

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
THURSDAY, JANUARY 8, 2004  
7:00 PM**

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

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

John N. Ogburn, City Manager  
Carol J. Cole, CMC, City Clerk  
Dumont Bunker, P. E., City Engineer  
Debbie Juberg, Finance Director  
Reynolds Neely, Planning Director  
Wendell Holland, Planning Administrator  
John Evans, Code Enforcement Officer  
Jeff Sugg, City Attorney

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

**1. Pledge of Allegiance and Invocation.**

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. Reverend Mark Beane, pastor of First Wesleyan Church, gave the invocation.

**2. Approval of Minutes of Previous Meeting.**

The minutes of the regular meeting and closed session of December 4, 2003, were approved as presented.

Mayor Jarrell entertained a motion to seal the approved minutes and general account of the council's December 4, 2003, closed session pursuant to Section 143-318.10(e) of the North Carolina General Statutes. This motion should provide that these records are to be sealed so long as public inspection of the records would frustrate the purpose of the closed session, and the motion should further provide that the city attorney is authorized to act as the council's agent with the authority to unseal these records when the purpose of the closed session would no longer be frustrated by making the records available for public inspection.

Mr. McGlohon made the motion, as entertained by Mayor Jarrell, which was seconded by Mr. Priest and carried unanimously.

**3. Approval of Findings of Fact for CUP-03-42.**

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to approve the following Findings of Fact for CUP-03-42:

Case No. CUP-03-42  
City Council  
City of Asheboro

IN THE MATTER OF THE APPLICATION OF THE MERCE CLINIC FOR A  
CONDITIONAL USE PERMIT ALLOWING A HEALTH SERVICES USE ON  
PROPERTY OWNED BY THE AMERICAN NATIONAL RED CROSS

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

THIS MATTER was commenced by the filing of an application by an authorized representative of the Merce Clinic for a Conditional Use Permit that would allow the establishment of a use classified by the Asheboro Zoning Ordinance as Health Services on certain real property owned by the American National Red Cross and located within the corporate limits of the City of Asheboro. This matter came before the Asheboro City Council, hereinafter referred to as the "Council", for hearing during the Council's regularly scheduled meeting on November 6, 2003. 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. By and through an authorized agent, the applicant, Merce Clinic, hereinafter referred to as the "Applicant", has properly submitted an application for a Conditional Use Permit that would allow the Applicant to construct on a vacant parcel of land new facilities for use as a health services clinic.

2. The property for which the Applicant is seeking said Conditional Use Permit consists of approximately 1.75 acres of land located along Brewer Street, and the property is more specifically identified by Randolph County Parcel Identification Number 7761041866.

3. This property is currently owned by the American National Red Cross, but the Applicant is in the process of purchasing the property for use as a health services clinic.

4. Said property is located in a Conditional Use OA6 zoning district, and, as noted above, the existing land use on the property is classified as vacant.

5. The parcel of land at issue, hereinafter referred to as the "Zoning Lot", is located in an area characterized by a mix of residential, commercial, and institutional uses.

6. The Growth Strategy Map designates the area in question as a "Primary Growth" area, and the Proposed Land Development Plan Map identifies the area in question as "Urban Residential".

7. Brewer Street is a local street.

8. The site is served by all city services.

9. The Zoning Lot was placed in a Conditional Use OA6 zoning district in March 1999. At the same time, a Conditional Use Permit was issued to allow the Red Cross to build an office on the property.

10. An office building for the Red Cross was never built on the Zoning Lot, and the Conditional Use Permit issued to the Red Cross has now expired.

11. The Applicant has submitted a proper application, including without limitation a site plan, for a Conditional Use Permit that, if approved, will authorize the Applicant to open and operate a clinic that is classified under the Asheboro Zoning Ordinance as a Health Services use.

12. Furthermore, the available evidence indicates that the Applicant has worked with the Planning Department's staff to ensure the compliance of its proposal with the provisions and regulations of the Asheboro Zoning Ordinance.

13. As evidenced by the fact that the Applicant has outgrown its current facilities and needs new expanded facilities for its operations, the Applicant and its staff have a substantial amount of experience with successfully running a health services clinic. Such positive and extensive experience provides compelling evidence that the Applicant can manage a health services clinic without endangering the public health and safety.

14. The available evidence indicates that the proposed use will only enhance the area by clearing out a vacant lot and adding beneficial lighting to the urban area in which the Zoning Lot is located. No evidence was introduced to indicate that the proposed use will injure in any material or substantial sense the value of the adjoining / abutting properties.

15. The site plan submitted by the Applicant specifically indicates that adequate off-street parking has been planned for the proposed use.

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16. The proposed use does not appear to be in any way harmful to or incompatible with the existing surrounding land uses such as Asheboro Health and Rehabilitation and a funeral home that is located directly across the street from the Zoning Lot.

17. No testimony was presented in opposition to the Applicant's request for a Conditional Use Permit.

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

CONCLUSIONS OF LAW

1. The Council has concluded 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. The site plan and other documentation submitted by the Applicant have led the Council to conclude that the overall proposal is designed in a manner that poses no material danger to the public health and safety.
2. The evidence received during the public hearing established that the proposed use does meet all of the required conditions and specifications of the Asheboro Zoning Ordinance.
3. No evidence was presented during the course of the hearing of this matter to indicate that the proposed use will substantially injure the value of the adjoining or abutting property.
4. The location and character of the Applicant's proposed use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

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

ORDER

The above-referenced application submitted by Merce Clinic for a Conditional Use Permit allowing a Health Services use on the above-described Zoning Lot is hereby approved on the express condition that the Applicant and its successors and assigns meet and remain in compliance with the following conditions:

1. The use approved shall be a Health Services use.
2. The development shall be as per the site plan approved in accordance with and subject to Section 1013 of the Asheboro Zoning Ordinance.
3. Buffering and screening shall be installed and maintained as required by Article 304A of the Asheboro Zoning Ordinance.
4. All facilities shall meet the standards of the North Carolina Building Code.
5. All requirements of the Performance Standards for Commercial Districts shall be met and maintained.
6. Off-street parking shall be provided as required by Article 400 of the Asheboro Zoning Ordinance.
7. Signage shall be as provided in Article 500 of the Asheboro Zoning Ordinance.
8. Storm and sanitary sewerage shall be provided.

Adopted by the City Council of the City of Asheboro in regular session this 8<sup>th</sup> day of January, 2004.

ATTEST:

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

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

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**4. Approval of Findings of Fact for SUP-03-12.**

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to approve the following Findings of Fact for SUP-03-12:

Case No. SUP-03-12  
City Council  
City of Asheboro

IN THE MATTER OF THE APPLICATION OF JIMMY WAYNE BROWN FOR A  
SPECIAL USE PERMIT ALLOWING THE RECONSTRUCTION OF A  
NONCONFORMING STRUCTURE UNDER SECTION 637.2 OF THE ASHEBORO  
ZONING ORDINANCE

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

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THIS MATTER was commenced by the filing of an application by Jimmy Wayne Brown for a Special Use Permit. This matter came before the Asheboro City Council, hereinafter referred to as the "Council", for hearing during the Council's regularly scheduled meeting on November 6, 2003. 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. Jimmy Wayne Brown, 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 him, pursuant to Section 637.2 of the Asheboro Zoning Ordinance, to reconstruct a garage at his residence even though the garage is a nonconforming structure.

2. The Applicant's residence is located at 1431 South Fayetteville Street in Asheboro, and Randolph County Parcel Identification Number 7750756951 more specifically identifies the property. Hereinafter, this property will be referred to as the "Zoning Lot".

3. The Applicant currently utilizes the Zoning Lot for his residence. The Applicant has owned this property for approximately fifteen (15) years, and it has been utilized for residential purposes during that time period even though the Applicant did not live at the residence for a period of time.

4. The Zoning Lot consists of approximately 12,610 square feet of land.

5. The Growth Strategy Map designates the area in which the Zoning Lot is located as "Primary Growth," and the Proposed Land Development Plan Map indicates that this property is located in an area designated as "Commercial."

6. The Zoning Lot is located in a B2 zoning district.

7. South Fayetteville Street is a major thoroughfare.

8. The site is served by all city services.

9. Atlantic Avenue is a local street.

10. The character of the area is mixed use.

11. The Applicant has properly submitted a Special Use Permit application that has been reviewed by Planning Department staff members and found to comply with the regulations of the Asheboro Zoning Ordinance.

12. The plans submitted by the Applicant for this project do not indicate the existence of any materials or design characteristics that pose an inherent or abnormal risk to the public health and safety.

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13. The Applicant's residential structure has been devastated by termites, and he simply desires to reconstruct his garage in the same location.

14. The Applicant is not changing the use of the property, and he is not enlarging the garage.

15. The Applicant testified as to his opinion that the proposed project would not adversely impact the value of surrounding parcels of land and would, in fact, add value to his property and the adjoining property by reconstructing a garage that is about to fall down.

16. No testimony was presented in opposition to the Applicant's request.

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 reconstruction of the garage would not materially endanger the public health or safety.

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

3. The Applicant's proposed reconstruction of the garage, which simply maintains the long existing use of the property as a residence, will not substantially injure the value of adjoining or abutting property.

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

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

ORDER

The above-referenced application submitted by Jimmy Wayne Brown for a Special Use Permit allowing the reconstruction of a nonconforming structure is hereby approved on the express condition that the Applicant and his heirs, executors, administrators, successors, and assigns meet and remain in compliance with the following conditions:

1. The use approved shall be the reconstruction of a garage.
2. The structure must be developed as shown on the site plan submitted.
3. All of the applicable requirements of the Asheboro Zoning Ordinance shall be met and maintained.

Adopted in regular session by the City Council of the City of Asheboro this 8<sup>th</sup> day of January, 2004.

ATTEST:

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

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

**5. Approval of Findings of Fact for CUP-03-44.**

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to approve the following Findings of Fact for CUP-03-44:

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Case No. CUP-03-44  
City Council  
City of Asheboro

IN THE MATTER OF THE APPLICATION OF MID-ATLANTIC TOWNHOMES, LLC  
FOR AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT

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

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THIS MATTER came before the Asheboro City Council, hereinafter referred to as the "Council", for hearing during a regular meeting of the Council on November 6, 2003, and a subsequent regular meeting held on December 4, 2003. 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. By and through an authorized representative, Mid-Atlantic Townhomes, LLC, hereinafter referred to as the "Applicant", properly applied for an amendment to an existing Conditional Use Permit (CUP-01-24).

2. The amendment sought by the Applicant is for the limited purpose of deleting a condition imposed upon the Applicant by the permit issued under CUP-01-24.

3. None of the evidence that was presented in support of the original issuance of a permit under file number CUP-01-24 has either changed in any material sense or been called into question.

4. In fact the success and desirability of the Applicant's development has served to confirm the validity of the original issuance of a Conditional Use Permit under file number CUP-01-24.

5. The conditions imposed by this Council as part of the Conditional Use Permit issued under file number CUP-01-24 are as follows:

- a. The use approved shall be a planned unit development.
- b. The development shall be as per the site plan approved as per Articles 605 and 606.
- c. The adjoining single-family residential units shall be screened utilizing a Screen "B". Final configuration and composition of the screening plan shall be made by the developer after consultation with the property owners involved. The final proposal shall be submitted on the Final Site Plan for City Council approval.
- d. Along Old Lexington Road, a buffer strip as specified in Subdivision Ordinance, Article IX, G.4 shall be provided. Such buffer strip shall be planted according to Screen "B".
- e. The development shall include pedestrian sidewalks.
- f. An engineering study of storm water runoff shall be made. If such study indicates that post development runoff will exceed predevelopment conditions, plans for runoff control shall be designed and certified by a professional engineer. Such controls shall be designed to reduce the runoff during the occurrence of a 10-year storm to predevelopment volumes and rates. Prior to the issuance of a Certificate of Occupancy, a professional engineer shall provide certification that the storm water controls were built according to the plans. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be the responsibility of the property owner.
- g. A Final Plat Approval for the Subdivision shall be obtained and recorded.
- h. Articles of Unit Ownership shall be recorded with the Final Plat.
- i. All requirements of the Asheboro Zoning Ordinance shall be met and maintained.
- j. The existing dwelling unit shall be indicated on the Final Subdivision Plat and its status shall be addressed in the Articles of Unit Ownership.
- k. Final building design and construction shall be comparable to the design as indicated in the sketch presented at the public hearing.
- l. All units shall have a minimum of 1,600 square feet with the exception of the four units which front US 220 Bypass.

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6. During the hearing held in regard to the current application for a Conditional Use Permit, the Applicant's authorized representative testified that the condition labeled as condition number 6 by CUP-01-24 (said condition is labeled as condition "f" in the above-listed finding number 5) was initially overlooked by their designers and not discovered until the development's roads were installed and a substantial number of buildings erected.

7. Consistent with this testimony, Reynolds Neely, Planning Director for the City of Asheboro, testified that the city did not detect the omission of engineering data pertaining to said condition until approximately the end of Phase 1 of the project when the retrofitting of the development to comply with condition number 6 of the original permit would be practically impossible.

8. Furthermore, city officials have detected no flooding problems associated with the Applicant's development even though the vast majority of the paved areas and runoff surfaces of the development are already in place.

9. The Applicant submitted to the Council during the hearing of this matter a letter that was written on the letterhead of CPT Engineering and Surveying, Inc. and that was signed and sealed by Vance Bostock, PE.

10. The letter referenced in the immediately preceding paragraph provides as follows:

This letter is to confirm that(,) after review of the Lexington Commons Development (the Applicant's development), the existing storm structures

adjacent to the property are adequately sized to handle the storm water generated by the development for a typical 10-year event.

11. No testimony was provided in opposition to the Applicant's requested amendment of the existing Conditional Use Permit.

12. The Applicant simply asks that condition number 6 of the Conditional Use Permit issued under file number CUP-01-24 be deleted as a condition of the permit.

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

#### CONCLUSIONS OF LAW

1. The proposed amendment and use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

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

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

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

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

#### ORDER

The above-referenced application submitted by Mid-Atlantic Townhomes, LLC for an amendment to the existing Conditional Use Permit issued under file number CUP-01-24 is hereby approved on the condition that the Applicant and its successors and assigns meet and remain in compliance with all of the conditions of CUP-01-24 except for condition number 6. Condition number 6 pertaining to storm water runoff is hereby deleted from the list of required conditions found under CUP-01-24.

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Adopted by the City Council of the City of Asheboro on this 8th day of January, 2004.

ATTEST:

S/ David H. Jarrell

David H. Jarrell, Mayor

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

**6. Appearance and Recognition of Guests and Citizens.**

Mayor Jarrell welcomed everyone in attendance.

**7. Presentation of Randolph County Economic Development Annual Report.**

Bonnie Renfro, president, and Melissa Foust, existing business and industry coordinator for the Randolph County Economic Development Corporation presented the 2003 annual report. More than \$115 million in new industrial investment and more than 500 new jobs were announced by 17 companies. Although approximately 400 county-wide jobs were lost, Randolph County netted out to the positive with 539 new job creations. Richard Heckman, vice chairman of the EDC Board of Directors, stated that he is confident about the economy rebounding in the next couple of years. Mrs. Renfro thanked the city council for its support of the EDC.

**8. Proposal by W. K. Dickson & Co., Inc. to Provide Engineering Services for the Proposed Improvements at the Asheboro Municipal Airport.**

Mr. Pat Turney, P. E., engineer with W. K. Dickson & Co., Inc., reviewed Amendment #10

to its contract proposal to provide professional services for the proposed improvements at the Asheboro Municipal Airport. These improvements include: widen runway to 100 feet, strengthen runway, strengthen taxiways and designated aircraft parking ramp, expand existing aircraft parking ramp south, strengthen existing south T-hangar taxilane, and new T-hangar taxilane south. Amendment #10 includes the basic and special services for the aforementioned project at an amount not to exceed \$278,850. Mr. Turney also reported that an estimate of net additional funds needed for this project is \$194,902.81 and recommended that the City request an additional \$200,000 in State Grant Funds.

Upon motion by Mr. Smith and seconded by Mr. Baker, council voted unanimously to approve Amendment #10 as presented by Mr. Turney and to request additional State Grant Funds in the amount of \$200,000.

OLD BUSINESS:

**9. Public Hearing on Zoning Matter.**

Mayor Jarrell opened the public hearing on the following request:

- (a) Special Use Permit to Allow a Home Occupation - Photography Studio (SUP-03-13):  
The property of Jeffery D. and wife, Rhonda B. Pennell, located at 444 Maple Avenue, totaling approximately 15,000 sq. ft., more specifically identified by Randolph County Parcel ID Number 7760091497.

Mayor Jarrell stated that this case was also heard during the council's last meeting in December, and a voted was taken. However, under the procedural rules that govern this council, no council action is final until a motion to reconsider is deemed to be out of order.

During the December meeting and subsequent to the initial public hearing on this matter, a motion to reconsider was made in a timely manner and was adopted by the council. Therefore, as of yet, no final decision has been made in the matter of Case Number SUP-03-13. Additionally, the council also ordered that a public hearing of this matter be properly advertised for tonight's meeting in order to allow the council to gather additional evidence pertaining to this case.

The need for evidence is so great because, unlike a legislative matter where the council has substantial discretion and flexibility, the case now pending before the council is a quasi-judicial proceeding. In such a proceeding, the council has to base its decision on standards

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set forth in the zoning ordinance. Mr. Neely has copies of these standards if anyone would like to review them. In applying these standards, the council must base its decision on factual testimony and not generalized opinions. Furthermore, the council has to support its decision with written findings of fact to support its legal conclusions.

Mayor Jarrell urged each witness to present his/her complete case with all of the factual testimony at their disposal. The council will only consider evidence presented during the public hearings on this matter. If a witness wants to make a reference to previous testimony, that is fine. Mayor Jarrell asked that each witness to specifically point the council during their testimony tonight to any evidence that they want to rely upon from the December meeting.

Mayor Jarrell asked Mr. Neely to present the staff's report on the matter before council.

Mr. Neely described the aforementioned property and stated that Maple Avenue and Hillcrest Circle are local streets. The site is within the corporate limits, and all city services are available. The area is characterized as neighborhood residential. The request is for a Special Use Permit allowing a Home Occupation -Photography Studio. Mr. Neely reviewed the zoning requirements for a Special Use Permit under Section 625 Home Occupations and the limitations as stated in Note 20 of Table 200. He also stated the staff's recommended conditions for council's consideration if it finds in favor of the Special Use Permit.

Mr. Jeffery Pennell, applicant, was sworn in and asked that his request be deferred until the council's February 5<sup>th</sup> regular meeting.

Upon motion by Mr. Smith and seconded by Mr. Crisco, council voted unanimously to approve Mr. Pennell's request.

Mayor Jarrell recessed this public hearing until the council's February 5<sup>th</sup> meeting.

NEW BUSINESS:

**10. Consent Agenda.**

Upon motion by Mr. McGlohon and seconded by Mr. Baker, council voted unanimously to

adopt the following Consent Agenda items:

- (a) Resolution Authorizing the Mayor and City Clerk to Sign a Reimbursement Agreement Between the NC Department of Transportation and the City of Asheboro for Installation of Traffic Signal Span Mounted Street Name Signs at the intersection of US 64 (East Dixie Drive) and NC 159 (Zoo Parkway) at an Estimated Cost of \$1,200 to be Paid by the City of Asheboro. (Restatement of Resolution #64 RES 6-03 adopted by the city council on June 5, 2003).

01 RES 1-04

**Resolution**

WHEREAS, the City of Asheboro and the North Carolina Department of Transportation propose to make certain traffic control improvements under said project in Randolph County; said project to consist of the installation of traffic signal span mounted street name signs at one (1) intersection on US #64 (E. Dixie Drive) in the Municipality; and;

WHEREAS, the City of Asheboro desires to enter into a municipal agreement with the Department of Transportation whereby the Department shall purchase or provide and install the traffic signal span mounted street name signs; and,

WHEREAS, the City of Asheboro shall reimburse the Department 100% of the actual cost of the work performed by the Department.

NOW, THEREFORE, BE IT RESOLVED that Project in Randolph County, is hereby formally approved by the City Council of the Municipality of Asheboro and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

Adopted this the 8<sup>th</sup> day of January, 2004.

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

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- (b) Resolution to Set Up a Special Interest Bearing Bank Account for Mandated Improvements for the Heathwood Acres Subdivision Project.

02 RES 1-04

**RESOLUTION**

**WHEREAS**, the City of Asheboro, as afforded by the Subdivision Ordinance, has the responsibility of completing certain mandated improvements for the subdivision project undertaken by the HHL Partnership;

**WHEREAS**, the City of Asheboro is to pay for these improvements out of funds from an irrevocable standby letter of credit that was issued for the benefit of the City by Branch Banking & Trust application by HHL Partnership;

**WHEREAS**, the City of Asheboro wants to keep these funds entirely separate from its general operating funds;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that: the City of Asheboro set up a special interest bearing bank account to secure these funds and process any necessary disbursements needed for the completion of the mandated improvements.

Adopted this the 8th day of January, 2004.

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

ATTEST:

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

- (c) Budget Ordinance Amendments for General Fund, Sidewalk Projects, and Police Computer Grant Fund.

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

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

WHEREAS, the budget as adopted requires amendment to reflect the initial outlay of cash to purchase various capital items that are going to be financed over a period of time and whose expected principal and interest payments are already reflected in the departmental budgets;

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

Section 1: That the following Revenue item be increased:

LINE ITEM	DESCRIPTION	AMOUNT
10-385-0200	Proceeds from Private Note agreement (Redding parking lot, 1 <sup>st</sup> and 2 <sup>nd</sup> installment payment, initial payment made at closing)	\$72,000
10-385-0300	Proceeds from Installment / Lease Purchase (vehicles / equipment)	\$407,000

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Section 2: That the following expenditure line items be increased:

LINE ITEM	DESCRIPTION	AMOUNT
10-500-7401	Capital Outlay	\$72,000
10-510-7400	Capital Outlay	\$95,000
10-530-7400	Capital Outlay	\$27,000
10-540-7400	Capital Outlay	\$15,000
10-565-7400	Capital Outlay	\$110,000
10-580-7400	Capital Outlay	\$160,000

Adopted this the 8th day of January 2004,

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

ATTEST:

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

**Ordinance to Amend the Project Ordinance for:  
Sidewalks on North Fayetteville Street  
Sidewalks on the West Side of South Church Street  
Sidewalks on Sunset Avenue  
Water and Sewer Improvements for North Fayetteville Street NCDOT Project  
FY 2003-2004**

WHEREAS, the City Council desires to amend the budget as required by law to increase the Capital project to reflect the General Fund contribution to the Sunset Avenue Sidewalk, and;

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

Section 1: That the following Revenue items be increased / decreased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase / Decrease</u>
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73-367-1006 Contribution from Gen. Fund 2003-2004 \$67,000

Section 2: That the following Expense items be increased / decreased.

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / Decrease</u>
73-850-4502	S/W Const. –Sunset Ave	\$67,000

Adopted this the 8th day of January, 2004

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

ATTEST:

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

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03 ORD 1-04

**PROJECT ORDINANCE  
POLICE COMPUTER GRANT IV  
FY 2003-2004**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is adopted:

Section 1. The Police Computer Grant Project IV, also referred to as a Local Law Enforcement Block Grant, is hereby authorized as a project with revenues and expenditures projected for the duration of the project.

Section 2. The officers of the City of Asheboro are hereby authorized to proceed with the project within the terms of the grant documents and contracts approved by the City Council, the rules and regulations of the grant and General Statutes of North Carolina, and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

LINE ITEM	DESCRIPTION	AMOUNT
74-348.0400	Federal Grant	\$ 14,333
74-367.1004	Contribution General Fund	\$ 1,593
	TOTAL	\$ 15,926

Section 4. The following amounts are appropriated as expenditures for this project:

LINE ITEM	DESCRIPTION	AMOUNT
74-540.3401	Supplies and Materials	\$ 2,000
74-540.3402	Police Grant Match	\$ 1,593
74-540.7400	Capital Outlay	\$ 12,333
	TOTAL	\$ 15,926

Adopted this the 8<sup>th</sup> day of January, 2004.

S/ David Jarrell  
David Jarrell, Mayor

ATTEST:

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

- (d) Resolution Authorizing the City Manager and the Director of Parks and Recreation to Utilize the Trade-in Value of Existing City-Owned Golf Carts to Purchase New Golf Carts.

03 RES 1-04

**RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT  
FOR THE PURCHASE OF FIFTEEN (15) NEW GOLF CARTS**

WHEREAS, in order to maintain a reliable and cost-effective fleet of golf carts at the Asheboro Municipal Golf Course, the City of Asheboro periodically replaces its fleet of golf carts at said golf course; and

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WHEREAS, the City Manager and the Director of Parks and Recreation have reported to the city council that the city currently has a quantity of fifteen (15) used golf carts that need to be replaced with new golf carts; and

WHEREAS, Section 143-129(a) of the North Carolina General Statutes provides in pertinent part as follows:

No . . . purchase of . . . equipment requiring an estimated expenditure of public money in an amount equal to or more than ninety thousand dollars (\$90,000) may be performed, nor may any contract be awarded therefore, by any board or governing body of . . . any political subdivision of the State, unless the provisions of this section are complied with.

For purchases of . . . equipment, the governing body of any political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the manager . . . the authority to award contracts, reject bids, or readvertise to receive bids on behalf of the unit; and

WHEREAS, the expenditure of public money required to purchase the type and quantity of golf carts desired by the Director of Parks and Recreation is estimated to be substantially less than ninety thousand dollars (\$90,000); and

WHEREAS, Section 143-131(a) of the North Carolina General Statutes provides in pertinent part as follows:

All contracts for . . . the purchase of . . . equipment, involving the expenditure of public money in the amount of five thousand dollars (\$5,000) or more, but less than the limits prescribed in G.S. 143-129, made by any officer, department, board, or commission of any . . . city . . . shall be made after informal bids have been secured. All such contracts shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract. It shall be the duty of any officer, department, board, or commission entering into such contract to keep a record of all bids submitted, and such record shall not be subject to public inspection until the contract has been awarded; and

WHEREAS, Section 143-129.7 of the North Carolina General Statutes provides in pertinent part as follows:

Notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes (this Article prescribes the statutory provisions pertinent to the sale and disposition of property by cities and towns), municipalities . . . may include in specifications for the purchase of . . . equipment an opportunity for bidders to purchase as "trade-in" specified personal property owned by the municipality . . . , and the awarding authority may award a contract for both the purchase of the . . . equipment and the sale of trade-in property, taking into consideration the amount offered on the trade-in when applying the criteria for award established in this Article (Article 8 of Chapter 143 of the North Carolina General Statutes); and

WHEREAS, based on sound management practices and the recommendations of the City Manager and the Director of Parks and Recreation, the city council has determined that the city should utilize the trade-in value of the fifteen (15) city-owned golf carts identified by the City Manager and the Director of Parks and Recreation as in need of replacement in order to purchase fifteen (15) new replacement golf carts for use at the Asheboro Municipal Golf Course.

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

Section 1. The fifteen (15) city-owned golf carts that have been more specifically identified by the City Manager and the Director of Parks and Recreation as used and in need of replacement are hereby declared to be surplus personal property of the City of Asheboro.

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Section 2. For the limited and sole purpose of purchasing fifteen (15) new replacement golf carts for use at the Asheboro Municipal Golf Course, the City Manager is hereby authorized and directed to award contracts, reject bids, or readvertise to receive bids on behalf of the City of Asheboro in accordance with the provisions of Section 143-129 and Section 143-131 of the North Carolina General Statutes.

Section 3. While discharging the powers and obligations conferred upon him by this Resolution, the City Manager is expressly authorized and directed to include in specifications for the purchase of replacement golf carts an opportunity for bidders to purchase as "trade-in" the above-described surplus city-owned golf carts. Furthermore, under the provisions of this Resolution, the City Manager's authority to award a contract on behalf of the City of Asheboro includes the power to award a contract that encompasses both the purchase of fifteen (15) new golf carts and the sale of the surplus city-owned golf carts as trade-in property, taking into consideration the amount offered on the trade-in when applying the criteria for award established in Article 8 (Public Contracts) of Chapter 143 of the North Carolina General Statutes.

Adopted in regular session by the City Council of the City of Asheboro on this 8<sup>th</sup> day of January, 2004.

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

ATTEST:

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

- (e) Ordinance Regulating the Parking of Vehicles on Private Property Utilized by the Tattoo Parlor Which is Located at 1011 N. Fayetteville Street.

04 ORD 1-04

**AN ORDINANCE PROHIBITING DURING CERTAIN HOURS OF THE DAY THE STOPPING, STANDING, AND PARKING OF VEHICLES IN THE PRIVATELY OWNED PUBLIC VEHICULAR AREA LOCATED AT 1011 NORTH FAYETTEVILLE STREET**

WHEREAS, Section 160A-301(d) of the North Carolina General Statutes provides that the city council may, by ordinance, prohibit the stopping, standing, or parking of vehicles during any specified hours in a privately owned public vehicular area when the owner or person in general charge and control of such an area requests in writing that such an ordinance be adopted; and

WHEREAS, Section 71.05 of the Code of Asheboro addresses the issue of the posting by city personnel of "No Parking" signs in order to prohibit parking during certain times on private property by stating as follows:

**§ 71.05 POSTING OF NO PARKING AREAS ON PRIVATE PROPERTY.**

- (A) *Parking in violation of signs prohibited.* No person shall stop, leave standing, or park a motor vehicle in the area specified in this section in violation of

posted signs, when signs are placed, erected or installed giving notice that stopping, standing or parking is regulated, prohibited, or prohibited during certain hours, in that space or area.

(B) *Locations designated.* The following locations are designated as "no parking" spaces: (Area and time of parking restrictions to be described--Schedule 17 of § 72.02).

(C) *Cost of signs.* The cost of erecting or installing signs, and the cost of all necessary signs as determined by the Chief of Police shall be paid for by the individual requesting regulations.

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(D) *Enforcement.* The provisions of this section shall be enforceable in the same manner and in accordance with G.S. § 14-4; and

WHEREAS, J&S Rentals, which maintains an office at 1947 North Fayetteville Street in Asheboro, is the owner of the real property upon which a certain tattoo parlor business, which is known as Spider's Tattoos and which is located at 1011 North Fayetteville Street in Asheboro, is operated; and

WHEREAS, Hoffman Auto, which is a business located at 1014 North Fayetteville Street in Asheboro, has reported that certain problems have been encountered by the business as a consequence of groups of individuals and their vehicles congregating on the public vehicular area located at 1011 North Fayetteville Street after the tattoo parlor business closes for the day; and

WHEREAS, in furtherance of an agreement reached between J&S Rentals and Hoffman Auto, an authorized representative of J&S Rentals, Mr. Justin Shane Barker, has properly submitted a written request to the city council to have the parking of vehicles in the privately owned public vehicular area located at 1011 North Fayetteville Street prohibited all day on Sundays and during the hours of 10:00 o'clock p.m. and 11:00 o'clock a.m. Monday through Saturday; and

WHEREAS, as part of said agreement between J&S Rentals and Hoffman Auto, Hoffman Auto, by and through Mr. Bobby Hoffman, has notified the city that any and all of the costs associated with erecting and/or installing the sign(s) needed to properly implement the above-described prohibition of parking are to be paid by Hoffman Auto.

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

Section 1. Pursuant to Section 160A-301(d) of the North Carolina General Statutes and Section 71.05 of the Code of Asheboro, the stopping, standing, or parking of vehicles within and upon the privately owned public vehicular area which provides parking area for the business located at 1011 North Fayetteville Street is hereby prohibited all day on Sundays and between the hours of 10:00 o'clock p.m. and 11:00 o'clock a.m. every other day of the week (Monday through Saturday).

Section 2. The number and type of signs necessary to lawfully implement the provisions of this ordinance shall be erected and/or installed in a manner to be determined by the Chief of Police or his designee, and the entirety of the cost of erecting and/or installing the necessary signs shall be paid by Hoffman Auto which is located at 1014 North Fayetteville Street.

Section 3. The city clerk shall enter a description in Schedule 17 of Section 72.02 of the Code of Asheboro of the time of the parking restrictions imposed by this ordinance and a description of the public vehicular area subject to said parking restrictions.

Section 4. This ordinance shall become effective upon adoption.

Adopted in regular session by the City Council of the City of Asheboro on this 8<sup>th</sup> day of January, 2004.

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

ATTEST:

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

- (f) Ordinance to Remove a Loading Zone Along one (1) Parking Space in Front of 121 Trade Street (Formerly Little Byte Computers) Established by the City Council on June 9, 1994.

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05 ORD 1-04

**ORDINANCE ELIMINATING THE DESIGNATION OF A CERTAIN PORTION  
OF TRADE STREET AS A LOADING ZONE**

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Section 71.01(A)(5) of the Code of Asheboro provides in pertinent part as follows:

Pursuant to instructions given to him by the City Council from time to time and entered in the council minute book, the City Manager shall [c]ause all areas designated as . . . loading zones . . . to be posted or marked accordingly. He shall then notify the City Clerk, who shall enter the description and limitation of such areas in schedule 5 of § 72.02. (internal punctuation omitted); and

WHEREAS, in accordance with council action taken on June 9, 1994, the City Manager previously had a parking space located in front of 121 Trade Street (formerly Little Byte Computers) designated as a loading zone, said parking space is more specifically described as the on-street parking area located on the south side of Trade Street and extending eastward from a point located one hundred thirty-six (136) feet from the centerline of North Street to a point located one hundred fifty-eight (158) feet east from the centerline of North Street; and

WHEREAS, based on the opinions expressed to members of the city's professional staff by property owners located along Trade Street and based on the council's independent evaluation of the situation, the council has concluded that the loading zone designation for the parking space described in the immediately preceding paragraph is no longer of any benefit to the surrounding businesses or to individuals working, shopping, or otherwise visiting this area of the city.

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

Section 1. The loading zone designation for the on-street parking area located on the south side of Trade Street and extending eastward from a point located one hundred thirty-six (136) feet east from the centerline of North Street to a point located one hundred fifty-eight (158) feet east from the centerline of North Street is hereby repealed.

Section 2. The City Manager shall cause the above-described parking area to be marked and/or posted in accordance with the provisions of Section 1 of this ordinance.

Section 3. The City Manager shall notify the City Clerk that she is to remove from schedule 5 of § 72.02 of the Code of Asheboro any and all references to the above-described parking area as a loading zone.

Section 4. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall become effective upon adoption.

Adopted this the 8th day of January, 2004.

ATTEST:

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

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

**11. Public Hearings on Zoning Matters.**

Mayor Jarrell opened the public hearing on the following request:

- (a) From RA-6 to OA-6 (RZ-04-01): The property of Garris Brantley Properties, Inc. located at 235 East Academy Street totaling approximately 9,621 square feet, more specifically identified by Randolph County Parcel ID Number 7751911885.

Mr. Neely described the aforementioned property and stated that East Academy Street is a local street. The site is served by all city services. The area is characterized by a mix of uses—single family, multifamily development, institutional, and offices. The area is a transitional area between the commercial on Fayetteville and Cox Streets and the residential development to the east. Mr. Neely reviewed the goals and policies that support the request.

Mr. Neely reported that the planning board recommended approval, as the request complies with the goals and policies and map of the Land Development Plan.

Mr. Tim Garris, applicant, was present to answer any questions.

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

Upon motion by Mr. Smith and seconded by Mrs. Hunter, council unanimously ordained to accept the recommendation from the planning board for approval.

Mayor Jarrell opened the public hearing on the following request:

- (b) From R-7.5 to OA-6 (RZ-04-02): The property of Garris Brantley Properties, Inc., located at 909 South Cox Street totaling approximately 7,919 square feet, more specifically identified by Randolph County Parcel ID Number 7750883942.

Mr. Neely described the aforementioned property and stated that South Cox Street is a major thoroughfare. The site is served by all city services. The area is characterized by a mix of uses—single family, multifamily development, and offices. South Cox is a transitional area between the commercial on Fayetteville Street and the residential development off Cox Street to the east. Mr. Neely reviewed the goals and policies that support the request.

The planning board recommended approval, as the request complies with the goals and policies and map of the Land Development Plan.

Mr. Tim Garris, applicant, was present to answer any questions.

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

Upon motion by Mr. Baker and seconded by Mrs. Hunter, council unanimously ordained to accept the recommendation from the planning board for approval.

Mayor Jarrell opened the public hearing on the following request:

- (c) From R-40 to B-2 (RZ-04-03): The property of Harland Russell Gallimore, Jr. and Vickie H. Gallimore located at 2336 US Hwy. 64 East totaling approximately 1.64 acres, more specifically identified by Randolph County Parcel ID Number 7771144998.

Mr. Neely described the aforementioned property and stated that US Hwy. 64 East is a major thoroughfare. The site is outside the corporate limits and is not served by any city services. The area is characterized as a mixed use, low density area. For this area to be developed consistently with the Employment Center designation in the LDP, city services should be provided. Mr. Neely reviewed the goals and policies that support the request.

The planning board recommended approval, as the request complies with the LDP texts and maps. More specifically, the property is within a designated Economic Development Area and is shown as an Employment Center. Employment Centers are mixed uses, medium to large scale developments along major transportation corridors to serve the community and region. The requested districts may provide for this development.

Mr. H. R. Gallimore, applicant, was present to answer any questions.

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

Upon motion by Mr. Smith and seconded by Mr. Crisco, council unanimously ordained to accept the recommendation from the planning board for approval.

**12. Petition Received From D & L Investments and NSHE Hampton, LLC, Requesting Contiguous Annexation of 6.5644 Acres at the Intersection of East Dixie Drive and East Salisbury Street (Proposed Asheboro Honda and Asheboro Nissan Dealers).**

Mr. Dumont Bunker reported that notice of this public hearing on the requested contiguous annexation of the aforementioned property was published December 10, 2003, in *The Randolph Guide*.

Mayor Jarrell opened the public hearing.

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

Mr. Bunker presented and recommended approval of an ordinance to extend the corporate limits of the City of Asheboro.

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

06 ORD 1-04

**Ordinance Number 06 ORD 1-04  
ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF ASHEBORO  
(6.5644 Acres of Land at the Intersection of East Dixie Drive and East Salisbury Street)**

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition signed by the owners of all the real property within the area hereinafter described was heretofore presented to the City Council, by which petition a request was made that an area be annexed to the City of Asheboro; and

WHEREAS, the City Council has by resolution directed the City Clerk of the City of Asheboro to investigate the sufficiency of the petition, and the City Clerk has certified the sufficiency of said petition; and

WHEREAS, the City Council did publish notice to the public on the 10<sup>th</sup> day of December, 2003, in *The Randolph Guide*, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held at 7:00 o'clock p. m. on the 8<sup>th</sup> day of January, 2004, at the City of Asheboro Municipal Building to consider the adoption of an ordinance annexing said area to the City of Asheboro; and

WHEREAS, during said public hearing that was in fact held on the 8<sup>th</sup> day of January, 2004, no person owning property within the area to be annexed alleged an error in the petition, and no resident of the municipality questioned the necessity of annexation; and

WHEREAS, the City Council has determined that the petition meets the requirements of Section 160A-31 of the General Statutes of North Carolina.

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

Section 1. By virtue of the authority granted in the General Statutes of North Carolina, Chapter 160A, Article 4A, Part 1, the following area is annexed and attached to, and hereby becomes a part of the City of Asheboro, and is described as follows:

Asheboro Township, Randolph County, North Carolina.

BEGINNING at a new iron pin that is set on the southern right-of-way line of East Salisbury Street (North Carolina Secondary Road 2237) and is located North 82 degrees 10 minutes 20 seconds East 415.54 feet from the intersection of the center lines of East Salisbury Street and Rock Crusher Road (North Carolina Secondary Road 2191), said new iron pin is located

by means of the North Carolina Coordinate System at the coordinates of North 712,262.707 feet and East 1,767,464.307 feet (NAD 27); thence from said Beginning point following the southern right-of-way line of East Salisbury Street the following courses and distances: North 78 degrees 01 minute 56 seconds East 559.50 feet to a new iron pin; thence South 19 degrees 40 minutes 09 seconds East 20.30 feet to an existing concrete monument; thence North 78 degrees 01 minute 56 seconds East 225.00 feet to a new iron pin; thence South 01 degree 00 minutes 18 seconds West 58.80 feet along the sight distance right-of-way associated with State Highway Project No. 5842 to a new iron pin set on the northern right-of-way line of East Dixie Drive (United States Highway 64); thence along the northern right-of-way line of East Dixie Drive the following courses and distances: South 42 degrees 37 minutes 52 seconds West 227.90 feet to an existing concrete monument; thence South 42 degrees 37 minutes 52 seconds West 373.49 feet to an existing concrete monument; thence South 80 degrees 38 minutes 35 seconds West 718.64 feet along the existing corporate limits line of the City of Asheboro to an existing concrete monument; thence North 03 degrees 03 minutes 50 seconds East 88.10 feet along the Griffin Craven property described in Estate File 96E, Page 598 in the Office of the Clerk of Superior Court for Randolph County and in Deed Book 265, Page 492, Deed Book 282, Page 493, Deed Book 588, Page 524, and Deed Book 1107, Page 180, Randolph County Public Registry to an existing railroad rail; thence along the Stout property described in Deed Book 1437, Page 1423, Randolph County Public Registry the following courses and distances: North 80 degrees 39 minutes 19 seconds East 343.51 feet to an existing iron pipe or pin; thence North 00 degrees 05 minutes 27 seconds West 330.77 feet to the point and place of the BEGINNING, and containing 6.5644 acres, more or less.

This description is in accordance with a plat of survey entitled "Annexation Plat Prepared For CITY OF ASHEBORO." This plat of survey, which bears an original date of August 18, 1999, was revised for purposes of this annexation process on March 31, 2003. Said plat of survey was prepared by Steven D. Brown, Professional Land Surveyor with Registration Number L-1435.

Section 2: The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3: The Mayor of the City of Asheboro shall cause to be recorded in the office of the Register of Deeds of Randolph County, and the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the North Carolina General Statutes.

Section 4: All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5: This ordinance shall be in full force and effect from the 8<sup>th</sup> day of January, 2004.

Adopted this the 8<sup>th</sup> day of January, 2004.

ATTEST:

S/ Carol J. Cole  
Carol J. Cole, City Clerk of the  
City of Asheboro

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

Approved as to form:

S/ Jeffrey C. Sugg  
Jeffrey C. Sugg, City Attorney

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### 13. Upcoming Events.

Mayor Jarrell announced the following upcoming events:

- Miss Asheboro Pageant on Saturday, January 10th, at Asheboro High School, 7:30 PM
- Asheboro/Randolph Chamber of Commerce Annual Meeting, January 15<sup>th</sup>, 6:30 PM Social, 7:00 Dinner, at Pinewood Country Club

- Martin Luther King Day activities for Monday, January 19<sup>th</sup>:
  - 8:00 AM –Breakfast at gym with Keynote Speaker Dr. Steven McKinnon
  - 10:00 AM –March
  - 2:00 PM - 4:00 PM –Youth Program
  - 7:00 PM –Prayer Service at First United Church

**14. Finance & Public Safety Matters.**

There will be a finance committee meeting on Wednesday, January 14, 2004, at 4:00 PM in the Council Chambers at City Hall.

**15. Public Works Matters.**

There will be a public works committee meeting on Tuesday, January 13, 2004, at 4:00 PM in the Council Chambers at City Hall.

**16. Discussion of Items Not on the Agenda.**

The planning board recommended that Mr. Walker Moffitt be reappointed to the planning board and board of adjustment for a term of five (5) years, from January 1, 2004 to January 1, 2009.

Upon motion by Mr. Smith and seconded by Mr. Baker, council voted unanimously to reappoint Walker Moffitt for a five-year term on the planning board/board of adjustment

There being no further business, the meeting was adjourned at 8:10 PM.

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Carol J. Cole, CMC, City Clerk

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David H. Jarrell, Mayor

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