

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, SEPTEMBER 8, 2011  
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 elected city officials and city staff members present:

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       )

John N. Ogburn, III, City Manager  
Dumont Bunker, P.E., City Engineer  
Holly H. Doerr, CMC, City Clerk/Paralegal  
John L. Evans, Senior Planner  
Casandra M. Fletcher, Marketing Specialist  
Justin T. Luck, Zoning Administrator/Planner  
Bradley W. Morton, Planning Technician/Deputy City Clerk  
R. Reynolds Neely, Jr., Community Development Director  
Ralph W. Norton, Assistant Chief of Police  
Deborah P. Reaves, Finance Director  
Michael D. Rhoney, Water Resources Director  
Jonathan M. Sermon, Recreation Services Superintendant  
James W. Smith, II, Fire Chief  
Jeffrey C. Sugg, City Attorney  
Rickey D. Wilson, Chief of Police

**1. Call to order.**

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

**2. Silent prayer and pledge of allegiance.**

After a moment of silence was observed in order to allow prayer and/or meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

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

Mayor Smith welcomed everyone in attendance.

**4. Consent agenda:**

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

- (a) The minutes of the City Council's regular meeting on August 4, 2011.**
- (b) The temporary closing of a section of Straight Street for a Neighborhood Community Watch block party from 4:30 p.m. until 7:30 p.m. on September 10, 2011.**
- (c) The temporary closing of the following streets and sections of streets for a tractor parade on October 8, 2011, from 10:00 am until 11:30 am: Hoover Street, Davis Street, North Church Street from Hoover Street to Sunset Avenue, Sunset Avenue from Church Street to South Fayetteville Street, South Fayetteville Street from Sunset Avenue to West Academy Street, and West Academy Street from South Fayetteville Street to South Church Street.**

- (d) **The temporary closing of Sunset Avenue between Church Street and Fayetteville Street for the Cultural and Recreation Services Division's Halloween event ("Trick or Treat in the Park") from 5:30 pm until 9:00 pm on Friday, October 28, 2011.**
- (e) **The temporary closing of the following streets for a horse parade on November 6, 2011 from 3:00 pm until 4:00 pm: South Park Street from Sunset Avenue to West Taft Avenue, West Taft Avenue from South Park Street to South Church Street, South Church Street from West Taft Avenue to Sunset Avenue, and Sunset Avenue from Church Street to Park Street.**
- (f) **A revised resolution of official intent to reimburse the General Fund and Water and Sewer Fund with proceeds from an installment financing contract.**

34 RES 9-11

**REVISED RESOLUTION OF OFFICIAL INTENT TO REIMBURSE THE GENERAL FUND AND WATER AND SEWER FUND WITH PROCEEDS FROM AN INSTALLMENT FINANCING CONTRACT**

**WHEREAS**, in order to maintain a satisfactory level of municipal services for the citizens of the City of Asheboro, the Asheboro City Council adopted, on June 28, 2011, a budget ordinance for fiscal year 2011-2012 that allocated funding from the General Fund for a leaf truck in the Street Department and allocated funding from the Water and Sewer Fund for the acquisition of a skid loader and truck for the Wastewater Treatment Plant as well as the acquisition of a truck for each of the following departments: (a) the Water Maintenance Department, (b) the Wastewater Maintenance Department, (c) the Technical Services Department, and (d) the Systems Maintenance Department; and

**WHEREAS**, the budgeted amount of the expenditure from the General Fund for the leaf truck is one hundred forty thousand and no/100 dollars (\$140,000.00), and the budgeted amount of the expenditure from the Water and Sewer Fund for vehicles and equipment is one hundred eighty-seven thousand and no/100 dollars (\$187,000.00) with the total expenditure from both funds not to exceed three hundred twenty-seven thousand and no/100 dollars (\$327,000.00); and

**WHEREAS**, Section 160A-20 of the North Carolina General Statutes authorizes the city to finance the purchase of personal property by means of an installment contract that creates a security interest in the purchased property to secure payment of the purchase price to the entity supplying financing for the purchase transaction; and

**WHEREAS**, the adopted budget ordinance calls for the above-stated expenditures to be financed by means of entering into an installment financing contract that creates a security interest in the municipal vehicles and equipment to be acquired with the proceeds from this financing arrangement; and

**WHEREAS**, in order to continue to provide high quality municipal services at their present level, the listed vehicles and equipment will be purchased and placed into service as soon as is feasible by utilizing funds that are currently available in the General Fund and the Water and Sewer Fund; and

**WHEREAS**, loan proceeds obtained from the installment financing contract authorized by the previously adopted budget ordinance will be used to reimburse the General Fund and the Water and Sewer Fund for the above-described initial expenditures for municipal vehicles and equipment; and

**WHEREAS**, more favorable financing terms can be obtained if the city takes the steps necessary to allow the lending institution from whom financing is ultimately obtained to exclude from its gross income the interest paid or payable under the installment financing contract with the city; and

**WHEREAS**, in accordance with the applicable Treasury Regulations, one of the steps necessary to avoid jeopardizing the ability of a lender to exclude from its gross income the interest paid or payable under the agreed upon financing agreement is for the City Council to declare its intent to reimburse the General Fund and the Water and Sewer Fund for the original expenditures used to purchase the vehicles and equipment needed to provide municipal services; and

**WHEREAS**, by adopting Resolution Number 25 RES 7-11 on July 14, 2011, the Asheboro City Council acted in compliance with the said Treasury Regulations and officially stated as follows:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, prior to the execution of an installment financing contract and consistent with the adopted budget ordinance, a maximum of one hundred forty thousand and no/100 dollars (\$140,000.00) may be expended from the General Fund by the Street Department for a leaf truck and a maximum of one hundred eighty-seven thousand and no/100 dollars (\$187,000.00) may be expended from the Water and Sewer Fund for the purchase of a skid loader and truck for the Wastewater Treatment Plant as well as the purchase of a truck for each of the following departments: (a) the Water Maintenance Department, (b) the

Wastewater Maintenance Department, (c) the Technical Services Department, and (d) the Systems Maintenance Department; and

BE IT FURTHER RESOLVED that it is the official intent of the Asheboro City Council to fully reimburse, with loan proceeds from an installment financing contract to be executed prior to the end of the 2011-2012 fiscal year, the General Fund and the Water and Sewer Fund for the purchase earlier in the same fiscal year of vehicles and equipment needed by the municipal departments listed in the immediately preceding paragraph to continue to provide essential municipal services; and

**WHEREAS**, subsequent to the adoption of Resolution Number 25 RES 7-11, the city manager, finance director, and public works director re-evaluated the expenditures proposed for fiscal year 2011-2012 and concluded that the one hundred forty thousand and no/100 dollars originally budgeted for a leaf truck would address more pressing needs in the City of Asheboro Public Works Division if these funds were to be reallocated within the street department to purchase municipal equipment assigned a higher priority than a leaf truck by the public works director and the street department superintendent; and

**WHEREAS**, the municipal equipment proposed for purchase in lieu of a leaf truck is as follows:

1. Track Loader
2. 2011 4WD Half Ton Pick-Up Truck
3. Zero Turn Mower
4. Two (2) 8-Inch Finish Mowers
5. Pole Camera

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that, prior to the execution of an installment financing contract and consistent with the adopted budget ordinance, as amended during the course of the fiscal year, one hundred forty thousand and no/100 dollars (\$140,000.00) may be expended from the General Fund by the Street Department for the municipal equipment listed in the immediately preceding paragraph and one hundred eighty-seven thousand and no/100 dollars (\$187,000.00) may be expended from the Water and Sewer Fund for the purchase of a skid loader and truck for the Wastewater Treatment Plant as well as the purchase of a truck for each of the following departments: (a) the Water Maintenance Department, (b) the Wastewater Maintenance Department, (c) the Technical Services Department, and (d) the Systems Maintenance Department; and

**BE IT FURTHER RESOLVED** that it is the official intent of the Asheboro City Council to fully reimburse the General Fund and the Water and Sewer Fund, with loan proceeds from an installment financing contract to be executed prior to the end of the 2011-2012 fiscal year, for funds advanced from the General Fund and the Water and Sewer Fund for the purchase earlier in the same fiscal year of the above-listed vehicles and equipment needed by the municipal departments to continue to provide essential municipal services; and

**BE IT FURTHER RESOLVED** that this resolution supersedes Resolution Number 25 RES 7-11 that was adopted on July 14, 2011.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8<sup>th</sup> day of September, 2011.

s/ David H. Smith  
\_\_\_\_\_  
David H. Smith, Mayor  
City of Asheboro, North Carolina

ATTEST:

s/ Holly H. Doerr  
\_\_\_\_\_  
Holly H. Doerr, CMC, City Clerk  
City of Asheboro, North Carolina

- (g) **An ordinance to amend the provisions found in Section 95.06 of the Code of Asheboro pertaining to reinpsection fees collected by the Fire Prevention Bureau.**

**30 ORD 9-11**

**AN ORDINANCE AMENDING CHAPTER 95 OF THE CODE OF ASHEBORO**

**WHEREAS**, the City of Asheboro Fire Prevention Ordinance is codified as Chapter 95 of the Code of Asheboro; and

**WHEREAS**, in order to clarify text within the adopted City of Asheboro Fire Prevention Ordinance, and thereby enhance the effectiveness of the city's fire prevention regulations, the City of Asheboro Fire Prevention Bureau and the city's legal department, with the concurrence of the City

Manager, have submitted for adoption by the City Council a proposed amendment to Section 95.06 (Notices of Violation and Reinspection Fees) of the Code of Asheboro that is described below; and

**WHEREAS**, the City Council agrees that the effectiveness of the city's fire prevention regulations will be enhanced by the adoption of the proposed amendment;

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

**Section 1.** Section 95.06 of the Code of Asheboro is hereby rewritten as follows:

**§ 95.06 NOTICES OF VIOLATION AND REINSPECTION FEES**

(A) *Notices of Violation.* When an inspector from the Fire Prevention Bureau discovers a violation of the City of Asheboro Fire Prevention Ordinance, specifically including without limitation the adopted provisions of the North Carolina Fire Code, a notice of violation may be issued to the person(s) and/or legal entity(ies) responsible for the violation(s). Such a notice shall state, at a minimum, the nature of the violation(s), the corrective action(s) that must be taken in order to abate the violation(s), and the date when a reinspection will be conducted. The date of a reinspection shall be no less than ten (10) business days and no more than thirty (30) business days from the date of service of the notice of violation on the offender by means of personal service or certified mail, return receipt requested. During this reinspection, if a violation has not been corrected, the person(s) and/or legal entity(ies) responsible for the violation(s) may be issued a final notice of violation. A final notice of violation shall state, at a minimum, the nature of the continuing violation(s), the corrective action(s) that must be taken in order to abate the violation(s), and the date when another reinspection will be conducted. The date of a reinspection that is scheduled subsequent to the issuance of a final notice of violation shall be no less than ten (10) business days and no more than thirty (30) business days from the date of service of the final notice of violation by means of personal service or certified mail, return receipt requested. After the issuance of a final notice of violation, the inspectors within the Fire Prevention Bureau shall continue to conduct reinspections at a frequency of not less than ten (10) business days and no more than thirty (30) business days between inspections until all violations are corrected.

(B) *Reinspection Fees.* In order to recover the costs associated with reinspections necessitated by the failure to correct a violation, a fee of thirty-five dollars (\$35.00) per reinspection shall be assessed to each offender for the second reinspection and each subsequent reinspection that is conducted by inspectors in the Fire Prevention Bureau during the course of an on-going enforcement action. **If the recipient of an invoice from the city for a single reinspection fee or multiple reinspection fees that have accumulated over time fails to pay the specified fee(s) within ten (10) business days of the date of service of the invoice by means of personal service or by means of certified mail, return receipt requested, the city may initiate a civil action in the nature of debt in order to recover any and all reinspection fees that have not been paid and are past due.**

**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 the date of adoption.

**Section 4.** No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this ordinance shall be abated or otherwise affected by the adoption of this ordinance.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on September 8, 2011.

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

ATTEST:

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

**OLD BUSINESS:**

**5. Update on status of zoning and subdivision text amendments previously presented to the Council during public hearings opened for the purpose of considering the following cases: RZ-11-01, RZ-11-03, RZ-11-04, SUB-11-02, RZ-11-06, and RZ-11-09.**

Mr. Neely reported that the Community Development Division staff has withdrawn the above-listed text amendment applications in order to allow staff members more time to continue to refine the proposed text before the redrafted amendments are brought back before the Council for another public hearing and further consideration.

**NEW BUSINESS:**

**6. Public comment period.**

Mayor Smith opened the floor for comments from the public, and none were offered.

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

**7. Consideration of a request by Ron Robbins of 2220 Hopewell Street to rescind the ordinance approved on July 12, 1990, making Hopewell Street a one-way street.**

Mr. Bunker reported to the Council that city staff has requested additional sight distance information from the North Carolina Department of Transportation. In order to allow time for this information to be obtained and reviewed, Mr. Bunker requested that the above-referenced item be continued to the Council's October meeting.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to continue the above-referenced item to its regular October meeting.

**8. Presentation by Dr. David Jones of possible expansion plans for the North Carolina Zoo.**

Dr. David Jones, DVM, North Carolina Zoo Director, utilized a power point presentation in order to discuss with the Council possible expansion plans for the North Carolina Zoo. Dr. Jones reported that the expansion plans include the possible construction of a third continent, Asia, on undeveloped zoo property between the two existing parking lots. The primary focus would be on China and India with some exhibits devoted to Southeast Asia. This area would have the potential to exhibit Tigers, Orangutans, Indian Rhinoceros, Snow Leopards, Camels, Colorful Pheasants, and possibly Pandas.

According to Dr. Jones, the possible construction of a conference center on property owned by the zoo society is included in the study conducted by the zoo's consultants. The potential conference center would consist of a four-star hotel with approximately three hundred (300) rooms, twenty thousand (20,000) square feet of meeting space, a restaurant, a gift shop, a pool, and a fitness center. Current studies indicate that a four-star hotel would not compete for the same guests served by Asheboro's existing hotels.

The studies available to the zoo indicate that, if the contemplated expansion is fully and successfully implemented, three hundred thousand (300,000) additional visitors would be drawn to the zoo each year. The additional visitation would increase the zoo's total income from approximately seven million dollars (\$7,000,000) to approximately thirteen million dollars (\$13,000,000) each year and would have a significant economic impact for Asheboro and Randolph County.

Additionally, Dr. Jones reported that zoo officials are asking their consultants to identify potential investors for this type of expansion project. The Council will be updated as the process moves forward and new information becomes available.

A copy of the power point presentation utilized by Dr. Jones is on file in the City Clerk's office.

**9. Consideration of the graphic submitted for use as a city logo.**

Ms. Fletcher presented to the Council a graphic design developed by Ms. Kerri Lindley for use in the city's on-going effort to develop a brand identity. The proposed graphic can serve as a city logo for use by the municipal corporation and can be made available for use by the community at large. The existing city seal would still be used as the municipality's corporate seal on legal instruments.

Upon motion by Mr. Baker and seconded by Mr. Burks, Council unanimously adopted the proposed graphic design as presented for use as the city's logo.

A copy of the adopted logo is on file in the City Clerk's office.

**10. Cultural and Recreation Services Division items:**

- (a) Request to amend the division's schedule of deposits, fees, and charges as they relate to the rental fees at Bicentennial Park.**

Mr. Jonathan Sermon, Recreation Services Superintendent, presented a request to amend the rental fee for Bicentennial Park in order to reflect the costs of the city's new portable restroom trailer as part of the rental fee. Additionally, the Recreation Services Department proposed that a non-profit rental rate be added in order to assist non-profit organizations renting Bicentennial Park. As submitted, the proposed changes would become effective as of October 1, 2011.

Upon motion by Ms. Carter and seconded by Mr. Bell, Council voted unanimously to approve the staff proposal and amend the Cultural and Recreation Services Division's Schedule of Deposits, Fees, and Charges as follows:

## ASHEBORO CULTURAL & RECREATION SERVICES Schedule of Deposits, Fees, and Charges

*Adopted: September 8, 2011*

*Effective: October 1, 2011*

**Denotes Proposed  
Changes**

<b>BASEBALL/SOFTBALL FIELD RENTAL</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Rental per hour (no lights)	\$ 15.00	\$ 20.00
Light Fee (per hour)	\$ 10.00	\$ 15.00
<b>Tournament rental</b>		
(1 field) per weekend	\$ 175.00	\$ 225.00
(two fields) per weekend	\$ 300.00	\$ 400.00
Concession Stand & Restrooms	\$ 50.00	\$ 65.00
Additional Field Preparation	\$ 45.00	\$ 60.00
<b>DISC GOLF COURSE</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Tournament Rental per Day (8 hours)	\$ 100.00	\$ 175.00
<b>DOWNTOWN FARMERS' MARKET</b>	<i>Member</i>	<i>Non-Member</i>
Membership		\$ 25.00
Daily Fee	\$ 5.00	\$ 8.00
<b>GOLF COURSE</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
<b>Walking Only</b>		
Any Day	\$ 8.00	\$ 10.00
<b>Riding (9 holes) Includes Greens Fees</b>		
Any Day	\$ 15.00	\$ 18.00
<b>Riding (18 holes) Includes Greens Fees</b>		
Any Day	\$ 21.00	\$ 25.00
<b>Twilight (18 holes) After 3pm Daily. Includes cart &amp; green fees.</b>		
Weekday	\$ 16.00	\$ 20.00
<b>Membership Rates</b>		
Individual	\$ 365.00	\$ 465.00
Senior	\$ 290.00	\$ 390.00
Family (Up to 4 at the same residence)		\$ 600.00
<b>Member Cart Fee</b>		
Nine Holes	\$ 6.00	\$ 7.00
Eighteen Holes	\$ 11.00	\$ 13.00
<b>LAKE LUCAS</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Daily fishing permit	\$ 3.00	\$ 4.00
Annual fishing permit	\$ 35.00	\$ 50.00
Daily Jon boat rental	\$ 8.00	\$ 12.00
Daily Canoe rental	\$ 6.00	\$ 10.00
Canoe/Kayak Launch	\$ 2.50	\$ 3.50
Annual Canoe/Kayak Launch	\$ 35.00	\$ 50.00
Daily launch fee	\$ 7.00	\$ 9.50
Annual launch fee	\$ 100.00	\$ 135.00
Boat rental spaces	\$ 75.00	\$ 125.00

<b>LAKE REESE</b>		<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Daily launch fee		\$ 7.00	\$ 9.50
Canoe/Kayak Launch		\$ 2.50	\$ 3.50
Annual Canoe/Kayak Launch		\$ 35.00	\$ 50.00
Annual launch fee		\$ 100.00	\$ 135.00
Daily duck hunting (per boat)		\$ 12.50	\$ 16.00
<b>ROOM RENTAL</b>		<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
1 Hour		\$ 20.00	\$ 25.00
1/2 Day		\$ 60.00	\$ 75.00
Full Day		\$ 100.00	\$ 125.00
<b>ROTARY PAVILION AT BICENTENNIAL PARK</b>		<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Security Deposit (refundable)		\$ 75.00	\$ 75.00
<del>Daily Rate</del>		<del>\$ 100.00</del>	<del>\$ 175.00</del>
Daily Rate		\$ 325.00	\$ 400.00
<i>Applies to All</i>			
Non-Profit / Government Rate		\$ 225.00	
<b>SHELTER RENTAL</b>		<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
<b>Eastside, Frazier, Kiwanis, Lake Lucas, Memorial Lower, North Asheboro Park</b>			
1/2 Day: 10am - 3pm or 3:30pm - Dark		\$ 10.00	\$ 20.00
Full Day		\$ 20.00	\$ 40.00
<b>Memorial Park Upper</b>			
1/2 Day: 10am - 3pm or 3:30pm - Dark		\$ 18.00	\$ 35.00
Full Day		\$ 35.00	\$ 70.00
<b>SKATE PARK</b>		<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Daily Admission		\$ 1.00	\$ 2.00
15 Admission Pass		\$ 10.00	\$ 25.00
1 Year Unlimited Pass		\$ 150.00	\$ 300.00
<b>SUNSET THEATER</b>		<i>Applies to All</i>	
Security Deposit		\$ 100.00	
Party Rental (3 hour max)		\$ 100.00	
Dark / Rehearsal (Multi day use, 4 hour max)		\$ 50.00	
Non-Profit / Government / School Group (Single day use, 8 hour max)		\$ 125.00	
General Meeting (3 hour max)		\$ 100.00	
Private Event (8 hour max)		\$ 300.00	
Commercial / For Profit (8 hour max)		\$ 350.00	
<i>Some rates subject to a \$25.00 discount Monday - Thursday</i>			
<b>SWIMMING POOLS</b>		<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
<b>Public Swim (day)</b>			
2 years old & under (with paying adult)		No Fee	No Fee
3 years old and above		\$ 2.50	\$ 3.25
<b>Public Swim (night)</b>			
2 years old & under (with paying adult)		No Fee	No Fee
3 years old and above		\$ 2.00	\$ 2.75
<b>Public Lap Swim</b>			
		\$ 1.00	\$ 1.75
<b>Public Senior Swim</b>			
		\$ 1.00	\$ 1.75
<b>Swimming Lessons (group)</b>			
		\$ 25.00	\$ 30.00
<b>Swimming Lessons (private)</b>			
		\$ 50.00	\$ 60.00
<b>Swim Pass (15 admissions)</b>			
		\$ 30.00	\$ 40.00
<b>*Groups (15+)</b>			
		\$ 2.00	\$ 2.75
<b>*Pool Rental (2 hr. Min.) 0 - 49</b>			
		\$ 150.00	\$ 225.00
<i>Includes 1 Manager &amp; 2 Lifeguards</i>			
<b>Pool Rental (2 hr. Min.) 50+</b>			
		\$ 200.00	\$ 300.00
<i>Includes 1 Manager &amp; 3 Lifeguards, add \$20 for each additional Lifeguard required.</i>			
<b>TENNIS CENTER</b>		<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Lights per hour per court		\$ 3.00	\$ 4.00

## YOUTH SPORTS FEES

City resident	No Fee	
Non-Resident	\$ 40.00	
Late Fee (Applies to all after reg. deadline)	\$ 10.00	\$ 10.00

**Participants who reside within the City Limits of Asheboro must obtain a Rec Card in order to receive the Rec Card Rate.**

**(b) Announcement of 9/11 special movie presentation of “REBIRTH.”**

Mr. Sermon announced that a special movie presentation of “REBIRTH” would take place at the Sunset Theatre on the following dates:

- Friday, September 9, 2011 at 7:00 p.m.
- Saturday, September 10, 2011 at 7:00 p.m.
- Sunday, September 11, 2011 at 3:00 p.m. and 7:00 p.m.

The film is a full length documentary that chronicles the lives of five people who were directly affected by the events of 9/11/01. This event is jointly sponsored by the area Rotary Clubs, the Sunset Theatre Capital Campaign Committee, and the City’s Cultural and Recreation Services Division. The admission is free.

**11. Public Safety Issues:**

**(a) Report from Asheboro Police Department on the similarities and differences between the City and County Animal Control Ordinances.**

As a follow up to the discussion during the Council’s regular August meeting regarding the possibility of the City of Asheboro contracting for the provision of animal control field services through the Randolph County Health Department, Major Norton utilized a power point presentation to discuss certain similarities and differences between the City of Asheboro’s current animal control ordinance and the animal control ordinance adopted by the Randolph County Board of Commissioners. This analysis is important because, if the City Council opts to contract for animal control field services provided by the Randolph County Health Department, the county’s animal control officers are trained to enforce the animal control ordinance adopted by the Board of County Commissioners.

Consequently, a decision to contract with the county for such services would also require the City Council to take legislative action to permit the animal control ordinance adopted by the Randolph County Board of Commissioners to be applicable within the corporate limits of the City of Asheboro. In general, Major Norton found the county’s animal control ordinance to be a good, comprehensive alternative to the city’s current animal control regulations.

However, there are some existing animal control regulations in the Code of Asheboro that are tailored to address situations found within the corporate limits of Asheboro and not in the unincorporated areas of the county. These differences between the city and county regulations will have to be addressed before the Council can make a final decision as to whether to contract for animal control field services.

The city attorney will draft for the Council’s review potential legislative enactments that would adopt supplemental animal control regulations to be enforced by city officials while concurrently applying the county’s animal control ordinance within the corporate limits of the City of Asheboro for enforcement by county animal control officers. After these draft documents are distributed to and reviewed by the Mayor and Council, the governing board will refine the legislative proposals that it wishes to consider in conjunction with the question of whether to contract with the county for animal control field services.

A copy of the power point presentation utilized by Major Norton is on file in the City Clerk’s office.

**(b) Discussion of potential sites for the construction of a third fire station to serve eastern Asheboro.**

Mr. Ogburn and Chief Smith presented preliminary concepts of the two sites that appear, after further staff review, to be best suited for the construction of a third fire station to serve eastern Asheboro. These two sites are located along Salisbury Street near Randolph Mall. Site option number one is owned by the estate of Inez Lewallen Spence, and site option number two is owned by Randolph Fringe Land, Ltd.

City staff will continue its research into the advantages and disadvantages of each site and will present updated information as it becomes available.

**12. Water/Sewer Utility Items:**

**(a) Consideration of a resolution authorizing the submission of an application to the State of North Carolina for a water meter replacement grant.**

Mr. Michael Rhoney, Water Resources Director, reported that Asheboro may be eligible to receive a grant for a drinking water system project identified as the Automatic Meter Read System project. Mr. Rhoney requested authorization from the Council to submit an application for a grant in the amount of \$200,000.00 to install new water meters on all major streets including, but not limited to, Fayetteville Street/U.S. 220 Business, Dixie Drive, Salisbury Street/N.C. Highway 42, Old Liberty Road, and Zoo Parkway.

Upon motion by Ms. Carter and seconded by Mr. Burks, Council voted unanimously to approve Mr. Rhoney's request and adopted the following resolution by reference:

**35 RES 9-11**

**RESOLUTION BY GOVERNING BODY OF APPLICANT**

WHEREAS, The Federal Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements, and

WHEREAS, The City of Asheboro has need for and intends to construct a drinking water system project described as Automatic Meter Read System, and

WHEREAS, The City of Asheboro intends to request state (loan or grant) assistance for the project,

**NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:**

That City of Asheboro, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State (loan or grant) award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Asheboro to make scheduled repayment of the loan, to withhold from the City of Asheboro any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That John N. Ogburn, III – City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 8<sup>th</sup> day of September, 2011, at City Hall in Asheboro, North Carolina.

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

ATTEST: \_\_\_\_\_  
s/ Holly H. Doerr  
Holly H. Doerr, CMC,  
City Clerk

A copy of the power point presentation utilized by Mr. Rhoney during his presentation is on file in the City Clerk's office.

**(b) Consideration of the bid received from Siemens Industry Inc. of Waukesha, WI in the amount of \$879,456.00 including sales tax for replacement of the Wastewater Treatment Plant Digester Spiral Guided Gas Holder Cover and Gas Mixing System.**

Mr. Rhoney reported that a minor leak was discovered in the city's wastewater treatment plant's digester spiral guided gas holder cover and mixing system in July 2009. The gas holder cover and mixing system was installed during the original construction of the plant approximately fifty (50) years ago. The leak was repaired, and a major leak was detected on July 10, 2011. An investigation of the major leak in the cover revealed deterioration beyond repair.

Bids for a replacement of the system were received between August 18, 2011 and September 1, 2011. Mr. Rhoney presented the bid summary for the repair of the gas holder cover and mixing system. One bid was received from Siemens Industry, Inc. at \$879,456.00. Siemens Industry, Inc. currently owns the company that originally built the digester, and it is the only company that engages in this type of construction. Since the bid amount is in excess of the funds previously made available in the city's budget for this project, Mr. Rhoney recommended that the city enter into negotiations with Siemens Industry, Inc. in order to reduce the cost.

Upon motion by Mr. Bell and seconded by Mr. Hunter, Council voted unanimously to authorize city staff to enter into negotiations with Siemens Industry, Inc. for the replacement of the digester spiral guided gas hold cover and mixing system at the Wastewater Treatment Plant. Once negotiations are complete, city staff will present a proposal to the Council for review.

The power point presentation utilized by Mr. Rhoney is on file in the City Clerk's office.

**13. Announcement of tax credit project awards.**

- (a) Asheboro Mill Lofts**  
**(b) Sunset Place**

Mr. Ogburn announced the above-referenced tax credit project awards. No action was taken by the Council on this informational item.

**14. Upcoming events:**

- Downtown Asheboro Fitness Challenge kick-off – Inaugural Mayor's Walk on Thursday, September 22, 2011 at 6:00 p.m. at Bicentennial Park.
- Annual Cereal Sale and United Way Campaign kick-off on September 24, 2011 at 10:00 a.m. at Randolph Mall, hosted by Malt-O-Meal.
- Elected officials picnic on Thursday, September 29, 2011 at 6:30 p.m. at the N.C. Zoological Park Solar Pointe Pavilion, hosted by the City of Asheboro.
- North Carolina League of Municipalities Annual Conference – October 23-25, 2011 in Raleigh, N.C.

**15. Discussion of items not on the agenda:**

- Mayor Smith acknowledged the receipt of the minutes of the Asheboro ABC Board meeting that was held on August 1, 2011.
- Mr. Ogburn announced that Mr. Robert H. Kivett, Director of Public Works, will be retiring at the end of September 2011. Additionally, Mr. Ogburn announced the following promotions within the city staff:
  - i. David Hutchins, Public Works Director
  - ii. Dwaine Maness, Street Superintendent
  - iii. Andrew Connor, Water/Wastewater Maintenance Superintendent
  - iv. Nicholas Hylton, Construction Inspection Supervisor I

There being no further business, the meeting was adjourned at 9:08 p.m.

s/ Tamela D. Garner  
Tamela D. Garner, Deputy City Clerk

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