along Lake Lucas Road (NC Secondary Road # 1518) for construction of a new bridge across Lake Lucas that will replace the existing deteriorated bridge, and;

WHEREAS, it will benefit the City of Asheboro and the general public to sell the aforementioned right-of-way and easements to the NCDOT for the proposed bridge construction.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the sale of the aforementioned right-of-way and easements to the NCDOT is hereby formally approved by the Asheboro City Council and that the Mayor and City Clerk are hereby empowered to sign and execute the deed to the NCDOT.

Adopted by the Asheboro City Council in regular session on the 10th day of December, 2009.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

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

15. Finance items: [Agenda Item Number 13]

(a) Approval of corporate authorization resolutions and agreements for Wachovia Bank, N.A.; CommunityOne Bank, N.A.; RBC Bank (USA); and Randolph Bank and Trust Company.

Ms. Reaves presented and recommended adoption, by reference, of the aforementioned resolutions and agreements.

Upon motion by Dr. Fountain and seconded by Mr. Baker, Council voted unanimously to adopt the aforementioned resolutions and agreements.

[Copies of the above-referenced resolutions and agreements are on file in the City Clerk's office.]

(b) American Recovery and Investment Act update.

Ms. Reaves reported that Randolph County has been declared a recovery zone and has been allotted over \$7 million for financing certain projects. No entity was able to utilize the potential

funding source during the initial allocation. A special city council meeting will be held in the future in order to discuss the guidelines for requesting a portion of the second round of allocations.

16. Update from Marketing Specialist. [Agenda item Number 14]

Ms. Fletcher discussed with the Council her plans for developing a marketing and communications program for the City of Asheboro. A copy of the written handout distributed by Ms. Fletcher is on file in the City Clerk's office.

17. Project request originating from the Redevelopment Commission. [Agenda Item Number 15]

(a) Community Development Block Grant application for Sunset Avenue and Hoover Street.

Mr. Leonard presented the application for a community development block grant for Sunset Avenue and Hoover Street. As a result of an RFP selection process, Benchmark CMR, Inc. appears to be the preferred candidate to apply and administer the grant for a fee of \$6,500.00 per application. This fee would be due upon approval of the grant. Mr. Ogburn further explained that the redevelopment commission wishes to rehabilitate Sunset Avenue in order to make it a natural corridor to the city. The commission recommended that Council award the work to Benchmark CMR, Inc. in order to proceed with the application.

Upon motion by Mr. Baker and seconded by Dr. Fountain, Council selected Benchmark CMR, Inc. as the contractor to proceed with the grant application.

(b) Scattered site housing grant application.

Mr. Leonard presented the scattered site housing grant application. Mr. Ogburn further explained that the redevelopment commission recommended the North Carolina Housing Finance Agency 2010 Urgent Repair Program for the funding of urgent repairs for houses. Certain repairs include, but are not limited to roofing, heating, handicapped access, plumbing, and electrical repairs. Primary targets for this grant are elderly and handicapped people. A city wide selection process will be followed to determine who is qualified.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve the above-referenced grant application.

18. Consideration of a 15-year extension of the franchise previously granted to Morton and Sewell Land Company, LLC for the operation of a construction and demolition debris landfill at Gold Hill Road Landscape Supply and Landfill. [Agenda Item Number 16]

At the staff's request, the above-referenced item was withdrawn. This item will be considered by Council during the regular January 2010 meeting.

19. Consideration of granting authorization for the city attorney to draft an ordinance regulating the operation of golf carts on public streets within the Tot Hill Farm Subdivision. [Agenda Item Number 17]

With the general consensus of the Council, the city attorney was instructed to draft an ordinance authorizing and regulating the operation of golf carts on public streets within the Tot Hill Farm Subdivision. This draft will be considered by the Council at its regular January meeting.

20. Discussion of items not on the agenda. [Agenda Item Number 18]

- December 11, 2009 – "Christmas on Sunset" 5:30 p.m.
- Mayor Smith announced that a special joint meeting with the Randolph County Board of Commissioners has been scheduled for Monday, December 14, 2009 at 5:30 p.m. in the Commissioners' meeting room located in the Randolph County Office Building.
- January 21, 2010 – 1:00 until 4:00 p.m. – Council planning session.

There being no further business, the meeting was adjourned at 10:10 p.m.

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

s/ David H. Smith
David H. Smith, Mayor