

**REGULAR MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JULY 8, 2010
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. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Stuart B. Fountain)
Michael W. Hunter)
Walker B. Moffitt)

John N. Ogburn, III, City Manager
Edsel L. Brown, Code Enforcement Officer
Dumont Bunker, P.E., City Engineer
Holly H. Doerr, City Clerk/Senior Legal Assistant
John L. Evans, Planner
W. Andrew Fioranelli, GIS/IT Specialist
Casandra M. Fletcher, Marketing Specialist
R. Wendell Holland, Jr., Zoning Administrator
Justin T. Luck, Community Planning and Development Department Intern
R. Reynolds Neely, Jr., Planning Director
Jeffrey C. Sugg, City Attorney
Rusty A. Turner, Assistant Sanitation Superintendent
Sanford A. Vuncannon, Jr., Police Captain
Kermit D. Williamson, Sanitation Superintendent

1. Call to order.

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

2. Moment of silence and Pledge of Allegiance.

After a moment of silence was observed in order to allow council members, staff, and guests to collect their thoughts and private meditations, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

3. Appearance and recognition of guests and citizens.

Mayor Smith welcomed everyone in attendance.

4. Consent Agenda.

Prior to considering a motion to approve the consent agenda, Ms. Carter asked that consent agenda item (b), which pertained to the proposed appointment of David Whitaker to serve the remainder of Steve W. Cofer's term on the Planning Board, be removed from the consent agenda for further discussion.

With regard to consent agenda item (b), Ms. Carter inquired about the process that was used to select Mr. Whitaker as the recommended appointee. Ms. Carter was interested in the process and expressed no criticism of Mr. Whitaker.

Mr. Neely informed the Council that no formal policy has been established beyond the basic guidance found in the North Carolina General Statutes and the Code of Asheboro for the composition of the Planning Board.

In this particular case, Mr. Whitaker had notified the Planning Director of his desire to serve on the Planning Board, and this request was noted in the Planning Department. When the Planning Board experienced a vacancy in its membership, Mr. Whitaker's request for consideration was the longest standing request for appointment maintained by the Planning Department. Therefore, his name was forwarded to the Planning Board for consideration.

During the discussion council members expressed interest in developing a formal selection process for appointing members to the Planning Board/Board of Adjustment. Ms. Carter then moved to table this matter until the Council's August meeting. Mr. Burks seconded the motion, and the Council voted unanimously to table this matter until the Council's regular August meeting.

Upon motion by Dr. Fountain and seconded by Mr. Burks, Council voted unanimously to approve the following consent agenda items:

- (a) **The minutes of the special meeting of the City Council that was held on June 24, 2010.**
- (b) **A recommendation to appoint David Whitaker to the Planning Board and Board of Adjustment for the unexpired term (January 2009-January 2014) of Steve W. Cofer.**

As noted above, this item was tabled prior to the adoption of the remaining consent agenda items.

- (c) **Final Change Order #1 on the Mackie Avenue Extension and Timberlane Storm Sewer Improvements Project (Triangle Grading and Paving, Inc.) decreasing the contract amount by \$16,545.95 to \$503,125.05 for adjustment of quantities as built and extending the contract time from May 15, 2009 to December 7, 2009.**
- (d) **A resolution authorizing the execution and delivery of a quitclaim deed in order to release an easement that was granted to the City of Asheboro by Malt-O-Meal Company on August 27, 2007 for the construction and inspection of industrial railroad tracks.**

23 RES 7-10

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A QUITCLAIM DEED TO THE MALT-O-MEAL COMPANY

WHEREAS, in furtherance of an economic development project that was funded in part by a Community Development Block Grant administered by the North Carolina Department of Commerce, the City of Asheboro and Malt-O-Meal Company entered into an Agreement dated August 27, 2007, that memorialized the parties' mutual commitment to construct industrial rail tracks on the premises of Malt-O-Meal Company's Asheboro Mill; and

WHEREAS, in accordance with this Agreement, Malt-O-Meal Company granted to the City of Asheboro an easement for the construction and inspection of industrial rail tracks over and upon a certain portion of the Asheboro Mill's premises; and

WHEREAS, the easement for the construction and inspection of industrial rail tracks, which was dated August 27, 2007, was recorded in the office of the Register of Deeds for Randolph County, North Carolina in deed book 2042 at page 1568; and

WHEREAS, the easement area granted by Malt-O-Meal Company to the City of Asheboro is described by metes and bounds in the legal description section of the attached instrument, which is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, by means of the Agreement dated August 27, 2007, the City of Asheboro obligated itself to grant this easement back to the Malt-O-Meal Company after the construction of the industrial rail tracks was completed and a final project close-out letter was issued to the city by the North Carolina Department of Commerce; and

WHEREAS, in a letter dated May 4, 2010, an authorized official of the North Carolina Department of Commerce notified the City of Asheboro of the successful closure, effective May 4, 2010, of the Community Development Block Grant used to fund the above-described economic development project; and

WHEREAS, the City Attorney has drafted a North Carolina Quitclaim Deed, which is attached hereto as EXHIBIT 1, that is designed to release the easement for industrial rail tracks to Malt-O-Meal Company in accordance with the terms and conditions of the Agreement of August 27, 2007; and

WHEREAS, the City Council has concluded that the City of Asheboro is currently contractually obligated to release the above-described easement area to Malt-O-Meal Company.

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

Community Development Block Grant used to fund the above-described economic development project;
and

WHEREAS, in open session during a regular meeting on July 8, 2010, the Asheboro City Council authorized, by means of a duly adopted resolution, the execution and delivery of this Quitclaim Deed in order to comply with the terms and conditions of the Agreement of August 27, 2007, by and between the City of Asheboro and Malt-O-Meal Company.

NOW, THEREFORE, in consideration of the new jobs created as a result of Malt-O-Meal Company's performance of its obligations as an economic development project partner and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Grantor has remised and released and does hereby remise, release, and forever quitclaim to the Grantee all of the easement area (hereinafter referred to as the "Property") described as follows:

Randleman Township, Randolph County, North Carolina:

BEGINNING at an existing iron pin or pipe set in the eastern margin of the 100-foot right-of-way for Carolina & Northwestern Railroad at the southwest corner of the Malt-O-Meal Company property described in Deed Book 2001, Page 2812, Randolph County Public Registry, said existing iron pin or pipe is located by means of the North Carolina Coordinate System at the coordinates of North 737,705.295 feet and East 1,757,252.515 feet (NAD 83); thence from the said Beginning point along the 100-foot right-of-way for Carolina & Northwestern Railroad in a northeasterly direction along the arc of a curve having a radius of 2,813.647 feet a chord bearing and distance of North 13 degrees 16 minutes 19 seconds East 61.99 feet to an existing iron pin or pipe; thence continuing along the eastern margin of the Carolina & Northwestern Railroad the following courses and distances: North 13 degrees 52 minutes 18 seconds East 579.51 feet to an existing iron pin or pipe; thence North 13 degrees 55 minutes 27 seconds East 429.38 feet to an existing pin or pipe set in the northwest corner of the Malt-O-Meal Company property described in Deed Book 2002, Page 778, Randolph County Public Registry; thence South 88 degrees 21 minutes 15 seconds East 138.01 feet along the Carolina Precision Plastics, L.L.C. property described in Deed Book 1803, Page 2230, Randolph County Public Registry to a point not set; thence South 14 degrees 14 minutes 18 seconds West 1064.40 feet to a point not set in the boundary line between the Malt-O-Meal Company property and the John H. Stein property described in Deed Book 1427, Page 1833, Randolph County Public Registry; thence along the John H. Stein property the following courses and distances: South 88 degrees 08 minutes 06 seconds West 25.26 feet to an existing iron pin or pipe; thence South 88 degrees 17 minutes 02 seconds West 107.45 feet to the point and place of the BEGINNING , and containing 3.2274 acres of land, more or less.

This description is in accordance with a plat of survey drawn under the supervision of Steven D. Brown, Professional Land Surveyor with Registration No. L-1435. The plat of survey is entitled "Railroad Easement Plat Prepared For **The City Of Asheboro**" and is identified as job number 2007005Ease. The plat is dated February 7, 2007, with revision dates of June 11, 2007 and June 14, 2007.

This plat of survey is recorded in Plat Book 112, Page 38, Randolph County Public Registry and is hereby incorporated into this instrument by reference as if copied fully herein.

This quitclaim deed has been drafted and executed for the express and unequivocal purpose of permanently terminating the entirety of the easement granted to the City of Asheboro by Malt-O-Meal Company in an instrument recorded in Deed Book 2042, Page 1568, Randolph County Public Registry.

TO HAVE AND TO HOLD the said Property and all privileges and appurtenances (rights) belonging to the Grantee in fee simple.

The Grantor makes no warranty, express or implied, as to title to the Property.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing instrument as of the day and year first written above.

CITY OF ASHEBORO:

By: _____
David H. Smith, Mayor

ATTEST:

Holly H. Doerr, City Clerk

CORPORATE SEAL

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that Holly H. Doerr personally appeared before me this day and acknowledged that she is the City Clerk for the CITY OF ASHEBORO, a North Carolina municipal corporation, and that, by authority duly given and as the act of the municipal corporation, the foregoing instrument was signed in its name by David H. Smith, its Mayor, sealed with its corporate seal, and attested by herself as its City Clerk.

Witness my hand and official stamp or seal, this ____ day of July, 2010.

Notary Public

My commission expires:

(Name of Notary Public, typed or printed)

- (e) **A resolution authorizing the City of Asheboro to join the North Carolina Water Quality Association (NCWQA) and designating the Water Resources Director as the City's representative to the NCWQA.**

24 RES 7-10

**RESOLUTION AUTHORIZING MEMBERSHIP IN THE
NORTH CAROLINA WATER QUALITY ASSOCIATION**

WHEREAS, the North Carolina Water Quality Association (hereinafter referred to as the NCWQA) is an incorporated association, which is statewide in scope, of publicly owned treatment works that serve a majority of the state's sewerage population; and

WHEREAS, the stated organizational goals of the NCWQA are as follows: (1) Protect the public health and the environment efficiently and cost-effectively, and (2) Ensure that North Carolina's water quality programs are based upon sound science and regulatory policy; and

WHEREAS, the annual fee for membership in the NCQWA is based on the permitted size of the wastewater treatment plant; and

WHEREAS, based on this criteria, the current annual membership fee for the City of Asheboro would be three thousand five hundred and no/100 dollars (\$3,500.00); and

WHEREAS, the City Manager concurs with the opinion of the Water Resources Director that the following benefits can be derived by the city from membership in the NCWQA: (1) A more informed and complete understanding of the water quality issues facing North Carolina communities; (2) Access to shared experiences and insights among peers on regulatory, compliance, and enforcement issues confronting public water quality professionals; (3) The opportunity for an enhanced understanding of federal and state policies, regulations, and legislation pertaining to water quality issues; (4) Participation in a more focused and effective municipal voice that can contribute to shaping North Carolina's water quality programs; and (5) Enhanced access to general assistance with permitting, compliance, and enforcement issues; and

WHEREAS, the Water Resources Director is the member of the city's management team with the most operational responsibility and expertise in maintaining water quality; and

WHEREAS, the City Council has concluded that the city's interest in protecting the environment and advancing the public health and safety will be furthered by joining the NCWQA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that approval is hereby granted for the City of Asheboro to join the North Carolina Water Quality Association as a

member that will pay the annual membership fee established in accordance with the criteria established by the NCWQA as an incorporated association; and

BE IT FURTHER RESOLVED that the Water Resources Director is hereby designated as the city's representative to the North Carolina Water Quality Association.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting of the Asheboro City Council that was held on July 8, 2010.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

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

- (f) **Acknowledgement of receipt of the minutes of the Asheboro ABC Board meeting that was held on May 3, 2010.**

[A copy of the above-referenced minutes are on file in the City Clerk's office.]

5. Presentation of the Outstanding Achievement in Local Innovation Award for the City of Asheboro's Mobile 311 program by Toni Shope, Regional Director with the Alliance of Innovation.

Ms. Toni Shope, East Regional Director with the Alliance of Innovation, presented an Outstanding Achievement in Local Innovation Award to the City of Asheboro for its efforts in implementing a Mobile 311 program. This award recognizes local governments that successfully implement innovative ways in preparing its city for the future.

Mr. Andrew Fioranelli and Mr. Kermit D. Williamson accepted the award on behalf of the city. Mr. Fioranelli described the city's Mobile 311 program as a data collection system that uses GIS and GPS in order to locate items including, but not limited to, brush and white goods by the city's Sanitation Department. This program has been implemented by the city's Public Works Division in order to better serve the city.

6. Land Use Issues:

- (a) **RZ-10-06: Request to rezone from Conditional Use General Commercial (CUB2) and Medium-Density Residential (R10) to B2 (General Commercial).** The 12.183 acres of land owned by CommunityOne Bank along Browers Chapel Road and more specifically identified by Randolph County Parcel Identification Numbers 7760473123 and 7760473548.

Mayor Smith opened the public hearing on the following request.

Mr. Evans presented a written request from the Applicant to continue the above-referenced item to the Council's regular August meeting.

In order to give the citizens who had taken the time to come to the meeting the opportunity to address the Council in regards to their concerns for this particular issue, Mayor Smith allowed the following comments from the public:

1. Mr. Chris Carmac of 248 Browers Chapel Road was concerned that the land in question was not designed for the requested rezoning. Mr. Carmac was also concerned that the B2 (General Commercial) zoning district would negatively impact the value of the surrounding residential properties.
2. Mr. Sam Hussey of 242 Browers Chapel Road expressed his concerns for the B2 (General Commercial) zoning district. Mr. Hussey felt that the property should remain residential zoning.

Upon motion by Mr. Moffitt and seconded by Mr. Baker, Council voted unanimously to continue the above-referenced public hearing to the Council's regular August meeting.

- (b) **CUP-10-07: Request for Conditional Use Permit for Motor Vehicle Repair-Minor.** The property of Addie S. Luther is located at 513 Martin Luther King Drive and 210 Dunlap Street and consists of approximately 1.53 acres of land. Randolph County Parcel Identification Number 7761039594 more specifically identifies the property.

Mayor Smith opened the public hearing on the following request.

Mr. Neely was sworn in and presented the staff's analysis of the Applicant's request including the submitted site plan. The Applicant, Ms. Addie S. Luther, requested a Conditional Use Permit for a minor motor vehicle repair shop to be located at 513 Martin Luther King, Jr. Drive.

Ms. Luther was sworn in and addressed the four standard tests.

There being no further comments and no opposition from the public, Mayor Smith closed the public hearing. An audiotape of the testimony presented during this hearing is on file in the City Clerk's office.

Dr. Fountain moved to approve the requested Conditional Use Permit. Mr. Hunter seconded the motion. During discussion, Ms. Carter expressed her concerns in regards to outside vehicle storage and felt that the following condition should be added to the proposed list of conditions for the requested permit:

- No junked vehicles shall be stored outside in excess of thirty (30) days.

Dr. Fountain amended his motion to include the above-referenced condition along with the conditions recommended in the staff report. Mr. Hunter seconded the amended motion, and Council voted unanimously to approve the requested Conditional Use Permit. The issuance of this Conditional Use Permit was based on the four standard tests being met.

The formal findings of fact, conclusions of law, and order granting the Conditional Use Permit will be entered by the Council during regular session on August 5, 2010. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

(c) RZ-10-08: Request to rezone from OA6 (Office/Apartment) to M (Mercantile). The property of Pinnacle Properties, LLC is located at 1206 South Cox Street and 425 East Dorsett Avenue and consists of approximately 23,604 square feet. Randolph County Parcel Identification Number 7750869997 more specifically identifies the property.

Mayor Smith opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the above-referenced request by Pinnacle Properties of Randolph County, LLC to rezone the above-referenced property from OA6 (Office/Apartment) to M (Mercantile). The Planning Board recommended approval of the requested rezoning because the Board concurred with the analysis provided by the planning department staff. The staff's analysis is as follows:

"The request generally complies with the Land Development Plan map, goals, and policies. The City Activity Center encourages a pedestrian-friendly mix of uses, in which the Mercantile district is located. The Mercantile zoning district provides a transition between heavier commercial uses to the south and a mix of residential and office uses to the north and east. Furthermore, the mercantile zoning district limits both the number . . . (and) size of uses to ensure harmony with any adjacent residential property. Considering all these factors, staff believes the rezoning request is within the public interest in supporting a reasonable use of property."

Ms. Kim Heaton, Property Manager for Pinnacle Properties of Randolph County, LLC, presented comments in support of the request.

There being no further comments and no opposition from the public, Mayor Smith closed the public hearing.

Upon motion by Mr. Moffitt and seconded by Mr. Baker, Council unanimously followed the recommendation of the Planning Board and approved the requested rezoning.

(d) RZ-10-09: Request for technical amendments to the Asheboro Zoning Ordinance. An application filed by Lambert's Little Peas to amend Article 500 of the Asheboro Zoning Ordinance.

Mr. Neely presented the staff's analysis of the request by Lambert's Little Peas to amend Article 500 of the Asheboro Zoning Ordinance. In essence, the Applicant wishes to amend Article 500, Note 12 pertaining to provisions allowing off-premises directional signs. Off-premises real estate signs or off-premises advertising or billboard signs are not part of this request.

The Applicant is proposing amending the ordinance in the following manner:

- a) Specify when an off-premises directional sign may be erected, based on the presence of other signs on the property in which the off-premises sign is proposed.
- b) Increase the size of a permitted off-premises directional sign from 16 to 32 square feet.
- c) Eliminate the prohibition of off-premises directional signs in residential zoning districts, but instead prohibiting them on any lot, in which a single or multi-family dwelling exists.

After reviewing the applicant's proposal, the planning department staff found some merit in the first part of the proposal, but could not concur with the entirety of the proposal. (A copy of the text as recommended by the planning department staff is on file in the City Clerk's office.)

The planning department staff recommended a modified version of the request based on the following analysis:

"Staff recommends approving the portion of the applicant's request to more clearly specify when an off premises directional sign is permitted. Staff believes the current limitations on size and prohibition concerning placement of these signs in residential zoning districts are reasonable regulations that comply with the goals and policies of the Land Development Plan while offering site appropriate alternatives for off premises signs."

The Planning Board concurred with the planning department staff's analysis and narrowly drawn amendment of the zoning ordinance.

There being no further comments and no opposition from the public, Mayor Smith closed the public hearing.

Mr. Bell moved to follow the Planning Board's recommendation and adopt the analysis and text put forward by the planning department staff to amend the Asheboro Zoning Ordinance. Mr. Burks seconded the motion, and the Council voted unanimously to adopt the analysis and text put forward by the planning department staff.

7. First public hearing on a Community Development Block Grant (CDBG) application for a proposed economic development project on Veterans Loop Road.

As part of this public hearing process, Ms. Bonnie Renfro, President of the Randolph County Economic Development Corporation, announced that the City of Asheboro is in the process of applying for a Community Development Block Grant, and this public hearing was the first of two (2) required public hearings in order to give citizens and elected officials an opportunity to review and comment on the potential intent to apply for the grant. This grant would be used for the extension of water and sewer extensions.

Detailed information about a specific economic development project including location, the name of the business, the number of jobs, the amount of the grant, and the purpose of the grant, will be provided during a second public hearing. After two (2) public hearings have been held, the city may apply for the community development block grant through the North Carolina Department of Commerce.

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

8. Public comment period.

During the public comment period, Mr. Lynn Lancaster suggested that the city post information about the Planning Board/Board of Adjustment onto the city's website, including information about the composition of the board and vacancies as they occur.

Additionally, Mr. Lancaster presented comments and concerns in regards to the city's adopted budget for the 2010-2011 fiscal year. During his comments, Mr. Lancaster questioned the increases in the budget and asked the Council to examine the city's expenses including the services provided to the public and the value of the service(s) when compared to the cost incurred.

Lastly, Mr. Lancaster presented questions in regards to closed session minutes, specifically, the general account of the closed session that was held in October of 2000. In response, Mr. Sugg explained that the general account in question remains sealed due to the privacy protections statutorily provided for the personnel issues discussed during this closed session. Mr. Lancaster expressed his disagreement with that position.

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

9. Consideration of a resolution received from Thayer and Neely requesting contiguous annexation of approximately 19.203 acres of land at the end of Veterans Loop Road.

- (a) Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting contiguous annexation of 19.203 acres of land located at the end of Veterans Loop Road.

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

25 RES 7-10

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES (A Total of 19.203 Acres of Land Located at the End of Veterans Loop Road)

WHEREAS, a petition and a plat of survey have been received by the City of Asheboro from Anne B. Neely, Cleveland Harper Thayer, and Julia Lambert Thayer as part of a request for the annexation into the corporate limits of the City of Asheboro of approximately 19.203 acres of land that are contiguous to the municipality's existing primary corporate limits along a portion of Veterans Loop Road (the submitted plat of survey indicates that approximately 19.100 acres of land are owned by the petitioners and approximately 0.103 of an acre is part of the public right-of-way for Veterans Loop Road); 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, in response to this petition, the city council has decided to proceed with the statutorily prescribed voluntary annexation proceedings.

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.

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 8th day of July, 2010.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

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

CERTIFICATE OF SUFFICIENCY
(A Total of 19.203 Acres of Land Located at the End of Veterans Loop Road)

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

I, Holly H. Doerr, City Clerk of 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 all owners of real property lying in the area described therein have signed the said petition, 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 in order to make this certification effective as of the 8th day of July, 2010.

(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 setting the date for a public hearing on the question of annexation.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES
(A Total of 19.203 Acres of Land Located at the End of Veterans Loop Road)

WHEREAS, the City of Asheboro has received a petition and plat of survey requesting the annexation of approximately 19.100 acres of private property located at the end of Veterans Loop Road along with approximately 0.103 of an acre of public right-of-way for a section of Veterans Loop Road; and

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

WHEREAS, on the basis of her review of information gathered by city staff members during an investigation of the submitted petition, the city clerk has certified to the city council the sufficiency of this petition to proceed with setting a date for a public hearing on the question of annexation pursuant to Section 160A-31 of the North Carolina General Statutes.

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 annexing 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, Asheboro, North Carolina 27203, during a regular meeting of the city council that will begin at 7:00 o'clock p.m. on the 5th day of August, 2010.

Section 2. A metes and bounds description of the area proposed for annexation is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

Section 3. Notice of the 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 the public hearing.

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 8th day of July, 2010.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

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

EXHIBIT 1

Cedar Grove Township, Randolph County, North Carolina:

BEGINNING at the control corner that is located by means of the North Carolina Coordinate System at the coordinates of North 696,114.25924 feet and East 1,751,770.98724 (NAD 83) and is marked with an axle that is up 10", the said control corner is South 51 degrees 07 minutes 09 seconds East 277.61 feet from North Carolina Geodetic Survey Monument "SIGN," which is located at the coordinates of North 696,288.51557 feet and East 1,751,554.88068 feet (NAD 83) (2001); thence from the said beginning point following the proposed primary corporate limits line for the City of Asheboro along the Shirley Keeling Anderson property described in Estate File 09E – 878 in the office of the Randolph County Clerk of Superior Court and further described by a plat recorded in Plat Book 125, Page 8, Randolph County Public Registry the following course and distance: South 00 degrees 06 minutes 15 seconds East 217.50 feet to a concrete right-of-way monument control corner set in the eastern margin of the right-of-way for United States Highway 220 By-Pass (I-73/74); thence following the eastern margin of the right-of-way for United States Highway 220 By-Pass in a northeasterly direction along the arc of a curve with a radius of 3,690.00 feet a chord bearing and distance of North 02 degrees 57 minutes 19 second East 1,411.55 feet (Delta Angle = 22 degrees 03 minutes 13 seconds) to a 1-c" existing iron pipe that is up 1'6"; thence along the George Henry Rider property described in Deed Book 2054, Page 560, Randolph County Public Registry the following courses and distances: North 77 degrees 49 minutes 44 seconds East 174.71 feet to a 60D nail set at a ½" existing iron rod that is flush with the ground; thence North 72 degrees 18 minutes 51 seconds East 113.21 feet to a 1" existing iron rod that is down 5"; thence North 72 degrees 18 minutes 51 seconds East 2.18 feet to a point not set at the western margin of the 60-foot right-of-way for Veterans Loop Road (North Carolina Secondary Road 1149); thence continuing along the property line of the George Henry Rider property and into the right-of-way for Veterans Loop Road the following course and distance: North 67 degrees 12 minutes 31 seconds East 120.57 feet to a point not set; thence North 35 degrees 18 minutes 59 seconds West 20.00 feet along the property line of the William Tyler and Larry McKenzie property described in Deed Book 1956, Page 1447, Randolph County Public Registry to a point not set in the northern margin of the right-of-way for Veterans Loop Road;

thence along the existing primary corporate limits line of the City of Asheboro and the northern margin of the right-of-way for Veterans Loop Road the following courses and distances: North 65 degrees 50 minutes 52 seconds East 61.75 feet to a point not set; thence in a northeasterly direction along the arc of a curve with a radius of 924.93 feet a chord bearing and distance of North 62 degrees 57 minutes 24 seconds East 85.62 feet (Arc Distance = 85.65 feet; Tangent = 42.86 feet; Delta Angle = 05 degrees 18 minutes 21 seconds) to an aluminum right-of-way disc; thence North 60 degrees 27 minutes 17 seconds East 49.85 feet to a point not set; thence departing from the existing primary corporate limits of the City of Asheboro and across the right-of-way for Veterans Loop Road the following courses and distances: South 01 degree 20 minutes 43 seconds East 35.67 feet to a point not set; thence South 01 degree 20 minutes 43 seconds East 32.41 feet to a ½" new iron rod that is up 4"; thence South 01 degree 20 minutes 43 seconds East 69.83 feet along the Thomas A. Luther property described in Deed Book 1387, Page 578, Randolph County Public Registry to a 60D nail set in a stone pile; thence South 01 degree 20 minutes 43 seconds East 1,219.56 feet along the Tom Luther property described in Deed Book 1300, Page 1426, Randolph County Public Registry to a ½" existing iron rod and stone pile; thence continuing with the proposed primary corporate limits line for the City of Asheboro along the Shirley Keeling Anderson property described in Estate File 09E – 878 the following courses and distances: South 00 degrees 32 minutes 59 seconds East 69.00 feet to a ½" existing iron rod that is up 6"; thence North 89 degrees 03 minutes 08 seconds West 166.46 feet to a ½" existing iron rod that is up 6"; thence North 89 degrees 03 minutes 21 seconds West 493.54 feet to the point and place of BEGINNING, and containing 19.203 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION SURVEY FOR CITY OF ASHEBORO." This plat was drawn under the supervision of Jerry A. King, Professional Land Surveyor with Registration Number L-3373, from an actual survey made under his supervision. The said plat is dated July 1, 2010, and the job number listed on the plat is 5969 A 10.

10. Consideration of a resolution of intent to close a portion of Veterans Loop Road.

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

Upon motion by Dr. Fountain and seconded by Mr. Bell, Council voted unanimously to adopt the following resolution by reference.

27 RES 7-10

**RESOLUTION OF INTENT TO PERMANENTLY CLOSE A SECTION OF THE
60-FOOT RIGHT-OF-WAY FOR VETERANS LOOP ROAD**

WHEREAS, Section 160A-299 of the North Carolina General Statutes prescribes the procedure to be followed by a city in order to permanently close a street or alley; and

WHEREAS, the owners of approximately 19.100 acres of land located at the end of Veterans Loop Road have informed the City of Asheboro that the permanent closure of the section of right-of-way for Veterans Loop Road described in Section 1 of this resolution would facilitate the development of their parcel of land; and

WHEREAS, the City Council of the City of Asheboro has determined that it is advisable to formally consider the permanent closure of the identified section of Veterans Loop Road; and

WHEREAS, in order for a municipality to lawfully permanently close a street, Section 160A-299 of the North Carolina General Statutes requires that a city council first adopt a resolution declaring its intent to permanently close the street in question and then call a public hearing on the question.

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

Section 1. It is the intent of the City Council of the City of Asheboro to permanently close a section of irrevocably dedicated right-of-way for Veterans Loop Road that is currently located within the extraterritorial planning jurisdiction of the City of Asheboro and is more particularly described as follows:

Cedar Grove Township, Randolph County, North Carolina:

BEGINNING at a point in the eastern margin of the 60-foot right-of-way for Veterans Loop Road (North Carolina Secondary Road 1149) near the western terminus of the existing road, the said beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 697,162.98521 feet and East 1,752,155.53841 feet (NAD 83); thence from the said beginning point along the eastern margin of the right-of-way for Veterans Loop Road the following course and distance: South 01 degree 33 minutes 02 seconds East 190.18 feet to a point not set; thence in a southeasterly direction along the arc of a curve with a radius of 40.00 feet and an arc length of 31.82 feet a chord bearing and distance of South 24 degrees 20 minutes 14 seconds East 30.98 feet (Tangent = 16.80 feet and Delta

Angle = 45 degrees 34 minutes 23 seconds) to a point not set; thence continuing to follow the margin of the right-of-way for Veterans Loop Road in a southwesterly direction along the arc of a curve with a radius of 60.00 feet and an arc length of 283.94 feet a chord bearing and distance of South 88 degrees 26 minutes 58 seconds West 84.00 feet (Tangent = 0.00 feet and Delta Angle = 271 degrees 08 minutes 46 seconds) to a point not set; thence in a northeasterly direction along the arc of a curve with a radius of 40.00 feet and an arc length of 31.82 feet a chord bearing and distance of North 21 degrees 14 minutes 09 seconds East 30.98 feet to a point not set; thence along the western margin of the right-of-way for Veterans Loop Road the following course and distance: North 01 degree 33 minutes 02 seconds West 190.26 feet to a point not set; thence following the proposed new terminus of the right-of-way for Veterans Loop Road in a northeasterly direction along the arc of a curve with a radius of 60.00 feet and an arc length of 62.83 feet a chord bearing and distance of North 88 degrees 31 minutes 37 seconds East 60.00 feet (Tangent = 34.64 feet and Delta Angle = 60 degrees 00 minutes 00 seconds) to the point and place of the BEGINNING, and being all of that certain 0.536 of an acre (23,332 square feet) of land, more or less, encompassed by the preceding metes and bounds description, specifically including the right-of-way for the above-described section of Veterans Loop Road. The right-of-way to be permanently closed is shown on the plat of survey referenced below.

This description is in accordance with a plat of survey entitled "ROAD CLOSING FOR THAYER THAYER & NEELY" that was drawn under the supervision of Jerry A. King, a Professional Land Surveyor with registration number L-3373. This plat of survey, which is identified as Job # 5968 A 10 and is dated July 1, 2010, is hereby incorporated into this resolution by reference as if copied fully herein.

Section 2. A public hearing on the question of the proposed permanent closure of the above-described section of the irrevocably dedicated right-of-way for Veterans Loop Road is hereby called and is to be held during the regular meeting of the City Council of the City of Asheboro at 7:00 p.m. on September 9, 2010, in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro. At this public hearing, any person may be heard on the question of whether the intended closing of the above-described section of right-of-way for Veterans Loop Road would be detrimental to the public interest or the property rights of any individual.

Section 3. The city clerk is hereby directed to cause the publication of this Resolution of Intent in *The Courier-Tribune*, a newspaper of general circulation in the City of Asheboro and Randolph County, once a week for four (4) successive weeks prior to the above-referenced public hearing.

Section 4. The city clerk is further directed to transmit a copy of this Resolution of Intent by registered or certified mail to the North Carolina Department of Transportation and to each owner of property adjoining Veterans Loop Road. The identity of the property owners is to be determined on the basis of the Randolph County Tax Department's records.

Section 5. The city clerk is further directed to cause the prominent posting of this Resolution of Intent in a minimum of two (2) locations along the above-described section of Veterans Loop Road.

This Resolution of Intent was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 8th day of July, 2010.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

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

11. Discussion of items not on the agenda.

No formal action was taken in regard to items not listed on the agenda. The following upcoming events were noted:

- North Carolina American Legion State Tournament – begins with an opening ceremony on Friday, July 23, 2010 at McCrary Park.
- Summer Concert Series – Concert on July 18, 2010 at Bicentennial Park.

There being no further business, the meeting was adjourned at 9:05 p.m.

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

 s/ David H. Smith
David H. Smith, Mayor