

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, MAY 6, 2004
7:00 PM**

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
Lynn Priest, CD Director
John Evans, Code Enforcer
Jim Smith, Fire Chief
Allen Oliver, Parks & Recreation Director
Myers Johnson, Human Resources Director
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. Father Everett Thomas, pastor of the Episcopal Church of the Good Shepherd, gave the invocation.

2. Recognition of Guests and Citizens.

Mayor Jarrell welcomed everyone in attendance.

3. Approval of Minutes of Previous Meetings.

The minutes of the regular meeting of April 8, 2004 and special meeting of April 22, 2004 were approved as presented.

4. Appearance of Mr. Tim Pheagin of Center of Living Home Health and Hospice.

Mr. Tim Pheagin expressed his appreciation to the mayor and city council for the role that they play and for their support of the Center of Living Home Health and Hospice. Hospice's mission is to provide holistic care for those with terminal and long-term illnesses. They are trying to educate people about decisions that will have to be made by them and for them and how to deal with these issues.

5. Approval of Findings of Fact, Conclusions of Law, and Order for CUP-04-10; CUP-04-01; SUP-04-01; and SUP-04-02.

Mayor Jarrell deferred these items until the June 10th regular meeting.

OLD BUSINESS:

6. Sketch Design Approval for Turtle Lake Farm Subdivision (SUB-04-1).

The city council deferred this item at last month's meeting and requested the developers to find a second access into Turtle Lake Farm Subdivision. Mr. Neely presented the new site plan submitted by the developers, which showed a seconded access into the development. Mr. Neely read a letter from Mr. J. L. Picklesimer, P. E., with the NC Department of Transportation, granting permission for a connection at the north end of Caudle Road. Items on the Subdivision Checklist have been corrected. However, a variance is necessary for the cul-de-sac length.

May 6, 2004

Developer C. J. Thomas stated that the alternate entrance is a paved street in the City of Randleman.

There being no further comments, Mayor Jarrell entertained a motion for approval or denial of a variance for the length of the cul-de-sac.

Upon motion by Mr. Baker and seconded by Mr. Priest, council voted to approve the variance for the length of the cul-de-sac. Mr. Crisco did not vote as he arrived late (7:15 PM).

Upon motion by Mr. Baker and seconded by Mr. Smith, council voted to approve the sketch design for Turtle Lake Farm Subdivision. Mr. Crisco did not vote.

7. **Consideration of Procuring Architectural Services for the Parks and Recreation Office Project.**

(a) Consideration of a Resolution Exempting the Parks and Recreation Office Project From the Provisions of Article 3D of Chapter 143 of the North Carolina General Statutes

Mr. Allen Oliver reported that the City has clear title for the old National Guard property located on South Church Street that is proposed to be used for an office facility for the Asheboro Parks and Recreation Department. Mr. Oliver presented and recommended adoption of a resolution exempting the parks and recreation office project from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes pertaining to architectural services.

The city attorney explained the provisions set forth in the General Statutes regarding exemptions of this nature.

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

22 RES 5-04

**RESOLUTION EXEMPTING THE PARKS AND RECREATION OFFICE PROJECT
FROM THE PROVISIONS OF ARTICLE 3D OF CHAPTER 143 OF THE
NORTH CAROLINA GENERAL STATUTES**

WHEREAS, Section 143-64.31 of Chapter 143, Article 3D of the North Carolina General Statutes provides in pertinent part as follows:

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof . . . to announce all requirements for architectural . . . services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm; and

WHEREAS, Section 143-64.32 of the North Carolina General Statutes provides in pertinent part as follows:

Units of local government . . . may in writing exempt particular projects from the provisions of this Article (Article 3D) in the case of:

- (a) Proposed projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000), or
- (b) Other particular projects exempted in the sole discretion of . . . the unit of local government, stating the reasons therefore and the circumstances attendant thereto; and

WHEREAS, the City of Asheboro desires to renovate and utilize the recently acquired real property, which is located on South Church Street across from Memorial Park and was most recently occupied by the North Carolina National Guard, as an office facility for the City of Asheboro Parks and Recreation Department; and

WHEREAS, on the basis of the qualifications of Architect Steve Cofer, his local proximity, and his demonstrated suitability for this particular project, the city's professional staff has selected Architect S.W. Cofer, PLLC to provide the architectural services needed to successfully complete the Parks and Recreation Office Project; and

WHEREAS, the professional fee for architectural services rendered for the Parks and Recreation Office Project is estimated to be approximately fifteen thousand dollars (\$15,000.00).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the aforementioned Parks and Recreation Office Project is hereby exempted on the basis of the above-cited factors from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes.

Adopted by the Asheboro City Council in regular session on the 6th day of May, 2004.

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

ATTEST:

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

- (b) Consideration of a Resolution Authorizing the City Manager to Execute on Behalf of the City of Asheboro an Agreement for the Provision of Architectural Services by Architect S. W. Cofer, PLLC.

Mr. Oliver presented and recommended adoption of the aforementioned resolution.

Upon motion by Mr. Priest and seconded by Mr. Smith, council voted unanimously to adopt the following resolution:

23 RES 5-04

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
AN AGREEMENT WITH ARCHITECT S.W. COFER, PLLC FOR THE PROVISION
OF CERTAIN ARCHITECTURAL SERVICES**

WHEREAS, the City of Asheboro desires to renovate and utilize the recently acquired real property, which is located on South Church Street across from Memorial Park and was most recently occupied by the North Carolina National Guard, as an office facility for the City of Asheboro Parks and Recreation Department; and

WHEREAS, on the basis of the qualifications of Architect Steve Cofer, his local proximity, and his demonstrated suitability for this particular project, the city's professional staff has selected Architect S.W. Cofer, PLLC to provide the architectural services needed to successfully complete the Parks and Recreation Office Project; and

WHEREAS, Architect S.W. Cofer, PLLC has expressed a desire to provide to the City of Asheboro the architectural services needed by the city for the above-described project; and

WHEREAS, Architect S.W. Cofer, PLLC has submitted to the city a proposed contract for the provision of the above-described architectural services; and

WHEREAS, the proposed contract referenced in the immediately preceding paragraph is attached to this resolution as "EXHIBIT A" and is hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, members of the city's professional staff have reviewed said proposed contract and have given the proposed contract a favorable recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City Manager is hereby authorized and directed to execute contract documents substantially and materially similar in all respects to "EXHIBIT A".

Adopted in regular session by the Asheboro City Council on the 6th day of May, 2004.

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

ATTEST:

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

("Exhibit A" that is referenced in the above resolution is attached to the original resolution on file in the city clerk's office.)

NEW BUSINESS:

8. Recommendations From Piedmont Triad Council of Governments Concerning Pay and Classification Study.

Mr. Matt Reece, Director of Management Services for the Piedmont Triad Council of Governments, presented and reviewed the Pay and Classification Study for the City of Asheboro. Mr. Reece explained the procedure for the study and the factors that were considered in determining the job classification. He presented a proposed assignment of classes to salary grades. Some positions were recommended for salary increases, based on job analysis and market analysis.

Mayor Jarrell thanked Mr. Reece for his presentation and stated that his recommendations would be considered during the budget preparation.

9. Public Hearings on Zoning Matters.

Rezoning:

Mayor Jarrell opened the public hearing on the following request:

- (a) From B-2 Commercial to CU-B-3 Commercial (RZ-04-12): The property of Charles B. West and wife, Laurie B. West, located at the northeast corner of Sunset Avenue and Park Street, totaling approximately 28,181 sq. ft., more specifically identified by Randolph County Parcel ID Number 7751624943.

Mr. Neely was sworn in and presented the site and elevation plans, which are in compliance with the zoning regulations. He described said property and stated that Sunset Avenue is a minor thoroughfare and North Park Street is a major thoroughfare. The site is served by all city services. The area is characterized by commercial development. The site is within normal walking distance to public parking areas. The site plan indicates a structure built up to the street with parking located in the interior side yard and to the rear of the structure. The structure is proposed to be constructed in two phases; no time frame for Phase 2 is given. This will leave a 30-foot setback on Sunset Avenue until Phase 2 is built.

The Asheboro Zoning Ordinance states: The B-3 Central Commercial District is intended to be applied to the traditional commercial, governmental, administrative and service core of Asheboro, commonly known as the Central Business District. B-2 and B-3 Districts generally allow the same uses. However, setback, parking, height, etc. are different.

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

Mr. Neely stated some suggested conditions for council's consideration if it finds in favor of the request.

Mr. Brian Lathrop, architect representing Mr. and Mrs. Charles West, was sworn in and addressed the four standard tests. (1) The use will not materially endanger the public health or safety. They feel that the use will enhance the pedestrian experience on these two streets (North Park and Sunset Avenue) since much of the parking will be shielded from the pedestrian public by

the building itself. The proposed building is being designed and engineered by professional architects and engineers who are licensed by the state. The building will be constructed according to all applicable building codes in order to insure the public safety. They will require and insure that the contractor follows all required safety procedures during the construction process. Driveway entrances are being designed according to DOT standards and one of those requires submission and approval by them. The building, including future addition, is set back adequately from the corner to insure a safe site triangle as required by city ordinance, which is shown on the site plan.

(2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance. Mr. Lathrop stated that the proposed project for a new health practitioner office building under B-3 with the condition of parking as required for B-2 (5 spaces per 1,000 s. f) meets all the required conditions and specifications of the ordinance. This is evidenced by the fact that health practitioner offices are an approved use under the plan and that parking and loading spaces, drives, curb cuts, landscaping areas, screened mechanical areas, planned signage and corner site distances have all been observed in the planning, which are shown on the site plan.

(3) The use will not substantially injure the value of adjoining or abutting property. Mr. Lathrop stated that they believe the impacts are similar to or less than they would be if the property was developed with a similar use under current B-2 zoning. One example of this is that the current site plan tries to respect and makes a significant attempt to save a rather historic tree that is located on a neighboring property, but is near the property line. Green space and existing grades are being maintained in areas closest to the tree to make an attempt to preserve it, since a large area of its branching or drip line overlap onto their property. If the project were developed under the existing B-2 zoning, they would be forced to place the building footprint close to the tree and cut into its root system much more substantially. Additionally, the quality of the design and construction materials for the structure and site appurtenances are going to be of a caliber that is at least equal to and likely substantially above the quality level of the surrounding buildings. The project will be professionally landscaped. It is their belief that these features will not only insure that the surrounding property values are not injured, but in fact they should be enhanced by the quality of the new neighbor.

(4) The location and character of the use will be in harmony with the area. Mr. Lathrop stated that the proposed project for a health practitioner office building with Masonry veneer on all four sides and attractive commercial fenestration, as shown in the proposed building elevations and site plan, 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 ordinances.

Mayor Jarrell asked Mr. Lathrop if he was agreeable to the conditions as stated by Mr. Neely. Mr. Lathrop agreed to the conditions.

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 of the rezoning request.

Upon motion by Mr. Smith and seconded by Mr. Crisco, council voted unanimously to approve the Conditional Use Permit with the conditions as stated by Mr. Neely, based on the four standard tests being met per testimony by Mr. Lathrop.

The conditions will be further detailed in the city attorney's Findings of Fact, Conclusion of Law and Order granting the Conditional Use Permit to be approved by council at its June meeting.

Mayor Jarrell opened the public hearing on the following request:

- (b) From R-40 Residential to I-2 Industrial (RZ-04-13): The property of S. E. Trogdon, Jr., William J. Trogdon, Wanda T. Ilderton, and Nina T. Barone located on US Hwy. 64 East, totaling approximately 4.56 acres, more specifically identified by Randolph County Parcel ID Number 7771176250.

Mr. Neely described the aforementioned property and stated that both US Hwy 64 East and East Presnell Street are major thoroughfares. 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.

The planning board recommended approval, as the request complies with the goals and policies and map of the Land Development Plan. More specifically, the property is within a designated Economic Development Area and shown as an Employment Center. Employment Centers are

mixed use, medium to large scale developments along major transportation corridors to serve the

community and region. The requested district may provide for this development.

Mr. W. J. Trogdon, applicant, was in attendance to answer questions.

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

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

Mayor Jarrell opened the public hearing on the following request:

- (c) R-10 Residential/B-2 Commercial to R-10 Residential: The property of Bailey's Grove Baptist Church located at 111 Underwood Street, totaling approximately 24,219 sq. ft., more specifically identified by Randolph County Parcel ID Number 7762053960.

Mr. Neely described the aforementioned property and stated that Underwood Street is a local street, and Traci Street is a "paper street", which means that the street is shown on the tax maps as a dedicated street, but it is not maintained nor has it been accepted by the City or State. The site is served by all city services. The area is characterized by commercial development along North Fayetteville Street and a neighborhood residential area to the east. The property is currently split by the existing zoning district boundary.

The planning board recommended approval, as the request complies with the goals and policies of the LDP.

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

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

Conditional Use Permits:

Mayor Jarrell opened the public hearing on the following request:

- (a) Amend Existing Conditional Use Permit Allowing a Manufactured Home Subdivision by Changing Condition #5 (CUP-03-07): The property of Morton & Sewell Development Co., Inc. and Almanza Jose Geveara located along Humble Street totaling approximately 21.74 acres, more specifically identified by Randolph County Parcel ID Numbers 7762149949, 7762250036, 7762251134, 7762251286, 7762252317, 7762251543, 7762251685, 7762254544, 7762256463, 7762255381, 7762255381, 7762255149, 7762255027, 7762244986, 7762244845, 7762243795, 7762243618, 7762242643, 7762244400, and 7762148879.

Mr. Neely was sworn in and described the aforementioned property. He stated that Humble Street is a local street. The site is within the corporate limits and services are available. The area is characterized as neighborhood residential. A Conditional Use R-40 District and CU Permit for a manufactured mobile home subdivision was granted 12/01. This project is a conventional subdivision, and as such, has no provisions for a home owners association. The request is to amend the Conditional Use Permit allowing a manufactured home subdivision by changing Condition #5 to read: "No home shall be more than three (3) years old from date of manufacture at the time of placement." (This request amends the condition by allowing a mobile home to be three (3) years old instead of one (1) year old.)

Mr. Neely reviewed the current conditions attached to the Conditional Use Permit.

Mr. Al Morton, applicant, was sworn in and stated that the mobile home market is depressed, and he wants people to have affordable housing. The amendment to Condition #5 will not affect the four standard tests nor the site plan. The testimony is the same except for the age of the mobile home.

Mr. Smith suggested that the proposed amended Condition #5 be clarified by adding that the mobile home shall be a new untitled home (no more than three years old from date of manufacture), which has never been lived in.

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

Upon motion by Mr. Smith and seconded by Mr. Crisco, council voted unanimously to approve the amendment to Condition #5, including the clarification stated by Mr. Smith, based on the testimony remaining the same for the other conditions.

The conditions will be further detailed in the city attorney's Findings of Fact, Conclusion of Law and Order granting the amended Conditional Use Permit to be approved by council at

its June meeting.

Mayor Jarrell opened the public hearing on the following request:

- (b) Amend Existing Conditional Use Permit to Allow Nursing Home, Rest Home or Homes for the Aged, Large Day Care Center, Congregate Living Facility and Approve a New Site Plan: The property of Cross Road Rest & Retirement Center, Inc. located at 1302 Old Cox Road totaling approximately 32.25 acres, more specifically identified by Randolph County Parcel ID Numbers 7669560493, 7669564321, 7669551809, 7769557913, 7669554855, and 7769466475.

Mr. Neely was sworn in and presented the site plan, elevation plan, and master site plan. He described the aforementioned property and stated that Zoo Parkway is a major thoroughfare. The site is served by the water and sewer line going to the zoo. However, the rest home utilizes a privately owned pump station for its sewerage disposal into the City's sewer line. The character of the area is suburban and rural. The request for a CU Permit for a nursing home, rest home or homes for the aged, was originally approved by council in 1991. This request is the result of the applicant's work to develop a "master plan" for the community. The request includes a plan for the entire property, including the proposed phases for construction. The phases do not necessarily represent the chronological development order. The request is for a nursing home, rest home or homes for the aged, large day care center, congregate living facility and approval of a new "master plan." The nursing home, rest home or homes for the aged, and large day care center have already been approved. The requested amendment to the CU Permit is to allow a congregate living facility and approval of a new "master plan."

Mr. Neely reported that the staff has prepared a new set of conditions for council's consideration if it finds in favor of the request. Mr. Neely stated these conditions.

Mr. Steve Rumbley, Director of Cross Roads Retirement, was sworn in and presented an aerial view of the existing property and showed where the proposed new development would be located, which is to the right of the property. Mr. Rumbley addressed the four standard tests as follows: (1) The use will not materially endanger the public health or safety, as the proposed use will meet the same regulations as the existing use. Mr. Rumbley stated that they have had a good track record so far. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance, which is shown on the site plans and elevation plan submitted. The proposed use will also meet the requirements of the NC State Building Code. (3) The use will not injure the value of adjoining or abutting property. Mr. Rumbley stated that they have been good neighbors for 20 years and have never had complaints from the adjoining or abutting property owners. He feels that the proposed use will enhance the value of the property. (4) The use will be in harmony with the area. The proposed use will be similar in character to the existing uses.

Mayor Jarrell asked Mr. Rumbley if he agreed with the conditions as stated by Mr. Neely. Mr. Rumbley accepted the conditions.

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

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to approve the amendment to the existing CU Permit with the conditions as stated by Mr. Neely, based on the four standard tests being met per testimony by Mr. Rumbley.

The conditions will be further detailed in the city attorney's Findings of Fact, Conclusion of Law and Order granting the amendment to the Conditional Use Permit to be approved by council at its June meeting.

10. Subdivisions.

- (a) Sketch Design Approval of Rockcliff Terrace (SUB-04-2)

Mr. Neely presented the sketch design for Rockcliff Terrace, which is located off Zoo Parkway. This subdivision contains 39.34 acres and consists of 36 lots, with the average lot size being 1.029 acres. The applicant, Pine Lake Partners, LLC, withdrew its request for a variance for curb and gutter.

The planning board recommended approval of the sketch design, subject to the issues being addressed in the comments from various departments.

Mr. Allen Hill, P. E., with Triad Design Group, was present and stated that he has contacted a firm out of Denver to conduct the required flood study. The subdivision will be hooking onto the City's

water and sewer system, and they will design their own lift station because of the topography. The lift station will meet the city's requirements. A corridor line has not yet been established in the Thoroughfare Plan, but they will work with the city engineer on this matter.

Upon motion by Mr. Smith and seconded by Mr. Crisco, council voted unanimously to approve the sketch design with the comments from the planning board.

(b) Sketch Design Approval for Viewmont Estate (SUB-04-3)

Mr. Neely presented the sketch design for Viewmont Estate, which is located off of the Old Lexington Road. This subdivision contains 119.2 acres and consists of 42 lots, with the average lot size being 2.6 acres. The project proposes city water and private septic with ditch and shoulder sections. The applicant, W. W. S. Development Corporation, is requesting a variance to the street design standards which require curb and gutter.

The planning board recommended approval of the sketch design, subject to the issues being addressed in the comments from various departments.

Mrs. Billie Wilson, developer, was present to answer any questions.

After much discussion, Mr. Smith moved to approve the variance to the street design standards which require curb and gutter. Mr. Crisco seconded the motion. Council Members Smith, Crisco, Priest, and McGlohon voted in favor of the motion. Council Members Baker, Carter, and Hunter voted against the motion. The motion carried.

Upon motion by Mr. Priest and seconded by Mrs. Carter, council voted unanimously to approve the sketch design with the comments from the planning board. The motion also includes that the connecting road be constructed during Phase I of the project.

(c) Resubmission for Preliminary Plat Approval for Forest Ridge, a.k.a. The Lakes (SUB-04-4)

Mr. Neely presented the modified preliminary plat for Forest Ridge. This subdivision is located on the Old Lexington Road, which contains 76.75 acres and consists of 61 lots, with the average lot size being 30,000 square feet. The request is for approval of a modification of the preliminary plat to show engineering and redesign changes. Specifically, the pump station has been moved to the other side of the road.

Upon motion by Mr. Smith and seconded by Mr. Crisco, council voted unanimously to approve the resubmitted preliminary plat for Forest Ridge.

Mr. Smith suggested that the staff study the City's policy that allows subdivisions to have access to city water without being annexed into the city limits. It was the consensus of council to have the staff look into this matter and draft a policy addressing this issue.

11. Consideration of Redevelopment Commission Requests.

Mr. Lynn Priest presented the following requests from the Redevelopment Commission:

(a) That the City accept property owned by the Randolph County Historical Society. The property in question is located on the southeast corner of Main Street and E. Salisbury Street. The prime reason for this request is to relieve the Randolph County Historical Society of a tax liability. It is suggested that if the City accepts said property, a Protective Covenants be accepted also. It is the Historic Society's desire to relocate the Asheboro Female Academy to this site. The estimated cost of relocating the Female Academy is \$25,000.

Upon motion by Mr. Smith and seconded by Mr. Priest, council voted unanimously to defer this request until council receives more information from the Historical Society.

(b) That the city council instruct the planning and zoning department to study the feasibility of establishing a Historic District or designation of Historic Properties Ordinance.

Mr. Priest reported that in order for the aforementioned request to be implemented, the NC General Statutes requires that a commission be appointed with a minimum of three (3) members to serve four-year terms. The commission would make recommendations to the city council.

Upon motion by Mr. Smith and seconded by Mr. Priest, council voted unanimously to approve the request for a feasibility study. A commission will be appointed in the near future.

Minutes
Page 9
May 6, 2004

(c) A recommendation that the city council consider the creation of a Pedestrian Improvement Plan.

Mr. Priest reported that the Pedestrian Improvement Plan would include sidewalks, walking

trails, etc. in certain areas.

Upon motion by Mr. Smith and seconded by Mr. Baker, council voted unanimously to instruct the staff to prepare a proposal for its review.

12. **Consideration of Petition Received From Edward S. Turlington Requesting Contiguous Annexation of 18.238 Acres on the West Side of US Highway 220 Business North (Proposed Providence Park Subdivision).**

(a) Resolution Directing City Clerk to Investigate the Annexation Petition

Mr. Bunker presented and recommended adoption of a resolution directing the city clerk to investigate the annexation petition received from Mr. Edward S. Turlington.

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

24 RES 5-04

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
ANNEXATION PETITION
(18.238 Acres of Land Located on the West Side of U.S. Highway 220 Business North (Proposed Providence Park Subdivision))**

WHEREAS, a petition requesting annexation of an area described in said petition as approximately 18.238 acres of land located on the west side of U.S. Highway 220 Business North has been received by the City Council of the City of Asheboro; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina, on this 6th day of May, 2004, that the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as practicable to the City Council the results of her investigation.

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

ATTEST:

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

Minutes
Page 10
May 6, 2004

**CERTIFICATE OF SUFFICIENCY
(18.238 Acres of Land Located on the West Side of U.S. Highway 220 Business North (Proposed Providence Park Subdivision))**

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

I, Carol J. Cole, 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 said petition is signed by all owners of real property lying in the area described therein, and the petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina on this 6th day of May, 2004.

(SEAL)

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

(b) Resolution Fixing Date of Public Hearing on Question of Annexation

After the city clerk certified as to the sufficiency of said annexation petition, Mr. Bunker presented and recommended adoption of a resolution fixing the date of the public hearing on the question of annexation.

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

25 RES 5-04

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL
STATUTES
(18.238 Acres of Land Located on the West Side of U.S. Highway 220 Business North (Proposed
Providence Park Subdivision))**

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina, on this 6th day of May, 2004, as follows:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, at 7:00 o'clock p.m. on the 10th day of June, 2004; and

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

Minutes
Page 11
May 6, 2004

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

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

ATTEST:

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

13. Consideration of Petition Received From Joyce M. Davis Requesting an Ordinance Establishing a 25 MPH Speed Limit on Lamar Drive.

Mrs. Joyce Davis presented a petition signed by a majority of residents on Lamar Drive requesting that a 25 MPH Speed Limit sign be erected on Lamar Drive next to the "Children at Play" sign. Mrs. Davis stated that motorists are using Lamar Drive as a cut-through to Highway 220. Some of the motorists drive too fast, which is a danger to the children. There has been a sharp increase in the amount of traffic since January. Currently, there is no speed limit sign on Lamar Drive.

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to have the city attorney prepare an ordinance authorizing this request.

14. Consideration of Petition Received From Ken Gallimore and A. B. Caviness Requesting a Resolution of Intent to Permanently Close the Unopened Portion of McLaurin Drive Connecting to Vision Drive, Scheduling a Public Hearing on June 10, 2004.

Mr. Ken Gallimore appeared before council and requested that the unopened portion of McLaurin Drive connecting to Vision Drive be permanently closed. The other adjoining property owner, A. B. Caviness, is also making this request. Mr. Gallimore stated that he feels the proposed street will never be opened because of the traffic flow and restrictions to having access to Vision Drive.

The city attorney prepared a resolution, for council's consideration, of the City's intent to permanently close the unopened portion of McLaurin Drive that connects to Vision Drive and to schedule a public hearing on this matter for June 10, 2004.

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

26 RES 5-04

**RESOLUTION OF INTENT TO PERMANENTLY CLOSE THE UNOPENED PORTION OF
McLAURIN DRIVE THAT CONNECTS TO VISION DRIVE**

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 City Council of the City of Asheboro has determined that it is advisable to consider permanently closing the unopened portion of McLaurin Drive that connects to Vision Drive; 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, this 6th day of May, 2004, as follows:

Minutes
Page 12
May 6, 2004

Section 1. It is the intent of the City Council of the City of Asheboro to permanently close the unopened portion of McLaurin Drive that connects to Vision Drive. Said street is located within the corporate limits of the City of Asheboro and is more particularly described as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron pin or pipe that is set in the eastern terminus of the southern line of the 30 foot right-of-way for the city maintained street known as McLaurin Drive (formerly North Carolina Secondary Road 1700), said point is located 455 feet, more or less, east of the centerline of South Tremont Drive and is located South 21 degrees 56 minutes 38 seconds East 16.14 feet from an existing PK nail set in the eastern terminus of the city maintained portion of McLaurin Drive; thence from said Beginning point along the eastern line of the 30 foot right-of-way for the unopened portion of McLaurin Drive that connects to Vision Drive (U.S. 220 Bypass Connector To North Fayetteville Street) the following course and distance: South 21 degrees 52 minutes 19 seconds East 122.33 feet to an existing iron pin or pipe set in the northern right-of-way line of Vision Drive; thence South 58 degrees 14 minutes 53 seconds West 30.43 feet along the northern right-of-way line of Vision Drive to an existing iron pin or pipe; thence along the western line of the 30 foot right-of-way for the unopened portion of McLaurin Drive the following course and distance: North 21 degrees 53 minutes 28 seconds West 139.43 feet to an existing iron pin or pipe set in the southern right-of-way line of the city maintained portion of McLaurin Drive; thence along said southern right-of-way line of McLaurin Drive North 89 degrees 42 minutes 35 seconds East 32.29 feet to the point and place of the BEGINNING and being all of that certain unopened portion of McLaurin Drive located within the 3,927 square feet or 0.0902 of an acre encompassed by the preceding metes and bounds description.

Also included is the thirty (30) foot right-of-way that includes the unopened portion of McLaurin Drive, which right-of-way is shown on the below-referenced plat of survey.

This description is in accordance with a plat of survey entitled "Plat Prepared For KEN GALLIMORE," dated January 22, 2004, and drawn under the supervision of Steven D. Brown, P.L.S. with Registration Number L-1435.

Section 2. A public hearing on the matter of the proposed permanent closure of the above-described unopened portion of McLaurin Drive is hereby called and is to be held at the regular meeting of the City Council of the City of Asheboro on June 10, 2004, at 7:00 p.m. in the Council Chambers of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro. At said public hearing, any person may be heard on the question of whether or not the intended closing of the specified portion of McLaurin Drive 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 once a week for four (4) successive weeks prior to the above-referenced public hearing in the Courier Tribune, a newspaper of general circulation in the City of Asheboro and Randolph County.

Section 4. The City Clerk is further directed to transmit a copy of this Resolution of Intent by registered or certified mail to each owner of property adjoining the above-described portion of McLaurin Drive. The identity of said 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 portion of McLaurin Drive that is proposed for permanent closure.

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

ATTEST:

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

Minutes
Page 13
May 6, 2004

15. **Consideration of Resolution to Permanently Close the Unopened Portion of Spring Street Connecting to Cedar Falls Road, Scheduling a Public Hearing on June 10, 2004.**

Mr. Bunker presented and recommended adoption of a resolution, prepared by the city attorney, to permanently close the unopened portion of Spring Street connecting to Cedar Falls Road and scheduling a public hearing on this matter for June 10, 2004.

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

adopt the following resolution by reference:

27 RES 5-04

RESOLUTION OF INTENT TO PERMANENTLY CLOSE THE UNOPENED PORTION OF SPRING STREET THAT CONNECTS TO CEDAR FALLS 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 City Council of the City of Asheboro has determined that it is advisable to consider permanently closing the unopened portion of Spring Street that connects to Cedar Falls 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, this 6th day of May, 2004, as follows:

Section 1. It is the intent of the City Council of the City of Asheboro to permanently close the unopened portion of Spring Street that connects to Cedar Falls Road. Said street is located within the corporate limits of the City of Asheboro and is more particularly described as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a new iron pipe that is set in the southern terminus, which is a cul-de-sac, of the open portion of Spring Street, said new iron pipe is set South 44 degrees 56 minutes 37 seconds East 74.15 feet from an existing iron pipe that is located by means of the North Carolina Coordinate System at the coordinates of North 713,996.37 feet and East 1,762,929.39 feet (NAD 27); thence from said Beginning point along the western line of the right-of-way for the unopened portion of Spring Street that connects to Cedar Falls Road (North Carolina Secondary Road 2216) the following courses and distances: South 02 degrees 52 minutes 22 seconds West 98.81 feet to a point not set; thence South 02 degrees 52 minutes 22 seconds West 133.22 feet to a new iron pipe set in the northern right-of-way line of Cedar Falls Road; thence along the northern right-of-way line of Cedar Falls Road North 59 degrees 16 minutes 21 seconds East 36.02 feet to a new iron pipe; thence along the eastern line of the right-of-way for the unopened portion of Spring Street the following courses and distances: North 02 degrees 52 minutes 22 seconds East 195.32 feet to a point not set; thence North 02 degrees 52 minutes 22 seconds East 10 feet to a point not set; thence North 02 degrees 52 minutes 22 seconds East 30.65 feet to a new iron pipe; thence following the curve of the cul-de-sac located at the southern terminus of the open portion of Spring Street a course and chord distance of South 54 degrees 21 minutes 53 seconds West 38.34 feet (said curve having a radius of 45.00 feet) to the point and place of the BEGINNING and being all of that certain unopened portion of Spring Street located within the 0.159 of an acre encompassed by the preceding metes and bounds description.

Also included is the right-of-way that includes the unopened portion of Spring Street, which right-of-way is shown on the below-referenced plat of survey.

This description is in accordance with a plat of survey entitled "Survey Of Proposed Closing Of A Portion Of Spring Street", dated April 12, 2004, and drawn under the supervision of Philip M. Henley, P.L.S. with Registration Number L-1494.

Minutes
Page 14
May 6, 2004

Section 2. A public hearing on the matter of the proposed permanent closure of the above-described unopened portion of Spring Street is hereby called and is to be held at the regular meeting of the City Council of the City of Asheboro on June 10, 2004, at 7:00 p.m. in the Council Chambers of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro. At said public hearing, any person may be heard on the question of whether or not the intended closing of the specified portion of Spring Street 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 once a week for four (4) successive weeks prior to the above-referenced public hearing in

the Courier Tribune, a newspaper of general circulation in the City of Asheboro and Randolph County.

Section 4. The City Clerk is further directed to transmit a copy of this Resolution of Intent by registered or certified mail to each owner of property adjoining the above-described portion of Spring Street. The identity of said 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 portion of Spring Street that is proposed for permanent closure.

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

ATTEST:

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

16. Consideration of a Resolution Authorizing the City Manager to Execute on Behalf of the City of Asheboro an Agreement Amending an Existing Lease Between the City of Asheboro and Finger Lakes Sports, L. L. C.

Mr. Ogburn reported that Finger Lakes Sports has transferred its entire ownership interest in the summer collegiate baseball program to Copperhead Baseball, L. L. C. Copperhead Baseball wishes to continue the use of McCrary Park for its baseball program under the same terms and conditions previously granted to Finger Lakes Sports. Mr. Ogburn presented and recommended adoption of a resolution prepared by the city attorney authorizing the city manager to execute certain lease agreements pertaining to the summer collegiate baseball program at McCrary Park.

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

28 RES 5-04

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN LEASE AGREEMENTS PERTAINING TO THE SUMMER COLLEGIATE BASEBALL PROGRAM AT McCRARY BALLPARK

WHEREAS, the City of Asheboro ("City") and Finger Lakes Sports, L.L.C. ("FLS"), a Washington limited liability company, previously entered into a written agreement (the "Lease") whereby FLS leased the ballpark known as McCrary Park from the City for the non-exclusive use by FLS of said ballpark for a summer collegiate baseball program, said agreement was dated January 10, 2003; and

WHEREAS, FLS has now transferred its entire ownership interest in the summer collegiate baseball program referenced above to Copperhead Baseball, L.L.C., a North Carolina limited liability company; and

WHEREAS, Copperhead Baseball, L.L.C. has executed an AGREEMENT AND LEASE with the City for the continued use of McCrary Park for a summer collegiate baseball program under the same material terms and conditions previously granted to FLS, said AGREEMENT AND LEASE is attached to this resolution as "EXHIBIT 1" and is incorporated into this resolution by reference as if copied fully herein; and

Minutes
Page 15
May 6, 2004

WHEREAS, it is the mutual desire of the City and FLS to terminate their relationship with each other as lessor and lessee by means of entering into the attached TERMINATION OF LEASE AGREEMENT that is identified as "EXHIBIT 2", said TERMINATION OF LEASE AGREEMENT is hereby incorporated into this resolution by reference as if copied fully herein.

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

Section 1. The execution by the City Manager of the AGREEMENT AND LEASE identified as "EXHIBIT 1" with Copperhead Baseball, L.L.C. is hereby formally ratified and approved.

Section 2. The City Manager is hereby authorized and directed to execute contract documents substantially and materially similar in all respects to the TERMINATION OF LEASE AGREEMENT identified as "EXHIBIT 2".

Adopted in regular session by the Asheboro City Council on the 6th day of May, 2004.

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

ATTEST:

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

("Exhibit 1", as referenced in this resolution, is attached to the original resolution on file in the city clerk's office.)

17. Discussion of the Potential Renewal of an Existing Lease Agreement Between the City of Asheboro and Fairway Outdoor Advertising.

The city attorney reported that Fairway Outdoor Advertising wishes to renew its lease agreement with the City for five (5) years for the price of \$750 per year. After some discussion, it was the consensus of council to renew the lease agreement for two (2) years for the price of \$1,000 per year. The city attorney will advise Fairway Outdoor Advertising of council's counteroffer.

18. Announcement of Town Hall Day.

Mayor Jarrell announced that Town Hall Day is scheduled for Wednesday, June 9, 2004, in Raleigh, NC.

19. Report From the Finance Committee.

Mayor Jarrell reported that the finance committee met Monday, May 3, 2004, and recommended that council increase the existing funding for the Boys and Girls Club from \$12,000 to \$25,000 per year. The monies are to be used to increase program funding from a summer program to a year-round program. The committee also requests that the management of the Boys and Girls Club continue to provide written reports on its activities and uses of these monies and at the end of this three (3) year commitment, the program and funding level be reevaluated.

Upon motion by Mrs. Carter and seconded by Mr. Priest, council voted unanimously to accept this recommendation.

20. Public Safety and Public Works Matters.

No official meetings were held.

There being no further business, the meeting was adjourned at 10:35 PM.

Carol J. Cole, CMC, City Clerk

David H. Jarrell, Mayor

