

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, DECEMBER 4, 2003
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)
John McGlohon) –Council Members Present
Archie Priest)
David Smith)
Paul Trollinger)

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
John Evans, Code Enforcement Officer
Jim Smith, Fire Chief
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. Reverend Martha Welch, associate pastor of First United Methodist Church, gave the invocation.

2. Approval of Minutes of Previous Meeting.

The minutes of the regular meeting of November 6, 2003, were approved as presented.

3. Approval of Findings of Facts for CUP-03-42 and SUP-03-12.

At the request of the staff, Mayor Jarrell entertained a motion to defer the Findings of Facts for CUP-03-42 and SUP-03-12 until the next regular meeting of the council in January.

Upon motion by Mrs. Carter and seconded by Mr. Priest, council voted unanimously to defer said Findings of Facts until its regular meeting in January.

4. Appearance and Recognition of Guests and Citizens.

Mayor Jarrell recognized Bryce Duncan from Boy Scout Troop 501 and welcomed everyone in attendance.

OLD BUSINESS:

5. Public Hearing on Zoning Matter (Continued from November 6, 2003).

- (a) Amend CUP-01-24 to Remove Condition No. 6: The property of Lexington Commons Home Owners Association of Asheboro, Inc. and Mid-Atlantic Townhomes, LLC, and Others located on Old Lexington Road, totaling approximately 16.68 acres, more specifically identified by Randolph County Parcel ID Numbers 7751345213, 7751340780, 7751341481, 7751341422, 7751340421, 7751249378, 7751248584, 7751248559, 7751248618, 7751247784, 7751247841, 7751247806, 7751246958, 7751256083, 7751248976, 7751248991, 7751249832, 7751249766, 7751249698, 7751340612, 7751341620, 7751341690, 7751333942, 7751333969, 7751344101, 7751343166, 7751343206, 7751342372, 7751342585, 7751343542, 7751344405, 7751344440, 7751345312, 7751345366, 7751346394, 7751347229, 7751346189, 7751346154, 7751346007, 7751345062.

Mayor Jarrell called the public hearing back to order from the recess that council took during its November meeting in order to allow the applicants to have an opportunity to gather certain information from their engineer for the council's consideration. Mayor Jarrell reminded everyone that was placed under oath during the previous meeting that tonight's hearing is simply a continuation of the original hearing from the November council meeting, and everyone is still under oath. Anyone new who wishes to speak tonight shall be placed under oath.

Mayor Jarrell asked Mr. Neely to review the testimony from the November meeting and to present the information he has received from the applicants since that meeting. Mr. Neely read a letter dated November 20, 2003 from Vance Bostock, PE, with CPT Engineering and Surveying, Inc. The letter confirmed that after review of the Lexington Commons Development, the existing storm structures adjacent to the property are adequately sized to handle the storm water generated by the development for a typical 10-year event.

City Engineer Dumont Bunker was sworn in to respond to some questions that council had.

Mayor Jarrell asked Mr. Schwarz, for clarification of the record, is it his testimony that, with the exception of the testimony and evidence that was presented during the November council meeting and tonight in connection with Condition No. 6, none of the evidence provided in support of the original application for a Conditional Use Permit for this project has changed.

Mr. Schwarz replied that none of the evidence provided in support of the original application for a CUP for said project has changed.

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

Mr. Trollinger moved that the request to amend CUP-01-24 by deleting Condition No. 6 be approved. The applicants have provided a letter from a professional engineer addressing the storm water generated by the subject development for a typical 10-year event that was requested by council at its November meeting. Mrs. Hunter seconded the motion, which carried unanimously.

Upon motion by Mr. Smith and seconded by Mr. Baker, council voted unanimously to excuse Mr. McGlohon from voting since he did not hear the evidence presented at the November meeting.

NEW BUSINESS:

6. Acceptance of the Asheboro City Council Election Results as Certified by the Randolph County Board of Elections.

The city council accepted the following results of the November 4, 2003 Asheboro City Council Election as certified by the Randolph County Board of Elections:

<u>Candidate</u>	<u>Total Votes</u>
Talmadge Baker	1139
Keith Crisco	1185
Nancy W. Hunter	961
Tony King Payne	130
Arin J. Wilhelm	182
Timothy Woodle	914
Blank	1
Roy Williamson	1
Dale Loflin	1

7. Resolution Honoring Council Member Paul Trollinger.

Mayor Jarrell expressed his appreciation to Mr. Trollinger for his valuable service rendered to the city of Asheboro. Mayor Jarrell read a resolution signed by the mayor, city council, city manager and city clerk, honoring Mr. Trollinger for his four years of service to the city of Asheboro as a city council member. This resolution will be recorded in the Official Minute Book. Mr. Trollinger was also presented with a gift of pottery.

Resolution

WHEREAS, the City Council of Asheboro, North Carolina hereby desires to express commendation and appreciation for the untiring and valuable service rendered to the

City by

Mr. Paul D. Trollinger

as a member of the City Council and that the City Clerk is hereby authorized and instructed to spread a copy of this resolution upon the city records and to transmit a copy thereof to Mr. Trollinger; and

WHEREAS, Mr. Trollinger has served as a member of the City Council for four years, giving generously of his time and efforts, unselfishly in all deliberations in a dignified, faithful, and businesslike manner.

NOW, THEREFORE BE IT RESOLVED, by the City Council, City Staff, and the Citizens of Asheboro extend to Mr. Trollinger its humble expression of esteem for him in serving the City faithfully and well, and its best wishes for good health, success, and prosperity for many years to come.

Adopted this the fourth day of December, 2003.

	S/ <u>David H. Jarrell, Mayor</u>
ATTEST:	S/ <u>Talmadge Baker</u>
	S/ <u>Linda Carter</u>
S/ <u>Carol J. Cole, City Clerk</u>	S/ <u>Nancy Hunter</u>
	S/ <u>John McGlohon</u>
S/ <u>John N. Ogburn, III, City Manager</u>	S/ <u>Mack Priest</u>
	S/ <u>David Smith</u>

8. Swearing-In Ceremonies of City Council Members.

The city clerk swore in re-elected Council Members Talmadge Baker and Nancy Hunter and newly elected Council Member Keith Crisco.

9. Election of Mayor Pro Tempore.

Upon motion by Mrs. Carter and seconded by Mrs. Hunter, council voted unanimously to elect Mr. Priest as the mayor pro tem.

10. Appointment of Council Committees.

Mayor Jarrell appointed Council Members Baker, Crisco, and Smith to serve on the finance & public safety committee, with the mayor serving as chair. Council Members Carter, Hunter, and McGlohon were appointed to serve on the public works committee, with Mr. Priest serving as chair.

Council Members Carter and Hunter were appointed to serve on the community appearance commission.

11. Resolution Concerning Triad Air Quality Early Action Compact (EAC).

Ginger Booker with the Piedmont Triad Council of Governments presented and explained the regional strategies to reduce ozone. Ms. Booker presented and recommended adoption of a resolution approving the regional strategies to reduce ozone and that the city of Asheboro will use applicable strategies as policy guidelines in decisions affecting purchasing, workplace

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practices, evaluation and implementation of capital projects, transportation and land use planning, and communications with its citizens. This resolution will also be adopted by the other counties and municipalities that are members of the Triad Air Quality Early Action Compact (EAC) that was formed in December of 2002.

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

Resolution

WHEREAS, by resolution of their governing boards, eleven Piedmont Triad counties (Alamance, Caswell, Davidson, Davie, Guilford, Forsyth, Randolph, Rockingham, Stokes, Surry, Yadkin) and their municipalities formed the Triad Air Quality Early Action Compact (EAC) in December 2003; and

WHEREAS, this Region currently exceeds the Environmental Protection Agency's (EPA's) eight-hour standard for ozone but desires to achieve cleaner, healthier air and thereby avoid the consequences of designation as a "nonattainment area," and

WHEREAS, by forming the Triad EAC, and working in partnership with the N. C. Division of Air Quality and EPA, the Region can defer the effective date of designation as an ozone nonattainment area from December 2004 to December 2007, thereby gaining time to implement ozone reduction measures and attain the eight-hour standard; and

WHEREAS, the Piedmont Triad Council of Governments and the Northwest Piedmont Council of Governments, on behalf of their member governments, appointed the Triad EAC Stakeholders Group, consisting of public officials, representatives of the environmental community, business and industry, to develop ozone reduction strategies for local government adoption; and

WHEREAS, the Stakeholders Group engaged in an extensive process of education, data evaluation, and public participation, leading to development of the attached **Regional Strategies To Reduce Ozone**, which it recommends for approval.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Asheboro hereby approves the **Regional Strategies To Reduce Ozone**; and

FURTHER THAT, the City of Asheboro will use applicable strategies as policy guidelines in decisions affecting purchasing, workplace practices, evaluation and implementation of capital projects, transportation and land use planning, and communications with its citizens; and

FURTHER THAT, the City of Asheboro will, along with other jurisdictions in the region, participate in providing information to the N. C. Division of Air Quality in order to track the Region's progress in lowering ozone producing emissions; and

FURTHER THAT, a copy of this Resolution, along with the **Regional Strategies** be forwarded to the Environmental Protection Agency and the N. C. Division of Air Quality for inclusion in the preliminary Triad Early Action Plan for attainment of the eight-hour ozone standard.

Adopted by the Asheboro City Council, this the 4th day of December, 2003.

ATTEST:

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

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

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12. Public Hearings on Zoning Matters.

Rezoning:

Mayor Jarrell opened the public hearing on the following request:

- (a) Rezone the Rear Portion of the Property From RA-6 Residential to OA-6 Commercial (RZ-03-46): The property of William C. Thornton and wife, Virginia F. Thornton located at 615 Sunset Avenue, totaling approximately 18,377 sq. ft., more specifically identified by Randolph County Parcel ID Number 7751526722.

Mr. Neely described the aforementioned property and stated that Sunset Avenue is a minor thoroughfare. The site is within the corporate limits and is served by all city services. The character of the area is residential/institutional. The request is to rezone the rear portion of the property from RA-6 Residential to OA-6 Commercial. The current zoning district boundary

splits the property.

The planning board recommended approval, as the request complies with the goals and policies of the Land Development Plan.

The applicant was present to answer any questions that council might have.

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

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

Mayor Jarrell opened the public hearing on the following request:

- (b) From R-7.5 Residential to CU-B-2 Industrial (RZ-03-47): The property of Benny Ray Collins located at 172 Dublin Square Road totaling approximately 20,294 sq. ft., more specifically identified by Randolph County Parcel ID Number 7761329086.

Mr. Neely was sworn in and presented the site plan. He described the aforementioned property and stated that Dublin Square Road is a major thoroughfare. The site is served by all city services. The area is characterized by a mix of uses. The request is to rezone from R-7.5 to Conditional Use B-2 and for a Conditional Use Permit allowing manufacturing, processing and assembling, light, specifically motor vehicle repair-major. The structure and use have been located on this property for over 20 years as a nonconforming use.

The planning board recommended approval of the district rezoning, as the request complies with the goals and policies of the Land Development Plan. Issues of compliance with specific Land Development Plan goals and policies may be addressed through appropriate conditions attached to the Conditional Use Permit.

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

Mr. Jerry King, surveyor, was sworn in and addressed the four standard tests on behalf of the applicant. (1) The use will not materially endanger the public health or safety, as the use will stay the same—a garage. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance, as shown on the site plan submitted. The applicant understands the conditions. (3) The use will not injure the value of adjoining or abutting property, as the garage was at this location before the other properties moved in. (4) The use is in harmony with the area, as the use will not change.

Mayor Jarrell asked Mr. Neely to restate the suggested 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 unanimously ordained to accept the recommendation from the planning board for approval of the district rezoning.

Upon motion by Mr. McGlohon and seconded by Mr. Priest, council voted unanimously to approve the Conditional Use Permit with the conditions as stated by Mr. Neely, based on the four standard tests being met per testimony by Mr. Jerry King.

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

Special Use Permit:

Mayor Jarrell opened the public hearing on the following request:

- (a) Special Use Permit to Allow a Home Occupation –Photography Studio (SUP-03-13): The property of Jeffery D. and wife, Rhonda B. Pennell, located at 444 Maple Avenue totaling approximately 15,000 sq. ft., more specifically identified by Randolph County Parcel ID Number 7760091497.

Mr. Neely was sworn in and presented the site plan. He described the aforementioned property and stated that Maple avenue and Hillcrest Circle are local streets. The site is within the corporate limits, and all city services are available. The area is characterized as neighborhood residential. The request is for a Special Use Permit allowing Home Occupation – Photography Studio. Mr. Neely reviewed the requirements for Home Occupations and read Note No. 20 from Table 200. Mr. Neely also stated some suggested conditions for council's consideration if it finds in favor of the request.

Mr. Jeff Pennell was sworn in and addressed the four standard tests. (1) The use will not endanger the public health or safety, as there will be no toxic materials, etc. (2) The use meets all required conditions and specifications, as shown on the site plan submitted. (3) The use will not injure the value of adjoining or abutting property, as the property will not change. The house will still look the same. Seventy percent (70 %) of Mr. Pennell's business is on location and not at his house. (4) The use will be in harmony with the area, as the studio will be located inside of his home. Mr. Pennell stated that he would like to add another driveway.

Mr. Jimmy Simpkins, a resident of 800 Cliff Road, was sworn in and stated that he lives at the corner of Cliff and Maple. He has a problem with a business sign being located on the property and the duration of the request. Mr. Simpkins asked if the use would be forever if the request is approved. Mr. Simpkins also had concerns about the impact on real estate value, more traffic being generated on Maple Street, and an increase in traffic in the Hammer Park area, where children walk on the streets. Mr. Simpkins stated that Jewel Williamson, a resident of 814 Cliff Road, asked that he express her opposition to the request.

Mr. Neely responded to Mr. Simpkin's concerns.

Mr. Phillip Brower was sworn in and stated that he was speaking on behalf of his mother, Hilda Brower, who is a resident of 443 Maple Avenue. His mother bought her home 45 years ago, which was residential, and she thought it would stay residential for the rest of her life. They are opposed to the request.

Mr. Neely reviewed the suggested conditions for council. Mr. Pennell stated that he is willing to give up the driveway and sign in order to please his neighbors. Council discussed the conditions as stated by Mr. Neely and added three more conditions to be considered, which were: (1) No business identification sign shall be permitted. (2) No additional driveway shall be permitted. (3) No more than five (5) business vehicles within a 24-hour period shall be permitted. Mr. Pennell was agreeable to all of the conditions.

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

Mr. Priest moved that council deny the request, and Mrs. Hunter seconded the motion. The motion carried by a 4-3 vote with Council Members Baker, Carter, Hunter, and Priest voting for the motion to deny. Council Members Crisco, McGlohon and Smith voted against the motion.

13. Petition Received From D & L Investments and NSHE Hampton, LLC, Requesting Contiguous Annexation of 6.5644 Acres at the Intersection of East Dixie Drive and East Salisbury Street. (Proposed Asheboro Honda and Asheboro Nissan Dealers).

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

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

87 RES 12-03

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
ANNEXATION PETITION
(6.5644 Acres of Land at the Intersection of East Dixie Drive and East Salisbury Street)**

WHEREAS, a petition requesting annexation of an area described in said petition as approximately 6.5644 acres of land located at the intersection of East Dixie Drive and East Salisbury Street has been received by the City Council; 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, this 4th day of December, 2003, 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.

S/ David H Jarrell
David H. Jarrell, Mayor

ATTEST:

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

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

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

88 RES 12-03

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA
GENERAL STATUTES
(6.5644 Acres of Land at the Intersection of East Dixie Drive and East Salisbury Street)**

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

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

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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 December, 2003, as follows:

Section 1. A public hearing on the question of annexation of the 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 8th day of January, 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, City Clerk

EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a new iron pin that is set on the southern right-of-way line of East Salisbury Street (North Carolina Secondary Road 2237) and is located North 82 degrees 10 minutes 20 seconds East 415.54 feet from the intersection of the center lines of East Salisbury Street and Rock Crusher Road (North Carolina Secondary Road 2191), said new iron pin is located by means of the North Carolina Coordinate System at the coordinates of North 712,262.707 feet and East 1,767,464.307 feet (NAD 27); thence from said Beginning point following the southern right-of-way line of East Salisbury Street the following courses and distances: North 78 degrees 01 minute 56 seconds East 559.50 feet to a new iron pin; thence South 19 degrees 40 minutes 09 seconds East 20.30 feet to an existing concrete monument; thence North 78 degrees 01 minute 56 seconds East 225.00 feet to a new iron pin; thence South 01 degree 00 minutes 18 seconds West 58.80 feet along the sight distance right-of-way associated with State Highway Project No. 5842 to a new iron pin set on the northern right-of-way line of East Dixie Drive (United States Highway 64); thence along the northern right-of-way line of East Dixie Drive the following courses and distances: South 42 degrees 37 minutes 52 seconds West 227.90 feet to an existing concrete monument; thence South 42 degrees 37 minutes 52 seconds West 373.49 feet to an existing concrete monument; thence South 80 degrees 38 minutes 35 seconds West 718.64 feet along the existing corporate limits line of the City of Asheboro to an existing concrete monument; thence North 03 degrees 03 minutes 50 seconds East 88.10 feet along the Griffin Craven property described in Estate File 96E, Page 598 in the Office of the Clerk of Superior Court for Randolph County and in Deed Book 265, Page 492, Deed Book 282, Page 493, Deed Book 588, Page 524, and Deed Book 1107, Page 180, Randolph County Public Registry to an existing railroad rail; thence along the Stout property described in Deed Book 1437, Page 1423, Randolph County Public Registry the following courses and distances: North 80 degrees 39 minutes 19 seconds East 343.51 feet to an existing iron pipe or pin; thence North 00 degrees 05 minutes 27 seconds West 330.77 feet to the point and place of the BEGINNING, and containing 6.5644 acres, more or less.

This description is in accordance with a plat of survey entitled "Annexation Plat Prepared For CITY OF ASHEBORO." This plat of survey, which bears an original date of August 18, 1999, was revised for purposes of this annexation process on March 31, 2003. Said plat of survey was prepared by Steven D. Brown, Professional Land Surveyor with Registration Number L-1435.

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14. Request by Mary Deitz for an Ordinance Establishing a Loading Zone at 127 Trade Street.

Ms. Mary Deitz appeared before council and requested that a loading zone be established at 127 Trade Street for access to the area and garage, which would provide for more safety.

Council discussed the request and noted that a loading zone was established at 121 Trade Street at the request of Little Byte Computers, which is no longer located at this address.

Mr. McGlohon moved that the existing loading zone at 121 Trade Street be switched for the one requested for 127 Trade Street. Mrs. Carter seconded the motion. After council discussion, Mr. McGlohon withdrew his request.

Mr. Smith moved that the loading zone at 127 Trade Street be approved and to instruct the engineering department to ascertain if the loading zone at 121 Trade Street is still needed. Mrs. Carter seconded the motion, which carried unanimously.

77 ORD 12-03

An Ordinance Establishing a Loading Zone on Trade Street

BE IT ORDAINED by the City Council of the City of Asheboro:

Pursuant to Chapter 71, Section 71.01(A)(%) of the Code of the City of Asheboro, the City Manager is hereby ordered to cause the designation of a loading zone as described below on a street that lies within the corporate boundary of the City of Asheboro:

- One space on the south side of Trade Street, beginning 88 feet east from the center of North Street and extending 113 feet east from the center of North Street.

Adopted in Regular Meeting held on December 4, 2003.

S/ David H. Jarrell
Mayor

ATTEST:

S/ Carol J. Cole
City Clerk

15. Recommendations From the Asheboro Airport Authority Meeting on October 21, 2003.

(a) Mr. Bunker reported that the airport authority at its meeting held October 21, 2003, recommended that the city council approve a resolution authorizing a ten (10) year extension of the lease for "Hangar D" in consideration of the door installed by Kenneth I. Dunigan.

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

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89 RES 12-03

RESOLUTION AUTHORIZING THE LEASE OF CERTAIN CITY-OWNED PROPERTY AT THE ASHEBORO MUNICIPAL AIRPORT TO KENNETH I. DUNIGAN

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 Kenneth I. Dunigan, the Asheboro Airport Authority adopted, during its meeting on October the 21st, 2003, a formal recommendation to the City Council of the City of Asheboro in support of the granting of a lease to Mr. Dunigan 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 Mr. Dunigan 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 Kenneth I. Dunigan was given in the Courier Tribune on November 24, 2003, 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 Kenneth I. Dunigan in accordance with the terms and conditions specified in "EXHIBIT A" is hereby authorized; and

FURTHER 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, this 4th day of December, 2003.

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

ATTEST:

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

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

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(b) Mr. Bunker reported that the airport authority further recommended that the city council approve a resolution authorizing the lease of real property at the Asheboro Municipal Airport for a term of thirty (30) years to CG Aviation, LLC, to allow for the construction and/or placement of an aircraft hangar.

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

90 RES 12-03

RESOLUTION AUTHORIZING THE LEASE OF CERTAIN CITY-OWNED PROPERTY AT THE ASHEBORO MUNICIPAL AIRPORT TO CG AVIATION, LLC

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 CG Aviation, LLC, the Asheboro Airport Authority adopted, during its meeting on October the 21st, 2003, a formal recommendation to the City Council of the City of Asheboro in support of the granting of a lease to CG Aviation, LLC of certain real property located between Hangar J and Hangar K at the airport for the construction of a one hundred foot by one hundred foot (100' X 100') hangar that will be deeded to the city and leased back to CG Aviation, LLC at a rental rate of One Thousand and 00/100 Dollars (\$1,000.00) per year for a lease term of thirty (30) years; 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 CG Aviation, LLC 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 construct and 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 CG Aviation, LLC was given in the Courier Tribune on November 24, 2003, 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 the above-described city-owned property at the Asheboro Municipal Airport to CG Aviation, LLC in accordance with the terms and conditions specified in "EXHIBIT A" is hereby authorized; and

FURTHER 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, this 4th day of December, 2003.

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

ATTEST:

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

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

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16. Appointments of Delegate and Vice Delegate to the Piedmont Triad Council of Governments.

Mayor Jarrell announced that he will serve as the delegate and Mr. Priest will serve as the vice delegate to the Piedmont Triad Council of Governments.

17. Settings of Dates for 2004 Council Meetings.

Upon motion by Mrs. Carter and seconded by Mr. Smith, council voted unanimously to set the following dates for the 2004 council meetings:

January	8
February	5
March	4
April	8
May	6
June	10
July	8
August	5
September	9
October	7
November	4
December	9

18. Finance and Public Safety & Public Works Matters.

No official meetings were held.

19. Discussion of Items Not on the Agenda.

(a) Mayor Jarrell appointed Timothy Woodle to fill the unexpired term of Earl Jones on the redevelopment commission.

(b) Mayor Jarrell appointed Mr. Baker to represent the city council on the Future 73/74 Interstate study committee.

20. Closed Session.

Mr. Ogburn asked Mayor Jarrell to call for a motion to go into closed session in order to consult with the city attorney about matters that pertain to issues other than general policy matters and fall within the attorney-client privilege pursuant to the statutory provisions found in Section 143-318.11(a)(3).

Upon motion by Mr. Smith and seconded by Mr. Baker, council voted unanimously to go into closed session.

Mayor Jarrell called the regular meeting back to order and entertained a motion that Case No. SUP 03-13 to Allow a Home Occupation be reconsidered at the January 8, 2004 council meeting. A new public hearing will be advertised, neighbors will be notified, and new testimony will be heard.

Upon motion by Mr. Crisco and seconded by Mr. McGlohon, council voted to reconsider Case No. SUP 03-13 at its January 8, 2004 meeting. Council Members Hunter and Priest voted against the motion. The motion carried on a 5-2 vote.

There being no further business, the meeting adjourned at 9:15 PM.

Carol J. Cole, CMC, City Clerk

David H. Jarrell, Mayor