

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, FEBRUARY 8, 2007
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)
Keith Crisco)
Nancy Hunter)
Walker Moffitt) – Council Members Present
Archie Priest)
David Smith)

Linda Carter) – Council Member Absent

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
John Evans, Code Enforcement Officer
Holly J. Hartman, City Clerk/Senior Legal Assistant
Deborah P. Juberg, Finance Director
R. Reynolds Neely, Jr., Planning Director
Trevor L. Nuttall, Planner
Michael Rhoney, Director of Water Resources
James W. Smith, Fire Chief
Jeffrey C. Sugg, City Attorney
Larry Trotter, Chief Building Inspector
Sanford A. Vuncannon, Jr., Police Captain

1. Call to Order.

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

2. Pledge of Allegiance and Invocation.

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. Reverend Johnny Henderson, Pastor of Cross Roads Baptist Church, gave the invocation.

3. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

4. Consent agenda.

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

- Approval of the minutes of the regular meeting of the City Council on January 4, 2007.
- Approval of the minutes of a special meeting of the City Council on January 16, 2007.
- Approval of findings of fact, conclusions of law, and order in the matter of SUP-06-13.

IN THE MATTER OF THE APPLICATION OF WEST ASHEBORO BAPTIST CHURCH FOR A SPECIAL
USE PERMIT ALLOWING THE CHURCH TO EXPAND IN A
RESIDENTIAL DISTRICT

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

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council that was held on January 4, 2007. 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. West Asheboro Baptist Church (hereinafter referred to as the "Applicant") properly filed an application with the City of Asheboro Planning Department for a Special Use Permit that would allow the church to enlarge its current facilities, which are located in a residential zoning district.
2. The Applicant owns the parcel of land upon which the existing church and parsonage are located. This parcel of land (hereinafter referred to as the "Zoning Lot") has two (2) street addresses, 831 Uwharrie Street and 762 Spencer Avenue, associated with it and is more specifically identified by Randolph County Parcel Identification Number 7750495219.
3. The Zoning Lot consists of approximately 4.23 acres of land.
4. The Growth Strategy Map designates the area in which the Zoning Lot is located as a "Primary Growth" area, and the Proposed Land Development Plan Map indicates that this property is located in an area designated as "Neighborhood Residential."
5. The land uses to the south and west of the Zoning Lot are single-family residential, while multi-family residential use is located to the east and a combination of single-family and multi-family residential uses are located to the north.
6. The Zoning Lot is located in an R10 zoning district.
7. A church land use is permitted in an R10 zoning district only if the Council issues a Special Use Permit authorizing such a use.
8. The Zoning Lot is not subject to an existing Special Use Permit because the use of the lot for a church predates the requirement to obtain a Special Use Permit for a church in a residential zoning district.
9. The Applicant is currently requesting a Special Use Permit in order to build an addition to the eastern side of the existing church building and in order to build a fellowship hall. The addition to the eastern side of the church building is to be used for special meeting rooms.
10. The Zoning Lot is located within the corporate limits of the City of Asheboro and is served by all city services.
11. The proposed expansion will require the installation of a Screen Type A along the northeastern property boundaries. Interior landscaping will also be required. The submitted site plan does show this screening and interior landscaping.
12. The Applicant proposes to pave a portion of the existing gravel parking lot and either gravel or pave the remaining portion of said lot. This combination of paving and graveling is permissible.
13. The Applicant does not propose any additions or changes to the existing parsonage.
14. The submitted site plan indicates that all new mechanical equipment will be screened from view as required by the Asheboro Zoning Ordinance. No new parking area lighting is proposed.
15. Members of the planning department staff reviewed the Applicant's proposed site plan prior to the hearing of this matter, and the planning director testified that the site plan did comply with the requirements of the Asheboro Zoning Ordinance.
16. The planning department's staff analysis report, which was submitted to the Council during the hearing of this matter, indicated that the land development plan is generally supportive of granting the Applicant's requested Special Use Permit.

17. Mr. Glenn Brown, who has been a member of the church in excess of twenty (20) years, testified as to the fact that a significant number of church members live in the vicinity of the Zoning Lot and view the addition to the church building and the construction of a fellowship hall as a positive addition to the surrounding community.

18. No testimony or any other form of evidence was offered in opposition to the Applicant's request for the issuance of a Special Use Permit.

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

CONCLUSIONS OF LAW

1. During the hearing of this matter, the evidence submitted to the Council indicated that the proposed 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 the 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

West Asheboro Baptist Church is hereby issued a Special Use Permit that authorizes a church land use to be conducted on the Zoning Lot. This Special Use Permit shall remain valid so long as the Applicant, and its successors and assigns, conducts this approved land use 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 the 8th day of February, 2007.

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

ATTEST:

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

- Approval of a resolution approving the class allocation of the position of Athletic Field Technician within the City of Asheboro Position Classification Plan.

04 RES 2-07

RESOLUTION APPROVING THE CLASS ALLOCATION OF THE POSITION OF ATHLETIC FIELD TECHNICIAN IN THE GROUNDS MAINTENANCE DEPARTMENT UNDER THE CITY OF ASHEBORO POSITION CLASSIFICATION PLAN

WHEREAS, the City of Asheboro Personnel Policies and Procedures Manual, promulgated by the City Manager and approved by resolution of the City Council of the City of Asheboro on March 4, 2004, and as amended, 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 Grounds Maintenance Department, which is a component of the Public Works Division, the classification of Horticultural Technician has been established with a pay grade of 11 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, the Grounds Maintenance Superintendent has concluded that the duties and corresponding job description of the Horticultural Technician should be changed in order to enhance the operations of the Grounds Maintenance Department; and

WHEREAS, the Grounds Maintenance Superintendent has properly submitted a revised comprehensive job description for this position, and, as part of this revision, the superintendent has changed the position's job title from Horticultural Technician to Athletic Field Technician; and

WHEREAS, this new job description is attached to this resolution as Exhibit 1 and is 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 description submitted by the Grounds Maintenance Superintendent; and

WHEREAS, after reviewing the recommendation of the Director of Human Resources, the City Manager has determined that, in light of the duties prescribed by the attached job description, the position of Athletic Field Technician should be established at a pay grade of 11.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the job description attached hereto as Exhibit 1 is hereby approved with an effective date of March 1, 2007; and

BE IT FURTHER RESOLVED that the City Manager's recommendation to establish the position of Athletic Field Technician at pay grade 11 is hereby adopted and approved without modification.

Adopted by the Asheboro City Council in regular session on the 8th day of February, 2007.

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

ATTEST:

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

(Exhibit 1 that is referred to in the above-referenced resolution is attached to the original resolution on file in the City Clerk's office.)

- Approval of a resolution approving the class allocation of the position of Code Compliance Inspector within the City of Asheboro Position Classification Plan.

05 RES 2-07

RESOLUTION APPROVING THE CLASS ALLOCATION OF THE POSITION OF CODE COMPLIANCE INSPECTOR UNDER THE CITY OF ASHEBORO POSITION CLASSIFICATION PLAN

WHEREAS, the City of Asheboro Personnel Policies and Procedures Manual, promulgated by the City Manager and approved by resolution of the City Council of the City of Asheboro on March 4, 2004 and as amended, 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 Community Planning and Development Department, the classification of Minimum Housing Inspector 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 . . . 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, the Planning Director has made the determination that the duties and corresponding job description of the Minimum Housing Inspector should be changed in order to enhance the operations of the Community Planning and Development Department; and

WHEREAS, the Planning Director has properly submitted a revised comprehensive job description for this position and, as part of this revision, the Planning Director has changed the position's job title from Minimum Housing Inspector to Code Compliance Inspector; and

WHEREAS, this new job description is attached to this resolution as Exhibit 1 and is 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 description submitted by the Planning Director; and

WHEREAS, after reviewing the recommendation of the Director of Human Resources, the City Manager has determined that, in light of the duties prescribed by the attached job description, the position of Code Compliance Inspector should be established at a pay grade of 15.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the job description attached hereto as Exhibit 1 is hereby approved with an effective date of March 1, 2007; and

BE IT FURTHER RESOLVED that the City Manager's recommendation to establish the position of Code Compliance Inspector at pay grade 15 is hereby adopted and approved without modification.

Adopted by the Asheboro City Council in regular session on the 8th day of February, 2007.

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

ATTEST:

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

(Exhibit 1 that is referred to in the above-referenced resolution is attached to the original resolution on file in the City Clerk's office.)

5. Presentation of plaque to Asheboro Fire Department Firefighter I James Lamonds.

Chief Smith read a letter of appreciation from officers of the Greensboro Police Department honoring Asheboro Firefighter James Lamonds for his courageous acts on Friday, December 23, 2006 at Four Season Mall in Greensboro, North Carolina. Additionally, on behalf of the City of Asheboro, Chief Smith presented a plaque to Mr. Lamonds in recognition of his exemplary conduct.

OLD BUSINESS

6. SUB-06-03: Waterford Meadows – Planned Unit Development.

Mr. Neely reported that Waterford Meadows Development Company, LLC has presented final corrections to the preliminary plat that was reviewed and approved conditionally by Council during regular session on January 4, 2007. As of February 7, 2007, the Planning Department reviewed the final corrections, and the preliminary plat was deemed by the planning department staff to be approved effective February 8, 2007 in accordance with the conditions imposed by Council on January 4, 2007.

NEW BUSINESS

7. Land Use Issues.

- (a) CUP-07-01: Conditional Use Permit / 2159 and 2201 North Fayetteville Street. The property of Summers Run, LLC, is located at 2159 and 2201 North Fayetteville Street and consists of approximately 13.69 acres of land. Randolph County Parcel Identification Number 7763033224 more specifically describes the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely was sworn in and presented the staff's analysis of the proposed site plan and the request by Summers Run, LLC for a Conditional Use Permit authorizing a modification of the previously approved site plan and approving a change in the design and layout of a multi-family development with a Floor Area Ratio of up to 22 percent. In essence, the Applicant proposes a new building design and layout that changes the building elevations and the number of bedrooms for two buildings in the development.

On behalf of the Applicant, Mr. Jon Megerian, Esq. was sworn in and addressed the four standard tests.

There being no comments nor opposition from the public, Mayor Jarrell closed the public hearing. An audiotape of the testimony presented during the public hearing is on file in the City Clerk's office.

Upon motion by Mr. Baker and seconded by Mr. Crisco, Council voted unanimously to approve a Conditional Use Permit that authorizes a change in the design and layout of the previously approved multi-family development with a Floor Area Ratio of up to 22 percent. The issuance of this permit is based on the four standard tests being met and the attachment of one condition to the permit.

The formal findings of fact, conclusions of law, and order approving this Conditional Use Permit will be entered by Council during regular session on March 8, 2007. This order will reflect the specific condition imposed upon this permit based on the testimony presented during the hearing of this matter.

- (b) RZ-07-02: Rezone from R7.5 to O&I / Northeast intersection of East Presnell Street and Greenfield Street. The property of Craven Ventures, Inc. is located at the northeast intersection of East Presnell Street and Greenfield Street and consists of approximately 1.09 acres of land. Randolph County Parcel Identification Number 7761062092 more specifically describes the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Dr. Kim C. Brooks to rezone the above-described property from R7.5 Medium Density Residential to O&I Office and Institutional. The Planning Board recommended approval of the request, but the Planning Department Staff recommended denial of the request based on the following:

"This request is difficult to analyze, as there are several goals and policies that both support and speak against the request. Any uncertainty related to how the property will develop is somewhat offset by the limitations of the requested O&I district and the Ordinance's requirement of landscaped buffers or screens between non-residential and residential land uses. However, the Land Development Plan's recommendation that the site develop residentially coupled with the existing residential zoning on three sides of the property leads staff to conclude that the current residential designation is in the public interest at this time."

The Planning Board stated that it recommended approval of the request because its members did not envision the property being used for residential purposes.

On behalf of the Applicant, Mr. Mark Trollinger, Realtor, presented comments in support of the requested rezoning.

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

Upon motion by Ms. Hunter and seconded by Mr. Priest, Council voted unanimously to adopt the Planning Board's recommendation and placed the above-described property in an O&I Office and Institutional zoning district.

- (c) RZ-07-03: Rezone from OA6 and R7.5 to O&I / 138 East Presnell Street. The properties of Mark and Rhonda Trollinger are located at 138 East Presnell Street including a parcel adjacent to and west of 138 East Presnell Street and consists of approximately 30,512 square feet of land. Randolph County Parcel Identification Numbers 7751955831 and 7751955828 more specifically describe the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Mark Trollinger to rezone the above-described property from OA6 Office and Apartment and R7.5 Medium-Density Residential to O&I Office and Institutional. The Planning Department Staff and the Planning Board recommended approval based on the following:

"Recent rezoning decisions, surrounding zoning, and pending development in the area make the requested district an appropriate designation for these properties. Although the Land Development Plan recommended the area remain single-family in nature, the properties are located near the intersection of three major thoroughfares and are surrounded on three sides by nonresidential zoning. The O&I district, intended to provide transition from commercial to residential areas, is appropriate for the location."

The Applicant, Mr. Mark Trollinger, was available to answer questions.

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

Upon motion by Mr. Baker and seconded by Mr. Priest, Council voted unanimously to accept the recommendation of the Planning Board and placed the above-described property in an O&I Office and Institutional zoning district.

- (d) CUP-07-04: Conditional Use Permit / Terminus of Springwood Road. The property of E&C Investments is located at the terminus of Springwood Road and consists of approximately 6.75 acres of land. Randolph County Parcel Identification Numbers 7750423919 and 7750423605 more specifically describe the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely was sworn in and presented the staff's analysis of the proposed site plan and the request by Habitat for Humanity for a Conditional Use Permit that would modify a previously approved Conditional Use Permit for a Residential Planned Unit Development by adding a new public sanitary sewer easement which encroaches into an area identified as open space on the previously approved site plan.

On behalf of the Applicant, Mr. Mike Desjardin was sworn in and addressed the four standard tests. Heath Craven, Managing Member of E&C Investments, was also sworn in and presented comments in support of the requested Conditional Use Permit.

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

Upon motion by Mr. Moffitt and seconded by Mr. Baker, Council voted unanimously to approve the requested Conditional Use Permit. The issuance of this permit was based on the four standard tests being met and the attachment of two conditions to the permit.

The formal findings of fact, conclusions of law, and order granting this Conditional Use Permit will be entered by the Council in regular session on March 8, 2007. This order will reflect the specific conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

- (e) SUB-06-04: Town Homes on Main – Planned Unit Development. Preliminary Plat Approval.

Mr. Neely presented the preliminary plat for the proposed Town Homes on Main Subdivision. Mr. Larry McKenzie requested the approval of a preliminary plat for a planned unit development to be located along the east side of South Main Street. The proposed subdivision contains approximately 3.22 acres of land with approximately 14 lots.

All departments have reviewed the plat. The Planning Department Staff and the Planning Board recommended approval of the preliminary plat with the comment that certain items needed to be corrected or completed. Prior to Council's consideration and review of the preliminary plat, the Applicant submitted a corrected preliminary plat that complies with the recommendations of the Planning Board and the requirements of the Asheboro Zoning Ordinance.

Upon motion by Mr. Smith and seconded by Mr. Crisco, Council voted unanimously to approve the preliminary plat with the comment that a minor numbering error on the plat needs to be corrected.

(The aforementioned preliminary plat is on file in the City Clerk's office.)

With the general consent of the Council, Mayor Jarrell moved a report from the Public Works Committee, which was listed as item 15 on the agenda, up for consideration immediately following item 7(e).

8. Report from Public Works committee

- **Request by Parkway South Property Owners Association for the City to maintain wastewater pump station and force main.**

Mr. Ogburn presented a request by Parkway South Property Owners Association for the City to assume ownership and maintenance of the wastewater pump station and force main located at Parkway South Townhomes.

The Public Works Committee has reviewed the request and recommends approval.

Upon motion by Mr. Smith and seconded by Ms. Hunter, Council voted unanimously to adopt the committee's recommendation and approve the request.

9. Annual report of the Building Inspection Department.

Mr. Larry Trotter, Chief Building Inspector, presented an overview of the Building Inspection Department's activities during 2006. The department's report reflected an overall decrease in commercial and residential activity. A copy of the written report submitted to the Council by Mr. Trotter is on file in the City Clerk's office.

10. Report by Chief James W. Smith on receipt of Fire Grant.

Chief Smith reported that the City of Asheboro received a grant from the Department of Homeland Security to assist in the funding of three (3) new firefighter positions. The grant will offset 90% of the cost the first year, 80% the second year, 50% the third year, 30% the fourth year, and the city must bear 100% of the cost the fifth year. At its conclusion, the total value of the grant will equal approximately \$310,500.00.

11. Petition received from Dorlos T. Steed and First Assembly of God Church of Asheboro, Inc. requesting contiguous annexation of 3.598 acres along Eastview Drive and Meadowbrook Road.

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the City Clerk to investigate a petition requesting contiguous annexation of 3.598 acres of land located along Eastview Drive and Meadowbrook Road.

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

06 RES 2-07

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES

(3.598 Acres of Land Located along Eastview Drive and Meadowbrook Road)

WHEREAS, a petition requesting the annexation of approximately 3.598 acres of land located along Eastview Drive and Meadowbrook Road has been received by the City Council of the City of Asheboro, North Carolina from Dorlos T. Steed and First Assembly of God Church of Asheboro, Inc.; and

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

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

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

Adopted by the Asheboro City Council in regular session on the 8th day of February, 2007.

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

ATTEST:

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

CERTIFICATE OF SUFFICIENCY

(3.598 Acres of Land Located along Eastview Drive and Meadowbrook Road)

TO: The City Council of the City of Asheboro, North Carolina

I, Holly J. Hartman, City Clerk for the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto. As a consequence of that investigation, I have found as a fact that said petition is signed by all owners of real property lying in the area described therein, and the petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina on this the 8th day of February, 2007.

(SEAL)

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

As a consequence of the receipt of written certification from the City Clerk as to the sufficiency of said annexation petition, Mr. Bunker presented and recommended adoption, by reference, of a resolution fixing the date for a public hearing on the question of annexation.

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

07 RES 2-07

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES

(3.598 Acres of Land Located along Eastview Drive and Meadowbrook Road)

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, at 7:00 o'clock p.m. on the 8th day of March, 2007.

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

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

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

ATTEST:

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

EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a point, which is not set, on the existing primary corporate limits line of the City of Asheboro, said point is located by means of the North Carolina Coordinate System at the coordinates of North 717,375.7452 feet and East 1,761,221.8159 feet (NAD 27) and is itself located South 86 degrees 12 minutes 13 seconds West 1463.67 feet from Corporate Limits Corner # 1 (Corporate Limits Corner # 1 is located by means of the North Carolina Coordinate System at the coordinates of North 717,472.658

feet and East 1,762,682.274 feet (NAD 27)); thence from said Beginning point North 0 degrees 13 minutes 02 seconds West 120.88 feet to an existing iron pipe; thence North 0 degrees 00 minutes 45 seconds West 74.99 feet along the Lloyd J. Hamlet property described in Deed Book 1802, Page 477, Randolph County Public Registry to an existing iron rod; thence along the Roger L. Spinks property described in Deed Book 1411, Page 599, Randolph County Public Registry the following courses and distances: North 00 degrees 04 minutes 59 seconds East 97.50 feet to an existing iron rod; thence South 79 degrees 39 minutes 46 seconds East 201.03 feet to an existing iron rod set in the western margin of the 50-foot right-of-way for Meadowbrook Road (North Carolina Secondary Road 2184); thence North 25 degrees 14 minutes 44 seconds East 83.08 feet along the western margin of the right-of-way for Meadowbrook Road to a new iron rod; thence North 59 degrees 34 minutes 30 seconds West 534.20 feet to a new iron rod; thence South 88 degrees 39 minutes 49 seconds West 146.38 feet to a new iron rod set in the eastern margin of the 50-foot right-of-way for Eastview Drive (North Carolina Secondary Road 2260); thence along the eastern margin of the right-of-way for Eastview Drive the following courses and distances: South 0 degrees 52 minutes 02 seconds West 36.88 feet to an existing iron rod; thence South 01 degree 19 minutes 25 seconds West 59.93 feet to an existing iron pipe; thence along the existing primary corporate limits of the City of Asheboro the following courses and distances: North 89 degrees 04 minutes 18 seconds East 167.31 feet to an existing iron pipe; thence South 0 degrees 06 minutes 51 seconds West 344.64 feet to an existing iron pipe; thence South 0 degrees 06 minutes 51 seconds West 60.02 feet to an existing iron pipe; thence South 0 degrees 35 minutes 54 seconds East 60.15 feet to an existing iron rod; thence South 0 degrees 03 minutes 41 seconds East 54.52 feet to a point, which is not set, in the existing primary corporate limits line of the City of Asheboro and located by means of the North Carolina Coordinate System at the coordinates of North 717,361.88 feet and East 1,761,012.92 feet (NAD 27); thence continuing along the primary corporate limits line of the City of Asheboro the following course and distance: North 86 degrees 12 minutes 13 seconds East 209.35 feet to the point and place of the BEGINNING, and containing 3.598 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION SURVEY FOR THE CITY OF ASHEBORO" that was drawn under the supervision of Jerry A. King, Professional Land Surveyor with Registration No. L-3373. The said plat of survey was dated January 11, 2007 and was identified as Job # 4816 C 10.

12. Petition received from First National Bank and Trust Company requesting non-contiguous annexation of 43.44 acres along the southwest side of Old Lexington Road.

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the City Clerk to investigate a petition requesting non-contiguous annexation of 43.44 acres of land located along the southwest side of Old Lexington Road.

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

08 RES 2-07

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION

(43.44 Acres of Land Located along the Southwest Side of Old Lexington Road)

WHEREAS, a petition requesting the annexation of an area described in said petition as 43.44 acres of land located along the southwest side of Old Lexington Road has been received by the City Council of the City of Asheboro from First National Bank and Trust Company; and

WHEREAS, Section 160A-58.2 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

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

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

Adopted by the Asheboro City Council in regular session on the 8th day of February, 2007.

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

ATTEST:

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

CERTIFICATE OF SUFFICIENCY

(43.44 Acres of Land Located along the Southwest Side of Old Lexington Road)

TO: The City Council of the City of Asheboro, North Carolina:

I, Holly J. Hartman, City Clerk for the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto. As a consequence of that investigation, I have found as a fact that said petition is signed by all of the owners of the real property lying in the area described therein, and the petition appears to be sufficient to satisfy the provisions of Section 160A-58.1 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina on this the 8th day of February, 2007.

(SEAL)

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

As a consequence of the receipt of written certification from the City Clerk as to the sufficiency of said annexation petition, Mr. Bunker presented and recommended adoption, by reference, of a resolution fixing the date for a public hearing on the question of annexation.

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

09 RE 2-07

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION
PURSUANT TO SECTION 160A-58.2 OF THE NORTH CAROLINA GENERAL STATUTES**

(43.44 Acres of Land Located along the Southwest Side of Old Lexington Road)

WHEREAS, a petition requesting annexation of the non-contiguous area described therein has been received; and

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

WHEREAS, certification by the city clerk as to the sufficiency of the said petition has been made.

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

Section 1. A public hearing on the question of the annexation of the non-contiguous area described herein will be held at 7:00 o'clock p.m. on the 8th day of March, 2007 in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina.

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

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

Adopted by the Asheboro City Council in regular session on the 8th day of February, 2007.

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

ATTEST:

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

EXHIBIT 1

Back Creek Township, Randolph County, North Carolina:

BEGINNING at an existing iron rod that is set in the southwestern margin of the 60-foot right-of-way for Old Lexington Road (North Carolina Secondary Road 1004), said existing iron rod can be located by

means of the North Carolina Coordinate System at the coordinates of North 718,683.631 feet and East 1,749,944.959 feet (NAD 27) and is located North 40 degrees 04 minutes 17 seconds West 1986.75 feet (grid bearing and distance) from City of Asheboro Monument 114, which is itself located by means of the North Carolina Coordinate System at the coordinates of North 717,163.286 feet and East 1,751,223.912 feet (NAD 27); thence from said Beginning point along the John H. Redding and Carolyn E. Redding property described in Deed Book 1015, Page 13, Deed Book 1251, Page 1413, and Deed Book 1716, Page 1624 in the Randolph County Public Registry the following courses and distances: North 0 degrees 13 minutes 02 seconds West 120.88 feet to an existing iron pipe; thence North 0 degrees 00 minutes 45 seconds West 74.99 feet along the Lloyd J. Hamlet property described in Deed Book 1802, Page 477, Randolph County Public Registry to an existing iron rod; thence along the Roger L. Spinks property described in Deed Book 1411, Page 599, Randolph County Public Registry the following courses and distances: South 57 degrees 13 minutes 39 seconds West 73.06 feet to a computed point; thence South 48 degrees 23 minutes 11 seconds West 51.04 feet to a computed point; thence South 42 degrees 35 minutes 40 seconds West 48.00 feet to a computed point; thence South 37 degrees 51 minutes 53 seconds West 178.02 feet to a computed point; thence South 27 degrees 17 minutes 16 seconds West 43.83 feet to a computed point; thence South 12 degrees 35 minutes 18 seconds West 30.51 feet to a computed point; thence South 42 degrees 49 minutes 19 seconds West 186.75 feet to an existing 2" iron pipe; thence along the Schwarz Properties, LLC property described in Deed Book 1978, Page 1820 and Plat Book 70, Page 82 in the Randolph County Public Registry the following courses and distances: North 87 degrees 08 minutes 31 seconds West 21.69 feet to an existing 2" iron pipe; thence North 88 degrees 23 minutes 17 seconds West 255.35 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 150.95 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 164.51 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 172.64 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 177.92 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 217.60 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 198.13 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 163.20 feet to an existing 2" iron pipe in a stone pile; thence North 88 degrees 11 minutes 06 seconds West 215.91 feet to an existing 2" iron pipe; thence North 88 degrees 11 minutes 06 seconds West 228.91 feet to an existing 2" iron pipe; thence North 88 degrees 11 minutes 31 seconds West 156.33 feet to a new iron rod; thence along the existing satellite corporate limits line of the City of Asheboro the following courses and distances: North 06 degrees 11 minutes 59 seconds East 129.44 feet to an existing nail; thence North 16 degrees 29 minutes 27 seconds West 229.28 feet to an existing nail; thence North 07 degrees 52 minutes 34 seconds West 149.50 feet to an existing nail; thence North 42 degrees 39 minutes 02 seconds West 133.29 feet to an existing nail; thence North 06 degrees 08 minutes 38 seconds East 122.91 feet to an existing nail; thence North 24 degrees 14 minutes 23 seconds East 139.13 feet to a computed point; thence North 11 degrees 06 minutes 22 seconds West 140.83 feet to an existing nail; thence North 25 degrees 08 minutes 26 seconds East 96.27 feet to an existing nail; thence North 06 degrees 41 minutes 29 seconds East 121.35 feet to an existing nail; thence North 01 degree 27 minutes 01 second West 159.48 feet to a computed point; thence North 68 degrees 53 minutes 52 seconds West 158.01 feet to an existing nail; thence North 44 degrees 47 minutes 29 seconds West 104.45 feet to an existing nail; thence North 69 degrees 43 minutes 37 seconds West 113.32 feet to an existing nail; thence North 84 degrees 13 minutes 57 seconds West 80.25 feet to a new iron rod; thence departing from the existing satellite corporate limits line for the City of Asheboro and running North 29 degrees 30 minutes 24 seconds East 271.44 feet to a new iron rod; thence North 48 degrees 18 minutes 30 seconds East 254.70 feet to an existing iron rod control corner; thence along the Jon Couch and Patsy Couch property described in Deed Book 1749, Page 2078 and Plat Book 75, Page 66 in the Randolph County Public Registry the following courses and distances: South 76 degrees 16 minutes 44 seconds East 522.25 feet to an existing iron rod control corner; thence North 68 degrees 15 minutes 58 seconds East 347.46 feet to an existing iron rod; thence North 20 degrees 10 minutes 55 seconds East 333.63 feet to an existing iron rod set in the southwestern margin of the 60-foot right-of-way for Old Lexington Road; thence along the southwestern margin of Old Lexington Road the following courses and distances: South 50 degrees 51 minutes 16 seconds East 24.20 feet to an existing axle; thence South 50 degrees 55 minutes 51 seconds East 202.30 feet to a computed point; thence South 36 degrees 26 minutes 58 seconds East 94.65 feet to an existing iron pipe; thence South 39 degrees 28 minutes 29 seconds East 83.27 feet to a computed point; thence South 39 degrees 21 minutes 04 seconds East 382.82 feet to the point and place of the BEGINNING, and containing 43.44 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION MAP FOR FIRST NATIONAL BANK & TRUST COMPANY" that was drawn under the supervision of Timothy B. Duncan, Professional Land Surveyor with Registration No. L-4253. The said plat of survey was dated January 8, 2007 and was identified as Job # S-00307.

13. Public Comment Period.

Mr. Neely invited everyone to look at the community citizenship boards located on the first floor of City Hall. Said boards were prepared by participants in the Merit Badge College.

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

14. Consideration of a resolution authorizing the submission of a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for the Malt-O-Meal Company economic development project.

Mr. Sugg presented 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.

10 RES 2-07

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION BY THE CITY OF ASHEBORO FOR FUNDING FROM A COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE MALT-O-MEAL COMPANY ECONOMIC DEVELOPMENT PROJECT

WHEREAS, the Asheboro City Council has previously indicated its desire to assist in economic development efforts within the City; and

WHEREAS, the Asheboro City Council held two (2) public hearings, one public hearing was held on October 5, 2006 and the other public hearing was held on January 4, 2007, concerning the proposed application by the city for Community Development Block Grant funding for an economic development project that will benefit Malt-O-Meal Company; and

WHEREAS, the Asheboro City Council has concluded that the city should pursue a formal application for Community Development Block Grant funding to benefit Malt-O-Meal Company, and, as part of the Malt-O-Meal economic development project and as will be committed to in the application, the city will invest monies in the amount of Three Hundred Thousand and no/100 Dollars (\$300,000.00), Two Hundred Fifty Thousand and no/100 Dollars (\$250,000.00) for the local cash match and Fifty Thousand and no/100 Dollars (\$50,000.00) for the city's administrative costs; and

WHEREAS, the Asheboro City Council certifies that it will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City of Asheboro is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development to benefit Malt-O-Meal Company.

Adopted by the Asheboro City Council in regular session on the 8th day of February, 2007.

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

ATTEST:

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

15. Report from Community Appearance Commission.

Mr. Neely presented a report from the Community Appearance Commission in regards to the following items.

- **Proclamation for Arbor Day.**
Mr. Neely read a proclamation by Mayor Jarrell proclaiming March 16, 2007 as Arbor Day.
- **Report on events.**
Mayor Jarrell's Anti-Litter Campaign was successful in 2006. The kickoff for Mayor Jarrell's annual anti-litter campaign will be held on Tuesday, March 13, 2007 in the Sunset Theater. The first clean up day is scheduled for Wednesday, March 21, 2007.
- **Authorization to apply for a grant through the Urban and Community Forestry Grant Program.**
The Community Appearance Commission recommends that the City pursue a grant through the Urban and Community Forestry Grant Program.

Upon motion by Mr. Crisco and seconded by Mr. Moffitt, Council voted unanimously to authorize the submission of an application for such a grant.

16. Appointment of Talmadge Baker to the library board.

Mayor Jarrell announced that Mr. Baker has agreed to serve on the library board.

17. Discussion of items not on the agenda.

- Doc Watson Concert – Sunday, February 18, 2007 at 7:00 p.m. in the Performing Arts Center at Asheboro High School.

There being no further business, the meeting was adjourned at 8:43 p.m.

Holly J. Hartman, City Clerk

David H. Jarrell, Mayor