

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, FEBRUARY 9, 2006
7:00 P.M.**

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

David H. Jarrell) – Mayor Presiding

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

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
Holly J. Hartman, Legal Assistant/Deputy City Clerk
Wendell Holland, Zoning Administrator
T. Myers Johnson, Human Resources Director
Deborah P. Juberg, Finance Director
Timmy Lee, Police Captain
Reynolds Neely, Planning Director
Trevor Nuttall, Planner
Jeffrey C. Sugg, City Attorney
Larry Trotter, Chief Building Inspector

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 Kent Shrader, Director of Mount Shepherd Retreat Center, gave the invocation.

2. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

3. Consent Agenda.

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

- Amended minutes of the regular meeting of the City Council on December 8, 2005.
- Minutes of the special meeting of the City Council on December 14, 2005.
- Minutes of the regular meeting of the City Council on January 5, 2006.
- Findings of Fact, Conclusions of Law, and Order in the matter of SUP-06-02.

Case No. SUP-06-02
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION OF CAROLINA TELEPHONE COMPANY, INC. FOR A
SPECIAL USE PERMIT ALLOWING A PUBLIC FACILITY – TELEPHONE EXCHANGE

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

THIS MATTER was commenced by the filing of an application by Carolina Telephone Company, Inc. for a Special Use Permit allowing a Public Facility – Telephone Exchange. This matter came before the Asheboro City Council (hereinafter referred to as the “Council”) for hearing during a regular meeting of the Council on January 5, 2006. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Carolina Telephone Exchange Company, Inc. (hereinafter referred to as the “Applicant”) has properly filed an application with the City of Asheboro Planning Department for a Special Use Permit that would allow a Public Facility – Telephone Exchange to be located at 1196 Chamberlin Drive.

2. The property located at 1196 Chamberlin Drive consists of approximately 39,596 square feet of land and is owned by Anchor Homes of the Triad.

3. This parcel of land (hereinafter referred to as the “Zoning Lot”) is more specifically identified by Randolph County Parcel Identification Number 7741794990.

4. The Zoning Lot is located within the corporate limits of the City of Asheboro.

5. The Growth Strategy Map identifies the area in which the Zoning Lot is located as “Long Range Growth,” and the Proposed Land Development Plan Map designates the area in question as “Suburban Residential.”

6. Undeveloped land is located to the north of the Zoning Lot while additional undeveloped land and low-density residential land use is found to the east. Single-family residential land uses are located to the south and west of the Zoning Lot.

7. The Zoning Lot is located in an R15 zoning district.

8. A telephone exchange is permitted by special use permit in a residential district.

9. The proposed telephone exchange includes a 14-foot by 16-foot concrete pad with utility cabinets that will have a maximum overall height of 72 inches.

10. Chamberlin Drive is a residential street with an 80-foot right-of-way.

11. The Zoning Lot also adjoins Old Lexington Road, which is a major thoroughfare with a 60-foot right-of-way.

12. The Zoning Lot is located in an area that is best described as suburban residential.

13. The operational equipment needed for the proposed telephone exchange will be housed in secure metal cabinets.

14. The property owner, who is a developer, granted an easement to the Applicant for the proposed telephone facility and has built a house on the Zoning Lot.

15. The proposed telephone exchange will operate on household electric current.

16. The type of telephone exchange proposed for the Zoning Lot is part of the necessary infrastructure for modern communications.

17. The Applicant has obtained a Certificate of Public Convenience and Necessity from the North Carolina Utilities Commission.

18. Staff members in the city’s planning department have reviewed the site plan presented to the Council during the hearing of this matter, and staff has determined that the submitted site plan does comply with the requirements of the Asheboro Zoning Ordinance.

19. During the hearing of this matter, no evidence was submitted to the Council in opposition to the Applicant’s request.

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

CONCLUSIONS OF LAW

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

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

3. The Applicant's proposed use will not substantially injure the value of adjoining or abutting property, and the use is a public necessity.

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

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

ORDER

Carolina Telephone Company, Inc. is hereby issued a Special Use Permit for a Public Facility – Telephone Exchange to be located upon the Zoning Lot, and this Special Use Permit shall remain valid so long as the approved land use is conducted in compliance with the approved site plan and the provisions of the Asheboro Zoning Ordinance.

Adopted by the Asheboro City Council in regular session on this the 9th day of February, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

- Findings of Fact, Conclusions of Law, and Order in the matter of SUP-06-04.

Case No. SUP-06-04
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION OF SANDRA COLE FOR A SPECIAL USE PERMIT ALLOWING A CHILD DAY CARE CENTER – MEDIUM (30-79 CHILDREN)

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

THIS MATTER was commenced by the filing of an application by Sandra Cole for a Special Use Permit allowing a Child Day Care Center – Medium (30-79 children). This matter came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council on January 5, 2006. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Ms. Sandra Cole (hereinafter referred to as the "Applicant") has properly filed an application with the City of Asheboro Planning Department for a Special Use Permit that would allow a Child Day Care Center – Medium (30-79 children).

2. The Applicant proposes to operate a medium-sized child day care center in two units (Units C and D) of a building located at 203 English Street in Asheboro.

3. The above-referenced units are part of a multi-use commercial development that is located upon the real property of Ben Jian and Yong Chang Huang. Randolph County Parcel Identification Numbers 7762045118 and 7762045237 more specifically identify the real property upon which the proposed use is to be located. This real property will be hereinafter referred to as the "Zoning Lot."

4. The Zoning Lot consists of approximately 30,740 square feet of land and is located in a B2 zoning district.

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

6. The land uses surrounding the Zoning Lot are single-family residential to the north, residential to the east, and commercial to the south and west.
7. The Zoning Lot is located within the corporate limits of the City of Asheboro and is served by all city services.
8. English Street is a local street.
9. The medium-sized child day care center proposed by the Applicant will serve between 30-79 children, and such a child day care center is permitted by special use permit in the B2 zoning district.
10. Child day care centers serving less than 30 children are permitted by right in a B2 zoning district, and such a day care center has operated on the Zoning Lot in the past for a duration of approximately two (2) years.
11. The Applicant does have experience operating a child day care center.
12. The Applicant does not propose to make any additions to the existing structure.
13. Child Day Care Centers are licensed by the North Carolina Department of Health and Human Services, and evidence of proper licensing is required prior to the issuance of a Certificate of Zoning Compliance.
14. Staff members in the City of Asheboro Planning Department have reviewed the site plan submitted by the Applicant for the hearing of this matter, and this site plan does comply with the requirements of the Asheboro Zoning Ordinance.
15. A hair salon is located on one side of the proposed child day care center, and a restaurant is located on the other side.
16. During the hearing of this matter, no testimony or other form of evidence was submitted in opposition to the Applicant's request for a special use permit.

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

CONCLUSIONS OF LAW

1. During the hearing of this matter, the evidence submitted to the Council indicated that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. The proposed use meets all required conditions and specifications of the Asheboro Zoning Ordinance.
3. The Applicant's proposed use will not substantially injure the value of adjoining or abutting property.
4. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

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

ORDER

Ms. Sandra Cole is hereby issued a Special Use Permit for a Child Day Care Center – Medium (30-79 children) to be located upon the Zoning Lot in Units C and D of the existing structure, and this Special Use Permit shall remain valid so long as the approved land use is conducted in compliance with the approved site plan and the provisions of the Asheboro Zoning Ordinance.

Adopted by the Asheboro City Council in regular session on this 9th day of February, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

- Ordinance amending Section 110.17 of the Code of Asheboro.

04 ORD 2-06

AN ORDINANCE AMENDING SECTION 110.17 OF THE CODE OF ASHEBORO

WHEREAS, Section 110.17 of the Code of Asheboro provides as follows:

A license shall show the name of the person licensed, the place where the business is conducted (if it is to be conducted at one place), the nature of the business licensed, the period for which the license is issued, and the amount of tax paid. In addition, if a machine is licensed, the license shall show the serial number of the machine. The tax collector shall keep a copy of each license issued.

WHEREAS, the city clerk, not the tax collector, is to keep a copy of the licenses referenced by Section 110.17 of the Code of Asheboro; and

WHEREAS, the reference to the tax collector in Section 110.17 of the Code of Asheboro is a typographical error that should be corrected.

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

Section 1. Section 110.17 of the Code of Asheboro is hereby amended to provide as follows:

A license shall show the name of the person licensed, the place where the business is conducted (if it is to be conducted at one place), the nature of the business licensed, the period for which the license is issued, and the amount of tax paid. In addition, if a machine is licensed, the license shall show the serial number of the machine. The ~~tax collector~~ city clerk shall keep a copy of each license issued.

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.

Adopted by the Asheboro City Council in regular session on this 9th day of February, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

4. Annual report of Building Inspection Department.

Mr. Larry Trotter, Chief Building Inspector, presented an overview of the Building Inspection Department's activities during 2005. The department's report reflected an overall increase in commercial and residential activity, specifically including an increase in the issuance of single and multi family dwelling permits.

Major commercial activities included the additional sanctuary located at Bailey's Grove Baptist Church and the family life center located at Central United Methodist Church. Additionally, the increased capacity at Starpet contributed to the rise in commercial activity during 2005.

Mr. Trotter reported that the department is currently reviewing and researching the permit valuations of surrounding municipalities in order to determine if the city's schedule of fees should be amended.

OLD BUSINESS

5. Land Use Issues.

Mayor Jarrell opened the public hearing for the following request:

- (a) RZ/CUP-05-38: Rezone from RA6 to CU-OA6 / 211 Worth Street. The property of Abraham Investments, LLC is located at 211 Worth Street and contains approximately 32,750 square feet of land. Randolph County Parcel Identification Number 7751921855 more specifically describes the property. The public hearing for this matter was opened during the council's regular meeting in January, 2006 and continued to this meeting.

Mr. Nuttall, who presented testimony in January and remained under oath, reviewed the continued rezoning request and presented the amended staff analysis of the Applicant's revised request to rezone the above-referenced property in its entirety from RA6 and OA6 to CU-OA6 as opposed to rezoning only a portion of the property. In addition to having the property rezoned, the Applicant requests a Conditional Use Permit to allow business and professional services. Previously, the Applicant requested a permit for a business services use, but the request has been properly amended to request the two uses of business and professional services.

Mr. Nuttall presented the revised site plan reflecting the entire parcel as one zoning lot. The Planning Department Staff and the Planning Board recommended approval of the requested rezoning. The Applicant's written request to also apply conditional use zoning to the existing OA6 portion of the lot was not deemed to have a negative impact on this recommendation.

The Planning Board recommended approval of the requested rezoning for the following reason:

"This request is consistent with the LDP maps, goals, and policies. The Center City Tier 1 area promotes a mixture of commercial, office, and institutional uses that are connected with sidewalks. Enhancement of the aesthetic environment is encouraged through preservation of open space and street tree planning. Furthermore, the OA6 district is intended to provide transition from residential to commercial areas and the district would provide this transition."

Furthermore, the Planning Department Staff offered in its report the following observations:

"The City Council denied the previous request, citing concerns over compatibility issues that might arise between permitted uses in a straight OA6 district and the established residential neighborhood surrounding the subject property. The Council also reiterated its intent to preserve historic neighborhoods. This request seemingly addresses the first concern related to permitted uses by specifically addressing the proposed use. The second issue may be adequately managed through Tier 1 regulations that will mandate parking to the rear of the principal structure, landscaping regulations, and the Council's ability to place reasonable conditions on the proposed development to advance the objective of preserving the historic neighborhood. Staff, therefore recommends approval of the request."

Mr. Malcom Voncannon who was sworn in at the January 5, 2006 council meeting, proposed conditions pertaining to the business hours of operation and the desired sign for the proposed use to be located upon the zoning lot. Conditions proposed by Mr. Voncannon specifically included that "the hours of operation would be 8:00 until 6:00 for public use" and after hours for staff members only, and the size of the sign being four (4) by four (4) designating the occupants of the structure. Additionally, Mr. Voncannon testified that the outside appearance of the existing structure would not be altered.

Mr. Johnny Henson, a North Carolina licensed home inspector and general contractor, was sworn in and presented testimony that his inspection of the property in question passed safety requirements.

Mr. Jim Wright, Real Estate Appraiser of Brubaker and Associates, Inc., was sworn in and presented testimony regarding the value of the property in question along with the possible increase in the value of the surrounding residential properties. In Mr. Wright's professional opinion, the requested permit will not have a negative impact on property values in the impacted area.

Ms. Wanda Voncannon was sworn in and presented testimony along with Mr. Robert Moran, Realtor, who was also sworn in, in regards to the proposed use of the property in question.

Mr. Jon Megerian, Mr. Charlie Browne, Mr. Clark Bell, Ms. Dennie Mecam, and Mr. Kenny Kidd presented comments and concerns in opposition to the requested rezoning. These comments included specific requests for conditions to any permit that might be issued.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing. An audio recording of the entirety of this hearing is on file in the city clerk's office.

After substantive discussion and upon motion by Ms. Carter and seconded Mr. Moffitt, Council rezoned the entire lot as a CU-OA6 district and adopted the recommendation of the Planning Board as the basis for rezoning. Mr. Crisco and Mr. Priest opposed.

Upon motion by Ms. Carter and seconded by Mr. Smith, Council voted to approve the requested Conditional Use Permit, with certain conditions, to allow business and professional services on the Applicant's lot. The issuance of this permit was based on the four standard tests being met. Mr. Crisco and Mr. Priest opposed.

The formal Findings of Fact, Conclusions of Law, and Order for this Conditional Use Permit will be entered by the Council in regular session on March 9, 2006.

Mayor Jarrell opened the public hearing on the following request:

- (b) SUP-06-01: Permit to allow permanent locating of three modular classroom buildings / 400 Ross Street (McCrary Elementary School). The property of the Asheboro Board of Education is located at 400 Ross Street and contains approximately 9.69 acres of land. Randolph County Parcel Identification Number 7751750684.

This item was moved by council to immediately precede item 6(e).

NEW BUSINESS

6. Land Use Issues.

- (a) RZ/CUP-06-04: Rezone from R15 to CU-R15 and Permit Modification / Old Castle Drive at Boundary Drive.

Upon motion by Mr. Crisco and seconded by Mr. Baker, Council voted unanimously to defer said item.

Mayor Jarrell opened the public hearing on the following request:

- (b) RZ-06-05: Rezone from R7.5 to RA6 / South Main Street 300 feet northeast of South Cox Street. The property of Julia Lynette Mann is located on the south side of South Main Street approximately 300 feet east of South Cox Street and contains approximately 3.15 acres of land. Randolph County Parcel Identification Number 7750896775 more specifically describes the property.

Mr. Neely presented the staff analysis of the request submitted by Integra Development to rezone the above-described property from R7.5 Medium-Density Residential to RA6 High Density Residential. The Planning Department Staff and the Planning Board recommended approval of the request in that "[t]he request is supported by the goals, maps, and policies of the Land Development Plan."

Ms. Bridget Gallimore of Coldwell Banker, Real Estate Agent, reported that Integra Development was no longer involved with the requested rezoning. Ms. Gallimore was available to answer questions on behalf of the current property owners' request to rezone the above-described property.

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

Upon motion by Mr. Smith and seconded by Ms. Carter, Council approved the requested rezoning and adopted the Planning Board's analysis of the request as the basis for the council's action.

Mayor Jarrell opened the public hearing on the following request:

- (c) RZ-06-06: Technical Amendments / Article 600 of the Zoning Ordinance. The amendment of Section 606 of the Asheboro Zoning Ordinance, removing the language defining as a permit modification an increase in the number of signs or a change in location of signs. The amendment of Section 634.3 of the Asheboro Zoning Ordinance reducing the setback requirements for school buildings from one hundred (100) feet from street lines and fifty (50) feet from all other property lines to fifty (50) feet from street lines and twenty (20) feet from all other property lines.

Mr. Neely presented that the Planning Department Staff's proposed amendment of Section 606 of the Asheboro Zoning Ordinance. The Zoning Ordinance currently requires changes to signs on properties holding a special use permit to be reviewed and approved by the Council. Approval of the requested amendment would apply to all properties with such permits. The Council would still

have authority and ability to place sign-specific conditions on special use permits during the hearing if signage is a concern.

Additionally the staff presented a proposed amendment of Section 634.3 of the Asheboro Zoning Ordinance. The site layout and limited size of many of the school sites has made complications with current setback requirements challenging, and future school expansions will become increasingly complicated under these requirements. While setbacks are useful for safety and compatibility, staff believes that the current setbacks may be excessive under general circumstances. In instances when the distance between school buildings and streets or adjacent residential properties is of interest, the Council can require additional setbacks beyond the proposed setbacks during the special use permit hearing upon finding that the greater setbacks are needed to secure compliance with the four standard tests.

Consistent with the Planning Department Staff, the Planning Board recommends approval of the requested amendments to the Asheboro Zoning Ordinance based on the following analysis:

“After consultation with City school staff and considering the Land Development Plan’s goal . . . of developing regulations to carefully balance individual property rights with the good of the whole community, the Planning Department Staff recommends approval of the request.”

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

Upon motion by Mr. Priest and seconded by Ms. Hunter, Council adopted the recommendation of the Planning Board, and approved the requested amendments to Section 606 and Section 634.3 of the Asheboro Zoning Ordinance. Copies of the approved text of the amendments are on file in the city clerk’s office.

Mayor Jarrell opened the public hearing on the following request:

- (d) RZ-06-02: Technical Amendments / Articles 200, 200A, 400, 600, and 1100 of the Zoning Ordinance. Amend Article 200, Article 200A, Article 400, Article 600, and Article 1100 of the Asheboro Zoning Ordinance to permit residential townhouse developments with limited commercial space in the B3 Central Business District by Special Use Permit and modify setback requirements for all types of development in the Center City Planning Area Tier 1 and Tier 2.

Mr. Neely presented the staff analysis of this request submitted by the Applicant, Mr. Charles Willard. Additionally, Mr. Neely presented and reviewed the exact text to be used to implement the proposed amendment. The Planning Department Staff and the Planning Board recommended approval of the request as follows:

“The proposed amendments should help to encourage residential uses and development in the Central Business District. Urban residents are a vital component to the economic health and viability of the city’s historic center and the Land Development Plan supports a mixture of land uses, including residential uses, in the central city area. Staff, therefore, recommends approval of the request.”

Mr. Charles Willard was present to answer any questions.

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

Upon motion by Mr. Baker and seconded by Mr. Crisco, Council adopted the recommendation of the Planning Board and approved the requested amendments to the Asheboro Zoning Ordinance. Copies of the approved text of the amendments are on file in the city clerk’s office.

- (b) SUP-06-01: Permit to allow permanent locating of three modular classroom buildings / 400 Ross Street (McCrary Elementary School). The property of the Asheboro Board of Education is located at 400 Ross Street and contains approximately 9.69 acres of land. Randolph County Parcel Identification Number 7751750684.

Mr. Neely was sworn in and presented the staff’s analysis of the proposed site plan and the request for a Special Use Permit to allow the permanent locating of three (3) modular classroom buildings.

Mr. Mike Mize, representative for the Asheboro Board of Education, was sworn in and addressed the four tests.

No witnesses presented any testimony in opposition to this request.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing. An audio tape of the testimony presented during this hearing is on file in the city clerk's office.

Upon motion by Mr. Smith and seconded by Mr. Priest, Council voted unanimously to approve the Special Use Permit for the permanent location of three (3) modular classroom buildings for the property located at 400 Ross Street. This motion is based on the sufficiency of the evidence presented to meet the four standard tests.

The formal Findings of Fact, Conclusions of Law, and Order for this Special Use Permit will be entered by the City Council in regular session on March 9, 2006.

Mayor Jarrell opened the public hearing on the following request:

- (e) Subdivision Ordinance Technical Amendment / Tec. Amend 2/06. Amend Subdivision Ordinance for inclusion of Article XI "Residential Townhouse Developments."

Mr. Neely presented the text and staff analysis of the proposed amendment to the City of Asheboro Subdivision Ordinance. The Planning Department Staff proposes to add Article XI "Residential Townhouse Developments" to the Subdivision Ordinance for the following reasons:

"This proposed addition to the subdivision ordinance will enable residential townhouse developments to be approved. The regulations are in conjunction with the proposed amendments to the Asheboro Zoning Ordinance. These provisions will allow flexibility in residential neighborhood design and promote the goals and policies of the Asheboro 2020 Land Development Plan.

Townhouse developments are envisioned as an alternative to a Planned Unit Development. PUD's should be larger in scale, provide a mix of housing styles and densities and provide for a mix other uses. In contrast, the townhouse development is a single use and density development generally of a smaller scale."

The Planning Department Staff and the Planning Board recommended approval of the request. Mr. Charles Willard presented comments and concerns in regards to this amendment.

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

Upon motion by Mr. Baker and seconded by Mr. Crisco, Council adopted the recommendation of the staff and Planning Board and approved the requested amendment to the Asheboro Subdivision Ordinance. A copy of the approved text of the amendment is on file in the city clerk's office.

7. Appearance of Patricia Bradshaw.

Ms. Patricia Bradshaw, owner and operator of Peachtree Street Produce, presented comments and concerns in regards to the proposed rules and regulations for the City's Downtown Farmer's Market located on Church Street. Topics of concern included, but are not limited to the following:

- Hours of operation.
- Enforcement of the adopted rules and regulations.
- Fees and charges.
- Farmer's Market Executive Committee and the role of Regional Consolidated Services.

8. Public Comment Period.

Mr. Neely presented a campaign flyer for the Boy Scouts of America. There being no further comments from the public, Mayor Jarrell closed the public comment period.

9. Ordinance Amending the Parks and Recreation Department Policy Manual.

Mr. Hughes presented the above-referenced ordinance and recommended adoption, by reference, of the aforementioned ordinance.

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

05 ORD 02-06

AN ORDINANCE AMENDING THE PARKS AND RECREATION

DEPARTMENT POLICY MANUAL

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

WHEREAS, the Parks and Recreation Director has recommended to the city council that the Parks and Recreation Department Policy Manual be amended in order to update the said manual; and

WHEREAS, the requested amendments to the Parks and Recreation Department Policy Manual are attached hereto as EXHIBIT 1 and are hereby incorporated into this ordinance by reference as if copied fully herein.

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

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

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

Section 3. This ordinance shall become effective upon adoption.

Adopted by the Asheboro City Council in regular session on this 9th day of February, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

(Exhibit 1 that is referred to in this ordinance is attached to the original ordinance on file in the city clerk's office.)

10. Schedule of Deposits, Fees, and Charges for the Asheboro Parks & Recreation Department.

Mr. Hughes presented the above-referenced deposits, fees, and charges for the Asheboro Parks & Recreation Department and recommended adoption, by reference, of the aforementioned deposits, fees, and charges.

Upon motion by Ms. Carter and seconded by Mr. Smith, Council voted unanimously to adopt the following deposits, fees, and charges for the Asheboro Parks & Recreation Department.

ASHEBORO PARKS & RECREATION

Schedule of Deposits, Fees, and Charges	Changes Proposed for 2006 in yellow			
	<i>REC CARD FEES</i>	<i>NON-RESIDENT FEES</i>	<i>REC CARD FEES</i>	<i>NON-RESIDENT FEES</i>
LAKE LUCAS				
Daily fishing permit	\$ 3.00	\$ 4.00		
Annual fishing permit	\$ 35.00	\$ 50.00		
Daily Jon boat rental	\$ 7.50	\$ 10.00	\$ 8.00	\$ 12.00
Daily Canoe rental			\$ 6.00	\$ 10.00
Canoe/Kayak Launch	\$ 2.50	\$ 3.50		
*Annual Canoe/Kayak Launch			\$ 35.00	\$ 50.00
Daily launch fee	\$ 7.00	\$ 9.50		
Annual launch fee	\$ 100.00	\$ 135.00		
Boat rental spaces	\$ 75.00	\$ 125.00		
LAKE REESE				

Daily launch fee	\$ 7.00	\$ 9.50		
Canoe/Kayak Launch	\$ 2.50	\$ 3.50		
*Annual Canoe/Kayak Launch			\$ 35.00	\$ 50.00
Annual launch fee	\$ 100.00	\$ 135.00		
Daily duck hunting (per boat)	\$ 12.50	\$ 16.00		
TENNIS CENTER				
Lights per hour per court	\$ 2.00	\$ 2.50	\$ 2.50	\$ 3.50
FIELD RENTAL				
Rental per hour (no lights)	\$ 15.00	\$ 20.00		
Light Fee (per hour)	\$ 10.00	\$ 15.00		
Tournament rental				
(1 field) per weekend	\$ 175.00	\$ 225.00		
(two fields) per weekend	\$ 300.00	\$ 400.00		
Concession Stand & Restrooms	\$ 50.00	\$ 65.00		
Additional Field Preparation	\$ 40.00	\$ 50.00	\$ 45.00	\$ 60.00
SUNSET THEATER				
Security Deposit			\$ 100.00	
Dark/Rehearsal (Multi day use, 4 hour max)			\$ 50.00	
Non-Profit (Multi day use, 8 hour max)			\$ 200.00	
Non-Profit (Single day use, 8 hour max)			\$ 250.00	
General Meeting (2 hour max)			\$ 75.00	
Private Event (8 hour max)			\$ 300.00	
Commercial/For Profit (8 hour max)			\$ 350.00	
<i>Some rates subject to a \$25.00 discount Monday - Thursday</i>			<i>REC CARD</i>	<i>NON-RESIDENT</i>
ROTARY PAVILION AT BICENTENNIAL PARK			<i>FEES</i>	<i>FEES</i>
Security Deposit			\$ 75.00	\$ 75.00
Daily Rate			\$ 100.00	\$ 175.00

		<i>REC CARD</i>	<i>NON-RESIDENT</i>
		<i>FEES</i>	<i>FEES</i>
YOUTH SPORTS FEES***			
City resident	No Fee		
Inside School District (Delete)		\$ 20.00	Delete
Non-Resident		\$ 40.00	
SWIMMING POOLS			
Public Swim (day)			
2 years old & under (with paying adult)	No Fee	No Fee	
3 years old and above	\$ 2.50	\$ 3.00	3.25
Public Swim (night)			
2 years old & under (with paying adult)	No Fee	No Fee	
3 years old and above	\$ 2.00	\$ 2.50	2.75
Swimming lessons	\$ 25.00	\$ 30.00	
Swim Pass (15 admissions)	\$ 28.00	\$ 35.00	\$ 30.00 \$ 40.00
*Groups (15+)			\$ 2.00 \$ 3.00
*Pool Rental (2 hr. Min.) 0 - 49			\$ 150.00 \$ 225.00

Includes 1 Manager & 2 Lifeguards

***Pool Rental (2 hr. Min.) 50+**

\$ 200.00	\$ 300.00
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Includes 1 Manager & 3 Lifeguards, ad \$20 for each additional Lifeguard required.

SHELTER RENTAL

Frazier, Eastside, Lake Lucas, North Asheboro Park, & 1/2 of Memorial			
1/2 Day: <i>10am - 3pm or 3:30pm - Dark</i>	No Fee	\$ 15.00	\$ 20.00
Full Day	No Fee	\$ 30.00	\$ 40.00
Memorial Park Full Shelter			
1/2 Day: <i>10am - 3pm or 3:30pm - Dark</i>	No Fee	\$ 30.00	\$ 35.00
full Day	No Fee	\$ 60.00	\$ 70.00

ROOM RENTAL

1 Hour	\$ 15.00	\$ 20.00		
1/2 Day	\$ 45.00	\$ 60.00		
Full Day	\$ 75.00	\$ 100.00		
	<i>REC CARD</i>	<i>NON-RESIDENT</i>	<i>REC CARD</i>	<i>NON-RESIDENT</i>
	<i>FEES</i>	<i>FEES</i>	<i>FEES</i>	<i>FEES</i>

GOLF COURSE

Walking Only				
Weekday	\$8.00	\$10.00		
Weekends and Holidays	\$10.00	\$13.00		
Riding (9 holes) includes Greens Fees				
Weekday	\$14.00	\$17.00		
Weekends and Holidays	\$16.00	\$20.00		
Riding (18 holes) includes Greens Fees				
Weekday	\$20.00	\$24.00		
Weekends and Holidays	\$22.00	\$27.00		
*Twilight (18 holes) After 3pm Daily				
<i>includes Cart & Greens Fees</i>				
Weekday	\$15.00	\$19.00		
Weekends and Holidays	\$17.00	\$22.00		
Senior Member Cart Fee				
			<i>REC CARD</i>	<i>NON-RESIDENT</i>
Nine Holes	\$ 5.00	\$ 6.00	<i>FEES</i>	<i>FEES</i>
Eighteen Holes	\$ 10.00	\$ 12.00		
Membership Rates				
Individual	\$ 315.00	\$ 380.00	\$ 340.00	\$ 405.00
Family (Up to 4 at the same residence)	\$ 430.00	\$ 550.00	\$ 455.00	\$ 575.00
Student	\$ 210.00	\$ 255.00	\$ 235.00	\$ 280.00
Senior	\$ 210.00	\$ 255.00	\$ 235.00	\$ 280.00

- Request by James B. Neely representing Oakmont Estates, Incorporated for the City to participate in the cost of water and sewer improvements for proposed annexation and development along Little Gate Drive.**

Mr. James B. Neely presented a request for the City to participate in the cost of water and sewer improvements for proposed annexation and development along Little Gate Drive. The water line in the above-referenced area needs to be replaced due to deterioration and poor water quality that typically appears in older steel water lines. The approximate cost for this project is \$59,625.

Upon motion by Mr. Smith and seconded by Mr. Crisco, Council voted unanimously to approve the request.

12. Resolution authorizing the purchase from Charles G. Jr. and Dena H. Willard of 0.212 of an acre along the north side of Hill Street adjacent to the Farmer's Market at a purchase price of \$25,000.

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

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

05 RES 2-06

RESOLUTION DIRECTING THE MAYOR TO MAKE AN OFFER ON BEHALF OF THE CITY OF ASHEBORO TO PURCHASE CERTAIN REAL PROPERTY

WHEREAS, Charles G. Willard, Jr. and wife, Dena H. Willard own approximately nine thousand two hundred twenty-seven (9,227) square feet of real property that is contiguous with the city-owned lot upon which the Farmer's Market is to be located; and

WHEREAS, the City Council of the City of Asheboro has concluded that, if possible, Mr. and Mrs. Willard's above-described property should be acquired and put to public use and benefit by combining this nine thousand two hundred twenty-seven (9,227) square feet of land with the city-owned lot upon which the Farmer's Market is to be located.

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

Section 1. On behalf of the City of Asheboro, the mayor is directed to offer to purchase and contract for the acquisition of the above-described real property for a purchase price of twenty-five thousand and no/100 dollars (\$25,000.00).

Section 2. The mayor shall comply with Section 1 of this resolution by making the necessary offer to purchase and contract in a form substantially similar to the offer to purchase and contract attached to this resolution as Exhibit 1, said exhibit is hereby incorporated by reference as if copied fully herein.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

(Exhibit 1 that is referred to in this resolution is attached to the original resolution on file in the city clerk's office.)

13. Resolution authorizing the purchase from Sandra H. Satterfield of 7.745 acres along the west side of Union Church Road for the Airport Runway Protection Zone at a purchase price of \$42,600.

Mr. Bunker presented the above-referenced resolution and recommended adoption, by reference, of the aforementioned resolution.

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

06 RES 2-06

RESOLUTION DIRECTING THE MAYOR TO MAKE AN OFFER ON BEHALF OF THE CITY OF ASHEBORO TO PURCHASE CERTAIN REAL PROPERTY

WHEREAS, Sandra H. Satterfield owns a certain parcel of land located along Union Church Road in Randolph County consisting of 7.745 acres of land, more or less, and more specifically identified by Randolph County Parcel Identification Number 7639596162; and

WHEREAS, the City Council of the City of Asheboro has concluded that, if possible, Ms. Satterfield's above-described property should be acquired and put to public use and benefit as part of the runway protection zone for the Asheboro Municipal Airport.

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

Section 1. On behalf of the City of Asheboro, the mayor is directed to offer to purchase and contract for the acquisition of the above-described real property for a purchase price of forty-two thousand six hundred and no/100 dollars (\$42,600.00).

Section 2. The mayor shall comply with Section 1 of this resolution by making the necessary offer to purchase and contract in a form substantially similar to the offer to purchase and contract attached to this resolution as Exhibit 1, said exhibit is hereby incorporated by reference as if copied fully herein.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

(Exhibit 1 that is referred to in this resolution is attached to the original resolution on file in the city clerk's office.)

13. Ordinance amending the Airport Runway Extension Phase III Fund to incorporate additional revenue and expenditures associated with the VISION 100 grant #36237.23.6.1 received on August 22, 2005.

Ms. Juberg presented and recommended adoption, by reference, of the aforementioned ordinance.

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

06 ORD 2-06

**ORDINANCE TO AMEND
THE AIRPORT RUNWAY EXTENSION PHASE III FUND
FY 2005-2006**

WHEREAS, The City of Asheboro has been approved to receive additional federal funds under the Century of Flight Authorization Act of 2003 (Vision 100). These funds, referred to as Block Grant Project #36237.23.6.1 (hangar Taxi lane with Access Road) have been awarded to the Asheboro Municipal Airport in conjunction with the State Aid to Airports Program and;

WHEREAS, expenditures have changed from the amounts originally appropriated in the Airport Runway Extension Phase III Fund in June 2005, 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 expense line items be increased (decreased) for Grant#36237.23.6.1:

<u>Account #</u>	<u>Expenses Description</u>	<u>Current Appropriation</u>	<u>Increase (Decrease)</u>	<u>New Appropriated Amount</u>
66-930-4500	Payment to Contractor	\$ 166,667.00	\$ (166,667.00)	\$ -
66-950-4500	Payment to Contractor	\$ -	\$ 81,267.00	\$ 81,267.00
66-950-0400	Professional Services	\$ -	\$ 37,400.00	\$ 37,400.00
66-950-7100	Land Acquisition	\$ -	\$ 48,000.00	\$ 48,000.00
	TOTAL	\$ 166,667.00	\$ -	\$ 166,667.00

Adopted this the 9th day of February, 2006

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

14. Resolution approving the amendment of the job description and classes allocation under the City of Asheboro Position Classification Plan of the position of Engineering Surveyor.

Mr. T. Myers Johnson presented the above-referenced resolution and recommended adoption, by reference, of the aforementioned resolution.

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

07 RES 2-06

RESOLUTION APPROVING JOB DESCRIPTIONS AND CLASS ALLOCATIONS FOR THE POSITIONS OF ENGINEERING SURVEYOR I AND II

WHEREAS, the City of Asheboro Personnel Policies and Procedures Manual, which was promulgated by the City Manager and approved by resolution of the City Council of the City of Asheboro on March 4, 2004, provides in Section 1 of Article II of the said manual that a position classification plan shall be prepared by the City Manager and adopted by the City Council; and

WHEREAS, such a position classification plan has been duly adopted by the City Council; and

WHEREAS, under the adopted position classification plan and within the Engineering Department, the position of Engineering Surveyor has been established with a pay grade of 15 under the city's pay plan; and

WHEREAS, Section 10 of Article II of the City of Asheboro Personnel Policies and Procedures Manual provides, in pertinent part, as follows:

When a new position is established or the duties of an existing position change, the department head shall submit in writing a comprehensive job description describing in detail the duties of such a position. The city manager shall investigate the actual or suggested duties and recommend the appropriate class allocation or the establishment of a new class to the City Council for approval; and

WHEREAS, upon the recommendation of the Director of Human Resources, the City Manager has determined that, in order to enhance the city's ability to recruit and retain a land surveyor that will ultimately attain registration in North Carolina as a professional land surveyor, the existing position of Engineering Surveyor should be replaced by the positions of Engineering Surveyor I and Engineering Surveyor II; and

WHEREAS, the City Engineer has prepared and submitted to the Director of Human Resources and the City Manager comprehensive job descriptions for the positions of Engineering Surveyor I and Engineering Surveyor II; and

WHEREAS, these new job descriptions are attached to this resolution as Exhibit 1 and are hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, the Director of Human Resources and the City Manager have approved the job descriptions submitted by the City Engineer with an effective date of February 16, 2006; and

WHEREAS, upon the recommendation of the Director of Human Resources, the City Manager has determined that, effective February 16, 2006, and in light of the duties prescribed by the attached job descriptions, the position of Engineering Surveyor I should be allocated to pay grade 15 and the position of Engineering Surveyor II should be allocated to pay grade 18.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the job descriptions attached hereto as Exhibit 1 are hereby approved with an effective date of February 16, 2006; and

BE IT FURTHER RESOLVED that the pay grade recommendations made by the City Manager for each of the positions listed in Exhibit 1 are hereby adopted and approved without modification, specifically including the City Manager's recommendation of utilizing an effective date of February 16, 2006.

Adopted by the Asheboro City Council in regular session on this 9th day of February, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

(Exhibit 1 that is referred to in this resolution is attached to the original resolution on file in the city clerk's office.)

15. Resolution accepting an offer of \$500 from Randolph Fellowship Home, Incorporated for a surplus city owned lot located at the eastern terminus of East Pritchard Street.

Mr. Sugg presented the above-referenced resolution and recommended adoption, by reference, of the aforementioned resolution.

Upon motion by Mr. Priest and seconded by Ms. Hunter, Council voted unanimously to adopt the following resolution by reference.

08 RES 2-06

RESOLUTION ACCEPTING AN OFFER TO PURCHASE CERTAIN SURPLUS CITY-OWNED REAL PROPERTY

WHEREAS, the City of Asheboro owns a lot consisting of approximately 0.63 of an acre of land that is located at the eastern terminus of East Pritchard Street and is more specifically described as Lot 4 of the East Pritchard Street Cul-de-Sac Subdivision on a plat of survey recorded in the Office of the Randolph County Register of Deeds in Plat Book 101, Page 29; and

WHEREAS, by means of Resolution Number 02 RES 1-06, the City Council of the City of Asheboro declared the above-described real property, hereinafter referred to as the "Property," to be surplus property and subject to sale pursuant to the provisions of Section 160A-269 of the North Carolina General Statutes; and

WHEREAS, subsequent to the adoption of Resolution Number 02 RES 1-06, an offer of five hundred and no/100 dollars (\$500.00) was properly submitted by Randolph Fellowship Home, Inc. for the purchase of the Property; and

WHEREAS, this offer was advertised for upset bids in *The Courier-Tribune* on January 28, 2006 in accordance with Section 160A-269 of the North Carolina General Statutes, and no upset bids were received.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the above-referenced offer of five hundred and no/100 dollars (\$500.00) submitted by Randolph Fellowship Home, Inc. is hereby accepted; and

BE IT FURTHER RESOLVED that, upon the receipt in good funds of the entirety of the above-stated purchase price and the recording fees necessary to record a deed conveying the city's title to the Property, the Mayor and City Clerk are hereby authorized and directed to convey the Property to Randolph Fellowship Home, Inc. on behalf of the City of Asheboro by means of a North Carolina Non-Warranty Deed, which is to be prepared by the City Attorney in accordance with the terms and conditions specified in Resolution Number 02 RES 1-06.

Adopted by the Asheboro City Council in regular session on this 9th day of February, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, Deputy City Clerk

16. Appointment of James Lindsey to fill the unexpired term of Walker Moffitt on the Planning Board.

Upon motion by Mr. Smith and seconded by Ms. Carter, Council voted unanimously to appoint Mr. James Lindsey to fill the unexpired term of Walker Moffitt on the Planning Board.

17. No City Council Committee reports.

18. Upcoming Events.

- Asheboro 20/20 Steering Committee Meeting on Wednesday, February 15, 2006, at 7:00 p.m. in the Council Chamber.
- Special Joint Meeting of the City Council and the Planning Board for the purpose of conducting a land use law workshop on Thursday, February 23, 2006, at 7:00 p.m. in the Council Chamber.

There being no further business, the meeting was adjourned at 11:20 p.m.

Holly J. Hartman, Deputy City Clerk

David H. Jarrell, Mayor