

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, JANUARY 6, 2005
7:00 PM**

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

David Jarrell) – Mayor Presiding

Talmadge Baker)
Linda Carter)
Keith Crisco)
Nancy Hunter) – Council Members Present
John McGlohon)
Archie Priest)
David Smith)

John N. Ogburn, City Manager
Carol J. Cole, CMC, City Clerk
Dumont Bunker, P. E., City Engineer
Debbie Juberg, Finance Director
Reynolds Neely, Planning Director
Lynn Priest, CD Director
Wendell Holland, Zoning Administrator
John Evans, Code Enforcer
Trevor Nuttall, Planner
Kermit Williamson, Sanitation Superintendent
Holly Hartman, Legal Assistant
Jeff Sugg, City Attorney

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

1. Pledge of Allegiance and Invocation.

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. Doctor Richard Crider, pastor of Oakhurst Baptist Church, gave the invocation.

2. Appearance and Recognition of Guests and Citizens.

Mayor Jarrell welcomed everyone in attendance and recognized members of the Juneteenth group and Boy Scout Troop 527.

3. Presentation of Annual Report of Randolph County Economic Development Corporation.

Mrs. Bonnie Renfro, president of the R. C. Economic Development Corporation, reported that EDC is celebrating 20 years of providing effective quality economic development services for the residents of Randolph County. This past year was a very good year, as 16 companies announced more than \$70 million in increased industrial development and 558 new jobs. Also, Technimark announced a \$36.5 million expansion with 79 new jobs.

Ms. Melissa Foust, existing business and industry coordinator, reported on her activities during 2004. She visited with 216 existing industries, provided 81 resource referrals, and offered technical assistance for grants. Ms. Foust reported that *Site Selection* magazine named Randolph County Economic Development Corporation as one of the Top 20 Economic Development Groups in the U. S. for 2003.

4. Presentation by Dave Harris of Piedmont Triad Council of Governments on Cable Television Franchise.

Mr. Dave Harris of PTCOG and Mr. D. K. McLaughlin, vice-president of government affairs with Time Warner, presented and reviewed the proposed Franchise Ordinance Agreement between the City of Asheboro and Time Warner. The draft agreement is a non-exclusive agreement with a term of fifteen years. The draft provides for a state-of-the-art system, which means that when technology changes and these changes are available; the City and Time Warner will mutually come together to discuss the update of the cable system. The draft also contains language that Time Warner has agreed to provide a Government Access Channel upon 180-day notice and will reimburse the City up to \$4,000 for the cost to establish such a channel. There will be no cost to the subscriber associated with the Access Channel.

Mr. Charles Willard requested that council consider reserving the right in its franchise for a Public Access Channel.

Mr. Harris responded that a Public Access Channel is very expensive and feels there is a lot of legal liability. It would only benefit a small amount of citizens, and anyone could get on a Public Access Channel with any kind of program within the law.

5. Consideration of First Reading Approval of Ordinance Granting Cable Service Franchise Agreement Between the City of Asheboro and Time Warner Entertainment-Advance/New-house Partnership (TWEAN).

After discussion, Mr. Smith moved that the first reading of the Franchise Ordinance Agreement be approved with the amendment that the term for the franchise be 10 years with the option to renew for an additional 5 years. Mr. Crisco seconded the motion, which carried unanimously.

The Franchise Ordinance Agreement (01 ORD 1-05) is on file in the city clerk's office.

6. Presentation of Fiscal Year End Audit Report by Steve Hackett, CPA, of Maxton McDowell, CPA.

Mr. Steve Hackett, CPA, reviewed the city's audit for the fiscal year ending June 30, 2004 and reported that our finances are in good standing. However, Mr. Hackett stated that a city of our size should keep 35 percent of its total budget in the Fund Balance instead of the 25 percent that we currently have.

7. Approval of Fiscal Year 2003-2004 Audit.

Upon motion by Mr. Crisco and seconded by Mrs. Carter, council voted unanimously to approve the city's Fiscal Year 2003-2004 Audit as presented by Mr. Steve Hackett, CPA.

8. Consent Agenda.

Mayor Jarrell announced that the city attorney has requested that the following items be deferred until the January 27th special meeting:

- Approval of Findings of Fact for SUP-04-05
- Approval of Findings of Fact for CUP-04-28

Upon motion by Mr. Baker and seconded by Mr. Priest, council voted unanimously to defer the aforementioned items and to approve the following Consent Agenda items:

- Minutes of Previous Meeting

The minutes of the regular meeting of December 9, 2004 were approved as corrected by the city clerk.

- Project Ordinance for Downtown Farmer's Market

02 ORD 1-05

**PROJECT ORDINANCE
DOWNTOWN FARMER'S MARKET
FY 2004-2005**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is adopted:

Section 1. The Downtown Farmer's Market is hereby authorized as a project with revenues and expenditures projected for the duration of the project.

Section 2. The officers of the City of Asheboro are hereby authorized to proceed with the project within the terms of the grant documents and contracts approved by the City Council, the rules and regulations of the grant and General Statutes of North Carolina, and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

LINE ITEM	DESCRIPTION	AMOUNT
63-348-0000	Gold Leaf Foundation Grant	\$65,000
63-349-0000	NC General Assembly Appropriation	\$100,000
63-350-0000	Redevelopment Commission Contribution	<u>\$28,000</u>
	TOTAL	\$193,000

Section 4. The following expenditures are anticipated to be available to complete this project:

LINE ITEM	DESCRIPTION	AMOUNT
63-700-0000	Construction	193,000

Adopted this 6th day of January 2005.

S/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole
Carol J. Cole, City Clerk

OLD BUSINESS:

9. Rezoning.

Mayor Jarrell continued the public hearing on the following request:

- (a) City of Asheboro Text Amendment to Asheboro Zoning Ordinance – Sidewalk Requirements (RZ 04-29):

Mr. Neely presented and reviewed the recommended amendments to the Asheboro Zoning Ordinance concerning sidewalk requirements.

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

After discussion, upon motion by Mrs. Carter and seconded by Mr. Smith, council unanimously ordained to approve the sidewalk requirement amendments as presented by Mr. Neely.

10. Special Use Permits.

Mayor Jarrell continued the public hearing on the following request:

- (a) SUP to Allow a Floor Area Ratio (FAR) of Up to 22% (SUP-04-06): The property of Madison Heights, LLC, located on the east side of North Fayetteville Street, totaling approximately 8.28 acres and further identified by Randolph County Parcel ID Number 7763140433.

Mr. Neely was sworn in and presented the site and elevation plans and reported that they are in compliance with the design standards. He described the aforementioned property and stated that North Fayetteville Street is a major thoroughfare with a 100-foot right-of-way. The property is located within the corporate limits and city services are available. The proposed development consists of 72 total units and a 2,500 sq. ft. clubhouse. One hundred-year floodplain is located along the southern boundary of this property (Hasketts Creek). The LDP "Proposed Land Use Map" shows a future greenway following the stream. The plan recommends "dedication of open space and greenway easements as part of the land development process."

Mr. Ben Morgan, attorney representing the applicants, was sworn in and stated that his clients want to change the FAR from 17% to 22% because they want to add amenities to the 72 units such as a clubhouse, car wash, etc. These additions will make the property more marketable. Mr. Morgan addressed the four standard tests. (1) Increasing the FAR will not endanger the public health or safety, as the proposed use will not change. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance as evidenced in the site and elevation plans submitted. (3) The use will not injure the value of adjoining or abutting property, as multi-family residential surrounds the property. (4) The use will be in harmony with the area, as it complies with the Land Development Plan.

The applicants were in attendance to answer any questions that council might have.

Mr. Neely stated two suggested conditions for council's consideration if it finds in favor of the request.

Mr. Morgan stated that his clients accept the conditions.

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

Upon motion by Mr. Smith and seconded by Mr. McGlohon, council voted unanimously to approve the Special Use Permit with the conditions stated by Mr. Neely, based on the four standard tests being met per testimony of Mr. Ben Morgan.

The conditions will be detailed in the city attorney's Findings of Fact, Conclusions of Law, and Order Granting the Special Use Permit to be approved by council at its February meeting.

Mayor Jarrell continued the public hearing on the following request:

- (b) SUP for Expansion of a Church in a Residential Zoning District (SUP-04-07): The property of Look to Jesus Christian Center, Inc. located at 418 Loach Street, totaling approximately 2.4 acres and further identified by Randolph County Parcel ID Number 7761248435.

Mr. Dexter Trogdon, applicant, was sworn in and stated that the engineer did not have the site and elevation plans prepared and asked council to defer this request.

Upon motion by Mr. Crisco and seconded by Mr. Baker, council voted unanimously to defer the request. Mayor Jarrell continued the public hearing.

11. Public Hearing on Consideration of Non-contiguous Annexation of 2.318 Acres Along the West Side of US Highway 220 Business South (Petition Received From BSR, LLC).

Mayor Jarrell opened the public hearing on the aforementioned annexation request.

Mr. Bunker reported that notice of this public hearing has been advertised as provided for by law.

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

Mr. Bunker presented and recommended adoption, by reference, of an ordinance extending the corporate limits.

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to adopt the following ordinance by reference:

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF
ASHEBORO
(2.318 Acres of Land Located along the West Side of United States Highway 220
Business South)**

WHEREAS, pursuant to Section 160A-58.1 of the North Carolina General Statutes, a petition signed by the owners of all of the real property located within the area hereinafter described was heretofore presented to the City Council of the City of Asheboro, by which petition a request was made that said area be annexed to the City of Asheboro; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition, and a public hearing on the question of this annexation was held in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, at 7:00 o'clock p.m. on the 9th day of December, 2004, and on the 6th day of January, 2005, after due notice by publication was given on November 17, 2004, in *The Randolph Guide*, a newspaper having general circulation in the City of Asheboro; and

WHEREAS, the City Council finds that the area described therein meets the standards of Section 160A-58.1(b) of the North Carolina General Statutes, to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Asheboro;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the City of Asheboro;
- c. The area described 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; Under the City Council's interpretation of the above-referenced statutorily prescribed standards, no subdivision, as defined in Section 160A-376 of the North Carolina General Statutes, will be fragmented by this proposed annexation;
- d. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Asheboro; and

WHEREAS, the City Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City Council further finds that the petition is otherwise valid and that the public health, safety, and welfare of the City of Asheboro and the area proposed for annexation will be best served by annexing the area described.

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-58.2 of the North Carolina General Statutes, the following described non-contiguous territory is annexed and attached to, and hereby becomes a part of the City of Asheboro, and is described as follows:

Cedar Grove Township, Randolph County, North Carolina:

BEGINNING at an existing iron rod that is set in the western margin of the apparent 100-foot right-of-way for U.S. Highway # 220 Business, said existing iron rod is located by means of the North Carolina Coordinate System at the coordinates of North 695,356.42 feet and East 1,755,879.25 feet (NAD 27); thence from said Beginning point along the western margin of U.S. Highway # 220 Business the following courses and distances: South 08 degrees 23 minutes 01 second West 99.23 feet to an existing iron rod; thence South 09 degrees 42 minutes 10 seconds West 99.94 feet to an axle; thence along the J. Robert King property described in Deed Book 1100,

Page 54, Randolph County Registry the following courses and distances: North 87 degrees 45 minutes 10 seconds West 219.25 feet to an existing iron rod; thence North 87 degrees 44 minutes 42 seconds West 315.17 feet to a new iron rod set in the eastern margin of the right-of-way for Old State Highway (S.R. 1148); thence along the eastern margin of Old State Highway the following courses and distances: North 17 degrees 30 minutes 07 seconds East 95.43 feet to a point; thence North 17 degrees 16 minutes 54 seconds East 101.66 feet to a new iron rod; thence along the Myrtle A. Mabe property described in Deed Book 1774, Page 1442, Randolph County Registry the following courses and distances: South 88 degrees 35 minutes 45 seconds East 244.52 feet to an existing iron rod; thence South 88 degrees 35 minutes 58 seconds East 262.05 feet to the point and place of BEGINNING, and containing 2.318 acres, more or less.

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR CITY OF ASHEBORO **OLD STATE HWY SUBDIVISION.**" This plat of survey was drawn under the supervision of Roland D. Ward, Professional Land Surveyor with Registration Number L-2728, from an actual survey made under his supervision. Said plat of survey is dated September 21, 2004.

Section 2. The above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Register of Deeds of Randolph County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, 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 4. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be in full force and effect from the 6th day of January, 2005.

Adopted in regular session this 6th day of January, 2005.

S/ David H. Jarrell
David H. Jarrell
Mayor

ATTEST:

S/ Carol J. Cole
Carol J. Cole, CMC
City Clerk

Approved as to form:

S/ Jeffrey C. Sugg
Jeffrey C. Sugg
City Attorney

12. Consideration of a Petition Received From James C. and Shirley P. Allred and Patsy Lee Haynes Requesting Contiguous Annexation of 1.50 Acres at the Intersection of Idlewild Drive Extension and Rockaway Drive.

Mr. Bunker presented and recommended adoption of a resolution directing the city clerk to investigate the aforementioned annexation petition.

Upon motion by Mrs. Carter and seconded by Mrs. Hunter, council voted unanimously to adopt the following resolution by reference:

01 RES 1-05

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN
ANNEXATION PETITION RECEIVED UNDER SECTION 160A-31 OF THE
NORTH CAROLINA GENERAL STATUTES
(1.50 Acres of Land Located at the Intersection of Idlewild Drive Extension
and Rockaway Drive)**

WHEREAS, a petition requesting annexation of an area described in said petition as approximately 1.50 acres of land located at the intersection of Idlewild Drive Extension and Rockaway Drive has been received by the City Council of the City of Asheboro; and

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

WHEREAS, the City Council of the City of Asheboro deems it advisable to proceed in response to this request for annexation.

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

Adopted in regular session on this the 6th day of January, 2005.

S/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole
Carol J. Cole, CMC, City Clerk

After the city clerk certified as to the sufficiency of subject annexation petition, Mr. Bunker presented and recommended adoption of a resolution fixing the date of the public hearing on the question of annexation.

Upon motion by Mrs. Carter and seconded by Mr. Priest, council voted unanimously to adopt the following resolution by reference:

02 RES 1-05

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE
NORTH CAROLINA GENERAL STATUTES
(1.50 Acres of Land Located at the Intersection of Idlewild Drive Extension
and Rockaway Drive)**

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

WHEREAS, the City Council of the City of Asheboro, North Carolina has, by resolution, directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

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

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, at 7:00 o'clock p.m. on the 10th day of February, 2005; and

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

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

Adopted in regular session on this the 6th day of January, 2005.

S/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole
Carol J. Cole, CMC, City Clerk

Exhibit 1

Randleman Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe that is set on the existing corporate limits line of the City of Asheboro and is located by means of the North Carolina Coordinate System at the coordinates of North 738,757.464 feet and East 1,761,669.201 feet (NAD 83), said existing iron pipe is located South 26 degrees 45 minutes 53 seconds East 4,096.88 feet from a concrete monument located by means of the North Carolina Coordinate System at the coordinates of North 742,415.425 feet and East 1,759,824.268 feet (NAD 83) and is identified as Point #6, Table One of the City of Asheboro, North Asheboro Annexation Survey by Jack R. Ragland Surveying and Mapping, November 21, 1992; thence from said Beginning point along the existing Asheboro corporate limits line South 80 degrees 45 minutes 37 seconds West 200.03 feet to an existing iron pipe set in the eastern margin of the 50-foot right-of-way for Idlewild Drive Extension; thence along the eastern margin of the 50-foot right-of-way for Idlewild Drive Extension the following courses and distances: South 11 degrees 59 minutes 41 seconds East 189.38 feet to an existing iron stake; thence South 18 degrees 13 minutes 05 seconds East 200.51 feet to an iron stake; thence North 66 degrees 57 minutes 49 seconds East 103.86 feet along the northern margin of the 50-foot right-of-way for Rockaway Drive to an iron stake; thence along the James Allred property described in Deed Book 1098, Page 863, Randolph County Registry the following courses and distances: North 23 degrees 01 minute 57 seconds West 199.85 feet to an iron stake; thence North 66 degrees 56 minutes 04 seconds East 200.00 feet to an existing iron stake; thence North 23 degrees 03 minutes 09 seconds West 99.96 feet along the Jose Morales property described in Deed Book 1757, Page 385, Randolph County Registry to an existing iron stake; thence North 22 degrees 59 minutes 30 seconds West 100.07 feet along the Manual Soto property described in Deed Book 1784, Page 2739, Randolph County Registry to an existing iron stake; thence South 82 degrees 38 minutes 55 seconds West 38.67 feet to a point not set; thence South 08 degrees 06 minutes 42 seconds East 75.00 feet to the point and place of the BEGINNING, and containing 65,382.412 square feet, more or less.

This description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR CITY OF ASHEBORO, FOREST PARK SUBDIVISION, SECT 2, REVISED, LOTS 1, 2, & 26 (BLOCK E)." Burrow Surveys, Inc. prepared this plat of survey, which is dated November 19, 2004, and identified as project number 2697.

NEW BUSINESS:

13. Public Hearing on Special Use Permit.

Mayor Jarrell opened the public hearing on the following request:

- (a) SUP to Allow a Light Industrial Use in the B-2 Zoning District (SUP-05-01): The property of James L. Wright located at 527 and 529 N. Fayetteville Street, totaling approximately 9,500 sq. ft., more specifically identified by Randolph County Property ID Number 7751857694.

Mr. Neely was sworn in and presented the site plan. He described the aforementioned property and stated that the property is located within the city limits and all city services are available. North Fayetteville Street is a major thoroughfare with a 100-ft. right-of-way. The property is located in Tier 2 of the Center City Planning Area. The proposed use requires council's consideration of a Special Use Permit. An office building exists on the property. The proposed business would utilize the existing structure. The applicant is seeking a variance from the "Street Tree" planting requirement. The board of adjustment will hear this case on Monday, January 10.

Mr. John Gatlin, realtor for the applicant, was sworn in and addressed the four standard tests. (1) The use will not materially endanger the public health or safety, as the proposed use will be light industrial. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance per the site plan submitted. (3) The use will not injure the value of adjoining or abutting property. The property will change very little, and the adjoining property is business. (4) The use will be in harmony with the area, as the proposed use complies with the Land Development Plan.

Mr. Gary Martin, applicant, was sworn in and stated that natural latex would be used, and there would be no hazardous materials.

Mr. Neely stated some suggested conditions for council's consideration if it finds in favor of the request.

Mr. Gary Martin accepted the conditions.

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

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to approve the Special Use Permit with the conditions stated by Mr. Neely, based on the four standard tests being met per testimony of Mr. Gatlin and Mr. Martin.

The conditions will be further detailed in the city attorney's Findings of Fact, Conclusions of Law and Order Granting the Special Use Permit to be approved by council at its February meeting.

14. Subdivision.

- (a) Revised Preliminary Plat for Heathwood Acres (SUB-01-02)

Mr. Neely presented the revised preliminary plat for Heathwood Acres Subdivision and stated that this property is zoned Conditional Use R-15. The conditions relate to the maintenance of a 20-foot vegetative buffer along the perimeter of the subdivision, retention of existing significant trees during development, placement of modular dwellings, and other development standards. The submitted plat appears to conform with applicable conditions.

This subdivision first received preliminary plat approval in 2001. That approval has expired and the developer is seeking revised preliminary plat approval. Division of a section into two phases is the only change requested. Mr. Neely reported that all comments by various departments have been addressed.

The planning board recommended approval.

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to accept the recommendation from the planning board for approval.

15. Adoption of an Ordinance Amending Chapter 50 of the Code of Asheboro.

Mr. Sugg stated that the proposed amendment is a result of the request from the residents of Fisher Circle who requested to hook on to the city's water system because of water contamination. Fisher Circle is outside the city limits. So that there will be no discrimination among other water/sewer customers, a surcharge is being created, calculated on a pro-rated basis to the owners of each parcel of land served by the water line. Mr. Sugg presented and recommended adoption of an ordinance amending Chapter 50 of the Code of Asheboro to reflect this change.

Upon motion by Mrs. Carter and seconded by Mr. Baker, council voted unanimously to adopt the following ordinance by reference:

04 ORD 1-05

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ASHEBORO

WHEREAS, Section 160A-312(a) of the North Carolina General Statutes authorizes the City of Asheboro to "acquire, construct, establish, enlarge, improve, maintain, own, operate, and contract for the operation of any or all of the public enterprises . . ." defined in Article 16 of Chapter 160A of the North Carolina General Statutes for the purpose of furnishing "services to the city and its citizens"; and

WHEREAS, Section 160A-311 of the North Carolina General Statutes defines the term "public enterprise" to include water supply and distribution systems as well as wastewater collection, treatment, and disposal systems of all types; and

WHEREAS, Section 160A-312(a) of the North Carolina General Statutes further provides that the City of Asheboro "may acquire, construct, establish, enlarge, improve, maintain, own, and operate any public enterprise outside its corporate limits, within reasonable limitations, but in no case shall a city be held liable for damages to those outside the corporate limits for failure to furnish any public enterprise service"; and

WHEREAS, Chapter 50 of the Code of Asheboro prescribes regulations governing the operation of the City of Asheboro water and sewer systems; and

WHEREAS, Section 50.004 of the Code of Asheboro provides as follows:

WATER AND SEWER CONNECTION FEES

(A) *Water service connection fee for service to property inside city limits.*
The following fees shall be charged for connection to a city water main inside the city limits:

Size	Complete service to right-of-way	New tap only	New meter with box only	New meter only installed in existing service
5/8"x				
3/4"	\$ 800	\$ 400	\$ 400	\$ 50
1"	1,100	550	550	150
1 1/2"	1,700	850	850	250
2"	2,000	1,000	1,000	300

(B) *Water service connection fee for service to property outside city limits.*
The following fees shall be charged for connection to a city water main outside the city limits:

Size	Complete service to right-of-way	New tap only	New meter with box only	New meter only installed in existing service
5/8"x				
3/4"	\$ 1,200	\$ 600	\$ 600	\$ 75
1"	1,650	825	825	225
1 1/2"	2,550	1,275	1,275	375
2"	3,000	1,500	1,500	450

(C) *Sewer service connection fee for service to property inside city limits.* The following fees shall be charged for connection to the city sewer system inside the city limits:

Size	Complete service to right-of-way
4"	\$ 900
6"	1,000

(D) *Sewer service connection fee for service to property outside city limits.* The following fees shall be charged for connection to the city sewer system outside the city limits:

Size	Complete service to right-of-way
4"	\$ 1,800
6"	2,000

(E) Charges include all street repairs.

(F) Unlisted water and sewer service items inside city limits will be at cost

(G) Unlisted water service items outside city limits will be at cost plus 50%.

(H) Unlisted sewer service items outside city limits will be at cost plus 100%.

(I) Approval must be secured from the North Carolina Department of Transportation before state-maintained streets can be cut.

WHEREAS, one of the missions of the City of Asheboro as a municipal corporation organized and existing under the laws of the State of North Carolina is to provide the governmental services essential for sound urban development and for the protection of health, safety, and welfare in areas being intensively used for residential, commercial, industrial, institutional, and governmental purposes or in areas undergoing such development; and

WHEREAS, the City Council of the City of Asheboro has determined that the current provisions of Section 50.004 of the Code of Asheboro do not adequately support the mission stated in the immediately preceding paragraph.

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

Section 1. Section 50.004 of Chapter 50 of the Code of Asheboro is hereby amended to provide as follows:

§ 50.004 WATER AND SEWER CONNECTION FEES

(A) *Water service connection fee for service to property inside the city limits.* The following fees shall be charged for connections to a city water main for property inside the city limits:

Size	Complete service to right-of-way	New tap only	New meter and setter with box only	New meter only installed in existing service
5/8"x				
¾"	\$ 800	\$ 400	\$ 400	\$ 50
1"	1,100	550	550	150
1 ½"	1,700	850	850	250
2"	2,000	1,000	1,000	300

(B) *Water service connection fee for service to property outside city limits.* The following fees shall be charged for connection to a city water main for property outside the city limits:

Size	Complete service to right-of-way	New tap only	New meter and setter with box only	New meter only installed in existing service
5/8"x				
3/4"	\$ 1,200	\$ 600	\$ 600	\$ 75
1"	1,650	825	825	225
1 1/2"	2,550	1,275	1,275	375
2"	3,000	1,500	1,500	450

(C) Sewer service connection fee for service to property inside city limits. The following fees shall be charged for connection to the city sewer system for property inside the city limits:

Size	Complete service to right-of-way
4"	\$ 900
6"	1,000

(D) Sewer service connection fee for service to property outside city limits. The following fees shall be charged for connection to the city sewer system for property outside the city limits:

Size	Complete service to right-of-way
4"	\$ 1,800
6"	2,000

(E) Charges include all street repairs.

(F) ~~Unlisted water and sewer service items inside city limits will be at cost.~~ When a connection to a city water or sewer facility, which has been extended into an area outside of the city's corporate limits at the sole expense of the city, has been authorized by the city council pursuant to Section 50.008(C)(2) of the Code of Asheboro, a surcharge shall be imposed on such a connection in addition to any other fee prescribed by this section of the Code of Asheboro. The amount of the surcharge shall be calculated by distributing the cost incurred by the city, less any expense offset by the standard connection fee, pro rata between the owners of each parcel of land served by the water or sewer facility to which the connection is to be made. The exact surcharge for any particular water or sewer facility subject to this division shall be listed in the Schedule of Water/Sewer Service Connection Surcharges. This schedule of surcharges shall be maintained in the office of the city clerk and shall be available for public inspection during regular business hours.

(G) ~~Unlisted water service items outside city limits will be at cost plus 50%~~ Unlisted water and sewer service items for property inside city limits will be at cost.

(H) ~~Unlisted sewer service items outside city limits will be at cost plus 100%~~ Unlisted water service items for property outside city limits will be at cost plus 50%.

(I) ~~Approval must be secured from the North Carolina Department of Transportation before state-maintained streets can be cut~~ Unlisted sewer service items for property outside city limits will be at cost plus 100%.

(J) Approval must be secured from the North Carolina Department of Transportation before state-maintained streets can be cut.

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

Section 3. This ordinance shall become effective upon adoption.

Adoption in regular session on this the 6th day of January, 2005.

S/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole
Carol J. Cole, CMC, City Clerk

16. Approval to Increase the Offers to Purchase Water Line Easements for the Proposed 16" Water Line to be Installed on the West Side of US 220 By-Pass Between Park Drive and Pineview Road, by \$1,200 Cash or Credit on Connection Fees Per Property Owner.

Mr. Bunker reported that the \$1,200 increase is also the same amount that would be charged for a standard ¾" water service connection with meter and box at the outside city limits rate. This offer will provide an equitable basis for dealing with each property owner and also an incentive for each property owner to provide the easement.

Upon motion by Mr. Priest and seconded by Mrs. Carter, council voted unanimously to approve the \$1,200 increase.

17. Bids Received for a Truck Cab and Chassis for a Knuckleboom Trash/Brush Loader for the Sanitation Department.

Mr. Bunker reported that the following bids were received at 2:00 PM on December 21, 2004 on the aforementioned:

<u>Bidder</u>	<u>Make</u>	<u>Amount W/O Use Tax</u>
Piedmont Truck Center 412 Regional Road South PO Box 18109 Greensboro, NC 27419-8109	Sterling	\$56,477.00
Triad Freightliner PO Box 8949 Greensboro, NC 27419	Freightliner	\$64,927.00
White's International Trucks PO Box 18605 Greensboro, NC 27419	International	\$70,091.42

Mr. Bunker recommended that the bid of \$56,477 without use tax by Piedmont Truck Center be accepted based on the low responsive bid received.

Upon motion by Mr. Priest and seconded by Mr. Crisco, council voted unanimously to accept the low bid of \$56,477 by Piedmont Truck Center.

Mr. Ogburn reported that he received a letter from Piedmont Truck Center dated January 4, 2005, withdrawing its bid. The law allows a 72-hour window where one can change his mind, but Piedmont Truck did not meet this time frame.

Mr. Sugg noted that there was no bid deposit. The city could pursue litigation against Piedmont Truck and win, but the cost would be more than the difference from the second lowest bid of \$64,927. Mr. Sugg recommended accepting the second lowest bid from Triad Freightliner.

Upon motion by Mr. McGlohon and seconded by Mr. Baker, council voted unanimously to accept Mr. Sugg's recommendation.

18. Consideration of a Resolution Authorizing a 2-Year Lease to Fairway Outdoor Advertising of Certain City-Owned Property for an Existing Outdoor Advertising Structure.

Mr. Sugg reported that he has sent a draft lease to Fairway Outdoor Advertising and requested that this item be deferred until January 27, 2005.

Upon motion by Mr. Baker and seconded by Mrs. Hunter, council voted unanimously to defer this item until January 27.

19. Finance & Public Safety Matters and Public Works Matters.

No official meetings were held.

20. Items Not on the Agenda.

It was recommended that Frank Havens be reappointed to a five-year term on the planning board and board of adjustment, effective January 1, 2005.

Upon motion by Mr. Baker and seconded by Mrs. Hunter, council voted unanimously to reappoint Mr. Havens to a five-year term.

Mayor Jarrell called for a special council meeting to be held at 7:00 PM on Thursday, January 27, 2005, to hear a presentation by Clyde Foust concerning the old Sunset Theatre and a presentation by Ginger Booker with the Piedmont Triad Council of Governments concerning strategic planning.

There being no further business, the meeting was adjourned at 9:37 PM.

Carol J. Cole, CMC, City Clerk

David H. Jarrell, Mayor

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