

NOTICE

SPECIAL MEETING

Thursday, June 24, 2004

7:00 PM

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Notice of a Special Meeting of the City Council of the City of Asheboro, North Carolina, is hereby given. Said meeting will be held Thursday, the 24<sup>th</sup> day of June, 2004, at 7:00 o'clock PM in the Council Chamber of the Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina.

This special meeting of the City Council is being held for the following purposes:

- a. Consideration of the adoption of findings of fact, conclusions of law, and orders for certain cases identified by Planning Department file numbers CUP-04-02 and CUP-04-3;
- b. Consideration of bids received by the City of Asheboro in connection with contract work proposed for the Sunset Avenue Streetscape Project;
- c. Consideration of the adoption of an ordinance amending certain water and sewer provisions found in Chapter 50 of the Code of Asheboro;
- d. Consideration of the adoption of an ordinance that addresses certain solid waste issues by amending Chapter 51 of the Code of Asheboro;
- e. Consideration of the adoption of certain ordinances amending the Budget Ordinance for fiscal year 2003-2004; and
- f. A public hearing concerning the proposed budget for the City of Asheboro for fiscal year 2004-2005 will be conducted. After the public hearing is closed, the City Council will consider adoption of the Budget Ordinance for fiscal year 2004-2005.

All officers of the City and any and all other persons whomsoever are hereby given notice that such meeting will be held. This call is issued pursuant to the laws of the State of North Carolina and the City of Asheboro relative to the time and place of holding meetings, both regular and special, of the Asheboro City Council.

By order of the Mayor on this 18<sup>th</sup> day of June, 2004.

S/ Carol J. Cole  
Carol J. Cole  
City Clerk  
City of Asheboro, North Carolina

SPECIAL MEETING  
ASHEBORO CITY COUNCIL  
THURSDAY, JUNE 24, 2004  
7:00 PM

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

- David Jarrell ) Mayor Presiding
- Talmadge Baker )
- Linda Carter )
- Keith Crisco )
- Nancy Hunter ) - Council Members Present
- John McGlohon )
- David Smith )
- Archie Priest ) - Council Member Absent
- Minutes

John N. Ogburn, City Manager  
Carol J. Cole, CMC, City Clerk  
Dumont Bunker, P. E., City Engineer  
Debbie Juberg, Finance Director  
Lynn Priest, CD Director  
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. **Consideration of the Adoption of Findings of Fact, Conclusions of Law, and Orders for Certain Cases Identified by Planning Department File Numbers CUP-04-2 and CUP-04-3.**

Mr. Sugg presented and recommended adoption, by reference, of the aforementioned.

Upon motion by Mr. Smith and seconded by Mr. Baker, council voted unanimously to adopt the following Findings of Fact, Conclusions of Law, and Orders for CUP-04-02 and CUP-04-3:

Case No. CUP-04-2  
City Council  
City of Asheboro

IN THE MATTER OF THE APPLICATION OF MORTON AND SEWELL DEVELOPMENT  
COMPANY, INC. FOR AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE  
AMENDMENT TO THE EXISTING CONDITIONAL USE PERMIT

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THIS MATTER came before the Asheboro City Council, hereinafter referred to as the "Council," for hearing during a regular meeting of the Council on May 6, 2004. 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. Morton and Sewell Development Company, Inc., hereinafter referred to as the "Applicant," properly applied for an amendment to an existing conditional use permit that was originally issued under file number CUP-02-30 and subsequently amended under file number CUP-03-07.

2. The existing conditional use permit is for a manufactured home subdivision.

3. At the conclusion of the quasi-judicial hearings held under file numbers CUP-02-30 and CUP-03-07, this Council found, on the basis of competent, material, and substantial evidence, that the applicant in those cases had met his burden and had satisfactorily addressed the four (4) tests which guide this Council's decision making process when confronted with the question of whether or not to grant a conditional use permit in a particular case.

4. The original applicant in the cases presented under file numbers CUP-02-30 and CUP-03-07 was Mr. William T. Boyd.

5. Subsequent to the above-referenced quasi-judicial proceedings, Mr. Boyd sold his ownership interest in the manufactured home subdivision to the present owner/Applicant.

6. The property for which an amended conditional use permit is sought is a subdivision, and, consequently, the property consists of multiple parcels.

7. The real property referenced in the immediately preceding paragraph is located along Humble Street in Asheboro and is more particularly described by the following Randolph County Parcel Identification Numbers: 7762149949, 7762250036, 7762251134, 7762251286, 7762252317, 7762251543, 7762251685, 7762254544, 7762256463, 7762255381, 7762255149, 7762255027, 7762244986, 7762244845, 7762243795, 7762243618, 7762242643, 7762244400, and 7762148879.

June 24, 2004

8. Mr. Almanza Jose Geveara has not applied for this amendment to the existing conditional use permit, but he is listed in the legal description of the parcels of land that are the subject to this application for a conditional use permit because he purchased one (1) of the subdivision's lots after the previous amendment to the existing conditional use permit.

9. At the conclusion of the hearings pertaining to file numbers CUP-02-30 and CUP-03-07, the conditions imposed on the applicant and his successors in interest were as follows:

(a) The approved use shall be a manufactured home subdivision with no more than nineteen (19) lots.

(b) The approved use shall be developed as shown on the approved site plan.

(c) All requirements of the Asheboro Zoning Ordinance in relation to placing a mobile home or manufactured home on individual lots shall be met. These requirements include, but are not limited to, the following requirements: A. Roof Pitch. The pitch of the main roof of the building shall have a minimum rise of 2.4/12. B. Exterior Finish. The exterior materials shall be of a texture, color, material, and scale compatible with those existing in the immediate vicinity and in no case shall the degree of reflectivity of exterior finishes exceed that of gloss white paint. C. Foundation. A continuous permanent masonry foundation, unpierced except for required ventilation and access, shall be installed under all elements of the building. D. Chassis and Tongue Removal. Undercarriage of the chassis shall be removed upon final placement of the unit. Towing tongue may be removed if attached by bolts or anchor or similar removable method. If towing tongue is not removed, then tongue must be included within masonry foundation.

(d) No home shall be more than one (1) year old from date of manufacture at the time of placement.

(e) All requirements of the Asheboro Subdivision Ordinance shall be met.

(f) With the exception of that portion of the property fronting a public street, a no cut buffer zone that is fifteen (15) feet in width shall be maintained around the outer perimeter of the manufactured home subdivision proposed in the site plan submitted to the Council as part of the application for this conditional use permit. This no cut buffer zone shall be reflected on the final plat(s) for the proposed subdivision and included within the restrictive covenants that the Applicant has submitted to the Council.

(g) After being amended to comply with the immediately preceding condition, the restrictive covenants submitted as evidence to the Council during the hearing of this matter shall be recorded along with the final plat(s) for the proposed subdivision.

10. The current Applicant has submitted this request for further amendment of the existing conditional use permit for the sole and limited purpose of amending the above-listed condition (d) to read as follows: No home shall be more than ~~one (1)~~ three (3) years old from date of manufacture at the time of placement.

11. Due to the fact that the Applicant does not wish to change any aspect of the existing conditional use permit other than the change described in the immediately preceding paragraph, no new site plan was submitted with this application.

12. Mr. Al Morton testified that the above-stated amendment is being sought because the manufactured home market is depressed, and the Applicant has found a significant number of unused 2001 and 2002 model year manufactured homes that have never been titled and would make nice homes in the subdivision.

13. Other than as noted in finding number 12 above, none of the evidence that was presented in support of the original issuance and amendment of the existing conditional use permit under file numbers CUP-02-30 and CUP-03-07 has either changed in any material sense or been called into question.

14. The findings of fact and conclusions of law previously made by the Council and recorded under file numbers CUP-02-30 and CUP-03-07 are hereby adopted under the present file number and incorporated by reference into this document as if copied fully herein.

15. During the hearing of this matter, the Applicant's authorized representative reaffirmed the Applicant's willingness to comply with the conditions, as modified by the current Minutes

request, of the conditional use permit previously issued under file numbers CUP-02-30 and CUP-03-07.

16. No testimony or other form of evidence was submitted to the Council in opposition to the Applicant's requested amendment of the existing conditional use permit.

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

#### CONCLUSIONS OF LAW

1. The proposed amendment and 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 evidence received during the public hearing established that the proposed amendment and use does meet all of the required conditions and specifications of the Asheboro Zoning Ordinance.

3. The proposed amendment and use will not substantially injure the value of the adjoining or abutting property.

4. The location and character of the Applicant's proposed 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**

The above-referenced application submitted by Morton and Sewell Development Company, Inc. for an amendment to the existing conditional use permit issued under file numbers CUP-02-30 and CUP-03-07 is hereby approved on the express condition that the Applicant and its successors and assigns meet and remain in compliance with the following conditions:

1. The approved use shall be a manufactured home subdivision with no more than nineteen (19) lots.

2. The approved use shall be developed as shown on the approved site plan.

3. All requirements of the Asheboro Zoning Ordinance in relation to placing a mobile home or manufactured home on individual lots shall be met. These requirements include, but are not limited to, the following requirements: A. Roof Pitch. The pitch of the main roof of the building shall have a minimum rise of 2.4/12. B. Exterior Finish. The exterior materials shall be of a texture, color, material, and scale compatible with those existing in the immediate vicinity and in no case shall the degree of reflectivity of exterior finishes exceed that of gloss white paint. C. Foundation. A continuous permanent masonry foundation, unpierced except for required ventilation and access, shall be installed under all elements of the building. D. Chassis and Tongue Removal. Undercarriage of the chassis shall be removed upon final placement of the unit. Towing tongue may be removed if attached by bolts or anchor or similar removable method. If towing tongue is not removed, then tongue must be included within masonry foundation.

4. No home shall be more than three (3) years old as measured from the date of manufacture at the time of placement; provided, however, that homes which are otherwise eligible for placement under the preceding restriction and are over one (1) year old as measured from the date of manufacture at the time of placement shall not be placed on the property subject to this conditional use permit unless satisfactory documentation is presented to the Zoning Administrator for the City of Asheboro establishing that such a home is unused and has not been previously titled.

5. All requirements of the Asheboro Subdivision Ordinance shall be met.

6. With the exception of that portion of the property fronting a public street, a no cut buffer zone that is fifteen (15) feet in width shall be maintained around the outer perimeter of the manufactured home subdivision proposed in the site plan submitted to the Council as part of the application for this Conditional Use Permit. This no cut buffer zone shall be reflected on the final plat(s) for the proposed subdivision and included within the restrictive covenants that the Applicant has submitted to the Council.

7. After being amended to comply with the immediately preceding condition, the restrictive covenants submitted as evidence to the Council during the hearing of this matter shall be recorded along with the final plat(s) for the proposed subdivision.

Adopted in special session by the City Council of the City of Asheboro on this 24th day of June, 2004.

ATTEST:

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

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

Case No. CUP-04-3  
City Council  
City of Asheboro

IN THE MATTER OF THE APPLICATION OF CROSS ROADS REST AND RETIREMENT CENTER, INC. FOR AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO APPROVE A CONGREGATE LIVING FACILITY AND A NEW MASTER SITE PLAN

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE AMENDMENT TO THE EXISTING CONDITIONAL USE PERMIT

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THIS MATTER came before the Asheboro City Council, hereinafter referred to as the "Council," for hearing during a regular meeting of the Council on May 6, 2004. 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. Cross Roads Rest and Retirement Center, Inc., hereinafter referred to as the "Applicant," applied by and through its director, Mr. Stephen L. Rumbley, to amend an existing conditional use permit that authorizes a nursing home, rest home or homes for the aged, and a large day care center in order to receive approval for the specific addition of a Congregate Living Facility and in order to receive approval for a new master site plan for the Applicant's campus.

2. In addition to reflecting the request for approval of the addition of a congregate living facility, the master site plan submitted by the Applicant reflects the land uses previously approved by the Council and allows for the construction of additional senior housing in the form of apartments and cottages on the Applicant's campus.

3. The Applicant's property is located along Old Cox Road (the Applicant's address is listed as 1302 Old Cox Road, Asheboro, North Carolina) and consists of approximately 32.25 acres of land that is more specifically identified by Randolph County Parcel Identification Numbers 7669560493, 7669564321, 7669551809, 7669557913, 7669554855, and 7669466475.

4. The Applicant's real property is subject to a combination of Conditional Use OA6 and Conditional Use B2 zoning.

5. The six parcels of land included within this request have been included in several zoning and permit changes over the years. In particular, the Applicant's property has been the subject of zoning changes along with the issuance of conditional and special use permits under several different file numbers. The list of case or file numbers associated with this property is as follows: RZ-91-19, RZ-96-23, CUP-97-34, CUP-00-13, RZ-00-34, CUP-01-09, CUP-02-03, RZ-02-10, and CUP-03-13. The findings, conclusions, decisions, and/or orders found within the cases or files identified in the immediately preceding sentence are hereby incorporated into this document by reference as if copied fully herein.

6. The Applicant already has approval from the City of Asheboro for the following land uses on its property: Nursing Home, Rest Homes or Homes for the Aged, and a Large Day Care Center. The Applicant needs approval for a Congregate Living Facility in order to construct the proposed DDA group homes.

7. The land uses surrounding the Applicant's property are all residential.

8. The Growth Strategy Map identifies the area in question as a "Resource Conservation" area while the Proposed Land Development Plan Map designates said area as a "Conservation Residential" area.

9. The Applicant's site is served by the City of Asheboro water and sewer lines that go to the North Carolina Zoological Park. However, the rest home utilizes a privately owned pump station for their sewerage disposal into the city's sewer line.

10. The character of the affected area is suburban and rural.

11. The request for a conditional use permit for a nursing home, rest home, or homes for the aged was originally approved by the Council in 1991.

12. Due to the large number of zoning changes/permit amendments that have been sought by the Applicant for the property at issue and the likelihood of continued development of the property on which the Applicant's campus is located, the Applicant has successfully worked with the city's Planning Department staff to develop a master site plan for the campus that encompasses the entirety of the existing land uses on the site and includes proposed phases of construction. However, the indicated phases of construction do not necessarily represent the chronological order of development.

13. An acceptable master site plan, which includes without limitation the appropriate information concerning the requested Congregate Living Facility, and all of the other documentation required for an application for a Conditional Use Permit have been properly submitted by the Applicant.

14. The evidence presented during the hearing of this matter indicates that the proposed new land uses will comply with the conditions and specifications of the Asheboro Zoning Ordinance.

15. Zoo Parkway is a major thoroughfare.

16. No evidence was presented at the hearing of this matter to indicate that any detrimental impact had been experienced by the city in general or the surrounding property owners in particular as a consequence of the Applicant's operation of a nursing home facility and the other facilities located on the Applicant's campus.

17. No evidence surfaced during the public hearing to indicate that any aspect of the proposed amendment to the existing Conditional Use Permit will have a negative impact on the value of adjoining properties in the future.

18. No testimony was provided in opposition to the Applicant's request for an amendment to the existing conditional use permit.

19. During the hearing of this matter, the Applicant's authorized representative agreed to comply with the set of conditions proposed by members of the Planning Department staff as a comprehensive replacement for all of the previously approved permit conditions.

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

#### CONCLUSIONS OF LAW

1. The proposed use(s) 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 evidence received during the public hearing established that the proposed use(s) does (do) meet all of the required conditions and specifications of the Asheboro Zoning Ordinance.

3. The proposed use(s) will not substantially injure the value of the adjoining or abutting property.

4. The location and character of the Applicant's proposed use(s) if developed according to the plan as submitted and approved will be in harmony with the area in which it (they) is (are) 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

The above-referenced application submitted by Cross Roads Rest and Retirement Center, Inc. for an amendment to the existing conditional use permit so as to allow a Nursing Home, Rest Home or Homes for the Aged, Large Day Care Center, and Congregate Living Facility is hereby approved on the condition that the Applicant and its successors and assigns meet and remain in compliance with the following conditions:

1. The uses approved shall be: Nursing Home, Rest Homes or Homes for the Aged, Large Day Care Center, and Congregate Living Facility.
2. The development shall be as per the site plan approved in accordance with and subject to Section 1013 of the Asheboro Zoning Ordinance.
3. All requirements of the Performance Standards for Commercial Districts as prescribed by the Asheboro Zoning Ordinance shall be met and maintained.
4. Buffering and screening shall be installed and maintained as required by Section 304A of the Asheboro Zoning Ordinance.
5. Off street parking shall be provided as required by Article 400 of the Asheboro Zoning Ordinance.
6. Signage shall be as provided in Article 500 of the Asheboro Zoning Ordinance.
7. All facilities shall meet the requirements of the North Carolina State Building Code, and, additionally, the child day care center shall meet the standards of the Child Day Care Commission.
8. All requirements of Section 616 Child Day Care of the Asheboro Zoning Ordinance shall be met and maintained.

Adopted in special session by the City Council of the City of Asheboro on the 24<sup>th</sup> day of June, 2004.

ATTEST:

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

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

**2. Consideration of Bids Received by the City of Asheboro in Connection With Contract Work Proposed for the Sunset Avenue Streetscape Project.**

Mr. Bunker reviewed the low bids received for the contract work for a portion of Phase I of the Sunset Avenue Streetscape Improvements Project. He presented and recommended adoption of a resolution authorizing the award of these contracts.

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

**RESOLUTION TO AWARD CONTRACTS  
SUNSET AVENUE STREETScape IMPROVEMENTS PROJECT-PHASE I  
BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA  
NCDOT ENHANCEMENT GRANT PROJECT #E-4785**

WHEREAS, the City of Asheboro desires to construct Phase I of the Sunset Avenue Streetscape Improvements Project, consisting of proposed improvements on Sunset Avenue between Fayetteville Street and the railroad, and also being the portion of the project that is partially funded by a \$79,200.00 NCDOT Enhancement Grant not exceeding 80% of the total project cost, and;

WHEREAS, the City of Asheboro has received the low bids for the portion of the Phase I project that will be constructed by contract work as listed below:

<u>Description of Work</u>	<u>Low Bidder</u>	<u>Unit Price Total</u>
Concrete Sidewalk and Curb & Gutter	Garcia's Concrete	\$18,976.25
Asphalt Milling	PP&S Inc.	\$ 3,750.00
Asphalt Stamping	CACTX Surfaces	\$ 7,006.95

WHEREAS, the NCDOT Enhancement Grant agreement requires that the City Council adopt a resolution recommending award of the contracted portion of the Phase I project to the lowest responsible bidders pending NCDOT approval and concurrence in the award.

THEREFORE, BE IT RESOLVED, that the Asheboro City Council hereby recommends award of the portion of work to be contracted as described above to the above listed low bidders at the respective totals of the unit price bids, pending NCDOT approval and concurrence in the award.

Adopted this the 24<sup>th</sup> day of June, 2004,

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

Attest:

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

**3. Consideration of the Adoption of Certain Ordinances Amending the Budget Ordinance for Fiscal Year 2003-2004.**

Ms. Juberg presented and reviewed ordinances amending the Airport Runway Extension Phase III Fund, the General Fund Budget for FY 2003-2004, and the Water and Sewer Fund Budget for FY 2003-2004. She recommended adoption, by reference, of these ordinances.

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

18 ORD 6-04

**ORDINANCE TO AMEND  
THE AIRPORT RUNWAY EXTENSION PHASE III FUND  
FY 2003-2004**

WHEREAS, The City of Asheboro has received additional grant funds, and revenues and expenditures have changed from the amounts shown 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;

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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 (decreased):

<u>Account #</u>	<u>Revenues Description</u>	<u>Current Appropriation</u>	<u>Increase (Decrease)</u>	<u>New Appropriated Amount</u>
66-349-0500	State Grant 01, 02, 03	\$ 500,000	\$ 1,000,000	\$1,500,000
66-349-0700	State Grant 02	500,000	( 500,000)	\$ 0
66-349-0900	State Grant 03	500,000	( 500,000)	\$ 0
66-349-1000	Federal Grant 04-05		150,000	\$ 150,000
66-349-1100	State Grant 04-05		200,000	\$ 200,000
66-367-1011	Cont. GF (Fed match) FY 04-05		16,667	\$ 16,667
66-367-1012	Cont. GF (State match) FY 04-05		38,752	\$ 38,752
	TOTAL		\$ 405,419	

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	\$234,925
66-890-0500	Admin	2,000	(1,195)	805
66-890-4501	Payment to Contractor-APAC	548,234	996,893	\$1,545,127
66-890-4502	Payment to FBO		16,530	16,530
66-890-5700	Contingency		101,954	101,954
66-900-0400	Professional Services	167,000	(122,935)	44,065
66-900-4500	Payment to Contractor- APAC		122,602	122,602
66-900-5700	Contingency		333	333
66-910-4500	Payment to Contractor	556,000	(556,000)	0
66-920-0400	Professional Services		21,900	21,900
66-920-4500	Payment to Contractor-APAC	166,667	(20,752)	145,915
66-920-5700	Contingency		52	52
66-930-4500	Payment to Contractor	555,555	(555,555)	0
66-940-0400	Professional Services		15,950	15,950
66-940-0500	Admin		100	100
66-940-4500	Payment to Contractor-APAC		133,950	133,950
66-940-5700	Contingency		16,667	16,667
	TOTAL		\$ 405,419	

Adopted this the 24th day of June, 2004.

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

ATTEST:

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

19 ORD 6-04

**ORDINANCE TO AMEND THE  
GENERAL FUND BUDGET  
FY 2003-2004**

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principals, an

WHEREAS, the budget as adopted requires amendment to reflect adjustments in expenditures, and:

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THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following expense line items be increased/ decreased:

LINE ITEM	DESCRIPTION	AMOUNT
10-410-5400	Insurance	\$1,000
10-480-1101	Internet Services	\$1,000
10-510-3500	Small Equipment	\$10,000
10-550-1500	Maintenance and Repair of Equipment	\$5,000
10-585-8300	Tipping Fee	\$61,000
10-625-7400	Capital Outlay	\$30,000
10-630-3400	Books	\$22,600
10-440-5102	Tax Management Association Fee	(\$15,000)
10-440-5500	Tax Refunds	(\$5,600)
10-470-0200	Salaries and Wages	(\$20,000)
10-490-0200	Salaries and Wages	(\$25,000)
10-490-0400	Professional Services	(\$25,000)
10-575-0200	Salaries and Wages	(\$10,000)
10-620-7400	Capital Outlay	(\$30,000)
TOTAL increase / decrease		\$0

Adopted this the 24th day of June 2004.

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

ATTEST:

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

20 ORD 6-04

**ORDINANCE TO AMEND THE  
WATER AND SEWER FUND BUDGET  
FY 2003-2004**

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principals, and;

WHEREAS, the budget as adopted requires amendment to reflect adjustments in expenditures, and:

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following expense line items be increased/ decreased:

LINE ITEM	DESCRIPTION	AMOUNT
30-810-3400	Other Supplies and Materials	\$15,000
30-820-3500	Chemicals	(\$85,000)
30-840-4500	Contracted Construction	\$70,000
TOTAL increase / decrease		\$0

Adopted this the 24th day of June 2004.

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

ATTEST:

S/ Carol J. Cole  
Carol J. Cole, City Clerk  
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**4. Public Hearing on Proposed 2004-2005 Budget.**

Mayor Jarrell opened the public hearing on the proposed FY 2004-2005 Budget.

Mr. Ogburn reviewed the highlights of the budget and stated that the FY 2004-2005 budget is balanced at \$26,467,279.

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

5. **Consideration of Adoption of Budget Ordinance for Fiscal Year 2004-2005.**

Mayor Jarrell entertained a motion to adopt the Budget Ordinance for Fiscal Year 2004-2005.

Upon motion by Mr. Baker and seconded by Mr. Crisco, council voted unanimously to adopt the following Budget Ordinance:

21 ORD 6-04

## **BUDGET ORDINANCE**

BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina in session assembled:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the city government and its activities for the fiscal year beginning July 1, 2004, and ending June 30, 2005, in accordance with the chart of accounts heretofore established for this City:

<u>ACCOUNT</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
10-410.00	Mayor and Governing Body	\$116,569
10-420.00	City Manager's Office	\$141,444
10-430.00	City Clerk	\$71,087
10-440.00	Finance Office	\$522,468
10-470.00	Legal Services	\$117,616
10-480.00	Information Technology	\$123,855
10-490.00	Planning/Community Development	\$374,608
10-500.00	Municipal Building Headquarters	\$117,663
10-510.00	Police Department	\$4,656,669
10-530.00	Fire Department	\$2,774,441
10-540.00	Inspections Department	\$186,809
10-550.00	Operations Division - Public Works	\$648,320
10-555.00	Fleet Maintenance	\$649,389
10-565.00	Street Maintenance	\$1,626,709
10-575.00	City Engineer Office	\$263,244
10-580.00	Solid Waste Department	\$1,875,497
10-585.00	Recycling Transfer Station	\$164,397
10-590.00	Human Resources	\$309,540
10-610.00	Community Promotion	\$97,000
10-620.00	Parks/Lakes/Playgrounds	\$1,129,460
10-625.00	Municipal Golf Course	\$144,605
10-630.00	Library	\$224,100
10-640.00	Building & Grounds Maintenance	\$1,185,546
10-650.00	Airport Authority	\$118,758
	<b>Total Appropriations</b>	<b>\$17,639,794</b>

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2004 and ending June 30, 2005:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Current Year's Real Property Taxes	\$8,700,000
Current Year's Motor Vehicle Taxes	\$800,000
Prior Year's Real Property Taxes	\$11,000
Prior Year's Motor Vehicle Taxes	\$75,000
Tax Discounts	(\$80,000)
Tax Penalties and Interest & other taxes	\$45,500

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<u>DESCRIPTION</u>	<u>AMOUNT</u>
Privilege Licenses	\$240,000
Cable TV Franchises	\$120,000
Interest Earned on Investments	\$48,000

Concessions and Merchandise	\$50,000
Payment in Lieu of Taxes	\$8,000
Personal Use of City Vehicles	\$8,200
Contracted Maintenance NCDOT	\$20,000
Utilities Franchise Tax State	\$1,545,000
Powell Bill Allocation - State	\$620,000
Local Sales Tax	\$3,783,115
Court Cost, Fees and Charges	\$13,000
Building Permits and Inspection Fees	\$116,700
Rezoning & Cemetery Fees	\$30,000
Charges for Services - Refuse / Brush Collection	\$850,000
Recycling Revenues	\$6,000
Sale of Cemetery Lots	\$20,000
Recreation Fees	\$282,000
Gas Tax Refunds & Sales Tax Refund - State	\$26,000
Vice and Narcotics Allocation	\$23,186
Federal Forfeiture Allocation	\$10,574
All Other Revenues	\$268,519
<b>Total Estimated Revenues</b>	<b>\$17,639,794</b>

Section 3: The following General Fund Fees are hereby adopted for provision of services during the operation of the city government for the fiscal year beginning July 1, 2004 and ending June 30, 2005.

**Sanitation Department Fees:**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Residential Cans / per month	\$0
Commercial Cans / per month	\$8
Residential Dumpsters / per pick-up	\$17
Commercial Dumpsters / per pick-up	\$17
Above billed <u>monthly</u> based on annualized collection schedule	
Missed Residential Dumpsters / per pick-up	\$27
Missed Commercial Dumpsters / per pick-up	\$27
Compaction Dumpsters / per pick-up	\$34
Missed Compaction Dumpster / per pick-up	\$42
Yard Waste Collection per scoop	
First and Second scoop*	\$0
Each Scoop thereafter*	\$12
*Applicable to brush that is within specifications	
Waste left in ditch, curb or street per scoop	\$24
Waste out of Specs per scoop	\$24
Waste after hours /emergency collection per scoop	\$50
White Goods Collection	\$5

**Recycling Transfer Station Fees:**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Tipping Fee per Ton	\$38

**Planning Department Fees:**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Rezoning:	
Text	\$200
Map	\$200
CU Permit	\$300
SUP Permit	\$300
BOA: Appeal	\$0
Variance	\$200
Interpretation	\$200
Watershed Permit	\$25
Flood Zone Permit	\$25

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<u>DESCRIPTION</u>	<u>AMOUNT</u>
Zoning Compliance Permits:	
SF Res	\$25

Duplex	\$100
MF Res	\$200
Commercial	\$250
Industrial	\$250
SF Accessory Structure	\$10
Accessory Structure	\$25
Institutional	\$250
Soil Evaluation	\$10
Change Occupancy	\$25
Change Use	\$250
Sign	\$25
Certificate of Zoning Compliance:	
SF Res	\$0
Duplex	\$25
MF Res	\$50
Commercial	\$100
Industrial	\$100
Change Use	\$100
Subdivision:	
Sketch	\$100
Preliminary	\$200
Final	\$200
Minor	+ \$25 per lot \$100

**Inspection Department Permit Fees:**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Building Permit	\$5/\$1000 up to \$150,000; \$1.50/\$1,000 thereafter
Minimum Permit	\$10
Minimum Sign	\$10
Non-bid Jobs (new)	\$40/ sq ft.
Habital Space	\$20/ sq ft.
Plumbing Permit	\$5 per fixture, \$20 minimum
Sewer Line House	\$20
Commercial / Large	\$50
Heating / AC Permit	
Boiler	\$0.0005/BTU
Gas Line- Residential	\$10
Gas Line- Commercial	\$50
Gas Furnace	\$40
Heat Pump	\$40
Gas Pak	\$40
Air Conditioners	
6 tons & under	\$15
7 to 15 tons	\$20
16 to 25 tons	\$25
over 26 tons	\$35
Electrical Permits	
Temporary service	\$20
Residential	\$40
Commercial	\$50 first 5000 sq ft plus \$5/1000 sq ft
Service Charge	\$20
Service Repair	\$20
Mobile Home	\$30
Sign	\$20
Apartments (each)	\$20
Mobile Home	\$50
Certificate of Occupancy	
No change of Use in Occ.	\$25
Change of Use in Occ.	\$50

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**Parks & Recreation Fees:**

<u>Facility</u>	<u>Service</u>	<u>AMOUNT</u>
Lake Lucas:		

Daily Fishing Permit	\$3.00
Annual Fishing Permit:	
City Resident	\$35.00
Non-Resident	\$50.00
Daily Boat Rental	\$7.50
Daily Launch Fee	\$7.00
Annual Launch Fee:	
City Resident	\$100.00
Non-Resident	\$135.00
Boat Rental Spaces:	
City Resident	\$60.00
Non-Resident	\$110.00
Lake Reese:	
Daily Launch Fee	\$7.00
Annual Launch Fee:	
City Resident	\$100.00
Non-Resident	\$135.00
Daily Duck hunting permit per boat	\$12.50
Tennis Center	
Lights per hour per court	\$2.00
Lessons	\$20.00
Field Rental:	
Rental Per Hour (no lights)	\$15.00
Rental Per Hour (lights)	\$20.00
Tournament rental	
One field per weekend	\$175.00
Two fields per weekend	\$300.00
Concession Stand / Restroom	\$50.00
Additional Maintenance	\$40.00
Youth Sports Fees:	
City Resident	\$0.00
Inside School District	\$15.00
Outside School District	\$30.00
Pools:	
Public Swim (day)	
2 years & under with paying adult	\$0.00
3 years & older	\$2.50
Public Swim (night)	
2 years & under with paying adult	\$0.00
3 years & older	\$2.00
Swimming Lessons	\$25.00
Swim Pass (15 admissions)	\$28.00
Non-Resident	\$550.00
Golf Course:	
Daily Green Fees	
Weekday	\$8.00
Weekend & Holiday	\$10.00
Membership Fees	
Individual	
City Resident	\$315.00
Non-Resident	\$380.00
Family	
City Resident	\$430.00
Student / Senior	
City Resident	\$210.00
Non-Resident	\$255.00
Cart Fee Senior Member / City Resident	
Nine Holes	\$5.00
Eighteen Holes	\$10.00

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<u>Facility</u>	<u>Service</u>	<u>AMOUNT</u>
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Golf Course:	Daily Cart Fees	
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Nine Holes	\$6.00
Eighteen Holes	\$12.00

\*\*City Resident / Non-resident rates are established according to the residence of the individual.

Section 4: The following amounts are hereby appropriated in the Street Assessment Fund for the operation of the city government and its activities for the fiscal year beginning July 1, 2004 and ending June 30, 2005, in accordance with the chart of accounts heretofore established for this City:

<u>ACCOUNT #</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
12-562.00	Contracted Construction	\$4,000

Section 5: It is estimated that the following revenues will be available in the Street Assessment Fund for the fiscal year beginning July 1, 2004 and ending June 30, 2005:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Interest Earned on Investments	\$4,000
Total Estimated Revenues	\$4,000

Section 6: The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the city government and its activities for the fiscal year beginning July 1, 2004 and ending June 30, 2005, in accordance with the chart of accounts heretofore established for this City:

<u>ACCOUNT #</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
30-720.00	Billing and Collecting	\$290,715
30-810.00	Water Meter Operations	\$339,240
30-820.00	Water Supply and Treatment	\$2,280,996
30-830.00	Wastewater Treatment	\$4,134,909
30-840.00	Water Maintenance	\$840,446
30-850.00	Wastewater Maintenance	\$937,179
	Total Appropriations	\$8,823,485

Section 7: It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2004 and ending June 30, 2005:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Interest Earned on Investments	\$55,000
Sale of Water	\$5,000,000
Sewer Charges	\$3,360,000
Sampling and Monitoring Fees	\$19,834
Surcharges	\$70,000
Septic Tank Discharges	\$50,150
Water and Sewer Connection Fees	\$113,075
Other Revenues	\$155,426
Total Estimated Revenues	\$8,823,485

Section 8: The following Water & Sewer Fund Fees are hereby adopted for provision of services during the operation of the city government for the fiscal year beginning July 1, 2004 and ending June 30, 2005.

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**Water & Sewer Billing Department:**

<u>SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Residential Customer ( ea. 2 month)		

Water Minimum Fee	\$13.15	\$32.88
Sewer Minimum Fee	\$16.50	\$41.25
Consumption Fee:		
Water - per 100 cu. ft. over 300 cu. ft.	\$2.15	\$5.37
Sewer - per 100 cu. ft. over 300 cu. ft.	\$2.15	\$5.37
Commercial Customer (monthly)		
Water Minimum Fee	\$10.52	\$26.30
Sewer Minimum Fee	\$10.52	\$26.30
Consumption Fee:		
Water - per 100 cu. ft. over 300 cu. ft.	\$2.15	\$5.37
Sewer - per 100 cu. ft. over 300 cu. ft.	\$2.15	\$5.37
Late Payment Charge*	\$5.00	\$5.00
Cut-off Fee**	\$20.00	\$20.00
Return Check fee	\$20.00	\$20.00
Partial Payment fee	\$5.00	\$5.00
Deposit for service	\$70.00	\$100.00

\* Late Payment Charge is applicable when payments are not received in the office by 5:00pm on the due date.

\*\* Cut-off fee will be assessed to accounts subject to cut-off.

**Water & Sewer Maintenance Department:**

<u>SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Water Tap Rates:		
3/4" Complete Service	\$800	\$1,200
1" Complete Service	\$1,100	\$1,650
1 1/2" Complete Service	\$1,700	\$2,550
2" Complete Service	\$2,000	\$3,000
3/4" New Tap	\$400	\$600
1" New Tap	\$550	\$825
1 1/2" New Tap	\$850	\$1,275
2" New Tap	\$1,000	\$1,500
3/4" New Meter, Setter, Box	\$400	\$600
1" New Meter, Setter, Box	\$550	\$825
1 1/2" New Meter, Setter, Box	\$850	\$1,275
2" New Meter, Setter, Box	\$1,000	\$1,500
3/4" New Meter	\$50	\$75
1" New Meter	\$150	\$225
1 1/2" New Meter	\$250	\$375
2" New Meter	\$300	\$450
Services not listed	cost	cost plus 50%
Sewer Tap Rates:		
4" Complete Service	\$900	\$1,800
6" Complete Service	\$1,000	\$2,000
Services not listed	cost	cost plus
100%		

Section 9: There is hereby levied a tax at the rate of fifty cents (\$.55) per one hundred (\$100) valuation of property as listed for taxes as of January 1, 2004 for the purpose of raising the revenue listed as "Current Year's Taxes" in the General Fund in Section 2 of this ordinance.

This rate is based on a total valuation of property for the purposes of taxation of \$1,800,000,000 and an estimated rate of collection of 97.0%.

Section 10: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:



WHEREAS, the Budget Ordinance adopted for the 2004-2005 Fiscal Year made certain changes in the water and sewer rates; and

WHEREAS, the City Council of the City of Asheboro concurs with the recommendation made by the City Manager and the Finance Officer to amend the provisions of Sections 50.006, 50.016, 50.065, and 50.110 of the Code of Asheboro in order to strengthen the city's water and sewer public enterprises against economic uncertainties in the current economy and in order to enhance the administrative efficiency of said public enterprises.

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

Section 1. Section 50.006 of the Code of Asheboro, which is entitled "PAYING SERVICE CHARGES," is hereby amended to provide as follows:

(A) With the exception of accounts that are addressed by division (B) of this section due to the utilization of automatic draft payments, water and sewer accounts are payable to the City Water Department, 146 North Church Street, Asheboro, North Carolina. All bills are due and payable on receipt, and all accounts for which payment is not received by the Water Department within 15 days from the billing date indicated on the bill shall be considered delinquent. Once an account becomes delinquent, a five dollar (\$5.00) fee shall be assessed against the account as a first tier late fee. ~~If an account remains in a state of delinquency as of the 25<sup>th</sup> day from the billing date indicated on the bill, an additional ten dollar (\$10.00) fee shall be assessed against the customer as a second tier late fee.~~ Upon their assessment, any and all such late fees, ~~whether a first tier or second tier late fee,~~ shall be immediately due and payable. For all delinquent accounts, a reminder notice shall be mailed which shall specify a final date, not prior to ten days after the delinquent date, by which payment must be remitted or service will be discontinued pursuant to § 50.007. The reminder notice shall also provide notice that customers may submit disputed bills to the water and sewer billing and collections department supervisor for review; the supervisor or his deputy shall be authorized to make adjustments to the billing amount in accordance with § 50.021 if such is deemed proper following the review and the bill is unpaid. The notice shall specify the hours during which a customer may call or come by for a review of disputed unpaid bills. After the review process, any customer who does not pay or make arrangements to pay the adjusted amount shall be entered on the list of delinquent customers whose services are to be terminated pursuant to § 50.007.

(B) As with all other customers, water and sewer accounts that are paid by means of automatic draft are payable to the City Water Department, 146 North Church Street, Asheboro, North Carolina. Customers who choose to make payments on their water and sewer accounts by means of automatic draft may make arrangements with the City Water Department to have an appropriate account at a financial institution drafted for payment in full of a regular billing on the 10<sup>th</sup> day, 15<sup>th</sup> day, 20<sup>th</sup> day, or 25<sup>th</sup> day of the month in which a bill is due and payable. If notification is received that an attempted automatic draft of a payment has failed due to insufficient funds in a customer's designated account or for any other reason, a charge of twenty dollars (\$20.00) shall be added to the customer's current bill, and such charge shall become immediately due and payable. Additionally, if any attempted automatic draft of a customer's account fails and payment in full with good funds has not been received by the 15<sup>th</sup> day of the month in which the bill is first due and payable, the bill shall be considered delinquent, and a five dollar (\$5.00) fee shall be assessed against the customer's account as a late fee. Upon assessment, any such late fee shall be immediately due and payable. A customer shall have five (5) business days from the date of notification to the City Water Department that an automatic draft of the customer's designated account has not been honored to make payment in full, including any assessed fees, with good funds to the City Water Department. If the outstanding balance is not paid in full with good funds within the time period specified in the preceding sentence or by the 25<sup>th</sup> day of the month in which the bill is first due and payable, whichever is later, the customer's water service shall be discontinued without further notice. Whenever within any twelve (12) month period the City Water Department is notified on two (2) separate occasions that an attempt to automatically draft a customer's designated account for payment has failed due to insufficient funds

in the account or for any other reason, such a customer shall be required to make payment in good funds only for twelve (12) consecutive billing periods before such a customer is eligible to apply for reinstatement to automatic draft status.

Section 2. Section 50.016 of the Code of Asheboro, which is entitled "DEPOSIT REQUIRED FOR WATER SERVICE," is hereby amended to provide as follows:

All occupants of residential, business or commercial dwellings or buildings, other than owners thereof, are required to make a deposit of ~~\$60.00~~ seventy dollars (\$70.00) for customers charged inside rates and ~~\$90.00~~ one hundred dollars (\$100.00) for customers charged outside rates. In cases where a line of credit can be established with the City Finance Officer, the deposit will be waived.

Section 3. Section 50.065 of the Code of Asheboro, which is entitled "RATES WITHIN CITY", is hereby amended to provide as follows:

The minimum rate for residential customers within the city limits for each billing cycle (~~one month for industrial and commercial customers and two months for residential customers~~) for any consumer of water within the city limits shall be ~~\$10.52~~ \$13.15 for ~~400~~ 300 cubic feet of water or less. The minimum rate for all other customers within the city limits for each billing cycle (one month) shall be \$10.52 for 300 cubic feet of water or less. ~~All consumers~~ In addition to the minimum rates prescribed by this section, all customers within the city limits using more than ~~400~~ 300 cubic feet of water per billing cycle shall be charged at the rate of ~~\$1.79~~ \$2.15 per 100 cubic feet (1 cubic foot of water equals approximately 7½ gallons of water) in excess of ~~400~~ 300 cubic feet of water.

Section 4. Section 50.110 of the Code of Asheboro, which is entitled "SEWER RATES", is hereby amended to provide as follows:

(A) For the privilege of discharging into the wastewater disposal system, a service charge is hereby imposed upon and shall be collected from all users. ~~The rate for each billing cycle (one month for industrial and commercial customers and two months for residential customers) for all users within the city limits shall be based on 100% of total water used. Minimum sewer charge is \$10.52.~~ Except as provided in § 50.111, § 50.112, § 50.115, and division (B) of this section, the service charge imposed upon and collected from a person availing himself or herself of the wastewater disposal system shall be based on the amount of water such a person uses from the city water supply system. The minimum sewer rate for residential customers within the city limits for each billing cycle (two months for residential customers) shall be \$16.50 for 300 cubic feet or less of water used from the city water supply system. The minimum rate for all other customers within the city limits for each billing cycle (one month) shall be \$10.52 for 300 cubic feet or less of water used from the city water supply system. In addition to the minimum sewer rates prescribed by this section, all users within the city limits using more than 300 cubic feet of water per billing cycle from the city water supply system shall be charged for use of the city wastewater disposal system at the rate of \$2.15 per 100 cubic feet of water used in excess of the minimum amount of 300 cubic feet. The rates to users outside of the city limits shall be 2.5 times the rates of inside users.

(B) The rate for each dwelling, business, and institution that avails itself of outside sewer service without city water shall be \$42.15 per billing cycle.

Section 5. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 6. This ordinance shall become effective on July 1, 2004.

Adopted in special session by the City Council of the City of Asheboro on the 24th day of June, 2004.

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

ATTEST:

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

7. **Consideration of the Adoption of an Ordinance That Addresses Certain Solid Waste Management Issues by Amending Chapter 51 of the Code of Asheboro.**

Mr. Sugg presented and recommended adopting the aforementioned ordinance, which aligns the Code with the budget.

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

23 ORD 6-04

**AN ORDINANCE AMENDING CHAPTER 51 OF THE CODE OF ASHEBORO**

WHEREAS, Chapter 51 of the Code of Asheboro prescribes certain policies and regulations pertinent to the services provided by the Sanitation Department for the City of Asheboro; and

WHEREAS, the Budget Ordinance for fiscal year 2004-2005 made certain changes in the service fees charged for services provided by the Sanitation Department; and

WHEREAS, the City Council of the City of Asheboro concurs with the recommendation made by the City Manager, Finance Officer, and Superintendent of the Sanitation Department to amend the provisions of Section 51.22 of the Code of Asheboro in order to enhance the cost effectiveness and efficiency of the city's management of solid waste.

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

Section 1. Section 51.22 of the Code of Asheboro, which is entitled "PLACING OF MATERIAL FOR SPECIAL COLLECTION", is hereby amended to provide as follows:

~~Material to be handled by special collections, such as grass trimmings, shall be put in containers using plastic bags, small paper boxes or metal cans and placed near the curb and at least two feet from any object. Brush shall also be placed near the curb and at least two feet from any object.~~

(A) The city sanitation department, by means of knuckle boom trucks, will collect yard waste in accordance with the provisions of this division.

- (1) As used within this section, the term "yard waste" shall be deemed to consist of grass trimmings, brush, scrub vegetation, tree limbs, and other similar organic material not otherwise addressed by this chapter of the Code of Asheboro. Due to the fact that all yard waste will be collected with a knuckle boom truck, no such waste shall be placed for collection in a container or in any other manner that is contrary to the provisions of this division. The first two scoops of yard waste collected during a twenty-four hour period from a parcel of land shall be collected at no charge to the occupant(s) or owner(s) of the property. If the entirety of the yard waste deposited for collection on a parcel of land cannot be collected in two scoops within the normal operating parameters of the knuckle boom truck, a fee shall be charged to the occupant(s) or owner(s) of the parcel of land in the amount of twelve dollars (\$12.00) for each additional scoop of yard waste that is collected. The city sanitation department shall utilize a route type system to collect yard waste and shall not be obligated to respond within any specified time frame to a call for service.
- (2) Occupants or owners of property desiring to have yard waste collected by the city sanitation department shall place such yard waste at the edge of the yard and approximately two feet from the edge of the pavement of a public street or highway. Such yard waste shall be placed a minimum of four feet from any other object and shall not be placed under any wires.
- (3) The above-stated fee structure shall only apply to items of yard waste that are no longer than five feet in length and no more than four inches in diameter. Any item that exceeds the dimensions listed in the

immediately preceding sentence and that is placed for collection as yard waste will not be collected when first observed by city employees operating a knuckle boom truck. Instead, the occupant(s) of the property shall be notified of the non-compliance of the yard waste with the above-stated size restrictions by means of tagging the yard waste, and the owner(s) of the real property, as listed by the Randolph County Tax Collector, shall be notified by means of a registered letter of the non-compliance of the yard waste with the size restrictions. Upon the passage of two calendar weeks from the date of tagging the waste and mailing notification to the property owner(s), whichever is later, the city sanitation department shall remove any non-conforming yard waste that has not been relocated from its original collection point. The occupant(s) or owner(s) of the property from which such yard waste is removed shall be charged a fee of twenty-four dollars (\$24.00) per scoop of yard waste that is removed. Any and all yard waste found within a pile containing one or more non-conforming items of yard waste shall be subject to the twenty-four dollar (\$24.00) per scoop fee, and no complimentary scoops of debris removal shall be provided to any occupant or owner who has intermingled conforming and non-conforming yard waste.

- (4) No yard waste shall be placed in a ditch or on a curb, sidewalk, or public street or highway. Any such yard waste shall be collected by the city sanitation department without notice, and the occupant(s) or owner(s) of the property from which the yard waste originated will be charged a fee of twenty-four dollars (\$24.00) for each scoop of such waste that is collected by the city. No complimentary scoops of yard waste removal will be provided to an individual who places such debris in a prohibited location.
- (5) Yard waste that is placed within a public right-of-way and constitutes a traffic hazard shall be removed by the city sanitation department without notice. The determination of whether or not yard waste constitutes a traffic hazard shall be within the sole discretion of the Director of Operations for Public Works or his designee(s). Any yard waste that is deemed to be a traffic hazard and has to be removed during the normal business hours of the city's sanitation department shall be removed at a cost of twenty-four dollars (\$24.00) per scoop. If such yard waste has to be removed outside of the city sanitation department's normal business hours, the yard waste will be removed at a cost of fifty dollars (\$50.00) per scoop. The charges for removing yard waste that poses a traffic hazard shall be borne by the occupant(s) or owner(s) of the property from which the yard waste originated. No complimentary scoops of yard waste removal will be provided to an individual who places debris in such a manner as to create a traffic hazard.
- (6) The collection charges instituted in this division will be added to the water and sewer bill of the occupant(s) or owner(s) of the parcel of land from which the yard waste originated. Payment terms will be the same as for the water and sewer bill. In the event of a partial payment on a combined water-sewer and sanitation bill, the payment shall be first applied to the sanitation charge and the remainder, if any, shall be applied to the water-sewer charges. Failure to pay the full balance of the water-sewer bill shall result in the consequences specified in the city code, including without limitation the termination of water service. In the event of nonpayment of yard waste collection charges by property occupant(s) or owner(s) that do not have water and/or sewer accounts with the city, all collections of such a customer's refuse will be discontinued until payment is remitted in full. If, after reasonable inquiry has been made by city officials, a determination cannot be conclusively made as to whether the individual(s) occupying the property from which yard waste originated or the owner(s) of said property are responsible for the actual placement of such waste for collection, the charges associated with any such collection of yard waste shall be deemed to be the responsibility of the property owner(s).

(7) As used within this section, the term "yard waste" shall not be deemed to include leaves that have been properly placed for collection by the city's street department.

(C) The city sanitation department will collect those items commonly referred to as "white goods" in accordance with the provisions of this division.

(1) As used within this section, the term "white goods" shall be deemed to include refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, dishwashers, clothes dryers, and other similar domestic and commercial large appliances.

(2) Any items properly classified as "white goods" which are placed at the edge of a yard and approximately two feet away from the edge of the pavement of a public street or highway will be collected by the city sanitation department for a fee of five dollars (\$5.00) per appliance.

(3) The collection charges instituted in this division will be added to the water and sewer bill of the occupant(s) or owner(s) of the parcel of land from which the appliance originated. Payment terms will be the same as for the water and sewer bill. In the event of a partial payment on a combined water-sewer and sanitation bill, the payment shall be first applied to the sanitation charge and the remainder, if any, shall be applied to the water-sewer charges. Failure to pay the full balance of the water-sewer bill shall result in the consequences specified in the city code, including without limitation the termination of water service. In the event of nonpayment of "white goods" collection charges by property occupant(s) or owner(s) that do not have water and/or sewer accounts with the city, all collections of the customer's refuse will be discontinued until payment is remitted in full. If, after reasonable inquiry has been made by city officials, a determination cannot be conclusively made as to whether the individual(s) occupying the property from which the "white goods" originated or the owner(s) of said property are responsible for the actual placement of such goods for collection, the charges associated with any such collection of "white goods" shall be deemed to be the responsibility of the property owner(s).

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

Section 3. This ordinance shall become effective on July 1, 2004.

Adopted in special session by the City Council of the City of Asheboro on the 24th day of June, 2004.

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

ATTEST:

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

There being no further business, the meeting adjourned at 7:30 PM.

Carol J. Cole, CMC, City Clerk

David H. Jarrell, Mayor

