

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, APRIL 9, 2009  
7:00 p.m.**

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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  
Dumont Bunker, P.E., City Engineer  
Richard L. Cox, Jr., Community Planning and Development Department Intern  
Holly H. Doerr, City Clerk/Senior Legal Assistant  
John L. Evans, Planner  
W. Andrew Fioranelli, GIS/IT Specialist  
T. Myers Johnson, Human Resources Director  
R. Reynolds Neely, Jr., Planning Director  
O. Lynn Priest, Community Development Director  
Deborah P. Reaves, Finance Director  
Jonathan Sermon, Assistant Parks and Recreation Director  
James O. Smith, Police Captain  
A. Todd Stout, Information Technologist  
Jeffrey C. Sugg, City Attorney  
Kermit D. Williamson, Sanitation Superintendent

**1. Call to order.**

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

**2. Invocation and Pledge of Allegiance.**

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance, after which Ms. Jeni Martin, Associate Pastor for Missions at First Baptist Church, gave the invocation.

**3. Recognition of volunteers from the Volunteer Center of Randolph County that received a North Carolina Award for Outstanding Volunteer Service: Vastine Franks, Bill Hoover, Bill Johnson, Lynn Qualls, and Sam Ramsey.**

Mayor Jarrell read and presented a proclamation honoring the above-listed individuals from the Volunteer Center of Randolph County that received a North Carolina Award for Outstanding Volunteer Service.

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

Mayor Jarrell welcomed everyone in attendance.

**5. Presentation by Auntie Litter, a project of the Community Appearance Commission.**

Auntie Litter (Ms. Carol Davis) gave a brief presentation in regards to the anti-litter campaign. This presentation gave the Mayor and Council Members a sample of the anti-litter program presented in the schools.

**6. Presentation by Jeni Martin of First Baptist Church for World Vision Experience.**

Ms. Jeni Martin of First Baptist Church gave a brief presentation on a World Vision exhibit to be held May 3-10, 2009 at First Baptist Church. The exhibit is called "Step into Africa: AIDS Experience" and is open from 10:00 a.m. – 8:00 p.m. No formal action was taken by the Council on this matter.

**7. Report on occupancy tax from Tammy O’Kelly, Director of Tourism with the Randolph County Tourism Development Authority.**

Ms. Tammy O’Kelly reported that the Randolph County Board of Commissioners approved raising the occupancy tax from 3% to 5%. The collection of the 5% occupancy tax will begin on July 1, 2009. Ms. O’Kelly anticipates that the occupancy tax increase will raise an additional \$160,000.00 in revenue that can be divided into equal shares to be used to market the zoo in the Asheboro area and the furniture market in the High Point/Archdale area.

**8. Consent Agenda:**

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

- (a) **The minutes of the special meeting of the City Council that was held on February 19, 2009.**
- (b) **The minutes of the regular meeting of the City Council that was held on March 5, 2009.**
- (c) **The minutes of the special meeting of the City Council that was held on March 19, 2009.**
- (d) **The findings of fact, conclusions of law, and order in the matter of SUP-09-01.**

Case No. SUP-09-01  
City Council  
City of Asheboro

IN THE MATTER OF THE APPLICATION OF DARREN LUCAS AND BOBBY LUCAS FOR A SPECIAL  
USE PERMIT AUTHORIZING A COMMERCIAL  
PLANNED UNIT DEVELOPMENT

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

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THIS MATTER came before the Asheboro City Council (hereinafter referred to as the “Council”) for hearing during a regular meeting of the Council that was held on March 5, 2009. 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. Mr. Darren Lucas and Mr. Bobby Lucas (hereinafter referred to as the “Applicants”) have submitted to the City of Asheboro a site plan as part of their application for a Special Use Permit that would authorize a commercial planned unit development to be developed on a parcel of land currently owned by Charles E. Greer and Barbara S. Greer.
2. Uncontroverted testimony offered by the city’s planning director established that, with the exception of a clerical error that is addressed in the conditions attached to this permit, the site plan submitted by the Applicants does comply with the specifications mandated by the Asheboro Zoning Ordinance.
3. The parcel of land upon which the Applicants propose to develop a commercial planned unit development adjoins the north side of East Dixie Drive (United States Highway 64) near a point that is approximately 600 feet west of the intersection of North Carolina Highway 42 North with East Dixie Drive. This parcel of land (hereinafter referred to as the “Zoning Lot”) also has street frontage along the west side of North Carolina Highway 42 North near a point that is approximately 175 feet north of the intersection of Patton Avenue with North Carolina Highway 42 North.
4. East Dixie Drive and North Carolina Highway 42 North are major thoroughfares maintained by the North Carolina Department of Transportation.
5. The Zoning Lot encompasses approximately 13.34 acres of land and is located within the corporate limits of the City of Asheboro.
6. The Zoning Lot is currently vacant, and it is located in a B2 (general commercial) zoning district. The Applicants have not requested a legislative rezoning of the lot.
7. The land uses surrounding the Zoning Lot are as follows:

- a. Commercial and single-family residential land uses are located to the north.
- b. Commercial land uses are located to the south and east.
- c. Commercial and institutional (YMCA) land uses along with a sanitary sewer lift station owned by the City of Asheboro are located to the west.

8. The Growth Strategy Map identifies the area in which the Zoning Lot is located as a "Primary Growth" area, and the Proposed Land Development Plan Map designates the area in question as a "Commercial" area.

9. The Asheboro Zoning Ordinance specifies that a commercial planned unit development may be permitted in a B2 zoning district with the issuance of a Special Use Permit by the Council.

10. The city's planning director offered uncontroverted testimony that the purpose of recent amendments to the Asheboro Zoning Ordinance was to allow the review by the Council of commercial planned unit developments to only encompass lot configuration, common area, and infrastructure improvements such as streets, water distribution, sanitary sewer collection, sidewalks within the planned unit development, street tree plantings, and general landscaping. Unless the specific or underlying use proposed for an individual lot within the planned unit development requires a Special Use Permit or Conditional Use Permit, the development plans for individual lots can be reviewed at a later date by the city's planning department staff members in accordance with the Asheboro Zoning Ordinance and without a public hearing in front of the Council. During this staff level review, the underlying use proposed for a specific lot will be evaluated for compliance with the lighting, design criteria, parking, and other requirements prescribed for that use.

11. The Applicants wish to develop a commercial planned unit development with 7 lots and 0.21 of an acre of common area. The common area would include a garden/landscaped area around a common sign designed to serve the planned unit development and a strip of land that would be used for street trees along the public right-of-way.

12. Uncontroverted testimony was offered by the city's planning director to show that the Applicants have submitted a subdivision sketch design to be reviewed concurrently with this Special Use Permit application.

13. Mr. Darren Lucas offered uncontroverted testimony that the Applicants wish to develop the proposed project so that business enterprises such as restaurants, hotels, and banks will build on the individual lots and complement the existing hotels and restaurants that are located in close proximity to the Zoning Lot.

14. Mr. Darren Lucas and Mr. Jesse Wilson, P.E. offered uncontroverted testimony that up to date design standards are incorporated into the proposed project in order to achieve regulatory compliance, avoid negative impacts on the environment, and not interfere with the ability of existing municipal utility lines on the Zoning Lot to continue to effectively serve the purpose for which they were installed. Mr. Lucas specifically noted that compatibility with surrounding land uses and aesthetic improvements such as street trees were included in the Applicants' proposal in order to avoid any negative impact on the value of surrounding parcels of land.

15. During the hearing of this matter, no testimony was offered in opposition to the Applicants' request.

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

#### CONCLUSIONS OF LAW

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

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

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

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

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

ORDER

Darren Lucas and Bobby Lucas, and their heirs, executors, administrators, successors, and assigns, are hereby issued a Special Use Permit authorizing a commercial planned unit development on the Zoning Lot so long as the approved land use is conducted in compliance with the approved site plan, the provisions of the Asheboro Zoning Ordinance, and the following conditions:

1. Soil erosion control permit conditions shall be met and maintained.
2. Plans for solid waste removal shall be the responsibility of individual lot owners.
3. A temporary turnaround as specified in Article IX, Section I.B.5 of the City of Asheboro Subdivision Ordinance shall be constructed for Restaurant Way and reflected on the final plat unless the said street is extended to Executive Way prior to the recording of a final plat for this planned unit development.
4. If the City of Asheboro Subdivision Ordinance is amended to allow the owner(s) of an individual lot to own the area designated for street trees, and the Applicants decide to avail themselves of such an ordinance amendment, then this change in ownership plans shall be reflected on a revised site plan submitted to the city's planning department staff for ministerial review. If the planning department staff determines that the revised site plan reflecting such a change in ownership complies with this Order and all other pertinent provisions within the Asheboro Zoning Ordinance, the planning department staff may approve the revised site plan without bringing the matter before the Council for a hearing. Additionally, any such change on the revised site plan shall be reflected on the final subdivision plat.
5. If the Applicants can honor a request made by the North Carolina Department of Transportation and reach agreement with the owners of the adjacent parcels located to the northeast of the Zoning Lot in order to establish a connection between the Zoning Lot and the said adjacent parcels, the preliminary plat may reflect this connection. The adjacent parcels to which a connection is sought are more specifically identified by Randolph County Parcel Identification Number 7760596987 (this parcel is owned by Crossroads Station, LLC) and Randolph County Parcel Identification Number 7760596634 (this parcel is owned by R&W Pizza Huts of NC). Furthermore, any such connection shall be reflected on a revised site plan submitted to the city's planning department staff for ministerial review. If the planning department staff determines that the revised site plan reflecting such a change in ownership complies with this Order and all other pertinent provisions within the Asheboro Zoning Ordinance, the planning department staff may approve the revised site plan without bringing the matter before the Council for a hearing.
6. The site plan reviewed by the Council on March 5, 2009 contains a clerical error that must be corrected. The site plan labeled a utility easement located to the east of the City of Asheboro sanitary sewer lift station as a 50-foot wide easement when in fact the easement is a 20-foot wide easement granted in favor of the city. The revised site plan shall be submitted to the city's planning department staff for ministerial review. If the planning department staff determines that the revised site plan reflecting such a change in ownership complies with this Order and all other pertinent provisions within the Asheboro Zoning Ordinance, the planning department staff may approve the revised site plan without bringing the matter before the Council for a hearing.
7. The authorization found in paragraphs 4, 5, and 6 of these conditions for planning department staff members to conduct ministerial reviews of certain revisions to the approved site plan without bringing the revised site plan before Council for a hearing shall only apply to revisions strictly related to effectively implementing the above-listed conditions, and not to revisions that would otherwise be defined as a permit modification.

These findings, conclusions, and order were adopted by the Asheboro City Council in open session during a regular meeting of the Council that was held on April 9, 2009.

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

ATTEST:

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

- (e) **Resolution authorizing the City Manager to enter into a TIP Municipal Agreement between the North Carolina Department of Transportation and the City of Asheboro relative to the approval of Project I-4407 for median and safety improvements on U.S. 220 By-Pass (Future I-73/74) from south of North Carolina 134 to north of SR 1462 (Park Drive).**

18 RES 4-09

**RESOLUTION APPROVING AN AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEBORO**

**WHEREAS**, the North Carolina Department of Transportation (hereinafter referred to as the "NCDOT") plans to make certain highway improvements within the City of Asheboro as part of Project I-4407, Randolph County; and

**WHEREAS**, the proposed project can be more specifically described as consisting of median and safety improvements on United States Highway 220 By-Pass (Future I-73/74) from south of North Carolina Highway 134 to north of North Carolina Secondary Road 1462 (Park Drive); and

**WHEREAS**, NCDOT wishes to obtain the formal agreement of the City of Asheboro (hereinafter referred to as the "City") to cooperate with the NCDOT in relation to the portion of the construction work that will be undertaken in furtherance of Project I-4407 within the corporate limits of the City; and

**WHEREAS**, the project as proposed does not necessitate any of the following actions by the City: (a) right-of-way acquisition, (b) the relocation of utilities owned by the City, or (c) cost sharing with NCDOT; and

**WHEREAS**, due to the absence of any existing franchise agreements that would enable the City to force a utility to relocate lines that NCDOT might want moved as part of the proposed project, the City does not run the risk of exposing itself to potential litigation with a franchisee by agreeing to enter into a formal agreement with NCDOT in furtherance of Project I-4407; and

**WHEREAS**, the City does support NCDOT's decision to proceed with Project I-4407 and wishes to respond positively to the request from NCDOT to enter into a TIP Municipal Agreement; and

**WHEREAS**, a copy of the proposed TIP Municipal Agreement received from NCDOT has been attached to this resolution as Exhibit 1 and is hereby incorporated into this resolution by reference as if copied fully herein; and

**WHEREAS**, under the proposed TIP Municipal Agreement, NCDOT agrees to design the project, acquire any needed permits and right-of-way, construct the project in accordance with the project plans, and provide for the establishment, maintenance, and enforcement of traffic operating controls on the project upon its completion.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that Project I-4407, Randolph County is hereby formally approved; and

**BE IT FURTHER RESOLVED** that the City Manager and City Clerk are hereby authorized and directed to sign and execute the TIP Municipal Agreement attached to this resolution as Exhibit 1.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on April 9, 2009.

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

ATTEST:

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

[The above-referenced Exhibit 1 is on file in the City Clerk's office.]

- (f) An ordinance amending the Parks and Recreation Department Policy Manual in order to make technical corrections.

13 ORD 4-09

**ORDINANCE AMENDING THE PARKS AND RECREATION  
DEPARTMENT POLICY MANUAL**

**WHEREAS**, Section 98.01 of the Code of Asheboro provides that the Parks and Recreation Department Policy Manual, adopted March 5, 1998, and as amended, has been adopted by reference as a part of the Code of Asheboro; and

**WHEREAS**, staff members in the City of Asheboro Parks and Recreation Department have discovered clerical errors in Article XI (Farmers' Market) of the said manual; and

**WHEREAS**, with the concurrence of the city manager, the parks and recreation department staff members have recommended that the manual be amended in order to correct the recently discovered grammatical mistakes in Article XI; and

**WHEREAS**, the recommended technical corrections are highlighted in yellow and attached hereto as EXHIBIT 1, which is hereby incorporated into this ordinance by reference as if copied fully herein; and

**WHEREAS**, the city council agrees with the city staff's recommendations.

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

**Section 1.** The City of Asheboro Parks and Recreation Department Policy Manual is hereby amended to provide as specified in EXHIBIT 1. All articles, sections, and provisions of the said manual that are not expressly addressed by EXHIBIT 1 will continue in full force and effect without alteration.

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

**Section 3.** This ordinance shall be in full force and effect upon and after the 9<sup>th</sup> day of April 2009.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting of the city council that was held on the 9<sup>th</sup> day of April 2009.

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

ATTEST:

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

**EXHIBIT 1**

**ARTICLE XI. FARMER'S FARMERS' MARKET**

**SECTION 11.1 OPERATION AND CONTROL**

The Farmers Farmers' Market Facility shall be administered by the City of Asheboro, Department of Parks & Recreation in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality experience.

Under guidance from the Parks & Recreation Director, a designated staff member will operate the facility in the best interest of the City of Asheboro.

**SECTION 11.2 HOURS OF OPERATION**

- A. The Hours of Operation of the Farmer's Farmers' Market shall vary with the season and activities permitted.
- B. The Operating days shall be Tuesday, Thursday and Saturday. Operating Days may be added or deleted, depending on supply of produce. The Parks & Recreation Director reserves the right to adjust hours of operation, as needed.

### SECTION 11.3 FEES AND CHARGES

An annual Membership is available for a nominal yearly fee. Membership affords the vendor one daily vendor fee per season and an assigned space for the season. On market days, all assigned member spaces will be reserved for one hour after the market opens. After this time limit has expired, spaces are available to eligible vendors on a first come, first served basis. Members and non-members will be required to pay a daily fee. Fees and charges shall be set by City Council and shall be incorporated into the Schedule of Deposits, Fees, and Charges Administered by the Parks & Recreation Department.

### SECTION 11.4 RULES AND REGULATIONS

- A. Staff shall enforce all rules and regulations during the operation of the **Farmer's Farmers'** Market.
- B. All products sold at the market must be grown or made by the person, family or company selling the product. Only home grown or home made products from the following counties may be sold: Randolph, Alamance, Chatham, Davidson, Forsyth, Guilford, Moore, Montgomery, Richmond and Stanley. -Staff shall assign spaces to all vendors.
- C. Growers Agent: A Market Member may be a Grower's Agent for other farmers who are unable to sell at the market. The Agent shall be responsible for obtaining a Grower's Certification for each grower represented. The Agent will be required to post signage detailing the name and location of where the products are from. The Agent will also be required to pay a Growers Agent fee for each person, family or company they represent.
- D. Each Seller shall be responsible for keeping their assigned space clean during use and when leaving the facility. Excess produce must be removed from the market and not dumped in market trash containers.
- E. In order to sell at the **Farmer's Farmers'** Market, an Application must be filled out and returned to Asheboro Parks & Recreation with the appropriate fees.
- F. Staff shall review and approve each application. Applications should be received at least two weeks before the vendor plans to begin selling at the Market.
- G. All vendors must have received a "Growers Certification" from their local Cooperative Extension service and have the certificate or a copy on hand in order to sell at the market.
- H. All Vendors shall display a sign bearing their name and address. This sign shall be prominently displayed by the vendor while selling at the market. The sign shall provided by Asheboro Parks & Recreation.
- I. Prices must be posted for all items to be sold.
- J. Products that can be sold include:
  - a. Vegetables grown from seeds, sets or seedlings.
  - b. Fruits, nuts or berries.
  - c. Plants grown from seed, seedling transplant or cutting.
  - d. Bulbs.
  - e. Eggs.
  - f. Meats.
  - g. Dairy products.
  - h. Honey.
  - i. Cut or dried flowers.
  - j. Straw.
  - k. Preserves, pickles, relishes, jams and jellies.
  - l. Baked goods baked by the seller.
  - m. Baskets
  - n. Pottery
  - o. Woodwork
  - p. Candles
  - q. General Arts & Crafts
  - r. Coffee and Tea served in single serve containers that are not reused on the premises.
- K. No low-acid canned foods such as green beans, corn, peas, carrots, etc... may be sold. In addition, no canned tomato products may be sold.
- L. All products must be of top quality.
- M. All food must meet NCDA and local health regulations. Members selling prepared foods must provide verification of current NCDA inspection when submitting their application.

- N. Food items must be labeled prior to sale with at least the following information:
- a. ~~common~~ **Common** or usual name of product.
  - b. Net contents, ~~ie i.e.~~: net weight in ounces or pounds and ounces if the product is solid or semisolid; net contents in fluid ounces if the product is liquid.
  - c. List of ingredients in the product by decreasing order of predominance by weight of each ingredient.
  - d. Name, address including zip code and phone number of the person responsible for the product.
  - e. Date processed.
- O. Only standard canning jars with new rings and lids may be used.
- P. Home baked cakes, pies, cookies and breads may be sold except cream pies.
- Q. All products produced under certification such as organic, licensed meat, poultry, or dairy products or products requiring inspection, such as baked goods or preserves must display certification or license and have a copy on file with Staff.
- R. No live animals may be sold or given away at the market.
- S. No pets are allowed at the ~~Farmer's~~ **Farmers'** Market.
- T. Any vendor selling meat, dairy, poultry, or other animal products that are regulated by the NCDA and/or USDA are responsible for satisfying any regulatory requirements prior to selling of product. Vendors must file a copy of Department of Agriculture Form MP-2 (Registration of Poultry and Meat Handlers) with the market manager and keep a copy of this license with them at all times while selling at the market. Vendors also must inform the Staff of any change in licensing status immediately upon receiving notice of a change. All products must be stored in a new or like new condition refrigerator or freezer.
- U. Scales should be the type that can be or is approved and certified by the NCDA.
- V. Any complaints, disputes or violations of the rules shall be directed to the Staff for resolution.
- W. Neither the City of Asheboro nor its elected officials, officers, employees, agents or representatives, shall be responsible, in either an official or individual capacity, for loss through theft or otherwise of private property at the market. The ~~Farmer's market~~ **Farmers' Market** shall not be responsible for personal injuries or damages to individuals or personal property arising out of the actions or conduct of guests, invitees, or any type of third party not directly affiliated with the City of Asheboro.
- X. Each vendor shall be responsible for their own records, taxes and compliance with all applicable regulations.

#### **SECTION 11.5 VENDOR FEEDBACK**

~~Farmer's~~ **Farmers'** Market meetings shall be held before and after the ~~Farmer's~~ **Farmers'** Market season. The purpose of the meetings shall be to give Market participants the opportunity to voice their opinions and make suggestions of the operation of the market. Other meetings may be held on an as needed basis. The Parks & Recreation Director shall preside at all meetings.

#### **SECTION 11.6 ~~FARMERS~~ **FARMERS'** MARKET FACILITY**

1. No Alcoholic beverages or drugs are permitted.
2. No pets, other than service animals are allowed.
3. No flea market items may be sold or displayed at any time.
4. Yard Sales may not be held at the Facility.
5. Rental of the facility must be approved by the parks & recreation department.
6. Security deposit and Rental Fees shall be set by City Council.
7. Vendors requiring electricity shall provide their own extension cords properly rated to meet their electrical requirements.
8. No items may be attached to any area of the ~~Farmer's~~ **Farmers'** Market structure, trees, etc...
9. Holding an event at the ~~Farmer's~~ **Farmers'** Market without authorization shall subject the event to immediate termination and other enforcement actions as deemed appropriate by the Parks & Recreation Director.

**OLD BUSINESS:**

**9. Consideration of an ordinance amending Section 130.03 of the Code of Asheboro in order to allow the consumption and possession of malt beverages at McCrary Park under certain circumstances.**

In accordance with a vote taken on this issue by the City Council during its regular meeting in March 2009, Mr. Sugg presented and recommended adoption, by reference, of the aforementioned ordinance.

Upon motion by Mr. Smith and seconded by Mr. Moffitt, Council, by a vote of 4 to 3, approved the following ordinance by reference. Council Members Baker, Fountain, Moffitt, and Smith voted in favor of the motion. Council Members Carter, Burks, and Priest voted no.

**14 ORD 4-09**

**AN ORDINANCE AMENDING SECTION 130.03 OF THE CODE OF ASHEBORO**

**WHEREAS**, Section 130.03 of the Code of Asheboro regulates the consumption and possession of alcoholic beverages in certain locations; and

**WHEREAS**, the City of Asheboro has received from Asheboro Copperheads, L.L.C., which operates a summer collegiate baseball program at McCrary Park under the terms of a non-exclusive lease agreement between the city and the limited liability company, a written request to permit the sale of alcoholic beverages at McCrary Park during Coastal Plain League/Asheboro Copperheads hosted events of collegiate or professional baseball; and

**WHEREAS**, pursuant to Section 130.03 of the Code of Asheboro, such sales of alcoholic beverages are unlawful at McCrary Park, which is leased to and controlled by the city pursuant to a lease agreement between the City of Asheboro and the Acme-McCrary Corporation/Sapona Manufacturing Company, Inc. Employees' Fitness Center; and

**WHEREAS**, the Asheboro City Council has concluded that Section 130.03 of the Code of Asheboro should be amended in order to give the city as lessor the option to allow the sale of malt beverages, not alcoholic beverages in general, during collegiate or professional baseball events.

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

**Section 1.** Chapter 130 of the Code of Asheboro is hereby rewritten as follows:

**§ 130.03 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN CERTAIN LOCATIONS**

(A) *Consumption of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume a malt beverage or unfortified wine on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city.

(B) *Possession of open containers of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess open container(s) of malt beverages and unfortified wines on any public street, sidewalk or alley in the city; or on any other property owned, occupied, or controlled by the city. For the purposes of this subsection, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container.

(C) *Possession of malt beverages and unfortified wines on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.* It shall be unlawful for any person to possess any malt beverage or unfortified wine on any public street, alley, or parking lot which has been temporarily closed to regular traffic for a special event.

(D) *Possession and consumption of fortified wine, spirituous liquor, and mixed beverages.* The possession or consumption of fortified wine, spirituous liquor, or mixed beverages is hereby prohibited on property owned or leased by the city.

(E) *Exception for sworn law enforcement officers.* The regulations contained in this section shall not be construed to prohibit a sworn law enforcement officer acting in the performance of his official duties or a person acting under the immediate and direct supervision of a sworn law enforcement officer in furtherance of the officer's official duties from possessing or consuming alcoholic beverages.

**(E) *Exceptions.*** Notwithstanding the prohibitions prescribed by the above-listed divisions of this section, the following acts shall not be deemed to be unlawful:

(1) The possession or consumption of alcoholic beverages by either a sworn law enforcement officer acting in the performance of his or her official duties or a person acting under the immediate and direct supervision of a sworn law enforcement officer discharging his or her official duties.

(2) The possession or consumption of malt beverages at McCrary Park as part of collegiate or professional baseball events hosted by legal entities with whom the City of Asheboro has entered into a lease agreement for the use of McCrary Park; provided, however, any such malt beverages found within McCrary Park must have been obtained in accordance with a sale/distribution plan developed and implemented by the hosting legal entity in compliance with all applicable laws and administrative regulations.

**(F) *Penalties.*** Any person who violates the prohibitions prescribed by subsections (A), (B), and (C) shall be guilty of a misdemeanor in accordance with Section 14-4 of the North Carolina General Statutes.

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

**Section 3.** This ordinance shall take effect and be in force from and after April 9, 2009.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on April 9, 2009.

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

ATTEST:

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

Due to the fact that Mr. Priest was present for the determination of quorum and had to leave the meeting at approximately 7:50 p.m. due to a prior commitment, a motion was made by Mr. Smith and seconded by Mr. Burks, to excuse Mr. Priest from any discussion and action regarding the remaining items on the agenda. Mr. Baker, Mr. Burks, Ms. Carter, Mr. Fountain, Mr. Moffitt, and Mr. Smith unanimously adopted the motion.

**NEW BUSINESS:**

**10. Land Use Items:**

(a) **Historic Landmark Designation:** Designation of the exterior of the structure located at 2210 South Fayetteville Street (1921 County Rest Home) as a Randolph County Historic Landmark. The property is more specifically described as a portion of Randolph County Parcel Identification Number 7751837176.

Mayor Jarrell opened the public hearing on the following request.

Mr. Hal Johnson, Planning and Zoning Director for the County of Randolph explained that this was a public hearing in order to consider the recommendation from the Randolph County Historic Landmark Preservation Commission to designate the exterior of the 1921 County Rest Home located at 2210 South Fayetteville Street as a local historic landmark.

During a power point presentation, Mr. Johnson gave a brief historical overview of the 1921 County Rest Home. Additionally, Mr. Johnson presented and recommended adoption, by reference, of an ordinance designating the exterior of the 1921 County Rest Home located at 2210 South Fayetteville Street as a Local Historic Landmark.

No information was offered during the public hearing in opposition to the recommendation received from the historic preservation commission.

Upon motion by Mr. Smith and seconded by Ms. Carter, Council voted unanimously to adopt the following ordinance by reference. Council Members Baker, Burks, Carter, Fountain, Moffitt, and Smith voted in favor of the motion.

**Ordinance Number 15 ORD 4-09**  
**Ordinance Designating the Exterior of the 1921 County Rest Home, Which is owned by the County of Randolph, as a Local Historic Landmark in Asheboro, North Carolina**

**WHEREAS**, Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes provides for the designation of local historic landmarks; and

**WHEREAS**, the City of Asheboro designated the Randolph County Historic Landmark Preservation Commission as a joint historic preservation commission on August 4, 2008, having the authority to exercise, within the planning jurisdiction of the City of Asheboro, all powers and duties given it by the Randolph County Historic Landmark Preservation Ordinance; and

**WHEREAS**, the City of Asheboro has taken into full consideration all statements and information contained in the Landmark Designation Application for the 1921 County Rest Home as submitted by the Randolph County Board of Commissioners and the Randolph County Historic Landmark Preservation Commission; and

**WHEREAS**, the North Carolina Department of Cultural Resources, State Historic Preservation Office, been given the opportunity to review the application; and

**WHEREAS**, the Randolph County Historic Landmark Preservation Commission and the City of Asheboro Council have held the required public hearings and published legal notices with mailings to adjoining property owners; and

**WHEREAS**, the Randolph County Historic Landmark Preservation Commission and the Randolph County Board of Commissioners have adopted unanimous resolutions requesting the City of Asheboro to designate the exterior of the 1921 County Rest Home as a local historic landmark; and

**WHEREAS**, the Asheboro City Council finds that the 1921 County Rest Home meets the following specific criteria outlined in the adopting Ordinance establishing the Commission: (1) Critical Part of the County's Heritage by having value as an example of the cultural, economic, historic, and social heritage of Randolph County; (2) Exemplification of an architectural type distinguished by overall quality of design, detail, materials, and craftsmanship; (3) The location of the 1921 Rest Home provides a unique and distinctive structure representing an established and familiar visual presence in the City of Asheboro and Randolph County; and

**WHEREAS**, this property is more specifically described as follows:

That portion of Randolph County property consisting of the Rest Home Building at 2210 South Fayetteville Street, Tax PIN 7750513961, Asheboro, North Carolina.

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

- 1: The property known as the exterior of the 1921 County Rest Home, located at 2210 South Fayetteville Street, within the planning jurisdiction of the City of Asheboro, North Carolina, is hereby designated as a Local Historic Landmark pursuant to Chapter 160A, Article 19, Part 3C, of the North Carolina General Statutes, and by inter-local agreement approved August 4, 2008 between the City of Asheboro and the County of Randolph.
- 2: That the exterior of the 1921 Landmark Rest Home may be materially altered, restored, remodeled, or demolished only following the issuance of a Certificate of Appropriateness from the Historic Landmark Preservation Commission.
- 3: That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material or outer appearance thereof, after obtaining the necessary permits and official approval for said stated repair. Nothing herein shall prevent the construction, alteration, restoration, demolition, or removal of such feature when a building inspector or similar authorized official certifies to the Historic Landmark Preservation Commission that such action is required for the public safety because of an unsafe condition. Furthermore, nothing shall be construed to prevent the Randolph County Board of Commissioners from making any use of this property not prohibited by other statutes, ordinances, or regulations.
- 4: That a suitable sign may be posted indicating the designation as a Local Historic Landmark and containing appropriate information.
- 5: That the County of Randolph, owner of the Historic Rest Home, hereby accepts notice as required by the applicable law of this action, and directs that copies of this Ordinance be filed and indexed in the office of the Asheboro City Clerk, Clerk to the Board of County Commissioners, the Randolph County Register of Deeds, the Randolph County Tax Department, and both the City and County Planning and Inspections Departments as required by applicable law.

Upon the motion of Councilmember Smith, and a second by Councilmember Carter, the foregoing Ordinance was passed upon its first reading by a vote of 7 to 0.

This Ordinance shall be in full force and effect from and after the date of its passage.

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**CITY OF ASHEBORO  
NORTH CAROLINA**

BY: s/ David H. Jarrell  
Mayor

April 9, 2009  
Adoption Date

ATTEST: s/ Holly H. Doerr  
Clerk

- (b) **SUP-09-02: Request for a Special Use Permit for a Residential Planned Unit Development.** The property of Darren K. Lucas located on the east side of Eastview Drive approximately 700 feet north of East Pritchard Street and on the west side of Meadowbrook Road approximately 800 feet north of East Pritchard Street. The entire property consists of approximately 6.513 acres of land. Randolph County Parcel Identification Numbers 7761171599, 7761174800, 7761179056, and 7761180011 more specifically identify the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely was sworn in and presented the planning department staff's analysis of the Applicant's request, including the submitted site plan. The Applicant, Mr. Darren Lucas, requested a Special Use Permit for a Residential Planned Unit Development with a Floor Area Ratio not to exceed 17 percent.

On behalf of the Applicant, Mr. Ben Morgan, Esq. was sworn in and addressed the four standard tests. Additionally, Mr. Jim Wright, a certified real estate appraiser, was sworn in and addressed test number three (3).

Mr. Ray Vuncannon, who owns property on Pritchard Street, was sworn in and presented comments and concerns in opposition to the request. Mr. Vuncannon was concerned that emergency vehicles would have problems getting through the parking lot of the development if the parking lot was full of other cars. He was also concerned that the development would affect the prices of real estate in the area.

Mr. Ronald Thomas, a resident of Meadowbrook Road, was sworn in and presented comments and concerns in opposition to the request regarding the storm water runoff for the development. He was concerned that a retaining pond might attract mosquitoes and snakes. Additionally, Mr. Thomas stated that he was comfortable with the existing six (6) units already constructed on the property, but he was concerned that if additional units were added, then the property would be too crowded. He was concerned that emergency vehicles would have problems getting through the parking lot of the development.

Mr. Thomas DeBerry was sworn in and presented comments and concerns in opposition to the request. Mr. DeBerry had safety concerns about the possibility of a retention pond being located on the property, and he questioned if adequate provision had been made to handle the amount of solid waste generated by the development.

Ms. Pamela Vuncannon was sworn in and presented comments and concerns in opposition to the request. Ms. Vuncannon was concerned that the proposed project would be too close to the adjacent property. Additionally, she was concerned that a retention pond would attract mosquitoes and other insects. Ms. Vuncannon expressed concerns for buffering and screening. And lastly, she was concerned that the value of the property in question and surrounding properties would decrease if the proposed units were rented.

Mr. Jimmy Vuncannon was sworn in and expressed his concern that too many homes are being rented and foreclosed.

Mr. Ben Morgan, Esq., addressed some of the concerns of the opposition. Mr. Morgan reported that an environmental engineer would do a study of a required retention pond. Additionally, Mr.

Morgan expressed that some of the concerns are already addressed in the city's zoning ordinance, specifically including and without limitation, the buffering issue.

There being no further comments, nor evidence to present, Mayor Jarrell closed the public hearing.

During a discussion by the Council, Dr. Fountain posed a question regarding the possibility of putting a privacy fence along Meadowbrook and Eastview in order to address some of the previous concerns. Mayor Jarrell reopened the public hearing to receive testimony pertaining to the privacy fence issue. Mr. Morgan confirmed that the applicant was not interested in installing a privacy fence due to prior problems with graffiti and concerns of children climbing over the fence. Additionally, Mr. Morgan expressed concerns in regards to the maintenance of such a fence.

There being no further comments, 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. Moffitt and seconded by Ms. Carter, Council voted to approve the requested Special Use Permit. Council Members Burks, Carter, Fountain, Moffitt, and Smith voted in favor of the motion. Councilmember Baker voted no. The issuance of this Special Use Permit was based on the four standard tests being met.

The formal findings of fact, conclusions of law, and order granting the Special Use Permit will be entered by Council during regular session on May 7, 2009. This order will reflect certain conditions that were imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

- (c) **CUP-09-02: Request for a Conditional Use Permit for a Residential Planned Unit Development.** The property of the Cornerstone Group of NC, LLC is located along the south side of Old Lexington Road approximately 23,000 feet east of Chamberlin Drive and consists of approximately 21.61 acres of land. Randolph County Parcel Identification Number 7741889270 more specifically describes the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely was sworn in and presented the planning department staff's analysis of the Applicant's request. The Applicant, Routh Builders, requested a Conditional Use Permit for a Residential Planned Unit Development. The requested permit would replace an existing Conditional Use Permit. The Applicant is requesting a new Conditional Use Permit with a revised site plan in order to include street trees in the development, designate certain streets as publicly maintained, alter the layout of parking for the overflow/visitor parking spaces and the commons area, and modify the traffic circulation pattern in certain areas. The Applicant is not proposing any change to the number of lots or residential units.

On behalf of the Applicant, Mr. Ben Morgan, Esq., was sworn in and addressed the four standard tests. Additionally, Mr. Jim Routh was sworn in and presented comments in support of the request.

There being no further comments or evidence to present, 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. Smith and seconded by Ms. Carter, Council voted unanimously to approve the requested Conditional Use Permit. Council Members Baker, Burks, Carter, Fountain, Moffitt, and Smith voted in favor of the motion. The issuance of this 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 May 7, 2009. This order will reflect certain conditions that were imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

- (d) **RZ-09-01: Technical Amendments to the Zoning Ordinance.** An application filed by the City of Asheboro to amend Article 200, Article 300A, Article 500, and Article 600.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented an overview of the Planning Department Staff's proposed amendments to the Asheboro Zoning Ordinance. These amendments include the addition of two zoning districts, Mercantile and Tourism-Hospitality and the realigning of the existing Neighborhood Business (B1) to complement the existing General Commercial (B2) zoning district. Additionally, amendments to the existing design regulations that apply to all commercial districts are proposed to further customize these to individual zoning districts.

The Planning Department staff and the Planning Board recommended approval of these amendments based on the following:

“The Land Development Plan supports the accommodation of smaller, more pedestrian-scale commercial activity that would fit the parameters of a realigned Neighborhood Commercial (B1) district and Mercantile (M) district. The LDP also supports tourism development with additional amenities in the proposed Tourism-Hospitality district.

One of the fundamental goals of these amendments identified by the City Council is increasing the flexibility that an applicant has when requesting a zoning district amendment (rezoning) without requesting a district that includes a large number of permitted uses (some of which may be incompatible with the surrounding neighborhood) or requesting a Conditional Use Zoning District and Permit. A Conditional Use District circumstances, may not be appropriate in some cases, due to the complexity of the process and requiring the issuance of a new Conditional Use Permit when a modification to a development occurs. Council directed staff to create one or more districts that address creating more of a neighborhood scale commercial development with standards that offer adjoining properties (especially residentially zoned properties) additional development regulations (i.e. sign requirements, size of buildings, parking, buffering, etc.). Some of these same issues are often addressed through conditions applied to Conditional Use Permits and can mitigate external development impacts. These proposed districts offer additional flexibility without a Conditional Use Permit while still protecting the public interest and being in harmony with the Land Development Plan and its encouragement of commercial activity at a scale appropriate to the environs.

Considering all of these factors, staff believes that the technical amendments support the public interest and recommends approval.”

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

Upon motion by Mr. Burks and seconded by Mr. Moffitt, Council voted unanimously to adopt the amendments as presented. Council Members Baker, Burks, Carter, Fountain, Moffitt, and Smith voted in favor of the motion.

[A copy of the adopted amendments to the zoning ordinance is on file in the City Clerk’s office.]

**(e) Subdivision Case SUB-09-02: Consideration of sketch design approval for Meadowbrook Terrace Townhomes.**

Mr. Neely presented the sketch design for the proposed Meadowbrook Terrace Townhomes Subdivision. Darren Lucas requested the approval of a sketch design for the subdivision to be located along the west side of Meadowbrook Road and the east side of Eastview Drive. The proposed subdivision contains approximately 6.513 acres of land, consisting of 28 lots.

The Planning Department staff and the Planning Board recommended approval of the sketch design plat with the following comment:

“Homeowners’ documents restricting RV parking as required by the Ordinance shall be submitted and recorded with the final plat.”

Upon motion by Mr. Smith and seconded by Mr. Burks, Council voted unanimously to approve the sketch design plat with the Planning Board comment. Council Members Baker, Burks, Carter, Fountain, Moffitt, and Smith voted in favor of the motion.

(The aforementioned sketch design plat is on file in the City Clerk’s office.)

**(f) Subdivision Case SUB-09-03: Consideration of sketch design approval for Olde Towne Village, Section II.**

Mr. Neely presented the sketch design for the proposed Olde Towne Village Section II Subdivision. Routh Builders, LLC requested the approval of a sketch design for the subdivision to be located along the south side of Old Lexington Road. The proposed subdivision contains approximately 21.61 acres of land, consisting of 52 lots plus common area.

The Planning Department staff and the Planning Board recommended approval of the sketch design plat with the following comment:

"[h]omeowners' documents restricting RV parking as required by the Ordinance shall be submitted and recorded with the final plat."

Upon motion by Ms. Carter and seconded by Dr. Fountain, Council voted unanimously to approve the sketch design plat with the Planning Board comment. Council Members Baker, Burks, Carter, Fountain, Moffitt, and Smith voted in favor of the motion.

(The aforementioned sketch design plat is on file in the City Clerk's office.)

**11. Consideration of the annexation of 15.88 acres of city-owned land located along the north side of Pilots View Road and adjacent to the Asheboro Regional Airport.**

Mayor Jarrell opened the public hearing on the proposed annexation of 15.88 acres of city-owned land located along the north side of Pilots View Road and adjacent to the Asheboro Regional Airport.

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro, North Carolina.

Upon motion by Mr. Smith and seconded by Mr. Burks, Council voted unanimously to adopt the following ordinance by reference. Council Members Baker, Burks, Carter, Fountain, Moffitt, and Smith voted in favor of the motion.

**Ordinance Number 16 ORD 4-09**  
**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEBORO,**  
**NORTH CAROLINA**  
**(15.88 Acres of City-Owned Land on the North Side of Pilots View Road)**

**WHEREAS**, pursuant to Section 160A-58.7 of the North Carolina General Statutes, the City Council of the City of Asheboro has adopted a resolution stating the intent of the city council to annex the area described below; and

**WHEREAS**, after notice of the public hearing was published in *The Courier-Tribune* on March 14, 2009, a public hearing on the question of this annexation was conducted during a regular meeting of the Asheboro City Council that was held at 7:00 o'clock p.m. on April 9, 2009 in the Council Chamber at the Asheboro Municipal Building; and

**WHEREAS**, the Asheboro City Council finds that the area for which annexation is proposed meets the standards of Section 160A-58.1(b) of the North Carolina General Statutes, as follows:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the City of Asheboro; and
- b. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another municipality than to the primary corporate limits of the City of Asheboro; and
- c. The described area is so situated that the City of Asheboro will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits; and
- d. No subdivision, as defined in Section 160A-376 of the North Carolina General Statutes, will be fragmented by this proposed annexation; and
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed twenty percent (20%) of the area within the primary corporate limits of the City of Asheboro; and

**WHEREAS**, the Asheboro City Council further finds that the annexation of the area described below is in the public interest.

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

**Section 1.** By virtue of the authority granted in Section 160A-58.7 of the North Carolina General Statutes, the following described non-contiguous property owned by the City of Asheboro is hereby annexed and made part of the City of Asheboro:

Cedar Grove Township, Randolph County, North Carolina:

BEGINNING at a computed point that is located on the northern margin of the 60-foot right-of-way for Pilots View Road (North Carolina Secondary Road 1197) and is located North 31 degrees 04 minutes 26 seconds West 954.23 feet from the point of intersection between the centerline of Pilots View Road and the centerline of Tot Hill Farm Road (North Carolina Secondary Road 1142); thence from the said Beginning point along the northern margin of the right-of-way for Pilots View Road the following courses and distances: North 54 degrees 02 minutes 03 seconds West 82.79 feet to a computed point; thence North 63 degrees 08 minutes 51 seconds West 133.66 feet to a computed point; thence North 67 degrees 28 minutes 58 seconds West 851.28 feet to a computed point on the existing satellite corporate limits line of the City of Asheboro; thence along the existing satellite corporate limits line of the City of Asheboro that follows the boundary line for the City of Asheboro property described in Deed Book 719, Page 11, Randolph County Public Registry the following courses and distances: North 02 degrees 19 minutes 28 seconds East 490.29 feet to a computed point; thence North 88 degrees 51 minutes 37 seconds East 329.31 feet to a computed point; thence North 88 degrees 51 minutes 37 seconds East 651.15 feet along the Kenneth Michael Freeland and Sherri B. Freeland property described in Deed Book 1505, Page 795, Randolph County Public Registry and in Deed Book 1427, Page 1785, Randolph County Public Registry to a computed point; thence along the western boundary line of the David Johnson property that is described in Deed Book 1324, Page 484, Randolph County Public Registry the following course and distance: South 01 degree 40 minutes 07 seconds West 944.80 feet to the point and place of the BEGINNING, and containing 15.88 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "Satellite Annexation Map For City of Asheboro AIRPORT PROPERTY." The City of Asheboro Engineering Department prepared the said plat, which is dated February 9, 2009 and is identified as Job # 09004. The property lines shown on the said plat were taken from Randolph County Tax Maps as of February 9, 2009.

**Section 2.** The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Register of Deeds of Randolph County, North Carolina, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the North Carolina General Statutes.

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

**Section 4.** This ordinance shall take effect and be in force from and after the date of its adoption.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 9<sup>th</sup> day of April 2009.

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

ATTEST:

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

Approved as to form:

\_\_\_\_\_  
s/ Jeffrey C. Sugg  
Jeffrey C. Sugg, City Attorney

**12. Public Comment Period.**

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

**13. Finance Items:**

**(a) Approval of audit contract for fiscal year ending June 30, 2009.**

Ms. Reaves presented and recommended adoption, by reference, of the audit contract with Maxton McDowell, for the fiscal year ending on June 30, 2009. The approved contract reflects an increase of \$1,500.00 in fees paid to the auditor.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to approve the audit contract for fiscal year ending June 30, 2009. Council Members Baker, Burks, Carter, Fountain, Moffitt, and Smith voted in favor of the motion.

[A copy of the approved contract is on file in the City Clerk's office.]

**(b) Consideration of approval of budget ordinance amendments:**

- (i) Amend Airport Runway Extension Phase III Project.
- (ii) Amend Sidewalk Improvements and Water and Sewer System Improvements Project.
- (iii) Close Sidewalk Improvements and Water and Sewer System Improvements Project
- (iv) Amend Police Computer Grant Project.
- (v) Close Police Computer Grant Project.
- (vi) Amend Traffic Grant Project.
- (vii) Close Traffic Grant Project.
- (viii) Amend Malt-O-Meal Railroad Siding Project.
- (ix) Close Malt-O-Meal Railroad Siding Project.
- (x) Amend the Water and Sewer Fund.

Ms. Reaves presented and recommended adoption, by reference, of the above-referenced ordinances.

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

**17 ORD 4-09**

**ORDINANCE TO AMEND THE AIRPORT RUNWAY EXTENSION PHASE III FUND  
FY 2008-2009**

WHEREAS, the City of Asheboro Regional Airport was approved to receive additional federal funds, grant 36237.23.9.1, under the Federal Aviation Century of Flight Authorization Act of 2003 (Vision 100) in conjunction with the State Aid to Airports Program for FY 2008-2009. These funds were awarded for the purpose of sewer improvements and site preparation for additional hangars and taxilane, and;

WHEREAS, in September 2008, the City Council approved an amendment setting up a budget for grant 36237.23.9.1, and;

WHEREAS, in November 2008, the City of Asheboro received correspondence from the NCDOT advising us that they had combined the grants for FY 2007-2008 (State Project # 36237.23.8.1) and for FY 2008-2009 (State Project # 36237.23.9.1) into one grant under State Project # 36237.23.8.1, and;

WHEREAS, as a result of the combining of the grants by NCDOT, the 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 / (decreased):

<u>Account</u>	<u>Description</u>	<u>Increase/(Decrease)</u>
66-349-1300	Federal Grant (07-08) #36237.23.8.1	150,000
66-349-1400	Federal Grant (08-09) #36237.23.9.1	(150,000)
	Total increase / (decrease)	0

Section 2: That the following revenue line item titles are changed to reflect the change in grant #:

<u>Account</u>	<u>Description</u>
66-349-1300	Federal Grant (07-09) #36237.23.8.1
66-367-1017	General Fund Contrib. (08-09) #36237.23.8.1

Section 3: That the following expense line items are increased / (decreased):

<u>Account</u>	<u>Description</u>	<u>Increase/ (Decrease)</u>
66-970-0400	Engineering Services	10,565
66-970-4500	Construction & Project Improvement	156,102
66-980-0400	Engineering Services	(57,356)
66-980-4500	Construction & Project Improvement	(109,311)

Total increase / (decrease) 0

Adopted this the 9th day of April 2009.

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

ATTEST:

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

**18 ORD 4-09**

**ORDINANCE TO AMEND THE SIDEWALK IMPROVEMENTS AND WATER & SEWER SYSTEM IMPROVEMENTS PROJECT (FUND 73)**

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

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

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

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

Section 1: That the following Revenue items be increased / (decreased):

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase / (Decrease)</u>	<u>Appropriated Amount</u>
73-329-0000	Interest Earned on Investment	19,387	19,387
73-367-0000	Sales Tax Refund	14,119	14,119
73-367-1001	Fed/ State Grant- S Church	(5,859)	86,973
73-367-1007	W&S Fund Contribution 06-07	28,200	28,200
73-367-1008	W&S Fund Contribution 07-08	49,140	290,340
		104,987	

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / (Decrease)</u>	<u>Appropriated Amount</u>
73-660-6100	State Sales Tax	4,041	4,041
73-660-6200	Randolph County Sales Tax	2,235	2,235
73-850-4500	S/W Construction- N Fayetteville	(35,373)	42,627
73-850-4503	W&S Construction- N Fayetteville	77,340	167,340
73-850-4505	Water line- Woodcrest, Morton etc	(9,068)	165,932



1,167,359

Section 3: Expenses

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>
73-660-6100	State Sales Tax	4,041
73-660-6200	Randolph County Sales Tax	2,235
73-850-4500	S/W Construction- N Fayetteville	42,627
73-850-4501	S/W Construction- S. Church	101,417
73-850-4502	S/W Construction- Sunset Avenue	188,200
73-850-4503	W&S Construction- N Fayetteville	167,340
73-850-4504	W- Line- Steele Street	38,852
73-850-4505	Water line- Woodcrest, Morton etc	165,932
73-850-4507	Water Line- Keystone, Twain	67,193
73-850-4508	Water Line- Sherwood Ave	6,243
73-850-4509	Water Line- Fisher Circle	19,200
73-850-4510	Sewer Line- Sherwood Ave	6,431
73-850-4512	Sewer Line- Harvell Street	24,038
73-850-4513	Sewer Line- Brookwood etc.	137,571
73-850-4514	Water Line- Peachtree	59,978
73-860-1000	Contribution to GF	78,154
73-860-3000	Contribution to W&S Fund	57,907
		1,167,359

Adopted this the 9th day of April 2009.

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

ATTEST:

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

**20 ORD 4-09**

**ORDINANCE TO AMEND THE POLICE COMPUTER GRANT PROJECT (FUND 74)**

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

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

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

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

Section 1: That the following Revenue items be increased / (decreased):

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase / (Decrease)</u>	<u>Appropriated Amount</u>
74-367-0000	Sales Tax Refund	6,044	6,044
74-367-1000	Contribution from GF	1,600	7,246
		7,644	

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / (Decrease)</u>	<u>Appropriated Amount</u>
74-660-3200	New Hanover County	39	39
74-660-6100	State Sales Tax	4,019	4,019
74-660-6200	Randolph County Tax	809	809
74-660-6300	Guilford County Tax	10	10
74-660-6400	Mecklenburg County Tax	1,158	1,158
74-660-6600	Wake County Tax	9	9
74-700-1000	Due to GF	1,600	1600
		7,644	

Adopted this the 9th day of April 2009.

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

ATTEST:

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

21 ORD 4-09

**ORDINANCE TO CLOSE THE POLICE COMPUTER GRANT PROJECT (FUND 74)**

WHEREAS, the Police Computer Grant (Fund 74) ordinance was originally adopted November 9, 2000, and ;

WHEREAS, the grant period for the expenses tracked in the Police Computer Grant Project (fund 74) is complete and all accounting for the grant has been completed, and;

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

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA that the below budget is accepted as the final budget and the Police Computer Grant Project fund is hereby closed.

Section 1: Revenues

<u>Account #</u>	<u>Revenue Description</u>	<u>Appropriated Amount</u>
74-348-0100	Federal Grant	50,814
74-348-0300	Federal Grant	19,694
74-348-0400	Federal Grant	14,333
	Federal Grant #LLEBG #038	10,500
74-367-0000	Sales Tax Refund	6,044
74-367-1000	Contribution from GF	7,246
74-367-1003	Contribution from GF	2,188
74-367-1004	Contribution from GF	1,593
74-367-1005	Contribution from GF	1,167
		113,579

Section 3: Expenses

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>
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74-510-3402	Police Grant Match	2,984
74-510-7400	Capital Outlay Equipment	26,857
74-520-3401	Supplies & Materials	1,957
74-520-3402	Police Grant Match	2,662
74-520-7400	Capital Outlay Equipment	22,000
74-530-3401	Supplies & Materials	2,000
74-530-3402	Police Grant Match	2,188
74-530-7400	Capital Outlay Equipment	17,694
74-540-3401	Supplies & Materials	2,000
74-540-3402	Police Grant Match	1,593
74-540-7400	Capital Outlay Equipment	12,333
74-550-3402	Police Grant Match	1,167
74-550-7400	Capital Outlay Equipment	10,500
74-660-3200	New Hanover County	39
74-660-6100	State Sales Tax	4,019
74-660-6200	Randolph County Tax	809
74-660-6300	Guilford County Tax	10
74-660-6400	Mecklenburg County Tax	1,158
74-660-6600	Wake County Tax	9
74-700-1000	Due to GF	1600
		113,579

Adopted this the 9th day of April 2009.





113,579

Section 3: Expenses

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>
74-510-3402	Police Grant Match	2,984
74-510-7400	Capital Outlay Equipment	26,857
74-520-3401	Supplies & Materials	1,957
74-520-3402	Police Grant Match	2,662
74-520-7400	Capital Outlay Equipment	22,000
74-530-3401	Supplies & Materials	2,000
74-530-3402	Police Grant Match	2,188
74-530-7400	Capital Outlay Equipment	17,694
74-540-3401	Supplies & Materials	2,000
74-540-3402	Police Grant Match	1,593
74-540-7400	Capital Outlay Equipment	12,333
74-550-3402	Police Grant Match	1,167
74-550-7400	Capital Outlay Equipment	10,500
74-660-3200	New Hanover County	39
74-660-6100	State Sales Tax	4,019
74-660-6200	Randolph County Tax	809
74-660-6300	Guilford County Tax	10
74-660-6400	Mecklenburg County Tax	1,158

74-660-6600	Wake County Tax	9
74-700-1000	Due to GF	1600
		113,579

Adopted this the 9th day of April 2009.

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

ATTEST:

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

**24 ORD 4-09**

**ORDINANCE TO AMEND THE MALT-0-MEAL RAIL ROAD SIDING PROJECT (FUND 61)**

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

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

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

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

Section 1: That the following Revenue items be increased / (decreased):

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase / (Decrease)</u>	<u>Appropriated Amount</u>
61-367-0000	Sales Tax Refund	(25,715)	4,285

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / (Decrease)</u>	<u>Appropriated Amount</u>
61-820-0000	Rail Service Construction	(88,500)	1,039,388
61-820-0400	Professional Services	(2,501)	11,937

61-820-5700	Contingency	(10,810)	0
61-860-1000	Contribution to GF	76,096	76,096
		(25,715)	

Adopted this the 9th day of April 2009.

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

ATTEST:

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

**25 ORD 4-09**

**ORDINANCE TO CLOSE THE MALT-O-MEAL RAIL ROAD SIDING PROJECT (FUND 61)**

WHEREAS, the officers of the City of Asheboro have completed the construction of rail access to the Malt-O-Meal property as outlined in the project ordinance that was originally adopted March 12, 2007, and;

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

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA that the below budget is accepted as the final budget and the Malt-O-Meal Rail Road Siding Project is hereby closed.

Section 1: Revenues

<u>Account #</u>	<u>Revenue Description</u>	<u>Appropriated Amount</u>
61-350-0000	Community Dev. Block Grant	750,000
61-367-0000	Sales Tax Refund	4,285
61-367-1000	General Fund Contribution	125,000
61-367-1100	Randolph County Contribution	125,000
61-397-0000	NC DOT Contribution	124,000
		1,128,285

Section 3: Expenses

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>
61-820-0000	Rail Service Contruction	1,039,388
61-820-0400	Professional Services	11,937
61-820-0500	Administration	864
61-860-1000	Contribution to GF	76,096
		1,128,285

Adopted this the 9th day of April 2009.

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

ATTEST:

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

**26 ORD 4-09**

**Ordinance to Amend the Water & Sewer Fund FY 2008-2009**

WHEREAS, the City Council approved pursuing an alternate route for the Tot Hill Farm / Airport sewer pump station force main and the accompanying change order for engineering services need to accommodate this change at the March 5, 2009 Council meeting, and;

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

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

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

Section 1: That the following revenue item be increased

<u>Account #</u>	<u>Description</u>	<u>Amount</u>
30-399-0000	Fund Balance Allocation	\$23,300

Section 2: That the following expense items be increased:

<u>Account #</u>	<u>Description</u>	<u>Amount</u>
30-830-0400	Professional Services	\$23,300

Adopted this the 9th day of April, 2009.

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

ATTEST:

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

**(c) Report on monthly water billing.**

Ms. Reaves reported that the city made the transition to monthly water billing at the end of March, 2009. And, with the transition, the city has realigned all routes in order to read the city's water meters each month. Ms. Reaves reported that 84% of the meters were read within nine (9) days.

**14. Report on federal legislation allowing Asheboro to apply for USDA Rural Development monies.**

Mr. Ogburn reported that the City of Asheboro would not ordinarily be eligible to apply for USDA Rural Development monies. The population cap for such assistance is 20,000. However, thanks to assistance from the elected officials representing North Carolina, the City of Asheboro is eligible to apply for a 40-year loan for the Zoo City Park. The exemption that allows this application to be submitted will expire when the 2010 census is released. City staff will move forward with the application.

Additionally, Mr. Ogburn reported that Congressman Coble has agreed to introduce legislation authorizing funding for the Sunset Theatre as part of the federal effort to promote economic recovery.

**15. Update on the creation of the position of Leisure and Cultural Services Director.**

Mr. Johnson, the Director of Human resources for the City of Asheboro, presented a proposed organizational chart for a transformed Parks and Recreation Department that models the type of organization in the Public Works Division. As proposed, the Parks and Recreation Department would become part of the Cultural and Recreation Services Division, with the head of this division being a Cultural and Recreation Services Division Director. The division would consist of an assistant director, who would be the athletics director; an arts and leisure manager, who would be responsible for the Sunset Theatre, Farmers' Market, and swimming pools; and a buildings and grounds maintenance manager.

After discussion, a general consensus of the Council was for Mr. Johnson and Mr. Ogburn to move forward and make the necessary changes to implement this departmental reorganization.

**16. Report on utilization of the city's GIS/GPS system.**

Mr. Todd Stout, Information Technologist, presented an overview of the city's GIS/GPS system. GIS (global imaging system) captures and stores data, while GPS (global positioning system) is a global navigation satellite system. In the past several months, GIS has been helpful in the transition of the monthly water billing in creating routes for the meter readers.

Mr. Drew Fioranelli gave a demonstration of how the GIS/GPS system, known as *Mobile 311*, is utilized within the sanitation department to identify and record with the push of a button the location of items for special collection. This new approach saves labor costs and fuel while speeding up the response time when making special collections.

**17. Consideration of approval of a resolution opposing Senate Bill 839 AN ACT TO MODERNIZE THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL SYSTEM.**

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

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

**19 RES 4-09**

**A Resolution supporting local control of local ABC Boards and opposing forced mergers of local ABC Boards**

WHEREAS, the citizens of Asheboro voted to permit the sale of spirituous liquor through the establishment of the Asheboro ABC Board, which is a part of the North Carolina's state control system;

WHEREAS, **SB 839/HB768 – Modernization of the ABC System** would require all ABC boards in a county to merge, allow the state ABC Commission to merge county-wide boards into regional boards, require the ABC Commission to develop performance standards, allow the ABC Commission to close or merge ABC boards, close ABC stores with low profitability, contract directly with agency stores for the

sale of spirits where ABC stores are authorized but not in operation, and require an ABC board to contract with an agency store;

WHEREAS, it is a local decision to establish and operate an ABC store, and any decision to merge an ABC Board should be made by the local government based on local circumstances, and not by the state.

WHEREAS, a local government balances control, profits and availability of spirits in operating ABC stores;

WHEREAS, the decision by a local government to operate with a low profit margin does not reduce the amount of liquor excise tax received by the state, so the state does not have a financial interest in the profitability of ABC stores;

WHEREAS, an "agency store" is a private retail seller, and the citizens of Asheboro, when voting to permit the operation of ABC stores, did not vote to allow liquor to be sold in such private off-premise retail establishments;

WHEREAS, sales of liquor may not be well-regulated in agency stores, thereby potentially creating law enforcement and other problems, Asheboro desires to retain North Carolina's control system over the sales of spirits and to continue to make spirits available to its citizens only through its ABC store(s).

**NOW, THEREFORE, BE IT RESOLVED, BY THE** City Council of the City of Asheboro that the establishment and operation of the Asheboro ABC store through the control system should be a local decision and that the City Council opposes any state mandate to merge ABC Boards, mandate the merger or closing of ABC stores and opposes the establishment of agency stores.

Adopted this the 9th day of April, 2009.

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

Attest:

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

**18. Upcoming events:**

- (a) Reception at the home of Dr. and Mrs. Stuart Fountain with members of the State Board of Community Colleges and The Randolph Community College Board of Trustees – Thursday, April 16, 2009 at 6:00 p.m..
- (b) Randolph County Economic Development Corporation and the City of Randleman Corridor Study – Thursday, April 16, 2009 at 6:00 p.m. at Pinewood Country Club.
- (c) Town Hall Day at the North Carolina General Assembly – Wednesday, May 6, 2009.
- (d) Mayor's Prayer Breakfast – Thursday, May 7, 2009 at 6:45 a.m. at AVS.
- (e) National Day of Prayer Noon Prayer Service – Thursday, May 7, 2009 at 12:00 p.m. at Bicentennial Park.

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

Mr. Sugg presented and recommended adoption, by reference, of a resolution authorizing the disposal of a damaged police vehicle.

**20 RES 4-09**

**RESOLUTION AUTHORIZING THE DISPOSAL OF A DAMAGED POLICE VEHICLE**

**WHEREAS**, Article IX, Section 9.3 of the Charter of the City of Asheboro provides that the City Council shall have the power granted by Chapter 160A, Article 12 of the General Statutes of North Carolina to sell any personal property belonging to the City of Asheboro; and

**WHEREAS**, Section 160A-265 of the North Carolina General Statutes authorizes the City of Asheboro (hereinafter referred to as the City), in the discretion of the City Council, to dispose of personal property belonging to the City regardless of the method utilized by the City to acquire the property; and

**WHEREAS**, Section 160A-266 of the North Carolina General Statutes authorizes the utilization of private negotiation and sale for the disposal of an item of personal property belonging to the City where the item of personal property is valued at less than thirty thousand dollars (\$30,000.00); and

**WHEREAS**, Section 160A-267 provides that if the City Council proposes to dispose of property by private sale, a resolution must be adopted authorizing a city official to dispose of the personal property by private sale at a negotiated price and notice of the contents of the resolution authorizing the private sale shall be published once after the adoption of the resolution; and

**WHEREAS**, a city-owned 2005 Ford Crown Victoria (VIN 2FAHP71W35X136826) assigned to the municipal police department was rendered inoperable when a tree fell on the vehicle during the morning hours of March 29, 2009; and

**WHEREAS**, after an appraisal was performed by representatives of the risk pool through which the city obtained comprehensive insurance coverage for the damaged vehicle, city staff members were informed that the damaged vehicle was deemed to be a total loss; and

**WHEREAS**, in settlement of the city's claim for damages under its comprehensive insurance coverage, and after accounting for the city's deductible of five hundred dollars (\$500.00), the risk pool has offered to pay to the city the sum of ten thousand five hundred twenty-five dollars (\$10,525.00), on the condition that the city assign title to the vehicle to the North Carolina League of Municipalities so that the said vehicle can be sold for salvage; and

**WHEREAS**, the Asheboro City Council has concluded that the proposed settlement of the city's claim is reasonable.

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

**Section 1.** The city-owned 2005 Ford Crown Victoria (VIN 2FAHP71W35X136826), which was rendered inoperable on March 29, 2009, when a tree fell on the vehicle, is hereby declared to be surplus property.

**Section 2.** The Asheboro City Manager is hereby authorized to assign the title to this surplus vehicle to the North Carolina League of Municipalities in order to settle the pending insurance claim.

**Section 3.** Notice of the contents of this resolution shall be published once in *The Courier Tribune*, a newspaper having general circulation in the City of Asheboro, and, in accordance with Section 160A-267 of the North Carolina General Statutes, the sale of this surplus vehicle shall not be consummated until ten (10) days have elapsed since the date of publication of the said notice.

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

ATTEST:

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

There being no further business, the meeting was adjourned at 11:37 p.m.

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

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