

**REGULAR MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, MAY 7, 2009
7:00 p.m.**

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

David H. Jarrell) – Mayor Presiding

Talmadge S. Baker)
Edward J. Burks)
Linda H. Carter)
Stuart B. Fountain) – Council Members Present
Walker B. Moffitt)
Archie B. Priest, Sr.)
David H. Smith)

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
Edsel L. Brown, Code Enforcement Officer
Holly H. Doerr, City Clerk/Senior Legal Assistant
John L. Evans, Planner
R. Wendell Holland, Jr., Zoning Administrator
T. Myers Johnson, Human Resources Director
R. Reynolds Neely, Jr., Planning Director
Steven O. Paye, Safety Coordinator
O. Lynn Priest, Community Development Director
Deborah P. Reaves, Finance Director
James W. Smith, Fire Chief
Jeffrey C. Sugg, City Attorney
Jody Williams, Police Captain

1. Call to Order.

Mayor Jarrell called the meeting to order for the transaction of business, and business was transacted as follows.

2. Invocation and Pledge of Allegiance.

Mayor Jarrell asked everyone to stand and join Mr. Andrew Gavin, a member of Boy Scout Troop 527, in repeating the Pledge of Allegiance. Reverend Mark Beane, pastor of First Wesleyan Church, gave the invocation.

3. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

4. Appearance of Friends of the Library concerning the book store.

On behalf of the Friends of the Library, Ms. Janet Jones thanked the Council for allowing them to utilize the building next to the Sunset Theatre as a bookstore. The proceeds from the book sales are used to buy books for the library.

5. Presentation by Elizabeth Mitchell, Chief Professional Officer, United Way of Randolph County, of Community Leadership Award.

Ms. Elizabeth Mitchell, Chief Professional Officer of United Way of Randolph County, thanked the city for its contributions and support for United Way.

Additionally, Mr. Mac Sherrill, 2008 United Way Campaign Chair, presented the Community Leadership Award to the city for outstanding community support for the 2008 United Way campaign.

6. Consent Agenda:

Upon motion by Mr. Priest and seconded by Dr. Fountain, Council voted unanimously to continue consent agenda item numbers 6(b) and 6(c) to the special council meeting on May 21, 2009,

while approving the remainder of the consent agenda items. The status of each consent agenda item is as follows:

- (a) **The minutes of the regular meeting of the City Council that was held on April 9, 2009.**
- (b) **The findings of fact, conclusions of law, and order in the matter of SUP-09-02 were continued to the Council's special meeting that is scheduled for May 21, 2009.**
- (c) **The findings of fact, conclusions of law, and order in the matter of CUP-09-02 were continued to the Council's special meeting that is scheduled for May 21, 2009.**
- (d) **Ordinances amending the NCDOT/Water and Sewer System Improvements Fund Fiscal Year 2008-2009:**
 - (i) Ordinance addressing Mackie Avenue Extension and Timberlane Storm Sewer Improvements Construction Project

27 ORD 5-09

**ORDINANCE TO AMEND THE NCDOT / WATER AND SEWER SYSTEM IMPROVEMENTS
FUND FY 2008-2009**

WHEREAS, the costs associated with the Mackie Avenue Extension and Timberlane Storm Sewer Improvements Construction Project are currently budgeted partially in the General Fund and partially in the Water & Sewer Fund Budget FY 08-09 as a general expense, and;

WHEREAS, unanticipated delays are going to push the invoicing of the project after the close of the current fiscal budget year of June 30, 2009, and:

WHEREAS, the City of Asheboro wishes to reallocate these funds in the capital project budget which extends beyond the fiscal periods, and

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 revenues and expenditures from the amounts shown in the Water and Sewer System Improvements Fund, and;

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

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA: that the following Budget revisions are approved:

That the following revenue line items in the above project be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>	<u>Increase</u>	<u>Amended Appropriation</u>
65-367-0016	Contribution- Water & Sewer Fund	\$0	\$35,780	\$35,780
65-367-0017	Contribution- General Fund	\$0	\$483,891	\$483,891
	TOTAL INCREASE		\$519,671	

That the following expense line items in the above project be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>	<u>Increase</u>	<u>Amended Appropriation</u>
65-890-4500	Pmt to Contractor- Improvements Mackie Ave / Timberlane	\$0	\$519,671	\$519,671
	TOTAL INCREASE		\$519,671	

Adopted this the 7th day of May, 2009.

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

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

(ii) Ordinance addressing Pine Hill Road Bridge Replacement Project

28 ORD 5-09

**ORDINANCE TO AMEND THE NCDOT / WATER AND SEWER SYSTEM IMPROVEMENTS
FUND FY 2008-2009**

WHEREAS, the Pine Hill Road Bridge Replacement project done in conjunction with NCDOT is currently budgeted in the Water & Sewer Fund Budget FY 08-09 as a general expense, and

WHEREAS, unanticipated delays are going to push the invoicing of the project after the close of the current fiscal budget year of June 30, 2009, and:

WHEREAS, the City of Asheboro wishes to reallocate these funds in the capital project budget which extends beyond the fiscal periods, and

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 revenues and expenditures from the amounts shown in the Water and Sewer System Improvements Fund, and;

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

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA: that the following Budget revisions are approved:

That the following revenue line items in the above project be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>	<u>Increase</u>	<u>Amended Appropriation</u>
65-367-0015	Contribution- Water & Sewer Fund	\$0	\$14,000	\$14,000
		TOTAL INCREASE	\$14,000	

That the following expense line items in the above project be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>	<u>Increase</u>	<u>Amended Appropriation</u>
65-880-4500	Pmt to NCDOT- Pine Hill Rd Bridge Replacement	\$0	\$14,000	\$14,000
		TOTAL INCREASE	\$14,000	

Adopted this the 7th day of May, 2009.

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

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

- (iii) Ordinance addressing Booker T. Washington Avenue, Highridge Street, and Rushwood Road Water Line Improvement Projects.

29 ORD 5-09

**ORDINANCE TO AMEND THE NCDOT / WATER AND SEWER SYSTEM IMPROVEMENTS
FUND #65 FY 2008-2009**

WHEREAS, the water line improvements along Booker T. Washington Rd, Highridge Rd and Rushwood Rd are currently budgeted in the Water & Sewer Fund Budget FY 08-09 as a general expense, and

WHEREAS, unanticipated delays are going to push the completion of the projects after the close of the current fiscal budget year of June 30, 2009, and:

WHEREAS, the City of Asheboro wishes to reallocate these funds in the capital project budget which extends beyond the fiscal periods, and

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 revenues and expenditures from the amounts shown in the Water and Sewer System Improvements Fund, and;

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

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA: that the following Budget revisions are approved:

That the following revenue line items in the above project be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>	<u>Increase</u>	<u>Amended Appropriation</u>
65-367-0014	Contribution- Water & Sewer Fund B T Washington, Highridge ETC	\$0	\$273,000	\$273,000
		TOTAL INCREASE	\$273,000	

That the following expense line items in the above project be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>Appropriated Amount</u>	<u>Increase</u>	<u>Amended Appropriation</u>
65-870-4500	Pmt to Contractor- Booker T. Washington	\$195,000	\$195,000	\$195,000
65-870-4501	Pmt to Contractor- Highridge Rd & Rushwood Rd	\$78,000	\$78,000	\$78,000
		TOTAL INCREASE	\$273,000	

Adopted this the 7th day of May, 2009.

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

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

- (e) **A resolution approving a contract between the City of Asheboro and The Winslow Group, Inc. for consultative services pertaining to the raising of funds for the renovation of the Sunset Theatre.**

21 RES 5-09

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE PROVISION OF CONSULTING SERVICES AS PART OF THE FUND RAISING EFFORT FOR THE SUNSET THEATRE

WHEREAS, the Asheboro City Council has determined that a fund raising effort should be undertaken in a timely manner in order to renovate the Sunset Theatre; and

WHEREAS, The Winslow Group, Inc. has submitted a proposal dated February 16, 2009 that evidences the professional expertise the firm can provide to the City of Asheboro as a consultant on matters related to raising funds for the Sunset Theatre renovation project; and

WHEREAS, The Winslow Group, Inc. has submitted a proposed contract for the provision of the desired consulting services; and

WHEREAS, the proposed contract has been attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, on the basis of its review of the contents of the proposed contract, the Asheboro City Council has determined that the terms and conditions of the proposed contract are satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the proposed contract attached to this resolution as EXHIBIT 1 is hereby approved; and

BE IT FURTHER RESOLVED that the Asheboro City Manager is hereby authorized and directed to execute on behalf of the City of Asheboro the said contract and any other documents necessary to implement the approved contract with The Winslow Group, Inc.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of May, 2009.

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

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

[A copy of EXHIBIT 1 is on file in the City Clerk's office.]

7. Land Use Issues:

- (a) **RZ-09-04: Rezone from R15 (Low-Density Residential) to R10 (Medium-Density Residential).** The property of Wesley Ray Smith is located at the southeastern corner of Newell Street and Sharon Avenue and consists of approximately 31,244 square feet of land. Randolph County Parcel Identification Numbers 7762286370 and 7762287258 more specifically identify the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by Mr. Wesley Ray Smith to rezone the above-described property from R-15 Low Density Residential to R-10 Medium Density Residential. The Planning Department Staff and the Planning Board recommended denial of the request based on the following analysis:

"The Land Development Plan emphasizes that land designated as 'neighborhood residential' should limit multi-family development and encourage new development of similar density to existing neighborhoods to provide a greater sense of community. Although areas to the west of the subject property are zoned R10 (Medium-Density Residential) and permit both single-family and two-family duplex dwellings, the existing character of the surrounding neighborhoods is largely single-family residential. Therefore, the designation of the property with R10 zoning, which would allow two-family dwellings (duplexes), has a greater potential for incompatibility with the surrounding neighborhood than the existing R15 (Low-Density Residential) Zoning District."

Mr. Walter Dunning, a neighboring property owner, presented comments and concerns in opposition to the request. Mr. Dunning felt that the zoning for the property should remain R15.

Mr. Ray Smith presented comments in support of the request.

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

Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to adopt the staff and planning board analysis and deny the request.

(b) SUB-09-03: Routh Builders (Olde Towne Village Section II). Request for subdivision variance.

Mr. Neely presented the request by Routh Builders, LLC for variances from the temporary turnaround specifications prescribed by the City of Asheboro Subdivision Ordinance in Article IX, Section B.5. The variances are requested for Olde Towne Parkway, Middleton Circle, and Millbrook Drive.

Variances from the right-of-way width specifications in the subdivision ordinance for these proposed public streets were previously granted by the City Council. No variances from the required width of the streets themselves have been granted. There are a total of four (4) locations where these streets end at development phase lines and for which variances are requested.

The 21.61 acre parcel of land is located on the south side of Old Lexington Road and is more specifically identified by Randolph County Parcel Identification Number 7741889270. A copy of the Applicant's written request is on file in the City Clerk's office.

The Planning Board recommended approval of the request.

Mr. Jim Routh presented comments in support of the requested variances.

Upon motion by Mr. Smith and seconded by Ms. Carter, Council voted unanimously to approve the requested variances from the Subdivision Ordinance with the following conditions:

1. Where, due to the granting of these variances, a street ends without a temporary turnaround, a barricade must be erected by the developer in accordance with the standards utilized by the City of Asheboro Public Works Division. These standards shall be equivalent in all material aspects to barricade standards adopted by the North Carolina Department of Transportation.
2. The approved variances from Article IX, Section B.5 of the City of Asheboro Subdivision Ordinance shall expire after 1,095 consecutive calendar days have passed after the date upon which final plat approval is granted by the Asheboro City Council for Olde Towne Village Section II.
3. Prior to certification of a final plat for Olde Towne Village Section II, the subdivider shall guarantee compliance at the time of expiration of the approved variances with Article IX, Section B.5 of the City of Asheboro Subdivision Ordinance by providing financial guarantee in a form approved by Article VIII, Section II, C.1. a-c of the City of Asheboro Subdivision Ordinance. Any such guarantee shall account for the above-stated duration of the approved variances instead of the normal 1-year duration contemplated by the subdivision ordinance.

(c) SUB-09-03: Routh Builders (Olde Towne Village Section II). Preliminary Plat Review.

Mr. Neely presented the preliminary plat for the proposed Olde Towne Village Section II Subdivision. Routh Builders, LLC requested the approval of a preliminary plat for the subdivision to be located along the south side of Old Lexington Road. The proposed subdivision contains approximately 21.61 acres of land, consisting of 52 lots plus common area.

The Planning Board recommended approval of the preliminary plat with the following comment from the Planning Department.

"Homeowners' documents restricting RV parking as required by the Ordinance shall be submitted and recorded with the final plat."

Upon motion by Ms. Carter and seconded by Dr. Fountain, Council voted unanimously to approve the preliminary plat with the above-stated comment and the condition that the preliminary plat must be revised to reflect the conditions attached to the variances granted under agenda item number 7(b).

The approved preliminary plat is on file in the City Clerk's office.

(d) **SUB-09-01: Bobby and Darren Lucas (Starmount Commercial Development).**
Preliminary Plat Review.

Mr. Neely presented the preliminary plat for the proposed Starmount Commercial Development. Darren and Bobby Lucas requested the approval of a preliminary plat for the subdivision to be located along the north side of East Dixie Drive approximately 600 feet west of N.C. Highway 42 North (Greer property) and at the terminus of Executive Way (Kearns and McDowell property). The proposed subdivision contains approximately 18.34 acres of land, consisting of 8 lots plus common area.

The Planning Board recommended approval of the preliminary plat.

Upon motion by Mr. Moffitt and seconded by Mr. Priest, Council voted unanimously to approve the preliminary plat with the following conditions:

1. Construction is not to commence until all regulatory approvals are received.
2. The 6-inch water line running along Vestalstar Drive and Restaurant Way into Executive Way is to be looped in a manner that conforms with all applicable laws, ordinances, and regulations.

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

8. Public Comment Period.

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

9. Consideration of a petition received from Moffitts, Inc. requesting non-contiguous annexation of 124.377 acres of land located along the north side of Old Humble Mill Road (Richland Village Mobile Home Park).

Prior to considering the above-referenced petition and due to the existence of a financial conflict of interest, upon motion by Mr. Baker, and seconded by Mr. Burks, the Council voted unanimously to excuse Mr. Moffitt from participating in the Council's consideration of agenda item number 9. Council Members Baker, Burks, Carter, Fountain, Priest, and Smith voted in favor of the motion.

- (a) Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting non-contiguous annexation of 124.377 acres of land located along the north side of Old Humble Mill Road.

After discussing the issue, upon motion by Mr. Smith and seconded by Dr. Fountain, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Burks, Carter, Fountain, Priest, and Smith voted in favor of the motion.

22 RES 5-09

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION

(124.377 Acres of Land along the North Side of Old Humble Mill Road)

WHEREAS, a petition requesting the annexation of an area described in the said petition as approximately 124.377 acres of land located along the north side of Old Humble Mill Road has been received by the City Council of the City of Asheboro from Moffitts, Inc.; 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.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of May, 2009.

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

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

CERTIFICATE OF SUFFICIENCY

(124.377 Acres of Land along the North Side of Old Humble Mill Road)

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

I, Holly H. Doerr, 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 7th day of May, 2009.

(SEAL)

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

- (b) 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. Smith and seconded by Mr. Priest, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Burks, Carter, Fountain, Priest, and Smith voted in favor of the motion.

23 RES 5-09

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

(124.377 Acres of Land along the North Side of Old Humble Mill 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 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, during the city council's regular meeting that is to be held at 7:00 o'clock p.m. on the 4th day of June, 2009.

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 the 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.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of May, 2009.

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

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

Exhibit 1

Grant Township, Randolph County, North Carolina:

BEGINNING at a point in the northern margin of the right-of-way for Old Humble Mill Road (North Carolina Secondary Road 2830), the said point is located North 45 degrees 34 minutes 29 seconds East 4,295.26 feet from the intersection of the centerline of Old Humble Mill Road with the centerline of Old Cox Road (North Carolina Secondary Road 2834); thence from the said Beginning point along the northern margin of the right-of-way for Old Humble Mill Road in a southwesterly direction along an arc having a radius of 4,724.64 feet a chord bearing and distance of South 76 degrees 40 minutes 43 seconds West 217.97 feet to a right-of-way monument; thence continuing along the northern margin of the right-of-way for Old Humble Mill Road by following in a southwesterly direction three additional curves that are described as follows: an arc with a radius of 2,307.61 feet a chord bearing and distance of South 73 degrees 34 minutes 43 seconds West 156.46 feet to a point; thence along an arc with a radius of 1,465.72 feet a chord bearing and distance of South 69 degrees 11 minutes 57 seconds West 135.75 feet to a point; thence along an arc with a radius of 830.23 feet a chord bearing and distance of South 62 degrees 31 minutes 20 seconds West 134.42 feet to a point; thence departing from the northern margin of the right-of-way and running along the James H. Humble property described in Estate File 84E, Page 246 in the office of the Randolph County Clerk of Superior Court and in Deed Book 701, Page 292, Randolph County Public Registry the following course and distance: South 70 degrees 28 minutes 08 seconds West 918.64 feet to an existing axle; thence North 59 degrees 20 minutes 28 seconds West 540.33 feet along the north bank of Richland Creek to a point in the eastern property line of the City of Asheboro Pump Station property described in Deed Book 1409, Page 1215, Randolph County Public Registry; thence along the City of Asheboro Pump Station property the following courses and distances: North 24 degrees 42 minutes 59 seconds East 173.95 feet to a new iron pin; thence North 55 degrees 33 minutes 27 seconds West 229.57 feet to an existing iron pin; thence South 26 degrees 22 minutes 21 seconds West 291.54 feet to a point on the north bank of Richland Creek; thence along the north bank of Richland Creek the following courses and distances: North 76 degrees 53 minutes 00 seconds West 160.05 feet to a point; thence South 82 degrees 49 minutes 29 seconds West 224.02 feet to a point; thence along the north bank of Vestal Creek the following courses and distances: North 61 degrees 23 minutes 46 seconds West 213.79 feet to a point; thence North 39 degrees 20 minutes 00 seconds West 55.36 feet to a point; thence North 31 degrees 31 minutes 00 seconds West 148.10 feet to an existing iron pin; thence along the James Sides property described in Deed Book 1253, Page 1027, Randolph County Public Registry the following courses and distances: North 28 degrees 49 minutes 10 seconds East 95.71 feet to an existing iron pin; thence North 28 degrees 49 minutes 10 seconds East 1,195.05 feet to an existing iron pin and stones; thence North 04 degrees 51 minutes 15 seconds East 806.44 feet along the James Sides property described in Deed Book 1129, Page 702, Randolph County Public Registry to an existing iron pin and stones; thence South 85 degrees 11 minutes 39 seconds East 703.73 feet along the James Sides property described in Deed Book 1141, Page 115, Randolph County Public Registry to a point not set; thence South 85 degrees 11 minutes 39 seconds East 1,428.70 feet along the Canter Family LLC property described in Deed Book 1840, Page 1824, Randolph County Public Registry to a stone; thence South 84 degrees 47 minutes 40 seconds East 176.30 feet along the Leonard J. Cox property described in Deed Book 1401, Page 679, Randolph County Public Registry to an existing iron pin and stone; thence along the Roy Wright property described in Deed Book 1931, Page 658, Randolph County Public Registry the following courses and distances: South 03 degrees 59 minutes 20 seconds West 1,640.83 feet to an existing iron pin located on the north side of a small branch; thence South 04 degrees 26 minutes 45 seconds West 167.77 feet to an existing iron pin; thence South 04 degrees 26 minutes 45 seconds West 5.83 feet to the point and place of BEGINNING, and containing 124.377 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "Annexation Plat Prepared For The City Of Asheboro 'Richland Village Mobile Home Park.'" This plat of survey was drawn under the supervision of Steven D. Brown, Professional Land Surveyor with Registration Number L-1435, from an actual survey made under his supervision. The said plat of survey is dated May 11, 1998 with revision dates of November 13, 2007 and May 22, 2008. The job number for the plat of survey is 98010Annex.

10. Consideration of a resolution approving an amended agreement between the City of Asheboro and the Seagrove/Ulah Metropolitan Water District for the sale of treated water.

Mr. Ogburn presented and recommended approval, by reference, of the aforementioned resolution.

Upon motion by Mr. Priest and seconded by Dr. Fountain, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Burks, Carter, Fountain, Moffitt, Priest, and Smith voted in favor of the motion.

