

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, NOVEMBER 4, 2004
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)
Nancy Hunter) – Council Members Present
John McGlohon)
Archie Priest)
David Smith)

Keith Crisco) – Council Member Absent

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
Trevor Nuttall, Planner
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. Captain Jason Hughes with the Salvation Army gave the invocation.

2. Appearance and Recognition of Guests and Citizens.

Mayor Jarrell welcomed everyone in attendance.

3. Consent Agenda.

Mayor Jarrell asked council if it wished to discuss any items on the Consent Agenda separately or to vote on the items collectively.

Upon motion by Mrs. Carter and seconded by Mr. McGlohon, council voted unanimously to approve the following Consent Agenda items collectively:

(a) Approval of Minutes of Previous Meeting

The minutes of the October 7, 2004 regular council meeting were approved as presented.

(b) Recommendations From the Asheboro Airport Authority at Its Meeting Held October 19, 2004 for Approval of the Following:

Expenditures of surplus state and federal grant funds (90%) and budgeted city funds (10%) from the runway improvements project for the following additional items, contingent upon approval by the NCDOT Division of Aviation: (1) hangar access road (2) seal coat existing ramp (3) add inlets @ corporate taxilane (4) overlay airport access road (5) pave museum parking lot (6) new 10,000 gallon "Jet A" fuel tank, and (7) overlay northern taxilanes, with the total cost estimated at \$196,113.

Transfer of the lease for Hangar "D" from Kenneth I. Dunigan to Asheboro Aero, Inc.

**RESOLUTION AUTHORIZING THE LEASE OF CERTAIN CITY-OWNED PROPERTY
AT THE ASHEBORO MUNICIPAL AIRPORT TO ASHEBORO AERO INCORPORATED**

WHEREAS, Section 160A-272 of the North Carolina General Statutes as amended by the local modification found in Chapter 867 of the 1989 (Reg. Sess., 1990) Session Laws of North Carolina authorizes the City Council of the City of Asheboro to lease in relation to the operation of the Asheboro Municipal Airport city-owned property located at said airport for a maximum lease term of thirty (30) years so long as the property will not be needed by the municipality during the term of the lease; and

WHEREAS, in response to a request submitted by Asheboro Aero, Incorporated, the Asheboro Airport Authority adopted, during its meeting on October the 19th, 2004, a formal recommendation to the City Council of the City of Asheboro in support of the granting of a lease to Asheboro Aero, Inc. of Hangar D at the airport at a rental rate of One Hundred Twenty and 00/100 Dollars (\$120.00) per year and for a lease term that expires on August 14, 2020; and

WHEREAS, the City Attorney for the City of Asheboro has prepared a proposed lease agreement that, if approved, would grant the lease recommended by the Asheboro Airport Authority to Asheboro Aero, Inc. on terms that are comparable to the terms found in other lease agreements that have previously been entered into by the city with other individuals and entities seeking to lease hangars at the Asheboro Municipal Airport; and

WHEREAS, the proposed lease agreement described in the immediately preceding paragraph is attached to this resolution as "EXHIBIT A" and is hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, the property subject to the aforementioned lease agreement will not be needed by the city during the requested term of the lease; and

WHEREAS, public notice of the consideration by the council of authorizing said lease agreement with Asheboro Aero, Inc. was given in the Courier Tribune on October 25, 2004, in accordance with Section 160A-272 of the North Carolina General Statutes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the lease of Hangar D at the Asheboro Municipal Airport to Asheboro Aero, Inc. in accordance with the terms and conditions specified in "EXHIBIT A" is hereby authorized; and

BE IT FURTHER RESOLVED that, the Mayor and City Clerk are authorized and directed to execute lease documents substantially and materially similar in all respects to "EXHIBIT A" in order to effectuate the approved lease.

Adopted by the Asheboro City Council in regular session on the 4th day of November, 2004.

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

ATTEST:

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

("Exhibit A" that is referenced in the above resolution is attached to the original resolution that is on file in the city clerk's office.)

(c) Proposal by W. K. Dickson & Company, Inc. of Charlotte, NC

To provide engineering services for design, plans, specifications, inspection and contract administration for additional construction improvements at the airport for an amount not to exceed \$34,140.

- (d) Change Order No 2 on the Airport Runway Improvements (APAC Atlantic, Inc. Thompson-Arthur Division)

Increases the contract amount for additional construction items (funds are included in the \$196,113 mentioned in Item (b)).

- (e) Ordinance Amending the Airport Runway Extension Phase III Fund

35 ORD 11-04

**ORDINANCE TO AMEND
THE AIRPORT RUNWAY EXTENSION PHASE III FUND
FY 2004-2005**

WHEREAS, revenues and expenditures have changed from the amounts currently show in the Airport Runway Extension Phase III Fund, and;

WHEREAS, the City Council of the City of Asheboro desires to amend the Budget as required by law;

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 line items be increased:

<u>Account #</u>	<u>Revenues Description</u>	<u>Current Appropriation</u>	<u>Increase (Decrease)</u>	<u>New Appropriated Amount</u>
66-367-1013	Cont. GF (FBO)	0	1,713	\$ 1,1713
	TOTAL		\$1,713	

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

<u>Account #</u>	<u>Expenses Description</u>	<u>Current Appropriation</u>	<u>Increase (Decrease)</u>	<u>New Appropriated Amount</u>
66-890-0400	Professional services	\$234,925	(26,215)	\$208,710
66-890-0500	Admin	805	343	1,148
66-890-4501	Payment to Contractor-APAC	1,545,127	(21,944)	1,523,183
66-890-4502	Payment to FBO	16,530	1,713	18,243
66-890-5700	Contingency	101,954	49,347	151,301
66-900-0400	Professional Services	44,065	(22,137)	21,928
66-900-4500	Payment to Contractor- APAC	122,602	22,138	144,740
66-900-5700	Contingency	333	(333)	0
66-920-0400	Professional Services	21,900	(1,693)	20,207
66-920-4500	Payment to Contractor-APAC	145,915	546	146,461
66-920-5700	Contingency	52	(52)	0
66-940-0400	Professional Services	15,950	16,000	31,950
66-940-0500	Admin	100	(100)	0
66-940-4500	Payment to Contractor-APAC	133,950	590	134,540
66-940-5700	Contingency	16,667	(16,490)	177
	TOTAL	\$2,400,875	\$1,713	\$2,402,588

Adopted this the 4th day of November, 2004.

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

ATTEST:

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

- (f) Resolution Approving a Right-of-Way Agreement With the NC Department of Transportation for Fairview Farm Road (State Road #2831 B) Adjacent to City-Owned Property at Panther Creek Sewer Pump Station #11

This item was deferred.

- (g) Agreement Between the County of Randolph and City of Asheboro Concerning a Grant to Purchase Equipment for Homeland Security

The Asheboro Police Department will get the use of a bomb dog through a Homeland Security Grant secured by the County of Randolph.

- (h) Request by Shelia R. Scott

To temporarily close the following streets for the annual Asheboro Fall Roundup Horse Parade at 3:00 PM to 4:00 PM on November 7, 2004: Park Street, Walker Avenue, Church Street and Sunset Avenue.

- (i) Request by Frank Rose of the Randolph County Veteran's Council

To temporarily close streets for a Veterans' Day Parade at 4:50 PM to 5:30 PM on November 11, 2004, beginning at the Sunset Avenue and Church Street intersection and ending at the Worth Street and Cox Street intersection.

- (j) Request From Chamber of Commerce

To block off the following streets: Kivett, South Church, Sunset Avenue, and South Fayetteville Street for the Christmas parade on Friday, December 3, 2004.

4. Public Hearings on Zoning Matters.

Special Use Permits

- (a) Mayor Jarrell announced that the Special Use Permit requested by Sylvia Brooks for a Massage Therapy Home Occupation at 1472 Ridgewood Circle has been withdrawn (SUP-04-04).

Mayor Jarrell opened the public hearing on the following request:

- (b) SUP for Manufacturing, Processing, and Assembly – Light in the B-2 Zoning District (SUP-04-05): The properties of Asheboro Machine Shop, located at 3027 US 220 Business South and approximately 14,000 sq. ft. of the adjacent property to the south, further identified as Randolph County Parcel ID Nos. 7659575782 and 7659576532 (a portion). The total area applicable to this request is approximately 39,000 sq. ft.

Mr. Neely was sworn in and submitted the site plan. He described the aforementioned property and stated that the request is for a Special Use Permit for expansion of a Light Industrial Use in the B-2 District. The property is not located within the city limits and is not served by city services. US 220 Business is a designated major thoroughfare. The land use in the area consists of a mixture of industrial and/or commercial uses along the frontage of US 220 Business and adjacent residential immediately to the east. In order to build the addition, the property owner will need to re-divide the two properties identified into two legal building lots.

The staff has reviewed a recombination plat for conformance with the zoning ordinance. The staff has also reviewed the site plan and it is in general conformance with the ordinance, except Section 308A.1. The applicant received a variance waiving the requirement of a 10' landscape strip along the lot's frontage at the board of adjustment meeting 11-1-04. The required shrubs (16) must still be planted in the existing grass area.

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

Mr. Rickie Moore, applicant, was sworn in and addressed the four standard tests, as follows:

- (1) The use will not materially endanger the public health or safety. The business has been in operation since 1966, and it has never caused any problems. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance, as shown on the site plan submitted. (3) The use will not substantially injure the value of adjoining or abutting property. The use has been in operation since 1966, and Mr. Moore feels that the adjoining or abutting property has not decreased in value. (4) The use is in harmony with the area, as the use conforms with the Land Development Plan.

Mrs. Betty Odham was sworn in and stated that she is an adjoining property owner. She asked how many trees will have to be cut down.

Mr. Moore replied that he will leave the wooded area as is. He may have to cut trees 10 feet at the back of the property. He stated that the expansion of the shop is at the northeast back corner of the shop, going away from Mrs. Odham's property.

Mr. Trevor Nuttall was sworn in and explained the floor area ratio (FAR) requirements.

After some discussion, council added the condition that there be a 20-foot "no cut zone" along the Odham property to the southern property line.

Mayor Jarrell asked Mr. Moore if he accepted this condition and the conditions stated by Mr. Neely. Mr. Moore accepted the conditions.

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

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

5. Subdivisions.

(a) Final Plat Certification for Windcrest Acres, Phase I Section 1 (SUB-95-06)

Mr. Neely presented the final plat for Windcrest Acres Subdivision, which is located at the south side of Central Falls Road. This subdivision contains 3.06 acres and consists of 8 lots, with the average lot size being 15,469 sq. ft.

All department comments have been addressed, and the planning board recommended approval of the final plat for certification.

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

(b) Revised Preliminary Plat Approval for Northmont Estate, Phase 1, Part V-D (SUB-03-04)

Mr. Neely presented the revised preliminary plat for Northmont Estate, Phase 1, Part V-D. This subdivision is located north of Mountain Lake Road, which contains 15.6 acres and consists of 12 lots, with the average lot size being 1.1 acres. Preliminary approval of this plat was given in 2003. The developer has proposed an additional lot and is seeking approval of the revised preliminary plat.

The planning board recommended approval with comments from the engineering and planning departments. The departments' comments have been addressed.

Upon motion by Mrs. Carter and seconded by Mr. Priest, council voted unanimously to approve the revised preliminary plat.

(c) Public Hearing on Subdivision Technical Amendments to Article IX: Required Improvements and Design Standards, Section E. Water and Sewerage Systems

Mayor Jarrell opened the public hearing on subdivision technical amendments to Article IX regarding utility connections in the Seagrove-Ulah Water District.

Mr. Neely reviewed the proposed amendments to Article IX of the Asheboro Subdivision Ordinance that pertains to water and sewerage systems. The proposed amendments address real property located within the Seagrove-Ulah Metropolitan Water District and within the territorial jurisdiction of the City of Asheboro. Said real property shall be subject to the provisions of the annexation and water/sewer connection requirements of the subdivision ordinance to the same degree as any other real property located within the territorial jurisdiction of the City of Asheboro. However, if the Seagrove-Ulah Metropolitan Water District has made service available to the real property that is to be subdivided by means of a major subdivision plat, the subdivider shall be required to install water mains in accordance with Seagrove-Ulah Metropolitan Water District specifications and standard details in lieu of connecting to the City of Asheboro Municipal Water System.

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

Upon motion by Mr. Smith and seconded by Mr. Baker, council unanimously ordained to approve the proposed amendments as stated by Mr. Neely.

6. Discussion on Proposed Zoning Ordinance Amendments.

City Planner Trevor Nuttall reviewed the proposed amendments to Article 500: Signs. Mr. Nuttall also reviewed signage requirements of other North Carolina towns and cities similar in population size to Asheboro.

Mr. Jerry Bowman of Stuart-Bowman Auto Centre stated that he has two car dealership franchises, which will require two signs on the same parcel. The proposed amendment will allow only one sign per parcel.

Mr. Neely reviewed the proposed amendments to the zoning ordinance, which included amending Article 200, Table 200-1, adding Article 200A and amending Article 300A. These amendments are proposed in order to implement the 2020 Land Development Plan and address issues within commercial areas.

Mr. Neely reported that the planning board deferred making a recommendation to the city council until its December meeting so it will have sufficient time to make appropriate changes to the proposed amendments.

7. Petition Received From BSR, LLC, Requesting Non-Contiguous Annexation of 2.318 Acres Along the West side of US Highway 220 Business South.

(a) Mr. Bunker reported that Phillip R. Craven of BSR, LLC, is requesting that the City of Asheboro pay for or provide materials for 322 feet of 8" sewer line extension per the City's Policy for Water and Sewer Line Extensions approved by council on October 4, 2001, at an estimated cost of \$4,500 for materials.

Upon motion by Mr. Priest and seconded by Mrs. Carter, council voted unanimously to approve Mr. Craven's request.

(b) Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate the subject annexation petition.

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

47 RES 11-04

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
ANNEXATION PETITION
(2.318 Acres of Land Located along the West Side of United States
Highway 220 Business South)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on October 22, 2004 by the City Council of the City of Asheboro; and

WHEREAS, Section 160A-58.2 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, on this 4th day of November, 2004, that the City Clerk is hereby directed to investigate the sufficiency of the above described petition to certify as soon as practicable to the City Council the results of her investigation.

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

ATTEST:

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

(c) After the city clerk certified as to the sufficiency of the annexation petition, Mr. Bunker presented and recommended adoption, by reference, of a resolution fixing the date for the public hearing on question of the annexation.

Upon motion by Mr. McGlohon and seconded by Mr. Baker, council voted unanimously to adopt the following resolution by reference:

48 RES 11-04

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION PURSUANT TO SECTION 160A-58.2 OF THE
NORTH CAROLINA GENERAL STATUTES
(2.318 Acres of Land Located along the West Side of United States
Highway 220 Business South)**

WHEREAS, a petition requesting annexation of the non-contiguous 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, on this 4th day of November, 2004, as follows:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at 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

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

Section 3. Notice of said 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 said public hearing.

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

ATTEST:

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

Exhibit 1

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.

8. Resolution of Intent to Close Lumber Street Right-of-Way (Located Between Ross Street and the Railroad With No Existing Street).

Mr. Bunker reported that a petition signed by John A. Matkins and other adjacent property owners has been received requesting that Lumber Street be closed. He presented and recommended adoption, by reference, of a resolution of intent to close said street.

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

49 RES 11-04

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A CERTAIN UNOPENED STREET KNOWN AS LUMBER STREET THAT IS LOCATED BETWEEN ROSS STREET AND THE RAILROAD

WHEREAS, Section 160A-299 of the North Carolina General Statutes prescribes the procedure to be followed by a city in order to permanently close a street or alley; and

WHEREAS, the City Council of the City of Asheboro has determined that it is advisable to consider permanently closing a certain unopened street known as Lumber Street that is located between Ross Street and the railroad; and

WHEREAS, in order for a municipality to lawfully permanently close a street, Section 160A-299 of the North Carolina General Statutes requires that a city council first adopt a resolution declaring its intent to permanently close the street in question and then call a public hearing on the question.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, this 4th day of November, 2004, as follows:

Section 1. It is the intent of the City Council of the City of Asheboro to permanently close a certain unopened street known as Lumber Street that is located between Ross Street and the railroad. Lumber Street is located within the corporate limits of the City of Asheboro and is more particularly described as follows:

Asheboro Township, Randolph County, North Carolina

BEGINNING at an existing iron pin or pipe that is set in the eastern margin of the right-of-way for Ross Street and that is located South 07 degrees 34 minutes 57 seconds West 129.91 feet from an existing PK nail set at the intersection of the eastern margin of the Ross Street right-of-way with the southern margin of the West Ward Street right-of-way; thence from said Beginning point along the northern margin of the unopened right-of-way for Lumber Street the following courses and distances: South 81 degrees 04 minutes 07 seconds East 105.11 feet along the Hedgecock Builders Supply, Inc. property described in Deed Book 1663, Page 1062, Randolph County Registry to an existing iron pin or pipe; thence South 81 degrees 35 minutes 48 seconds East 60.05 feet along the Jeffrey S. Ferree et ux Amy M. Ferree property described in Deed Book 1815, Page 563, Randolph County Registry to a new iron pin; thence South 81 degrees 35 minutes 48 seconds East 60.05 feet along the Lewis H. Kelley et ux Joyce E. Kelly property described in Deed Book 1317, Page 2034, Randolph County Registry to an existing iron pin or pipe; thence continuing along the Kelly property South 81 degrees 20 minutes 57 seconds East 60.02 feet to an existing iron pin or pipe; thence South 81 degrees 20 minutes 57 seconds East 60.00 feet along the Stephen J. Davidson et ux Beth S. Davidson property described in

Deed Book 1694, Page 896, Randolph County Registry to a new iron pin; thence South 81 degrees 20 minutes 57 seconds East 100.00 feet along the John A. Matkins et ux Emily Matkins property described in Deed Book 1113, Page 440, Randolph County Registry to a new iron pin; thence along the Matkins property described in Deed Book 1116, Page 236, Randolph County Registry South 81 degrees 20 minutes 57 seconds East 54.54 feet to a new iron pin set in the western margin of the railroad right-of-way; thence following the curve of the western margin of the railroad right-of-way a course and chord distance of South 43 degrees 03 minutes 00 seconds West 18.17 feet (said curve having a radius of 477.31 feet) to a new iron pin; thence continuing along the curve of the western margin of the railroad right-of-way a course and chord distance of South 45 degrees 15 minutes 46 seconds West 18.69 feet (said curve having a radius of 477.31 feet) to a new iron pin; thence along the Hedgecock Home Building, Inc. property described in Deed Book 667, Page 20, Randolph County Registry the following course and distance: North 81 degrees 21 minutes 01 second West 477.79 feet to a PK nail set in the eastern margin of the Ross Street right-of-way; thence North 07 degrees 34 minutes 57 seconds East 30.01 feet along the eastern margin of Ross Street to the point and place of the BEGINNING and being all of that certain unopened street known as Lumber Street located within a 30-foot wide right-of-way shown in the "Arthur Ross Subdivision" recorded in Plat Book 1 at Page 321 of the Randolph County Registry.

Also included is the right-of-way itself for the unopened Lumber Street, said unopened right-of-way is shown on the below-referenced plat of survey.

This description is in accordance with a plat of survey entitled "Plat Prepared For **THE CITY OF ASHEBORO**", dated July 16, 2004, and drawn under the supervision of Steven D. Brown, R.L.S. with Registration Number L-1435.

Section 2. A public hearing on the matter of the proposed permanent closure of Lumber Street is hereby called and is to be held at the regular meeting of the City Council of the City of Asheboro on December 9, 2004, at 7:00 p.m. in the Council Chambers of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro. At said public hearing, any person may be heard on the question of whether or not the intended closing of Lumber Street would be detrimental to the public interest or the property rights of any individual.

Section 3. The City Clerk is hereby directed to cause the publication of this Resolution of Intent once a week for four (4) successive weeks prior to the above-referenced public hearing in the Courier Tribune, a newspaper of general circulation in the City of Asheboro and Randolph County.

Section 4. The City Clerk is further directed to transmit a copy of this Resolution of Intent by registered or certified mail to each owner of property adjoining Lumber Street. The identity of said property owners is to be determined on the basis of the Randolph County Tax Department's records.

Section 5. The City Clerk is further directed to cause the prominent posting of this Resolution of Intent in a minimum of two (2) locations along the Lumber Street right-of-way that is proposed for permanent closure.

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

ATTEST

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

9. Request by Wallace and Joan Hurley of 928 Fisher Circle and Other Residents to Extend a 6" Water Line 560 Feet Along Fisher Circle.

Mr. Wallace Hurley appeared before council and requested that he and the residents of Fisher Circle be allowed to extend a 6" water line 560 feet along Fisher Circle, which is outside of the city limits. They have contamination in their well water. The city's policy does not allow water line extensions without sewer line extensions also. The residents do not feel that it is feasible for them to also extend sewer lines, as they will be absorbing the costs of the water line extension as well as paying outside water rates that will be two and one-half (2 ½) times the inside rate. Approximately seven residents of Fisher Circle were in attendance supporting this request.

Upon motion by Mr. McGlohon and seconded by Mr. Priest, council voted unanimously to approve this request.

10. Ordinance Establishing a Prohibition Against Certain Forms of Aggressive Solicitation.

This item was deferred.

11. Resolution Authorizing the Assignment of a Lease Dated November 7, 2003, Between the City of Asheboro and AT&T Wireless PCS, LLC.

Mr. Sugg presented and reviewed the aforementioned resolution and recommended its adoption by reference.

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

50 RES 11-04

**RESOLUTION AUTHORIZING THE ASSIGNMENT OF A LEASE BETWEEN
THE CITY OF ASHEBORO AND AT&T WIRELESS PCS, LLC**

WHEREAS, the City of Asheboro (hereinafter referred to as the "City") currently leases to AT&T Wireless PCS, LLC (hereinafter referred to as "AT&T") a certain amount of space on the city's water tower that is located at 903 North Carolina Highway 49 South for the placement of electronic communications equipment; and

WHEREAS, by means of a letter dated October 13, 2004, that is attached to this resolution as "EXHIBIT A" and is hereby incorporated by reference as if fully copied herein, the City received notification of a proposed transfer of the current lease from AT&T as assignor to AWS Network Newco, LLC as assignee; and

WHEREAS, such an assignment of the lease by AT&T is authorized under the terms and conditions of the current lease agreement, which is dated November 7, 2003, between the City and AT&T; and

WHEREAS, the information currently available to the City Council indicates that the proposed transfer of the lease will not have any negative impact on the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City Manager is hereby authorized and directed to execute the acknowledgement contained within the original copy of the letter identified by this resolution as "EXHIBIT A."

Adopted in regular session this 4th day of November, 2004.

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

ATTEST:

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

("Exhibit A" that is referenced in the above resolution is attached to the original resolution that is on file in the city clerk's office.)

12. Update on Status of Proposed Ordinance to Establish a Historic Preservation Commission.

Mr. Sugg reported that subject ordinance will be forthcoming.

13. Finance and Public Safety & Public Works Matters.

No official meetings have been held.

14. Items Not on the Agenda.

Mayor Jarrell recommended that the staff look at the current fee schedules for parks and recreation facilities. He feels that the rates should be higher for non-residents of the city.

There being no further business, the meeting was adjourned at 9:04 PM.

Carol J. Cole, CMC, City Clerk

David H. Jarrell, Mayor

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