

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
THURSDAY, APRIL 7, 2005  
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                   ) – Council Members Present  
Archie Priest                   )  
David Smith                   )  
  
Nancy Hunter                  ) – Council Members Absent  
John McGlohon                 )

John N. Ogburn, III, 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  
Wendell Holland, Zoning Administrator  
John Evans, Code Enforcement Officer  
Trevor Nuttall, Planner  
Allen Oliver, Parks & Recreation Director  
Holly Hartman, Legal Assistant  
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 Jon Shook, pastor of Bailey’s Grove Baptist Church, gave the invocation.

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

Mayor Jarrell welcomed everyone in attendance.

**3. Recognition of Eagle Scouts.**

Mayor Jarrell welcomed the Scouts and thanked them for earning the rank of Eagle Scout. He read and presented Certificates of Recognition to the following: Travis Lee Briles, Michael Taylor Buckner, Robert Andrew Cox, Wade Hampton Griffin, Kevin David Hiatt, Joshua Ryan Jones, Matthew David Leach, Linden Voncannon Lingle, Alexander James Marotto, James Travis Roberts, Austin Parker Spencer, Jameson Curtis Stout, Michael Colin Walker, and Andrew Bryce Wilson.

**4. Recognition of the Bronze Caring Share Award From United Way.**

Mr. Ogburn presented to the city council a Bronze Caring Share Award from the United Way recognizing the city employees’ contributions to the United Way.

**5. Discussion of Strategic Planning With Ginger Booker of the Piedmont Triad Council of Governments.**

Ginger Booker with the Piedmont Triad Council of Governments presented and reviewed the proposed phases and activities for the City of Asheboro’s strategic planning. The process will consist of the Start-up Phase (approximately 2 months), Steering Committee Phase I (2-3 months), Task Force Phase (6-8 months), and the Steering Committee Phase II (Final Phase) (approximately 3 months). Ms. Booker has submitted to the city manager a proposal of \$38,395 to guide the City through its strategic planning. The proposal includes the services of Ms. Booker and two colleagues, plus travel expenses. Council expressed its desire to move forward with the strategic planning process.

**6. Consent Agenda.**

Mr. Ogburn requested that a resolution supporting improvements proposed by the North Carolina Department of Transportation for the Dixie Development, LLC, project on US Highway 64 located at 405 East Dixie Drive be added to the Consent Agenda.

Mayor Jarrell asked the council if it wished to discuss any of the items on the Consent Agenda individually or to vote on the items collectively.

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to approve the following Consent Agenda items:

- Minutes of Previous Meeting

The minutes of the March 10, 2005 meeting were approved as corrected by the city clerk.

- Findings of Fact, Conclusions of Law, and Order for CUP-05-05

Case No. CUP-05-05  
City Council  
City of Asheboro

IN THE MATTER OF THE APPLICATION OF WYNNEFIELD PROPERTIES, INC. FOR A  
CONDITIONAL USE PERMIT ALLOWING A MULTIFAMILY DEVELOPMENT

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

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THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during the Council's regularly scheduled meeting on March 10, 2005. 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. Wynnefield Properties, Inc. (hereinafter referred to as the "Applicant") has properly submitted an application to have the Leroy M. White property, which is located in the northeast quadrant of the intersection of Mack Road and Sherwood Avenue, rezoned to a Conditional Use RA6 zoning district.

2. In addition to requesting a legislative rezoning of the above-referenced property, the Applicant has also requested that the Council conduct a quasi-judicial proceeding and issue a Conditional Use Permit allowing the use of the property for a multifamily development for persons fifty-five (55) years of age and older.

3. The above-described property for which a Conditional Use Permit is sought (hereinafter referred to as the "Zoning Lot") is more specifically identified by Randolph County Parcel Identification Number 7750143605.

4. The Zoning Lot consists of approximately 4.59 acres of land.

5. The Zoning Lot is currently located in a R10 zoning district, and the property is currently undeveloped.

6. The land uses immediately surrounding the Zoning Lot are commercial to the north, single/two family residential to the south, undeveloped to the east, and office to the west.

7. The Zoning Lot is located in an area that is designated on the Growth Strategy Map as "Primary Growth" and is identified as "Commercial" on the proposed Land Development Plan Map.

8. Mack Road is a major thoroughfare, and Sherwood Avenue is a local residential street.

9. The Zoning Lot is within the city's corporate limits and is served by all city services.

10. The surrounding area includes commercial, office, and moderate intensity residential uses.

11. A CU-RA6 zoning district, which encompasses the Sherwood Oaks Townhomes, is located in the immediate vicinity of the Zoning Lot.

12. The developer proposes to utilize the Zoning Lot for a residential development consisting of forty (40) residential units that are to be restricted for use by persons fifty-five (55) years of age and older.

13. Prior to addressing the question of the issuance of the requested Conditional Use Permit, the Council, consistent with the recommendations of the city planning department's staff and the City of Asheboro Planning Board, rezoned the Zoning Lot from a R10 zoning district to a Conditional Use RA6 zoning district.

14. The Applicant has submitted a proper application, including a site plan, for the requested Conditional Use Permit.

15. The city planning department's staff has reviewed the site plan submitted by the Applicant for use during this hearing, and said staff has found this site plan to be in compliance with the Asheboro Zoning Ordinance.

16. During the hearing of this matter, the Applicant's attorney testified as to the Applicant's acceptance of the conditions proposed by the city planning department's staff for consideration by the Council during its deliberations about the requested Conditional Use Permit.

17. Likewise, the Applicant's attorney did not object to an additional condition, which was suggested by a council member during the hearing of this matter, prohibiting the long-term parking of boats and recreational vehicles in the proposed development's parking lot.

18. As proposed, the development will be a higher intensity residential use that will serve as a transitional area buffering the lower intensity residential land uses to the south from the purely commercial land uses situated to the north of the Zoning Lot.

19. The available evidence establishes that the proposed use is a restricted residential use and does not involve any manufacturing or other similar processes that utilize hazardous materials.

20. Curb cuts and driveways will have to be installed in accordance with permits issued by the North Carolina Department of Transportation.

21. The evidence presented during the hearing of this matter is consistent with the Applicant's contention that the proposed higher intensity residential use will not undermine the value of the adjoining real property currently used for commercial purposes to the north and lower intensity residential uses to the south.

22. While the Proposed Land Development Plan Map does call for commercial development in the area of the Zoning Lot, a significant number of residential uses already exist in the vicinity of the Zoning Lot, and the value of the property upon which these residential uses are located could be negatively impacted by commercial development to the south of the existing commercial land uses.

23. The landscaping, buffering, and overall design of the proposed development, as reflected on the submitted site plan, appears to be sufficient for the purpose of limiting or minimizing any negative impacts on surrounding properties.

24. The testimony offered in opposition to the proposed land use pertained to generalized fears about the increased number of vehicles that would utilize the existing streets in the event the proposed development is built.

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

#### CONCLUSIONS OF LAW

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

2. The 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. The evidence presented during the course of the hearing of this matter established that the proposed use would 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 Wynnefield Properties, Inc. for a Conditional Use Permit allowing a multifamily development 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 multifamily development for persons fifty-five (55) years of age or older and shall consist of a maximum of forty (40) units.
2. The property shall be developed in accordance with the submitted and approved site plan and elevations.
3. The development shall not exceed the maximum permitted Floor Area Ratio of 17%.
4. All front yard landscaping and buffering or screening shall be installed and maintained in accordance with the approved site plan and the Asheboro Zoning Ordinance.
5. Recreational amenities shown on the site plan must be constructed and provide the minimum recreational ratio provided by the Asheboro Zoning Ordinance. Open space areas must be reserved, landscaped, and equal or exceed 52% of the property.
6. Driveway permits shall be obtained through the North Carolina Department of Transportation prior to construction.
7. A soil erosion and sedimentation control permit shall be obtained prior to the commencement of grading operations.
8. All applicable requirements of the Asheboro Zoning Ordinance shall be satisfied, including but not limited to building and parking areas separation, performance standards, signs, and solid waste screening.
9. The long-term parking of recreational vehicles and boats in the development's parking area(s) is prohibited.
- 10.

Adopted by the Asheboro City Council in regular session on this 7<sup>th</sup> day of April, 2005.

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

ATTEST:

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

- Change Order #3 on Wastewater Pump Stations #2 & #6 Project – Section 2 (Terry's Plumbing & Utilities, Inc.)

Decreases the construction contract amount by \$1,637 to \$1,119,068 for realignment of the sewer line at the City's solid waste transfer station.

- Acceptance of Lowest Responsible Bid of \$41,088.35

Submitted by Cavalier Equipment Corporation for the provision of a knuckleboom loader with dump body to handle brush type refuse for the sanitation department.

- Resolution Supporting Improvements Proposed by the North Carolina Department of Transportation (Dixie Development, LLC, Project on US Highway 64)

12 RES 4-05

**Resolution Supporting Improvements Proposed by the North Carolina Department of Transportation for the Dixie Development, LLC Project on US Highway 64 Located at 405 East Dixie Drive**

WHEREAS, the North Carolina Department of Transportation (NCDOT) is proposing to partially fund construction of a right turn lane required to accommodate traffic generated by the Dixie Development, LLC, project on US Highway 64 just west of the US 64-NC 159 intersection; and

WHEREAS, the North Carolina Department of Transportation has requested a resolution by the Asheboro City Council indicating support for this project and requesting that the NCDOT provide funding.

NOW, THEREFORE, BE IT RESOLVED, by the Asheboro City Council that the above mentioned project has the support of the City of Asheboro, and that the City of Asheboro is requesting that the NCDOT provide funding for this project.

Adopted by the Asheboro City Council this 7<sup>th</sup> day of April, 2005.

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

ATTEST:

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

**7. Public Hearings on Zoning Matters.**

Mayor Jarrell opened the public hearing on the following request:

- (a) Technical Amendments to Zoning Ordinance (RZ-05-06): Amend Articles 200A, 500, and 1100.

Mr. Nuttall reviewed the proposed amendments to Articles 500 and 1100, which include increasing wall sign allowances for buildings setback from the right-of-way; further defines Dixie Drive sign rules; and introduces "Monument" style definitions and eliminates any discrepancies caused by the recent changes.

Mr. Neely reviewed the proposed amendments to Article 200A (Center City), which correct text errors and clarify newly adopted development standards in the Center City Planning Area.

The planning board recommended adoption of the proposed amendments.

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

Upon motion by Mr. Baker and seconded by Mr. Priest, council unanimously ordained to approve the amendments as stated by Mr. Nuttall and Mr. Neely.

Mayor Jarrell opened the public hearing on the following request:

- (b) Establish City R10 Residential Zoning From Randolph County Zoning (RZ-05-08):  
The property of Patsy Haynes and a portion of the property of James and Shirley Allred, located at the northeast intersection of Idlewild Drive, Ext. and Rockaway Drive, totaling approximately 1.5 acres and further identified by Randolph County Property ID Numbers 7763185481 (part) and 7763185690.

Mr. Neely described the aforementioned property and stated that the property was annexed into the city limits on 2-10-05. Formerly, the properties were within Randolph County's zoning jurisdiction. State statutes require the City to establish zoning on property annexed into the corporate limits within 60 days of effective annexation. Surrounding land uses are primarily single-family, and existing city zoning to the north of these properties is R10 residential. Idlewild Drive and Rockaway Drive are state maintained streets. The requested R10 district is consistent with the maps and policies of the LDP. The R10 district accommodates single and two-family residential uses. Manufactured homes are not permitted within the district.

The planning board recommended approval of the R10 Residential zoning.

There being no comments nor opposition from the public, 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.

#### **8. Subdivision.**

##### Preliminary Plat Approval for Chala Ridge (SUB-05-01)

Mr. Neely presented the preliminary plat for Chala Ridge Subdivision, which is located on the east side of Gold Hill Road. This subdivision contains 23.2 acres and consists of 62 lots, with the average lot size being 13,591 sq. ft.

The planning board recommended approval subject to the corrections being made on the map. These corrections have been made.

A representative for the developer was present to answer questions.

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

#### **9. Proposed Changes in Parks and Recreation Policy Manual.**

Allen Oliver presented and reviewed the proposed changes in the Parks & Recreation Policy Manual. The recent changes in the user fees for the recreation department made it necessary to update the current policy manual. The procedures for issuing REC cards are included, and errors in the existing policy were corrected.

Upon motion by Mr. Crisco and seconded by Mr. Smith, council voted unanimously to approve the proposed changes in the Parks & Recreation Policy Manual as stated by Mr. Oliver.

#### **10. Update on Acquisition of Federal Building.**

Mr. Oliver announced that the United States Department of the Interior has approved the City of Asheboro's application for the acquisition of a 0.34-acre surplus Federal property identified as the Federal Building located at 241 Sunset Avenue. This property will be operated and maintained by the City as a multi-purpose recreation center.

#### **11. Petition Received From BSR, LLC, Requesting Contiguous Annexation of 0.439 Acre at 130 and 132 Lambert Drive.**

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate the aforementioned annexation petition.

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

13 RES 4-05

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN  
ANNEXATION PETITION RECEIVED UNDER SECTION 160A-31 OF THE  
NORTH CAROLINA GENERAL STATUTES  
(0.439 of an Acre of Land Located at 130 and 132 Lambert Drive)**

WHEREAS, a petition requesting the annexation of an area described in said petition as approximately 0.439 of an acre of land located at 130 and 132 Lambert Drive 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 that the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the results of her investigation.

Adopted in regular session on this the 7<sup>th</sup> day of April, 2005.

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

ATTEST:

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

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

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

14 RES 4-05

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE  
NORTH CAROLINA GENERAL STATUTES  
(0.439 of an Acre of Land Located at 130 and 132 Lambert Drive)**

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, at 7:00 o'clock p.m. on the 5<sup>th</sup> day of May, 2005.

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

Section 3. Notice of this 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 the public hearing.

Adopted in regular session on this the 7<sup>th</sup> day of April, 2005.

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

ATTEST:

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

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

**12. Petition Received From Branson-McKenzie 1999 FLP, Requesting Contiguous Annexation of 0.515 Acre at the West End of Sunset Drive.**

Mr. Bunker reported that Branson-McKenzie Family Limited Partnership has requested that the City of Asheboro pay for or provide materials for approximately 300-400 feet of an 8" sewer line extension per the City's policy for water and sewer line extensions approved on October 4, 2001, at an estimated cost of \$6,000 - \$8,000.

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

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate the subject annexation petition.

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

15 RES 4-05

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN  
ANNEXATION PETITION RECEIVED UNDER SECTION 160A-31 OF THE  
NORTH CAROLINA GENERAL STATUTES  
(0.515 of an Acre of Land Located at the Western End of Sunset Drive)**

WHEREAS, a petition requesting annexation of an area described in said petition as approximately 0.515 of an acre of land located at the western end of Sunset Drive 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 that the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the results of her investigation.

Adopted in regular session on this the 7<sup>th</sup> day of April, 2005.

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

ATTEST:

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

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

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

16 RES 4-05

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF  
ANNEXATION PURSUANT TO SECTION 160A-31 OF THE  
NORTH CAROLINA GENERAL STATUTES  
(0.515 of an Acre of Land Located at the Western End of Sunset Drive)**

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 of the petition; and

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, at 7:00 o'clock p.m. on the 5<sup>th</sup> day of May, 2005.

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

Section 3. Notice of this 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 the public hearing.

Adopted in regular session on this 7<sup>th</sup> day of April, 2005.

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

ATTEST:

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

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

**13. Petition From Shaw and Bunting Requesting Contiguous Annexation of 1.514 Acres at 2519 and 2539 South Fayetteville Street.**

Mr. Bunker reported that Mr. Shaw and Mr. Bunting have requested the City of Asheboro to pay for or provide materials for 264 feet of an 8" sewer line extension per the City's policy for water and sewer line extensions approved on October 4, 2001, at an estimated cost of \$5,300.

Upon motion by Mr. Baker and seconded by Mrs. Carter, council voted unanimously to approve this request.

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate the subject annexation petition.

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

17 RES 4-05

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN  
ANNEXATION PETITION RECEIVED UNDER SECTION 160A-31 OF THE  
NORTH CAROLINA GENERAL STATUTES  
(1.514 Acres of Land Located at 2519 and 2539 South Fayetteville Street)**

WHEREAS, a petition requesting annexation of an area described in said petition as approximately 1.514 acres of land located at 2519 and 2539 South Fayetteville Street 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 that the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the results of her investigation.

Adopted in regular session on this the 7<sup>th</sup> day of April, 2005.

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

ATTEST:

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

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

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

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF  
ANNEXATION PURSUANT TO SECTION 160A-31 OF THE  
NORTH CAROLINA GENERAL STATUTES  
(1.514 Acres of Land Located at 2519 and 2539 South Fayetteville Street)**

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 of the petition; and

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, at 7:00 o'clock p.m. on the 5<sup>th</sup> day of May, 2005.

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

Section 3. Notice of this 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 the public hearing.

Adopted in regular session on this the 7<sup>th</sup> day of April, 2005.

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

ATTEST:

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

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

**14. Report From Finance Committee.**

Mr. Ogburn reported that the finance committee met Thursday, March 31, 2005, and discussed the City's lease with Acme-McCrary Corporation for the use of McCrary Ball Park. The City has never had a long-term agreement with Acme-McCrary, as the agreement has always been on a year-to-year basis, with the City paying a nominal fee. Since the City has spent a lot of money renovating the ball park, the committee feels that it would be in the City's best interest to have a written long-term agreement for the ball park's use. After talking with representatives from Acme-McCrary, they have agreed to lease McCrary Ball Park to the City of Asheboro for a term of five (5) years for a rental fee of \$1,250 per month and increasing 5% per year for the next four years. If Acme-McCrary Corporation was ever sold or if anything ever happened to the corporation, the ball park and McCrary Gym would be reverted to the City of Asheboro. The lease agreement also included that the City would have to have written approval from Acme-McCrary if the ball park was used for activities other than sports.

Upon motion by Mr. Baker and seconded by Mr. Crisco, council voted unanimously to accept the recommendation from the finance committee to enter into a lease agreement with Acme-McCrary Corporation for the use of McCrary Ball Park.

**15. Public Works and Public Safety Matters.**

Mr. Ogburn announced that the Randolph County Commissioners will be meeting Monday, April 11, 2005, at 4:00 PM to discuss county water options.

**16. Motion to Go Into Closed Session.**

Mayor Jarrell entertained a motion to go into closed session in order to discuss matters relating to the location or expansion of industries or other businesses in the City of Asheboro, pursuant to the statutory provisions found in Section 143-318.11(a)(4) of the North Carolina General Statutes.

Upon motion by Mr. Smith and seconded by Mr. Crisco, council voted unanimously to go into closed session.

There being no further business after the city council returned to regular session, the meeting was adjourned at 9:15 PM.

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Carol J. Cole, CMC, City Clerk

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David H. Jarrell, Mayor

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