

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, OCTOBER 5, 2006
7:00 p.m.**

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

David H. Jarrell) – Mayor Presiding

Talmadge Baker)
Linda Carter)
Keith Crisco)
Nancy Hunter) – Council Members Present
Walker Moffitt)
Archie Priest)
David Smith)

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
John Evans, Code Enforcement Officer
Holly J. Hartman, City Clerk/Senior Legal Assistant
R. Wendell Holland, Zoning Administrator
Foster Hughes, Recreation Director
Deborah P. Juberg, Finance Director
R. Reynolds Neely, Jr., Planning Director
O. Lynn Priest, Community Development Director
Jeffrey C. Sugg, City Attorney
Anthony C. York, Assistant Chief of Police

1. Call to Order.

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

2. Pledge of Allegiance and Invocation.

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. Reverend Thomas Denny of Central Wesleyan Church gave the invocation.

3. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

4. Presentation by Timken Corporation, Michael Karaman, General Manager.

On behalf of the Timken Foundation, Mr. Karaman presented Mayor Jarrell and the City of Asheboro with a gift of \$75,000.00 to apply toward the restoration of the façade for the Sunset Theater.

5. Consent Agenda.

After receiving a request from city staff members to withdraw the project ordinance for the Home Program Fund for fiscal year 2006-2007, Mayor Jarrell obtained the general consent of the council to remove this item from the agenda.

Upon motion by Mr. Crisco and seconded by Mr. Priest, Council voted unanimously to approve the following consent agenda items:

- Approval of the minutes of the city council's regular meeting that was held on September 7, 2006.
- Approval of findings of fact, conclusions of law, and order in the matter of CUP-06-30.

IN THE MATTER OF THE APPLICATION OF GYMNASTICS TIME, INC.
BY AND THROUGH JAMES AND CHARLOTTE ROBB FOR
AN AMENDED CONDITIONAL USE PERMIT

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

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council that was held on September 7, 2006. 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 James and Charlotte Robb, Gymnastics Time, Inc. properly submitted an application for an amended Conditional Use Permit allowing a church as the permitted use in the existing structure located at 200 Art Bryan Drive.
2. This existing structure is located upon a lot (hereinafter referred to as the "Zoning Lot") owned by James and Charlotte Robb. The Zoning Lot consists of approximately 1.34 acres of land and is more specifically identified by Randolph County Parcel Identification Number 7753966351.
3. Gymnastics Time, Inc., by and through James and Charlotte Robb, (hereinafter collectively referred to as the "Applicant") currently utilizes the Zoning Lot's existing structure for the operation of a gymnastics facility.
4. The Zoning Lot was placed in a CU-I2 zoning district in 1989, and a conditional use permit authorizing the gymnastics facility was issued under planning department file number CUP-96-32.
5. The Growth Strategy Map identifies the area in which the Zoning Lot is located as a "Primary Growth" area, and this area is designated on the Proposed Land Development Plan Map as "Neighborhood Residential." The land uses surrounding the Zoning Lot are single-family residential to the north, industrial and commercial to the south, commercial to the east, and industrial to the west.
6. The Zoning Lot is located within the corporate limits of the City of Asheboro and is served by all city services.
7. Art Bryan Drive is a city-maintained street that serves a variety of commercial and industrial land uses.
8. The Applicants are requesting an amended Conditional Use Permit to allow the property to be used for a church.
9. A church is a permitted use in an I2 zoning district
10. No additions are proposed for the Zoning Lot's existing structure.
11. The approval of a change in use for the Zoning Lot will require the landscaped area running along a portion of the northern property line to comply with current landscaping requirements.
12. The site plan submitted by the Applicant indicates that sixty-seven (67) parking spaces are available on this site. Under the regulations of the Asheboro Zoning Ordinance, this amount of parking spaces will permit a church located upon the Zoning Lot to have two hundred twenty-three (223) seats.
13. The planning department's staff members have reviewed the site plan submitted by the Applicant and have found the plan to be in compliance with the requirements prescribed by the Asheboro Zoning Ordinance.
14. While the Land Development Plan designates the area in which the Zoning Lot is located as "Neighborhood Residential", the existing zoning does not reflect such a designation.
15. The Applicant offered uncontroverted testimony that the proposed church will not generate as much traffic during the work week as the existing gymnastics facility due to the fact that the church will not be in actual operation for as many hours during the work week as the gymnastics facility.
16. While a church is not immediately adjacent to the Zoning Lot, a church is already located within the general vicinity of the Zoning Lot.

17. No testimony or other form of evidence was submitted to the Council during the hearing of this matter in opposition to the Applicant's request.

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 that was submitted and approved during the hearing of this matter.

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 is 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 Applicant is hereby issued a Conditional Use Permit authorizing a church as the permitted use on the Zoning Lot. This Conditional Use Permit shall remain valid so long as the approved land use is conducted in compliance with the provisions of the Asheboro Zoning Ordinance and in compliance with the site plan approved by the Council on October 5, 2006.

Adopted by the Asheboro City Council in regular session on the 5th day of October, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

- Approval of an engineering agreement with Withers and Ravenel, Inc. of Cary, North Carolina to provide engineering services for a geographic information system (GIS) for the sanitary sewer system at unit costs not to exceed \$100,000. A copy of this agreement is on file in the City Clerk's office.
- Approval of Amendment # 12 proposal by W.K. Dickson & Company, Inc. of Charlotte, North Carolina to provide engineering services required for certification of the Visual Glide Slope Indicators (VGSI) at the Asheboro Regional Airport for a lump sum fee of \$6,500. A copy of this proposal is on file in the City Clerk's office.
- Approval of the following dates for the 2006-2007 Canada goose and duck hunting season dates at Lake Reese:
 - November 22, 25
 - December 21, 23, 29
 - January 5, 11, 14, 20, 26.

OLD BUSINESS

Mayor Jarrell opened the public hearing on the following request that had been continued from the August 2006 regular meeting:

6. (a) RZ / CUP-06-23: Rezone from R10 and B2 to Conditional Use B2 / 163 Dublin Road Extension and the intersection of Dublin Road and U.S. 64 East. The property of Wayne and Merle King is located at 163 Dublin Road Extension and consists of approximately 1.17 acres of land. Randolph County Parcel Identification Number 7760382594 more specifically describes the property. The property of Joseph and Zelda Burrows is located at the northwest corner of the intersection of Dublin Road and East Dixie Drive and consists of approximately 1.93 acres of land. Randolph County Parcel Identification Number 7760383452 more specifically identifies the property.

Since the initial hearing on this application, the application was joined by Joseph and Zelda Burrows. Additionally, the application was amended to request a CU-B2 zoning district along with a conditional use permit for the entirety of the property.

Mr. Neely was sworn in and presented the staff's analysis of the applicants' request, including the submitted site plan. The Applicants, Wayne and Merle King and Joseph and Zelda Burrows, requested the rezoning of the above-described property from R10 Medium-Density Residential and B2 General Business to CU-B2 Conditional Use General Business. In addition to having the property rezoned, the Applicants requested a Conditional Use Permit for retail sales.

The Planning Department Staff recommended approval of the requested rezoning based on the following:

"The property is located at the intersection of a major thoroughfare and a minor thoroughfare, decreasing the potential for long-term single-family residential use. Also, the property abuts commercial land and is across the street from an existing commercial use that this property is intended to support.

The conditional use process, combined with buffering and screening requirements, should help to increase compatibility with the area. Approval of the request will enable the entire property to be used while protecting the residential areas from inappropriate activities."

On behalf of the Applicants, Mr. Frank Edmondson was sworn in and addressed the four standard tests.

Mr. Greg Tillman was sworn in and posed questions about the impact of the proposed use on his ability to access his property. After receiving answers from Mr. Edmondson and city staff about the site plan, Mr. Tillman expressed no opposition to the proposal.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing. An audiotape of the testimony presented during this hearing is on file in the City Clerk's office.

Upon motion by Mr. Smith and seconded by Mr. Crisco, Council unanimously adopted the recommendation of the Planning Department Staff and placed the above-described property in a CU-B2 Conditional Use zoning district.

Upon motion by Mr. Smith and seconded by Ms. Hunter, Council unanimously voted to approve the requested Conditional Use Permit to allow retail sales to be located on the above-referenced property. The issuance of this permit was based on the four standard tests being met.

The formal Findings of Fact, Conclusions of Law, and Order for this Conditional Use Permit will be entered by the Council in regular session on November 9, 2006. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

Mayor Jarrell re-opened the public hearing on the following request that was originally heard in September 2006 and continued to this meeting:

- (b) RZ-06-26: Zoning Ordinance Technical Amendments. Amend the Zoning Ordinance to establish new regulations for Recreational Vehicle Resorts.

Mr. Neely reviewed the procedural history of this matter and presented the revised staff analysis of the request by 5 Star RV Resort Properties, LLC to amend the Asheboro Zoning Ordinance to establish regulations for a new use under the Asheboro Zoning Ordinance entitled Recreational Vehicle Resorts. This amendment would allow a Recreational Vehicle Resort in an R40 zoning district by Special Use Permit.

Mr. Neely's revised analysis of the request included revised text for the proposed amendment to the Asheboro Zoning Ordinance. A copy of the proposed amendment, including the revised text, is on file in the City Clerk's office.

The Planning Department Staff recommended approval of this revised technical amendment to the zoning ordinance.

On behalf of the Applicant, Mr. Michael Brough, Esq. presented comments in support of the request. Additionally, Mr. Jerry Eagin, Mr. John Marlowe, Mr. Al Edgers, and Ms. Pat Chase presented comments in support of the requested amendment. Mr. Shawn Toohey, Consultant for 5 Star RV Resort Properties, LLC, was available to answer questions.

Ms. Jenny Smith, Ms. Rose Rollins, and Mr. Garrett Smith presented comments and concerns in opposition to the request.

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

Upon motion by Mr. Smith and seconded by Ms. Carter, Council unanimously adopted the approved the amendment to the Asheboro Zoning Ordinance. A copy of the approved text of the amendment is on file in the City Clerk's office.

(c) Subdivision Ordinance Technical Amendment 8/06 (continued from September 2006).

Mr. Neely reviewed the request by 5 Star RV Resort Properties, LLC to amend the subdivision ordinance to establish new regulations for Recreational Vehicle Resorts. This request is a companion case to the immediately preceding zoning ordinance technical amendment. No comments were offered by the public in opposition to this proposal.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to approve this amendment to the subdivision ordinance. A copy of the approved text of the amendment is on file in the City Clerk's office.

With the general consent of the Council, Mayor Jarrell moved the case previously identified as agenda item 14 to immediately follow item 6(c).

(d) **Consideration of a petition received from David Lawson, Jr. and Ginger Gail Lawson and Larry Pickett, Jr. and Julie W. Pickett requesting non-contiguous annexation of 186.72 acres at 2513 Old Cedar Falls Road and along Randolph Tabernacle Road (Proposed Recreational Vehicle Resort).**

Mayor Jarrell opened the public hearing on the request for non-contiguous annexation of 186.72 acres of land located at 2513 Old Cedar Falls Road and along Randolph Tabernacle Road.

Mr. John Marlowe presented comments in support of the annexation.

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

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro.

Upon motion by Mr. Baker and seconded by Mr. Moffitt, Council voted unanimously to adopt the following ordinance by reference.

Ordinance Number 48 ORD 10-06

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, NORTH CAROLINA

(186.72 Acres of Land Located at 2513 Old Cedar Falls Road and along Randolph-Tabernacle Road)

WHEREAS, pursuant to Section 160A-58.1 of the North Carolina General Statutes, a petition signed by David L. Lawson, Jr., Ginger Gail Lawson, Larry A. Pickett, Jr., and Julie W. Pickett, who are the owners of all of the real property located within the area hereinafter described, was heretofore presented to the City Council of the City of Asheboro, by which petition a request was made that said area be annexed to the City of Asheboro; and

WHEREAS, the city council has, by resolution, directed the city clerk to investigate the sufficiency of the petition; and

WHEREAS, the city clerk has certified the sufficiency of the petition, and a public hearing on the question of this annexation was 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 5th day of October, 2006 after due notice by publication was given on September 22, 2006 in *The Courier Tribune*, a newspaper having general circulation in the City of Asheboro, Randolph County, North Carolina; and

WHEREAS, the city council finds that the area described within the petition meets the standards of Section 160A-58.1(b) of the North Carolina General Statutes, to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Asheboro;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the City of Asheboro;
- c. The area described is so situated that the City of Asheboro will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. Under the city council's interpretation of the above-referenced statutorily prescribed standards, no subdivision, as defined in Section 160A-376 of the North Carolina General Statutes, will be fragmented by this proposed annexation; and
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed twenty percent (20%) of the area within the primary corporate limits of the City of Asheboro; and

WHEREAS, the city council further finds that the petition has been signed by all of the owners of real property in the area who are required by law to sign; and

WHEREAS, the city council further finds that the petition is otherwise valid and that the public health, safety, and welfare of the City of Asheboro and the area proposed for annexation will be best served by annexing the area described.

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

Section 1. By virtue of the authority granted in Section 160A-58.2 of the North Carolina General Statutes, the following described non-contiguous territory 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 an existing iron pipe that is set in the southern margin of the 60-foot right-of-way for Randolph – Tabernacle Road (North Carolina Secondary Road 2217) at the northwest corner of the Larry A. Pickett Jr. and Julie W. Pickett property described in Deed Book 1966, Page 1173, Randolph County Registry, the said existing iron pipe is located South 88 degrees 48 minutes 15 seconds East 352.91 feet from the point where the centerlines of Randolph – Tabernacle Road and Gold Hill Road (North Carolina Secondary Road 2183) intersect; thence from said Beginning point along the southern margin of the right-of-way for Randolph – Tabernacle Road the following courses and distances: North 85 degrees 28 minutes 28 seconds East 143.37 feet to a point not set; thence North 85 degrees 12 minutes 00 seconds East 298.55 feet to a point not set; thence North 84 degrees 25 minutes 03 seconds East 142.40 feet to a point not set; thence North 82 degrees 26 minutes 29 seconds East 162.00 feet to a point not set; thence North 81 degrees 10 minutes 52 seconds East 235.41 feet to a point not set; thence North 81 degrees 17 minutes 48 seconds East 272.31 feet to a point not set; thence North 79 degrees 47 minutes 15 seconds East 121.42 feet to a point not set; thence North 74 degrees 53 minutes 57 seconds East 104.33 feet to a point not set; thence North 67 degrees 04 minutes 49 seconds East 133.73 feet to a point not set; thence North 64 degrees 04 minutes 06 seconds East 259.01 feet to an existing iron pipe set at the northeast corner of the Larry A. Pickett, Jr. and Julie W. Pickett property referenced above; thence along the Raymond E. and Louise H. Thompson property described in Deed Book 1081, Page 153, Randolph County Registry South 09 degrees 20 minutes 36 seconds West 392.95 feet to a stone set at the northwest corner of the David Lawson, Jr. and Ginger Gail Lawson property described in Deed Book 1645, Page 243, Randolph County Registry; thence along the northern property line of the said Lawson property the following courses and distances: South 88 degrees 10 minutes 15 seconds East 256.47 feet to an existing iron rod; thence South 85 degrees 49 minutes 15 seconds East 260.10 feet to an existing iron rod; thence South 87 degrees 29 minutes 58 seconds East 1,641.76 feet to an existing iron pipe set at the northeast corner of the Lawson property referenced above; thence South 02 degrees 45 minutes 58 seconds West 1,626.81 feet along the eastern property line of the said Lawson property to an existing iron rod set in the northern margin of the 60-foot right-of-way for Old Cedar Falls Road (North Carolina Secondary Road 2216), this existing iron rod is located South 80 degrees 27 minutes 13 seconds West 7,343.53 feet from N.C.G.S. monument "Briles" that is itself located by means of the North Carolina Coordinate System at the coordinates of North 722,408.994 feet and East 1,779,942.1307 feet (NAD 83); thence along the northern margin of the right-of-way for Old Cedar Falls Road the following courses and distances:

South 67 degrees 56 minutes 33 seconds West 217.92 feet to a point; thence South 68 degrees 17 minutes 29 seconds West 928.50 feet to an existing iron rod; thence in a southwesterly direction along an arc having a radius of 1,568.69 feet, an arc distance of 231.52 feet (a chord bearing and distance of South 64 degrees 09 minutes 19 seconds West 231.31 feet, Delta Angle = 08 degrees 27 minutes 22 seconds, Tangent = 115.97 feet) to a point not set; thence continuing in a southwesterly direction along an arc having a radius of 2,545.63 feet, an arc distance of 1,202.24 feet (a chord bearing and distance of South 48 degrees 40 minutes 44 seconds West 1,191.10 feet, Delta Angle = 27 degrees 03 minutes 34 seconds, Tangent = 612.55 feet) to an existing iron rod set at the southwest corner of the Lawson property referenced above; thence along the Donald Henley property described in Deed Book 1195, Page 853, Randolph County Registry the following courses and distances: North 02 degrees 55 minutes 55 seconds East 1,781.64 feet to an existing iron rod; thence North 85 degrees 40 minutes 11 seconds West 36.36 feet to an existing iron rod; thence North 86 degrees 15 minutes 56 seconds West 490.89 feet to a marked ash tree located at the northwest corner of the Donald Henley property referenced above; thence South 03 degrees 19 minutes 35 seconds West 89.31 feet to a point not set; thence along the Henry D. Price and Olga D. Kieffer property described in Deed Book 1855, Page 2265, Randolph County Registry South 15 degrees 16 minutes 09 seconds West 171.79 feet to a point in the centerline of a branch; thence continuing along the branch, which is followed by the common property line between the Pickett property and the Price/Kieffer property, the following courses and distances: South 28 degrees 54 minutes 49 seconds West 54.27 feet to a point; thence South 35 degrees 40 minutes 11 seconds West 59.37 feet to a point; thence South 38 degrees 19 minutes 13 seconds West 41.27 feet to a point; thence South 15 degrees 41 minutes 45 seconds West 47.89 feet to a point; thence South 02 degrees 32 minutes 58 seconds East 80.03 feet to a point; thence South 02 degrees 53 minutes 25 seconds West 40.33 feet to a point; thence South 28 degrees 28 minutes 18 seconds West 86.94 feet to a point; thence South 76 degrees 20 minutes 11 seconds West 47.40 feet to a point; thence South 43 degrees 01 minute 42 seconds West 35.30 feet to a point; thence South 01 degree 41 minutes 49 seconds West 49.93 feet to a point; thence South 38 degrees 29 minutes 30 seconds West 117.33 feet to a point; thence South 13 degrees 35 minutes 13 seconds West 51.82 feet to a point at the northeast corner of the Olga D. Kieffer property described in Deed Book 1783, Page 1216, Randolph County Registry; thence continuing along the branch and the said Kieffer property South 65 degrees 38 minutes 10 seconds West 70.64 feet to a point; thence South 69 degrees 58 minutes 02 seconds West 33.70 feet to a point; thence North 25 degrees 04 minutes 37 seconds West 36.67 feet to a point; thence North 74 degrees 10 minutes 16 seconds West 38.16 feet to a point; thence South 64 degrees 57 minutes 26 seconds West 38.90 feet to a point; thence South 57 degrees 13 minutes 43 seconds West 37.60 feet to a point; thence South 69 degrees 25 minutes 15 seconds West 45.11 feet to a point; thence South 13 degrees 05 minutes 58 seconds West 37.52 feet to a point in the centerline of the branch; thence North 66 degrees 13 minutes 31 seconds West 10.00 feet to an existing iron rod located on the bank of the branch; thence North 49 degrees 32 minutes 29 seconds West 59.97 feet to an existing iron rod; thence North 62 degrees 37 minutes 29 seconds West 96.91 feet to an existing iron pipe; thence North 76 degrees 55 minutes 23 seconds West 442.78 feet along the Michael L. Coble property described in Deed Book 1433, Page 1113, Randolph County Registry to an existing iron pipe; thence along the E.H. Geiger property described in Deed Book 1135, Page 339, Randolph County Registry the following courses and distances: North 31 degrees 48 minutes 39 seconds West 115.74 feet to an existing iron pipe; thence North 28 degrees 40 minutes 36 seconds West 538.89 feet to an existing iron rod; thence North 23 degrees 01 minute 40 seconds West 201.47 feet along the E.H. Geiger property described in Deed Book 1293, Page 445, Randolph County Registry to an existing iron rod; thence South 89 degrees 57 minutes 20 seconds East 295.85 feet to a cedar stake; thence North 02 degrees 32 minutes 16 seconds East 1,095.86 feet to an existing iron pipe at the southeast corner of the Ruben Cox property described in Deed Book 417, Page 403, Randolph County Registry; thence continuing along the said Cox property and the Melenda M. Leonard property described in Deed Book 1701, Page 2616, Randolph County Registry the following courses and distances: North 02 degrees 26 minutes 04 seconds East 104.77 feet to an existing iron pipe; thence North 02 degrees 26 minutes 40 seconds East 45.02 feet to the point and place of the BEGINNING, and containing 186.72 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION SURVEY FOR THE CITY OF ASHEBORO" that was drawn under the supervision of Roland D. Ward, Professional Land Surveyor with Registration No.

L-2728. The said plat of survey was originally dated August 24, 2006 and was revised August 29, 2006.

Section 2. Upon and after October 5, 2006, the above-described territory 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 in the Office of the Secretary of State in 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 take effect and be in force from and after the date of its adoption.

Adopted by the Asheboro City Council in regular session on this 5th day of October, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

Approved as to form:

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

Mayor Jarrell opened the public hearing on the following request (this matter was continued from the regular September 2006 City Council meeting):

- (e) RZ-06-35: Zone from Randolph County to City Zoning R10 / West side of Forest Park Drive approximately 300 feet south of Morning Glory Road. A portion of the property of Waterford Meadows Development Company, LLC is located on the west side of Forest Park Drive approximately 300 feet south of Morning Glory Road and consists of approximately 3.971 acres of land. Randolph County Parcel Identification Number 7763168825 (a portion) more specifically describes the property.

Mr. Neely presented the Planning Department's request to rezone the above-described property from Randolph County Zoning to City Zoning R10 Medium-Density Residential. The Planning Board recommended approval of the request in that it "establishes development criteria for this property that was recently annexed by the city, and is in the public interest as it ensure compliance with state law concerning zoning applications."

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

Upon motion by Mr. Moffitt and seconded by Ms. Hunter, Council adopted the recommendation of the Planning Board and approved the requested rezoning.

Mayor Jarrell opened the public hearing on the following request (this matter was continued from the August 24, 2006 City Council meeting):

- (f) SUP-06-10: Special Use Permit for a Residential Planned Unit Development / North side of Hub Morris Road 700 feet east of the North Fayetteville Street intersection. The property of Waterford Meadows Development Company, LLC is located on the north side of Hub Morris Road approximately 700 feet east of the North Fayetteville Street intersection and consist of approximately 47.83 acres of land. Randolph County Parcel Identification Number 7763168825 more specifically describes the property.

Mr. Neely was sworn in and presented the staff's analysis of the proposed site plan and the request by Waterford Meadows Development Company, LLC for a Special Use Permit to allow a Residential Planned Unit Development.

On behalf of the applicant, Mr. H.R. Gallimore was sworn in and addressed the four standard tests.

There being no further comments, nor opposition from the public, Mayor Jarrell closed the public hearing. An audiotape of the testimony presented during this hearing is on file in the City Clerk's office.

Upon motion by Mr. Crisco and seconded by Ms. Carter, Council voted unanimously to approve the Special Use Permit for a Residential Planned Unit Development. This motion is based on the sufficiency of the evidence presented to meet the four standard tests.

The formal Findings of Fact, Conclusions of Law, and Order for this Special Use Permit will be entered by the City Council in regular session on November 9, 2006. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

With the general consent of the Council, Mayor Jarrell moved the case previously identified as agenda item 7(e) to immediately follow item 6(f).

(g) SUB-06-03: Waterford Park-Planned Unit Development. Sketch Design Plan Approval.

Mr. Neely presented the sketch design for the proposed Waterford Park Subdivision. Waterford Meadows Development Company, LLC requests the approval of a sketch design plat for a residential planned unit development to be located on the north side of Hub Morris Road in Asheboro. The proposed subdivision contains approximately 47.8 acres of land, consisting of approximately 108 lots.

All departments have reviewed the sketch design plat. Both Planning Department Staff and the Planning Board recommended approval with the comment that home owner association documents outlining common area ownership and maintenance is required prior to final plat adoption.

Mr. Paul Blancher, Engineer, presented comments in support of the proposed sketch design plat.

Upon motion by Mr. Smith and seconded by Mr. Crisco, Council accepted the recommendation of the Planning Board and approved, with the comment from the Planning Board, the sketch design plat for Waterford Park.

(The aforementioned sketch design plat is on file in the City Clerk's office.)

(h) Consideration of a petition received from Chandler Legacy Family Limited Partnership and Interact Corporation requesting contiguous annexation of 10.739 acres along Newbern Avenue and Halifax Street.

Mayor Jarrell re-opened the public hearing on the request by Chandler Legacy Family Limited Partnership for contiguous annexation of 10.739 acres of land located along Newbern Avenue and Halifax Street. Said public hearing was continued from the regular council meeting on Thursday, September 7, 2006.

On behalf of the Applicant, Mr. Ben Morgan, Esq. reported that the sewer easement, previously in question, has been recorded.

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

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro, North Carolina.

Upon motion by Mr. Baker and seconded by Ms. Hunter, Council unanimously voted to adopt the following ordinance by reference.

Ordinance Number 43 ORD 10-06

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, NORTH CAROLINA

(10.739 Acres of Land Located along Newbern Avenue and Halifax Street)

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition signed by the owners of all of the real property located within the area hereinafter described was heretofore presented to the City Council, by which petition a request was made that said 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 22nd day of August, 2006 in *The Courier Tribune*, 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 7th day of September, 2006 at the City of Asheboro Municipal Building to consider the adoption of an ordinance annexing said area to the City of Asheboro; and

WHEREAS, the said public hearing was in fact held on the 7th day of September, 2006 and continued by order of the City Council to the Council's next regular meeting on October 5, 2006 for further hearing; and

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

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

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe control corner that is located by means of the North Carolina Coordinate System at the coordinates of North 701,455.69 feet and East 1,760,162.49 feet (NAD 27) and is set in the existing corporate limits line for the City of Asheboro; thence from said Beginning point following the existing corporate limits line of the City of Asheboro along the Trodgon property described in Deed Book 1682, Page 1150, Randolph County Registry North 00 degrees 30 minutes 48 seconds East 104.01 feet to an existing iron pipe; thence continuing to follow the existing corporate limits line along the McGrath property described in Deed Book 1855, Page 1933, Randolph County Registry North 00 degrees 38 minutes 24 seconds East 126.49 feet to a new iron pipe; thence along the proposed corporate limits line the following courses and distances: North 85 degrees 02 minutes 38 seconds East 465.34 feet to an existing iron pipe; thence North 04 degrees 32 minutes 43 seconds East 38.30 feet to an existing iron pipe control corner set in the existing corporate limits line for the City of Asheboro and located by means of the North Carolina Coordinate System at the coordinates of North 701,764.56 feet and East 1,760,631.48 feet (NAD 27); thence South 85 degrees 53 minutes 30 seconds East 99.97 feet along the existing corporate limits line to an existing iron pipe; thence South 04 degrees 03 minutes 23 seconds West 212.93 feet along the Hope property described in Deed Book 1755, Page 354, Randolph County Registry to a new iron pipe set in the northern margin of the 60-foot right-of-way for Newbern Avenue (North Carolina Secondary Road 2922); thence across Newbern Avenue South 14 degrees 52 minutes 37 seconds West 61.48 feet a new iron pipe; thence along the McArthur property described in Deed Book 1755, Page 335, Randolph County Registry the following courses and distances: South 09 degrees 31 minutes 49 seconds East 94.02 feet to an existing iron pipe; thence South 89 degrees 17 minutes 30 seconds East 43.98 feet to an existing iron pipe; thence South 38 degrees 16 minutes 05 seconds East 93.19 feet to a computed point; thence South 43 degrees 40 minutes 49 seconds East 38.61 feet to an existing iron pipe; thence along the McArthur property described in Deed Book 1926, Page 478, Randolph County Registry South 86 degrees 54 minutes 49 seconds East 106.61 feet to an existing iron pipe; thence North 67 degrees 59 minutes 57 seconds East 131.65 feet to a new iron pipe; thence along a 20-foot utility and service easement North 67 degrees 59 minutes 57 seconds East 20.00 feet to a new iron pipe; thence North 63 degrees 47 minutes 27 seconds East 137.95 feet along the Schalesky property described in Deed Book 1782, Page 1118, Randolph County Registry to an existing iron pipe; thence along the Barker property described in Deed Book 1831, Page 4449, Randolph County Registry the following courses and distances: North 48 degrees 46 minutes 19 seconds East 126.90 feet to an existing iron pipe; thence North 54 degrees 07 minutes 31 seconds West 166.63 feet to an existing iron pipe set in the southern margin of the 60-foot right-of-way for Newbern Avenue; thence along the southern margin of the right-of-way for Newbern Avenue in a northeasterly direction along an arc having a radius of 291.87 feet, an arc distance of 33.89 feet (a chord bearing and distance of North 35 degrees 41 minutes 00 seconds East 33.87 feet) to a computed point; thence

continuing along the southern margin of the right-of-way for Newbern Avenue North 32 degrees 23 minutes 14 seconds East 83.65 feet to a new iron pipe; thence along the Harn property described in Deed Book 1442, Page 177, Randolph County Registry the following courses and distances: South 52 degrees 59 minutes 31 seconds East 136.45 feet to an existing iron pipe; thence North 18 degrees 47 minutes 24 seconds East 145.07 feet to an existing iron pipe; thence North 44 degrees 28 minutes 51 seconds West 93.37 feet to a bolt set in the southern margin of the right-of-way for Newbern Avenue; thence following the southern margin of the right-of-way for Newbern Avenue in a northeasterly direction along an arc having a radius of 1046.94 feet, an arc distance of 102.92 feet (a chord bearing and distance of North 44 degrees 02 minutes 22 seconds East 102.88 feet) to a new iron pipe control corner set at the intersection of the southern margin of the right-of-way for Newbern Avenue with the western margin of the 60-foot right-of-way for Halifax Street; thence along the western margin of the right-of-way for Halifax Street the following courses and distances: South 40 degrees 57 minutes 54 seconds East 76.95 feet to a computed point; thence in a southeasterly direction along an arc having a radius of 133.63 feet, an arc distance of 111.01 feet (a chord bearing and distance of South 16 degrees 08 minutes 33 seconds East 107.84 feet) to an existing iron pipe; thence South 05 degrees 56 minutes 28 seconds West 2.45 feet to an existing iron pipe; thence South 11 degrees 56 minutes 57 seconds West 4.03 feet to an existing iron pipe; thence in a southwesterly direction along an arc having a radius of 430.00 feet, an arc distance of 116.11 feet (a chord bearing and distance of South 02 degrees 23 minutes 09 seconds West 115.76 feet) to an existing iron pipe; thence South 05 degrees 22 minutes 07 seconds East 25.90 feet to a computed point; thence in a southeasterly direction along an arc having a radius of 470.00 feet, an arc distance of 13.43 feet (a chord bearing and distance of South 04 degrees 34 minutes 36 seconds East 13.43 feet) to an existing iron pipe; thence along the Beaver property described in Deed Book 1196, Page 945, Randolph County Registry the following courses and distances: South 86 degrees 01 minute 52 seconds West 150.23 feet to an existing iron pipe; thence South 18 degrees 28 minutes 43 seconds West 61.44 feet to an existing iron pipe; thence South 18 degrees 39 minutes 36 seconds West 9.99 feet to an existing iron pipe; thence South 18 degrees 39 minutes 36 seconds West 42.14 feet to an existing iron pipe; thence along the Ward property described in Deed Book 1194, Page 144, Randolph County Registry the following courses and distances: South 18 degrees 44 minutes 59 seconds West 98.11 feet to an existing iron pipe; thence South 18 degrees 44 minutes 59 seconds West 10.23 feet to an existing iron pipe; thence South 85 degrees 55 minutes 21 seconds East 208.38 feet to an existing iron pipe set in the western margin of the right-of-way for Halifax Street; thence South 70 degrees 05 minutes 57 seconds East 63.03 feet across the right-of-way for Halifax Street to a new iron pipe; thence along the Julian property described in Deed Book 1935, Page 3013, Randolph County Registry the following courses and distances: South 85 degrees 28 minutes 10 seconds East 199.22 feet to an existing iron pipe; thence South 04 degrees 30 minutes 29 seconds West 100.14 feet to an existing iron pipe; thence North 85 degrees 32 minutes 36 seconds West 199.58 feet along the Bradley property described in Deed Book 1725, Page 2294, Randolph County Registry to an existing iron pipe; thence South 80 degrees 29 minutes 20 seconds West 61.59 feet across the right-of-way for Halifax Street to an existing iron pipe; thence along the margin of the right-of-way for the cul-de-sac located at the southern terminus of Halifax Street the following courses and distances: a southwesterly direction along an arc having a radius of 50.00 feet, an arc distance of 52.89 feet (a chord bearing and distance of South 27 degrees 12 minutes 00 seconds West 50.46 feet) to an existing iron pipe; thence in a southeasterly direction along an arc having a radius of 50.00 feet, an arc distance of 39.56 feet (a chord bearing and distance of South 25 degrees 41 minutes 39 seconds East 38.54 feet) to an existing iron pipe; thence in a southeasterly direction along an arc having a radius of 50.00 feet, an arc distance of 51.59 feet (a chord bearing and distance of South 77 degrees 50 minutes 02 seconds East 49.33 feet) to an existing iron pipe; thence in a northeasterly direction along an arc having a radius of 50.00 feet, an arc distance of 40.14 feet (a chord bearing and distance of North 49 degrees 24 minutes 56 seconds East 39.07 feet) to an existing iron pipe; thence South 62 degrees 59 minutes 45 seconds East 199.93 feet along the Bradley property described in Deed Book 1725, Page 2294, Randolph County Registry to an existing iron pipe; thence South 03 degrees 43 minutes 44 seconds West 45.82 feet to an existing iron pipe; thence South 04 degrees 47 minutes 36 seconds West 125.69 feet to an existing iron pipe control corner located by means of the North Carolina Coordinate System at the coordinates of North 700,862.05 feet and East 1,761,693.34 feet (NAD 27); thence North 71 degrees 01 minutes 03 seconds West 144.20 feet to an existing iron pipe; thence North 68 degrees 17 minutes 33 seconds West 225.54 feet to an existing iron pipe; thence North 68 degrees 10 minutes 40 seconds West 86.22 feet to a point not set in the center of a creek; thence along the centerline of the creek the following courses and distances: South 43 degrees 28 minutes 21 seconds West 75.63 feet to a point not set; thence North 40 degrees 20 minutes 01 second West 97.41 feet to a point not set; thence North 52 degrees 27 minutes 18 seconds West 104.56 feet to a point not set; thence North 74 degrees 47 minutes 59 seconds West 43.10 feet to a

point not set; thence North 26 degrees 15 minutes 00 seconds West 75.78 feet to a point not set; thence North 69 degrees 57 minutes 54 seconds West 77.27 feet to a computed point; thence North 55 degrees 17 minutes 05 seconds West 274.76 feet to an existing iron pipe; thence South 40 degrees 54 minutes 43 seconds West 126.35 feet to an existing iron pipe; thence North 20 degrees 18 minutes 01 second West 230.48 feet along the Jarrett property described in Deed Book 1170, Page 751, Randolph County Registry to an existing iron pipe set in the southern margin of the right-of-way for Newbern Avenue; thence along the southern margin of the right-of-way for Newbern Avenue the following courses and distances: North 88 degrees 51 minutes 30 seconds West 51.20 feet to a computed point; thence in a southwesterly direction along an arc having a radius of 247.04 feet, an arc distance of 325.14 feet (a chord bearing and distance of South 53 degrees 25 minutes 19 seconds West 302.17 feet) to a computed point; thence South 15 degrees 46 minutes 56 seconds West 78.37 feet to a computed point; thence North 74 degrees 13 minutes 04 seconds West 60.00 feet across the right-of-way for Newbern Avenue to an existing pipe; thence North 00 degrees 37 minutes 58 seconds East 203.44 feet along the Trodgon property described in Deed Book 1150, Page 305, Randolph County Registry to the point and place of the BEGINNING, and containing 10.739 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION PLAT PREPARED FOR City of Asheboro Newbern Ave. & Halifax St. Area" that was drawn under the supervision of Glenn Lee Brown, Professional Land Surveyor with Registration No. L-3663. Said plat of survey, which consisted of two (2) sheets, was dated July 28, 2006 and was identified as Job No. G06089AX.

Section 2. Upon and after October 5, 2006, the above-described territory 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 in 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 take effect and be in force from and after the date of its adoption.

Adopted by the Asheboro City Council in regular session on the 5th day of October, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

Approved as to form:

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

NEW BUSINESS

7. LAND USE ISSUES

Mayor Jarrell opened the public hearing on the following request:

- (a) RZ-06-34: Rezone from B1 to B3 / Southeast Corner of East Salisbury Street and North Main Street. The property of Randolph County Historical Society, Inc., is located at the southeast intersection of East Salisbury Street and North Main Street and consists of approximately 23,799 square feet of land. Randolph County Parcel Identification Number 7751936171 more specifically identifies the property.

Mr. Neely read a written request by the Applicant to withdraw the above-referenced item, and this case was not considered.

Mayor Jarrell opened the public hearing on the following request:

- (b) RZ-06-36: Technical Amendment to the Asheboro Zoning Ordinance. Amend Section 322A of the Asheboro Zoning Ordinance, "Sidewalks Required."

Mr. Neely presented the Planning Department Staff's proposed amendment to Section 322A of the Asheboro Zoning Ordinance. The amendment would correct and address certain problems and practical difficulties encountered during enforcement of the current regulation.

The Planning Department Staff and the Planning Board recommended approval of the requested amendment to the Asheboro Zoning Ordinance based on the following:

"With the proposed changes, Section 322A will still improve Asheboro's pedestrian infrastructure while reducing the engineering-related difficulties encountered with the current ordinance. Such difficulties include vertical and horizontal displacement that can occur as sidewalks are extended from properties fronting street segments with curb and gutter to properties with shoulder and ditch construction. The city will begin a pedestrian master-planning process soon, which will identify the areas with the greatest need for pedestrian improvements and examine current policies and ordinances as they relate to pedestrian infrastructure. The plan also will include a strategy to improve Asheboro's pedestrian network.

Staff believes that the City Council can make more of an impact on addressing Asheboro's pedestrian needs through an amendment to the City's Subdivision Ordinance to require sidewalk construction for all new major subdivisions where streets are being constructed and through a publicly-financed pedestrian improvement program.

In light of the Board of Adjustment's findings and the city's pending pedestrian master plan, staff submits that the proposed amendments are reasonable and in the public's interest."

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

Upon motion by Mr. Smith and seconded by Ms. Carter, Council adopted the recommendation of the Planning Board and approved the requested amendment to Section 322A of the Asheboro Zoning Ordinance. A copy of the approved text of the amendment is on file in the City Clerk's office.

Mayor Jarrell opened the public hearing on the following request:

- (c) CUP-06-37: Modify Conditional Use Permit for a Manufactured Home Development. The properties of Morton and Sewell Development Company, Inc., and others are located on Humble Hollow Drive and consist of approximately 19.23 acres of land. The properties are further identified as the entirety of the North Point Acres Subdivision as recorded in Plat Book 85, Page in the Randolph County Registry.

Mr. Neely was sworn in and presented the staff's analysis of the Applicant's request including the submitted site plan. The Applicant, Morton and Sewell Development Company, Inc., requested a Conditional Use Permit in order to change the year model requirement (of manufactured homes in the North Pointe Acres development) from three (3) years to a rolling 10-year standard that mirrors the age limit set for manufactured home parks in the Asheboro Zoning Ordinance.

On behalf of the Applicant, Mr. Al Morton was sworn in and addressed the four standard tests.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing. An audiotape of the testimony presented during this hearing is on file in the City Clerk's office.

Upon motion by Mr. Smith and seconded by Mr. Crisco, Council voted unanimously to approve the Conditional Use Permit to change the year model requirement placed on the manufactured homes located in the North Pointe Acres Development from three (3) years to a rolling 10-year standard. The issuance of this permit was based on the four standard tests being met.

The formal Findings of Fact, Conclusions of Law, and Order granting this Conditional Use Permit will be entered by the Council in regular session on November 9, 2006. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

Mayor Jarrell opened the public hearing on the following request:

- (d) SUP-06-11: Special Use Permit for a Residential Planned Unit Development with a Floor Area Ratio not to exceed 22 percent. The property of Julia Lynette Mann and others is located on the south side of South Main Street approximately 300 feet northeast of South Cox Street and consists of approximately 3.15 acres of land. Randolph County Parcel Identification Number 7750896775 more specifically identifies the property.

Mr. Neely was sworn in and presented the staff's analysis of the proposed site plan and the applicant's request for a Special Use Permit for a Residential Planned Unit Development with a Floor Area Ratio not to exceed twenty-two (22) percent.

Mr. Larry McKenzie was sworn in and addressed the four standard tests.

Mr. Benjamin Lockwood presented comments and concerns in regards to the requested permit.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing. An audiotape of the testimony presented during this hearing is on file in the City Clerk's office.

Upon motion by Mr. Smith and seconded by Mr. Priest, Council voted unanimously to approve the Special Use Permit for a Residential Planned Unit Development with a Floor Area Ratio not to exceed 22 percent. This motion is based on the sufficiency of the evidence presented to meet the four standard tests.

The formal Findings of Fact, Conclusions of Law, and Order will be entered by Council during regular session on November 9, 2006. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

- (e) SUB-04-04: Robins Nest Phase 1 Map 2 & Phase 2 Map 2. Final Plat Approval.

Mr. Neely presented the staff's analysis of the request by Vision Properties of Randolph County, LLC for final plat approval for Robins Nest Phase 1 Map 2 and Phase 2 Map 2. This subdivision is located on East Allred Street at the proposed Robins Nest Drive. Phase 1 Map 2 contains approximately 10.97 acres of land, consisting of approximately thirty-six (36) lots. Phase 2 Map 2 contains approximately 5.898 acres of land, consisting of approximately eighteen (18) lots.

All departments have reviewed the plat. The Planning Department Staff and the Planning Board recommended approval of the request with the comment that certain items needed to be corrected or completed. The Applicant has paid the necessary review fees and provided guarantees for the completion of the remaining items that were not corrected or completed at the time of the council's consideration of this matter.

Upon motion by Mr. Priest and seconded by Ms. Carter, Council accepted the recommendation of the planning Board and approved the final plat.

(The aforementioned final plat is on file in the City Clerk's office.)

- (f) SUB-06-04: Town Homes On Main – Planned Unit Development. Sketch Design Plan Approval.

Mr. Neely presented the staff's analysis of the request by Larry McKenzie for approval of a sketch design plan for a subdivision, Town Homes on Main. This subdivision is proposed to be located on the east side of Main Street and contains approximately 3.22 acres of land, consisting of approximately fourteen (14) lots.

All departments have reviewed the sketch design plan. The Planning Department Staff and the Planning Board recommended approval pending that certain map corrections and checklist items are completed.

Upon motion by Ms. Carter and seconded by Mr. Crisco, Council accepted the recommendation of the Planning Board and approved the sketch design plan with the noted comments.

(The aforementioned sketch design plan is on file in the City Clerk's office.)

8. Public hearing on Community Development Block Grant presented by Bonnie Renfro with Randolph County Economic Development.

Ms. Bonnie Renfro, President of the Randolph County Economic Development Corporation, informed the Council that this grant program is a U.S. Department of Housing and Urban

Development program that utilizes implementation rules developed by the state. Funds are available for the development of infrastructure to enhance economic development. As part of the application process, two (2) public hearings must be held, one general public hearing and one for the specific project for which funding is sought. This hearing did not involve a specific project.

According to Ms. Renfro, a maximum of \$750,000 can be granted to a unit of local government for use in infrastructure. This grant requires a local match of \$1.00 for every \$3.00. The purpose of this program is to create jobs for persons of low to moderate income. The state requirements focus on a safe work place and the maintenance of wages.

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

9. Public Comment Period.

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

10. Consideration of closing a portion of Dublin Road Extension, as requested by Joseph M. Burrows and Wayne King.

Mayor Jarrell opened the public hearing on the closing of a portion of Dublin Road Extension.

Mr. Bunker reported that the resolution declaring the city council's intent to permanently close a portion of Dublin Road Extension was published in *The Courier Tribune* once a week for four successive weeks, property owners have been notified by mail in accordance with the North Carolina General Statutes, and signs were posted along the street.

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

Mr. Bunker presented and recommended adoption, by reference, of an ordinance and order to permanently close a portion of Dublin Road Extension.

Upon motion by Mr. Baker and seconded by Ms. Hunter, Council voted unanimously to adopt the following ordinance and order by reference.

CITY OF ASHEBORO STREET CLOSURE ORDINANCE NO. 44 ORD 10-06

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

**IN RE THE CLOSING OF A CERTAIN)
PORTION OF DUBLIN ROAD EXTENSION) ORDER
)
)**

WHEREAS, pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Asheboro adopted on the 24th day of August, 2006, during a special meeting, a resolution (41 RES 8-06) declaring the intent of the City Council to permanently close a certain portion of Dublin Road Extension; and

WHEREAS, Resolution Number 41 RES 8-06 properly called for a public hearing to be held at 7:00 o'clock p.m. on the 5th day of October, 2006, in the Council Chamber of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro, on the question of whether or not such closing would be detrimental to the public interest or the property rights of any individual; and

WHEREAS, pursuant to Section 160A-299 of the North Carolina General Statutes, the said resolution of intent was published in the Courier Tribune, a newspaper published in the City of Asheboro, Randolph County, North Carolina, once a week for four successive weeks prior to the public hearing called on the question of the permanent closure of the described portion of Dublin Road Extension (this notice was published on September the 4th, 11th, 18th, and 25th of 2006); and

WHEREAS, a copy of the said resolution of intent was sent by certified mail to all of the owners, as determined by reviewing the county tax records, of property adjoining Dublin Road Extension, said property owners are more particularly identified as follows:

1. Thomas E. Ellis and Margaret N. Ellis
2. Bingham Daughters, LLC

3. Gregory Tillman and Cynthia D. Tillman
4. Jane C. Thomas
5. Virgil F. Hill and Gaye M. Hill
6. Wayne King and Merle King
7. Joseph M. Burrows and Zelda S. Burrows
8. Jordan Ansbacher, Shirley Ansbacher, and Samuel Ansbacher
9. Century 21 Integrity Group, Inc.
10. Billy Essick and Patsy Essick

WHEREAS, notice of the city council's intention to permanently close the described portion of Dublin Road Extension and the call for a public hearing on the question of the proposed street closure was prominently posted in two places along the portion of Dublin Road Extension for which permanent closure is proposed; and

WHEREAS, after holding the public hearing called by the adopted resolution of intent to permanently close the described portion of Dublin Road Extension, it appears to the satisfaction of the City Council of the City of Asheboro that the permanent closure of the portion of Dublin Road Extension described below is not contrary to the public interest and that no individual owning property in the vicinity of the said portion of Dublin Road Extension proposed for closure would thereby be deprived of reasonable means of ingress and egress to his or her property.

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

Section 1. The portion of Dublin Road Extension described below by metes and bounds is hereby permanently closed. The permanently closed portion of Dublin Road Extension is located within the corporate limits of the City of Asheboro and is more particularly described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a non-monumented point set in the northern margin of the 150-foot right-of-way for East Dixie Drive (U.S. Highway 64 / N.C. Highway 49) and located the following courses and distances from a mag nail set at the approximate intersection of the centerline of East Dixie Drive and Dublin Road (North Carolina Secondary Road 2197): North 77 degrees 56 minutes 21 seconds West 109.10 feet to an existing concrete right-of-way monument set in the northern margin of the right-of-way for East Dixie Drive; thence South 63 degrees 22 minutes 37 seconds West 147.78 feet along the northern margin of the right-of-way for East Dixie Drive to the said non-monumented point that is itself located by means of the North Carolina Coordinate System at the coordinates of North 708,411.299 feet and East 1,763,524.871 feet (NAD 83); thence from the said Beginning point South 63 degrees 22 minutes 37 seconds West 75.38 feet along the northern margin of the right-of-way for East Dixie Drive to a non-monumented point; thence North 10 degrees 38 minutes 02 seconds East 123.26 feet along the western margin of the 60-foot right-of-way for Dublin Road Extension that runs along the Joseph M. Burrows and Zelda S. Burrows property described in Deed Book 1069, Page 186, Randolph County Registry to a new iron pipe; thence continuing to follow the western margin of the right-of-way for Dublin Road Extension along the Wayne King and Merle King property described in Deed Book 474, Page 366, Randolph County Registry the following course and distance: North 10 degrees 38 minutes 02 seconds East 202.48 feet to a new iron pipe set in the southern margin of the 50-foot right-of-way for the undeveloped Rich Avenue; thence across the 60-foot right-of-way for Dublin Road Extension North 71 degrees 23 minutes 23 seconds East 68.31 feet to an existing concrete right-of-way monument set in the eastern margin of the right-of-way for Dublin Road Extension; thence following the eastern margin of the right-of-way for Dublin Road Extension along the Joseph M. Burrows and Zelda S. Burrows property described in Deed Book 1069, Page 186, Randolph County Registry the following course and distance: South 10 degrees 33 minutes 39 seconds West 313.47 feet to the point and place of the BEGINNING, and being all of that certain 19,120 square feet of land, more or less, encompassed by the preceding metes and bounds description.

Also included is the right-of-way for the above-described portion of Dublin Road Extension, the said portion of right-of-way to be permanently closed is shown on the plat of survey referenced below.

This description is in accordance with a plat of survey entitled "PLAT FOR PROPOSED ROAD CLOSING OF A PORTION OF RIGHT OF WAY FOR DUBLIN ROAD EXTENSION" that was drawn under the supervision of Wayne T. Sims, a professional land surveyor with registration number L-3582. The said plat of survey is dated August 14, 2006 and is hereby incorporated into this resolution by reference as if copied fully herein.

Section 2. The City of Asheboro, pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, hereby reserves its perpetual right, title, and interest in and to the sanitary sewer line shown on the above-referenced plat of survey. This express reservation of a perpetual right, title, and interest in the said sanitary sewer line includes, without limitation, an express reservation of a perpetual right, title, and interest in an easement for the said sanitary sewer line. The easement referenced in the immediately preceding sentence shall be twenty (20) feet in width (10 feet on each side of the sanitary sewer line) and shall be utilized for the operation and maintenance of said sanitary sewer line. Furthermore, this reservation by the City of Asheboro of its right, title, and interest in the existing utility improvement expressly includes, without limitation, the city's perpetual right and privilege of going in, upon, and over the area within the sanitary sewer line easement at any time or times, and from time to time, at the city's option, for the purpose of constructing, inspecting, operating, repairing, and maintaining a sanitary sewer line, including such alterations, replacements, and expansions of capacity as may, in the city's sole judgment, be necessary or proper as a part of the Sanitary Sewer System of the City of Asheboro, North Carolina.

Furthermore, this reservation of right, title, and interest in utility improvements and easements extends to existing utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city. In particular, this reservation of right, title, and interest extends to the overhead utility line depicted on the above-referenced plat of survey.

Section 3. This ordinance shall take effect and be in force from and after the date of its adoption.

Section 4. Any person aggrieved by the permanent closure of the above-described portion of Dublin Road Extension may appeal the adoption of this ordinance and order to the General Court of Justice of Randolph County, North Carolina within thirty (30) days after the adoption of the ordinance and order.

Section 5. In the event there is no appeal within thirty (30) days after the adoption of this ordinance and order, a certified copy of this ordinance and order shall be filed in the Office of the Register of Deeds of Randolph County, North Carolina as provided by law.

Adopted by the Asheboro City Council in regular session on this 5th day of October, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

11. Consideration of a petition received from Mark A. and Thidavanh C. Thompson requesting non-contiguous annexation of 0.513 acre at 923 Sherwood Avenue.

Mayor Jarrell opened the public hearing on the request for non-contiguous annexation of 0.513 of an acre of land located at 923 Sherwood Avenue.

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

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro.

Upon motion by Mr. Priest and seconded by Ms. Hunter, Council unanimously voted to adopt the following ordinance by reference.

Ordinance Number 45 ORD 10-06

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, NORTH CAROLINA

(0.513 of an Acre of Land Located at 923 Sherwood Avenue)

WHEREAS, pursuant to Section 160A-58.1 of the North Carolina General Statutes, a petition signed by Mark A. Thompson and Thidavanh C. Thompson, who are the owners of all of the real property located within the area hereinafter described, was heretofore presented to the City Council of the City of Asheboro, by which petition a request was made that said area be annexed to the City of Asheboro; and

WHEREAS, the city council has by resolution directed the city clerk to investigate the sufficiency of the petition; and

WHEREAS, the city clerk has certified the sufficiency of the petition, and a public hearing on the question of this annexation was 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 5th day of October, 2006 after due notice by publication was given on September 21, 2006 in *The Courier Tribune*, a newspaper having general circulation in the City of Asheboro, Randolph County, North Carolina; and

WHEREAS, the city council finds that the area described within the petition meets the standards of Section 160A-58.1(b) of the North Carolina General Statutes, to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Asheboro;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the City of Asheboro;
- c. The area described is so situated that the City of Asheboro will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. Under the city council's interpretation of the above-referenced statutorily prescribed standards, no subdivision, as defined in Section 160A-376 of the North Carolina General Statutes, will be fragmented by this proposed annexation; and
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed twenty percent (20%) of the area within the primary corporate limits of the City of Asheboro; and

WHEREAS, the city council further finds that the petition has been signed by all of the owners of real property in the area who are required by law to sign; and

WHEREAS, the city council further finds that the petition is otherwise valid and that the public health, safety, and welfare of the City of Asheboro and the area proposed for annexation will be best served by annexing the area described.

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

Section 1. By virtue of the authority granted in Section 160A-58.2 of the North Carolina General Statutes, the following described non-contiguous territory 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 an existing iron pipe control corner that is set in the southern margin of the 40-foot right-of-way for Sherwood Avenue and is located by means of the North Carolina Coordinate System at the coordinates of North 704,334.85 feet and East 1,752,033.85 feet (NAD 27); thence from said Beginning point along the C. David and Marie B. Lewallen property described in Deed Book 618, Page 461, Randolph County Registry South 01 degree 00 minutes 20 seconds East 174.93 feet to an existing iron pipe; thence along the David and Marie B. Lewallen property described in Deed Book 620, Page 40, Randolph County Registry South 01 degree 00 minutes 20 seconds East 36.49 feet to an existing iron pipe; thence along the Douglas R. and Cynthia Hensley property described in Deed Book 1630, Page 295, Randolph County Registry South 87 degrees 10 minutes 50 seconds West 51.44 feet to an existing iron pipe; thence along the Robert W. and Nellie L. Beane property described in Deed Book 1054, Page 146, Randolph County Registry the following courses and distances: North 01 degree 18 minutes 17 seconds West 20.86 feet to an existing iron pipe; thence North 82 degrees 42 minutes 34 seconds West 62.04 feet to an existing iron pipe set in the existing satellite corporate limits line for the City of Asheboro; thence along the said existing corporate limits line the following courses and distances: North 02 degrees 09 minutes 21 seconds East 191.06 feet to an existing iron pipe; thence North 02 degrees 09 minutes 21 seconds East 8.74 feet to an existing iron pipe set in the southern margin of the right-of-way for Sherwood Avenue; thence South 81 degrees 56 minutes 38 seconds East 103.18 feet along the southern margin of the right-of-way for Sherwood Avenue to the point and place of the BEGINNING, and containing 0.513 of an acre of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION PLAT PREPARED FOR CITY OF ASHEBORO 923 SHERWOOD AVE." that was drawn under the supervision of Glenn Lee Brown, Professional Land Surveyor with Registration No. L-3663. The said plat of survey was dated August 15, 2006 and was identified as Job No. G2000162AX.

Section 2. Upon and after October 5, 2006, the above-described territory 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 in the Office of the Secretary of State in 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 take effect and be in force from and after the date of its adoption.

Adopted by the Asheboro City Council in regular session on this 5th day of October, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

Approved as to form:

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

12. Consideration of a petition received from Scottie Lee Blanton requesting contiguous annexation of 0.07 of an acre at the Sunset Drive cul-de-sac.

Mayor Jarrell opened the public hearing on the request for contiguous annexation of 0.07 of an acre of land located at the Sunset Drive cul-de-sac.

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

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro, North Carolina.

Upon motion by Mr. Crisco and seconded by Ms. Carter, Council unanimously voted to adopt the following ordinance by reference.

Ordinance Number _____ **46 ORD 10-06**

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, NORTH CAROLINA

(0.07 of an Acre of Land Located at the Sunset Drive Cul-de-Sac)

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

WHEREAS, the City Council directed, by resolution, 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 21st day of September, 2006 in *The Courier Tribune*, a newspaper having general circulation in the City of Asheboro, Randolph County, North Carolina, setting forth that a public hearing would be held at 7:00 o'clock p.m. on the 5th day of October, 2006 at the City of Asheboro Municipal Building to consider the adoption of an ordinance annexing said area to the City of Asheboro; and

WHEREAS, the said public hearing was in fact held on the 5th day of October, 2006; and

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

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

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a new iron rod set in the existing corporate limits line of the City of Asheboro and located by means of the North Carolina Coordinate System at the coordinates of North 714,080.25487 feet and East 1,750,774.03029 feet (NAD 27); thence from said Beginning point along the corporate limits line of the City of Asheboro and the Scottie Lee Blanton property described in Deed Book 1983, Page 1377, Randolph County Registry the following courses and distances: North 03 degrees 00 minutes 45 seconds East 24.67 feet to an existing iron pipe; thence North 02 degrees 38 minutes 38 seconds East 30.44 feet to a point not set; thence North 02 degrees 38 minutes 39 seconds East 19.09 feet to an existing iron pipe; thence North 03 degrees 37 minutes 38 seconds East 24.32 feet to a new iron rod; thence along the Randall Teague property described in Deed Book 1752, Page 1894, Randolph County Registry in a southwesterly direction along an arc having a radius of 50.00 feet, an arc distance of 139.81 feet (a chord bearing and distance of South 02 degrees 58 minutes 44 seconds West 98.51 feet, Delta Angle = 160 degrees 12 minutes 28 seconds, Tangent = 286.60 feet) to the point and place of the BEGINNING, and containing 0.07 acres (3,071 square feet) of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION SURVEY FOR THE CITY OF ASHEBORO CUL-DE-SAC FOR SUNSET DRIVE" that was drawn under the supervision of Jerry A. King, Professional Land Surveyor with Registration No. L-3373. The said plat of survey was dated June 27, 2006 and was identified as Job # 4772 A 10.

Section 2. Upon and after October 5, 2006, the above-described territory 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 in 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 take effect and be in force from and after the date of its adoption.

Adopted by the Asheboro City Council in regular session on the 5th day of October, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

Approved as to form:

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

13. Consideration of a petition received from Barbara H. Nance requesting contiguous annexation of 1.151 acres at 1519 Sunset Drive.

Mayor Jarrell opened the public hearing on the request for contiguous annexation of 1.151 acres of land located at 1519 Sunset Drive.

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

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro, North Carolina.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council unanimously voted to adopt the following ordinance by reference.

Ordinance Number 47 ORD 10-06

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, NORTH CAROLINA

(1.151 Acres of Land Located at 1519 Sunset Drive)

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition signed by Barbara H. Nance, who is the owner of all of the real property located within the area hereinafter described, was heretofore presented to the City Council, by which petition a request was made that said area be annexed to the City of Asheboro; and

WHEREAS, the City Council directed, by resolution, 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 21st day of September, 2006 in *The Courier Tribune*, a newspaper having general circulation in the City of Asheboro, Randolph County, North Carolina, setting forth that a public hearing would be held at 7:00 o'clock p.m. on the 5th day of October, 2006 at the City of Asheboro Municipal Building to consider the adoption of an ordinance annexing said area to the City of Asheboro; and

WHEREAS, the said public hearing was in fact held on the 5th day of October, 2006; and

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

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

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe set in the existing corporate limits line for the City of Asheboro at the southwest corner of the Barbara H. Nance property described in Deed Book 1062, Page 266, Randolph County Registry, this existing iron pipe is located by means of the North Carolina Coordinate System at the coordinates of North 713,950.5024 feet and East 1,750,842.7175 feet (NAD 27); thence from said Beginning point along the corporate limits line of the City of Asheboro the following courses and distances: North 02 degrees 38 minutes 24 seconds East 149.11 feet to an existing iron pipe set in the southern margin of the 50-foot right-of-way for Sunset Drive; thence North 03 degrees 16 minutes 28 seconds East 49.72 feet across the right-of-way for Sunset Drive to a point not set; thence along the northern margin of the right-of-way for Sunset Drive South 86 degrees 03 minutes 21 seconds East 250.08 feet to a point not set in the existing corporate limits line for the City of Asheboro; thence South 02 degrees 38 minutes 24 seconds West 50.00 feet along the existing corporate limits for the City of Asheboro and across the right-of-way for Sunset Drive to a nail at an existing iron pipe; thence continuing along the existing corporate limits line for the City of Asheboro the following courses and distances: South 02 degrees 38 minutes 24 seconds West 151.15 feet to a new iron rod set at the southeast corner of the Barbara Nance property described in Deed Book 1040, Page 315 and in Plat Book 4, Page 60 in the Randolph County Registry; thence North 85 degrees 37 minutes 39 seconds West 102.82 feet to an existing iron pipe; thence North 85 degrees 27 minutes 23 seconds West 75.00 feet along the Barbara

Nance property described in Deed Book 585, Page 35 and Plat Book 4, Page 60 in the Randolph County Registry to a new iron rod; thence North 85 degrees 27 minutes 23 seconds West 72.87 feet to the point and place of the BEGINNING, and containing 1.151 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION SURVEY FOR THE CITY OF ASHEBORO SUNSET DRIVE AREA" that was drawn under the supervision of Jerry A. King, Professional Land Surveyor with Registration No. L-3373. This plat of survey is dated August 18, 2006 and is identified as Job # 4830 N 10.

Section 2. Upon and after October 5, 2006, the above-described territory 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 in 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 take effect and be in force from and after the date of its adoption.

Adopted by the Asheboro City Council in regular session on the 5th day of October, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

Approved as to form:

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

14. Consideration of a petition received from Markham Properties, LLC requesting non-contiguous annexation of 12.96 acres along the east side of Southmont Drive.

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the City Clerk to investigate a petition requesting non-contiguous annexation of 12.96 acres of land located along the east side of Southmont Drive.

Upon motion by Mr. Smith and seconded by Ms. Hunter, Council voted unanimously to adopt the following resolution by reference.

54 RES 10-06

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION

(12.96 Acres of Land Located along the East Side of Southmont Drive)

WHEREAS, a petition requesting the annexation of an area described in said petition as 12.96 acres of land located along the east side of Southmont Drive has been received by the City Council of the City of Asheboro from Markham Properties, LLC, a North Carolina limited liability company; and

WHEREAS, Section 160A-58.2 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the city clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the council the results of her investigation.

Adopted by the Asheboro City Council in regular session on the 5th day of October, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

CERTIFICATE OF SUFFICIENCY

(12.96 Acres of Land Located along the East Side of Southmont Drive)

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

I, Holly J. Hartman, City Clerk for the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto. As a consequence of that investigation, I have found as a fact that said petition is signed by all of the owners of the real property lying in the area described therein, and the petition appears to be sufficient to satisfy the provisions of Section 160A-58.1 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina on this the 5th day of October, 2006.

(SEAL)

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

As a consequence of the receipt of written certification from the City Clerk as to the sufficiency of said annexation petition, Mr. Bunker presented and recommended adoption, by reference, of a resolution fixing the date for a public hearing on the question of annexation.

Upon motion by Mr. Crisco and seconded by Ms. Carter, Council voted unanimously to adopt the following resolution by reference.

55 RES 10-06

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

(12.96 Acres of Land Located along the East Side of Southmont Drive)

WHEREAS, a petition requesting annexation of the non-contiguous area described therein has been received; and

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

WHEREAS, certification by the city clerk as to the sufficiency of the said petition has been made.

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

Section 1. A public hearing on the question of the annexation of the non-contiguous area described herein will be held at 7:00 o'clock p.m. on the 9th day of November, 2006 in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina.

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

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

Adopted by the Asheboro City Council in regular session on the 5th day of October, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

EXHIBIT 1

Cedar Grove Township, Randolph County, North Carolina:

BEGINNING at a point set in the eastern margin of the 60-foot right-of-way for Southmont Drive (North Carolina Secondary Road 1145) at the northwest corner of the Markham Properties, LLC property identified as Tract 1 on a plat of survey recorded in Plat Book 105, Page 87, Randolph County Registry, the said point is marked with # 4 rebar and is located by means of the North Carolina Coordinate System at the coordinates of North 697,651.7059 feet and East 1,754,802.4846 feet (NAD 83); thence from said Beginning point along the northernmost property line of the Markham Properties, LLC property described in Deed Book 1948, Page 901, Randolph County Registry the following courses and distances: South 81 degrees 55 minutes 29 seconds East 20.00 feet to an existing bent 5/8" iron rod; thence South 81 degrees 55 minutes 29 seconds East 187.55 feet to an existing 1/2" iron rod control corner that marks the northeast corner of the Markham Properties, LLC property; thence along the Asheboro Acquisition Company property described in Deed Book 1226, Page 652, Randolph County Registry the following courses and distances: South 01 degree 18 minutes 12 seconds West 426.00 feet to an existing 3/4" iron pipe control corner; thence South 01 degree 18 minutes 12 seconds West 53.84 feet to an existing 3/4" iron pipe; thence South 01 degree 18 minutes 12 seconds West 6.95 feet to an existing 3/4" iron pipe; thence South 51 degrees 17 minutes 19 seconds East 22.55 feet to an existing 1/2" iron rod; thence South 05 degrees 04 minutes 36 seconds West 258.77 feet along the Terry T. Reeder property described in Deed Book 1155, Page 545, Randolph County Registry to an axle; thence South 84 degrees 31 minutes 31 seconds West 183.70 feet along the northern property line of the John Richard Davis and Nancy B. Davis property described in Deed Book 1091, Page 463, Randolph County Registry to an axle; thence South 02 degrees 15 minutes 25 seconds East 323.69 feet along the western property line of the Davis property to an existing 1/2" iron rod; thence South 02 degrees 15 minutes 25 seconds East 114.32 feet to an existing bent 3/4" iron pipe set at the southeast corner of the Markham Properties, LLC property; thence along the southern property line of the Markham Properties, LLC property identified as Tract 1 on the plat of survey recorded in Plat Book 105, Page 87, Randolph County Registry the following courses and distances: South 87 degrees 40 minutes 08 seconds West 151.63 feet to an existing 1/2" iron rod; thence South 87 degrees 40 minutes 08 seconds West 45.03 feet to an existing bent 1" iron pipe; thence North 88 degrees 53 minutes 14 seconds West 447.75 feet to an existing 1/2" iron rod set in the eastern margin of the right-of-way for Southmont Drive; thence along the eastern margin of the right-of-way for Southmont Drive the following courses and distances: North 25 degrees 33 minutes 28 seconds East 1,023.16 feet to a point not set; thence North 27 degrees 44 minutes 54 seconds East 117.62 feet to a point not set; thence North 29 degrees 03 minutes 47 seconds East 129.93 feet to a point not set; thence North 31 degrees 10 minutes 19 seconds East 118.58 feet to the point and place of the BEGINNING, and containing 12.96 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION PLAT PREPARED FOR CITY OF ASHEBORO **PROPERTY OF MARKHAM PROPERTIES, LLC**" that was drawn under the supervision of David R. Gallimore, Professional Land Surveyor with Registration No. L-4307. This plat of survey is dated September 8, 2006.

15. Consideration of a request by Hazel M. Frick, Ed.D. of Lindley Park School, for an ordinance establishing "No Parking Any Time" on the north side of Redding Road adjacent to the driveway for Lindley Park School.

Mr. Bunker presented and recommended adoption, by reference of the aforementioned ordinance.

Upon motion by Mr. Smith and seconded by Mr. Crisco, Council voted unanimously to adopt the following ordinance by reference.

49 ORD 10-06

ORDINANCE PROHIBITING PARKING ALONG A CERTAIN PORTION OF THE NORTH SIDE OF REDDING ROAD THAT IS ADJACENT TO THE DRIVEWAY FOR LINDLEY PARK SCHOOL

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)(1) of the Code of Asheboro provides 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 streets and parts of streets where parking shall be prohibited at all times to be posted accordingly, or cause the curbs thereof to be painted yellow. He shall then notify the City Clerk, who shall enter the description of such streets or parts of streets in Schedule 1 of § 72.02; and

WHEREAS, Redding Road is located within the corporate limits of the City of Asheboro;
and

WHEREAS, on the basis of safety concerns expressed by the principal of Lindley Park School, Dr. Hazel M. Frick, and officers of the Asheboro Police Department, the City Council has concluded that the existing hazards produced by vehicles parking on both sides of Redding Road in order to enter the school and pick-up students can be reduced by prohibiting on-street parking at all times along the portion of the north side of Redding Road that extends westward from a point located four hundred twenty-two (422) feet east of the centerline of Glenwood Road to a point that is located one hundred ninety-three (193) feet east of the centerline of Glenwood Road.

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

Section 1. In accordance with Section 71.01(A)(1) of the Code of Asheboro, on-street parking is hereby prohibited at all times along the portion of the north side of Redding Road that extends westward from a point located four hundred twenty-two (422) feet east of the centerline of Glenwood Road to a point that is located one hundred ninety-three (193) feet east of the centerline of Glenwood Road.

Section 2. The City Manager is hereby authorized and directed to cause the portion of the north side of Redding Road described in the immediately preceding paragraph to be posted and/or painted in accordance with the provisions of Section 71.01(A)(1) of the Code of Asheboro and in accordance with the provisions of Section 1 of this ordinance.

Section 3. The City Manager and the City Clerk are hereby directed to revise Schedule 1 of Section 72.02 of the Code of Asheboro to reflect the on-street parking prohibition imposed by this ordinance.

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

Section 5. This ordinance shall take effect and be in force from and after the date of its adoption.

Adopted by the Asheboro City Council in regular session on this 5th day of October, 2006.

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

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

16. Consideration of a motion to go into closed session pursuant to Section 143-318.11(a)(5) of the North Carolina General Statutes in order to establish and instruct members of the city staff concerning the position to be taken on behalf of the City Council on negotiating the price and other material terms of a proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

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

17. Return to open session.

Mayor Jarrell called the open session of the Council meeting back to order. No formal action was taken by the Council in closed session, and a general account of the closed session has been prepared for separate approval by the Council.

18. Upcoming Events.

- NCLM Annual Conference – October 15-17, 2006 in Greensboro.

19. Public Works, Finance, and Public Safety matters.

No committee meetings were held.

20. Discussion of items not on the agenda.

- Fall Festival Parade – Friday, October 7, 2006 at 7:00 p.m.
- Mr. Neely reported that the Planning Board reviewed the staff's proposed amendments to the Asheboro Zoning Ordinance regulating Office and Institutional zoning districts. A public hearing for this matter is scheduled during the regular session of the Council on Thursday, November 9, 2006.

There being no further business, the meeting was adjourned at 10:45 p.m.

Holly J. Hartman, City Clerk

David H. Jarrell, Mayor