

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
THURSDAY, MARCH 9, 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  
Archie Priest            )  
David Smith             )

Walker Moffitt         ) – Council Member Absent

John N. Ogburn, III, City Manager  
Dumont Bunker, P.E., City Engineer  
John Evans, Code Enforcement Officer  
Holly J. Hartman, Legal Assistant/Deputy City Clerk  
Wendell Holland, Zoning Administrator  
Deborah P. Juberg, Finance Director  
Gary L. Mason, Chief of Police  
Reynolds Neely, Planning Director  
Trevor Nuttall, Planner  
O. Lynn Priest, Community Development Director  
Jeffrey C. Sugg, City Attorney  
Larry Trotter, Chief Building Inspector

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

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

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. Chaplain Barry Morris, Chaplain of Pastoral Care of Randolph Hospital, gave the invocation.

**2. Appearance and recognition of guests and citizens.**

Mayor Jarrell welcomed everyone in attendance.

**3. Consent Agenda.**

After review and discussion of the Findings of Fact, Conclusions of Law, and Order in the Matter of CUP-05-38, and upon motion by Mr. Crisco and seconded by Ms. Hunter, Council voted unanimously to approve the following consent agenda items:

- Minutes of the regular meeting of the City Council on February 9, 2006.
- Minutes of the special meeting of the City Council on February 15, 2006.
- Findings of Fact, Conclusions of Law, and Order in the matter of CUP-05-38.

Case No. CUP-05-38  
City Council  
City of Asheboro

IN THE MATTER OF THE APPLICATION OF WANDA VONCANNON FOR A CONDITIONAL USE  
PERMIT ALLOWING BUSINESS SERVICES AND PROFESSIONAL SERVICES AT 211 WORTH  
STREET

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 regular meetings of the Council that were held on the 5<sup>th</sup> day of January and the 9<sup>th</sup> day of February, 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. Wanda VonCannon (hereinafter referred to as the "Applicant") properly submitted an application to have the property owned by Abraham Investments, LLC and located at 211 Worth Street rezoned to a Conditional Use OA6 zoning district. This property (hereinafter referred to as the "Zoning Lot") is more specifically identified by Randolph County Parcel Identification Number 7751921855.

2. Prior to the hearing of this matter, the Zoning Lot was divided approximately in half by a zoning district line. In general terms, the western half of the lot was located in an OA6 zoning district, and the other half of the lot, including an existing structure that previously served as a single-family dwelling, was located in an RA6 zoning district. The OA6 zoning district is intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. The RA6 zoning district is intended to produce a high intensity of residential uses, including multi-family developments, in close proximity to major nodes of non-residential development.

3. The Applicant's ultimate requests were for the Council to rezone the entirety of the Zoning Lot into a Conditional Use OA6 zoning district and to issue a Conditional Use Permit allowing business services and professional services uses on the Zoning Lot.

4. The Zoning Lot consists of approximately thirty-two thousand seven hundred fifty (32,750) square feet of land.

5. A mixture of public institutional, office, and residential uses characterize the area in which the Zoning Lot is located. More specifically, the Asheboro/Randolph County Public Library immediately adjoins the Zoning Lot on the lot's western property line. The Randolph County Courthouse is located further west and across the street from the public library. To the north of the Zoning Lot, one will find residential and office uses along with the parking lot for the public library. Multi-family and single-family residential uses are located to the east of the Zoning Lot. To the south of the Zoning Lot across Worth Street, offices can be found along with single-family residential dwellings.

6. Worth Street is a collector street with a 50-foot right-of-way.

7. The Growth Strategy Map identifies the area in which the Zoning Lot is located as a "Primary Growth" area, and the Proposed Land Development Plan Map designates this area as an "Activity Center".

8. The Zoning Lot is located within the corporate limits of the City of Asheboro, and all services are available.

9. The Zoning Lot is subject to the Central Business Tier 1 regulations prescribed by Article 200A of the Asheboro Zoning Ordinance.

10. In terms of Land Development Plan conformity issues, Community Appearance Goal B encourages the use of a variety of tools to improve the beauty and appearance of the community, including streetscape, landscape, and buffer requirements, street trees, sign controls, architectural and site design review, underground utility wires, and development standards to encourage preservation of natural, cultural, and historic resources, and enhancement of the built environment.

11. The City of Asheboro Planning Board reviewed the requested rezoning and recommended approval of the rezoning of the RA6 portion of the Zoning Lot to a Conditional Use OA6 zoning district. The planning board based its recommendation on the fact that the request was consistent with the Land Development Plan maps, goals, and policies. The planning board went on to state as follows:

The Center City Tier 1 area promotes a mixture of commercial, office, and institutional uses that are connected with sidewalks. Enhancement of the aesthetic environment is encouraged through preservation of open space and street tree planting. Furthermore, the OA6 district is intended to provide transition from residential to commercial areas, and the district would provide this transition.

12. Furthermore, the planning board included with its recommendation the comments that the Council should closely examine the hours of use, landscaping, buffering, and architectural requirements.

13. Prior to considering the issuance of the requested Conditional Use Permit, the Council rezoned the entirety of the Zoning Lot to a Conditional Use OA6 zoning district on the basis of the reasoning submitted to the Council by the planning board.

14. The requested Conditional Use Permit is for business services (general offices) and professional services. The approval of a business services use would permit offices such as insurance, real estate, and management and consulting offices. Additionally, the approval of a professional services use would permit offices such as accounting, engineering, architectural, and legal offices.

15. Under the Asheboro Zoning Ordinance, business services and professional services are permitted uses in an OA6 zoning district.

16. The planning department's staff has reviewed the site plan submitted by the Applicant and has found this site plan to be in compliance with the Asheboro Zoning Ordinance.

17. As previously noted, an existing structure, which was last used as single-family residence, is located on the Zoning Lot. The Applicant's submitted site plan shows that the house will be converted to offices with a new access drive. Parking will be located to the side and the rear of the structure. A landscaped screen is shown along the eastern property line. Street trees are shown as required by the Asheboro Zoning Ordinance.

18. Mr. Johnny Henson, who is licensed in North Carolina as a home inspector and a general contractor, presented expert testimony to the Council on behalf of the Applicant. Mr. Henson has inspected approximately six hundred (600) homes in Randolph County and surrounding counties. On the basis of his personal inspection of the Zoning Lot's existing structure, he has found no safety issues that need to be addressed.

19. Mr. Jimmy H. Wright, who is a state certified real estate appraiser in North Carolina, also presented testimony on behalf of the Applicant. Mr. Wright has worked as a real estate appraiser in Randolph County for in excess of twenty (20) years. Mr. Wright testified that he had reviewed the Zoning Lot and analyzed what he felt to be comparable zoning changes that had occurred in Asheboro. On the basis of his review of the location of the Zoning Lot and the surrounding neighborhood, Mr. Wright submitted his professional opinion that, if granted, the Applicant's request would not have a detrimental effect on the values of the surrounding properties.

20. No expert testimony was offered in opposition to the opinions of Mr. Wright or Mr. Henson.

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

#### CONCLUSIONS OF LAW

1. The Applicant's proposed use of the Zoning Lot for business services and professional services offices does not pose any material threat to the public health and safety. Furthermore, an expert offered uncontroverted testimony as to the safety of the structure located upon the Zoning Lot. Thus, the Applicant's proposed use of the Zoning Lot will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

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

3. While some aspects of the written documentation submitted by the Applicant's appraiser were subject to challenge, the appraiser, despite vigorous cross examination, consistently testified that he had in fact reviewed the Zoning Lot and the surrounding neighborhood and, based on his analysis of comparable zoning actions in Asheboro, he had concluded that the Applicant's request would have no detrimental effect on the value of surrounding properties. No expert opinion was offered in opposition to Mr. Wright's testimony. Therefore, the Council has concluded that the evidence presented during the course of the hearing of this matter established that the Applicant's proposed use of the Zoning Lot would not substantially injure the value of the adjoining or abutting property.

4. The land uses proposed by the Applicant for the Zoning Lot are permitted uses in an OA6 zoning district. With the addition of certain conditions to limit the hours of operation of the future offices and to preserve the exterior appearance of the existing structure located upon the Zoning Lot, the location and character of the Applicant's proposed use of the Zoning Lot if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

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

#### ORDER

Abraham Investments, LLC, acting by and through Wanda VonCannon, is hereby issued a Conditional Use Permit allowing two (2) land uses defined by the Asheboro Zoning Ordinance as Business Services and Professional Services to exist on the Zoning Lot. This Conditional Use Permit shall be valid so long as, and only so long as, the approved land uses are developed and conducted in compliance with the approved site plan and the provisions of the Asheboro Zoning Ordinance and so long as Abraham Investments, LLC and Wanda VonCannon, and their heirs, successors and assigns, remain in strict compliance with the following conditions:

1. The operational hours for the transaction of business and services with members of the public shall be limited to the days of Monday through Friday of each calendar week between the hours of 8:00 a.m. and 6:00 p.m., prevailing time.

2. In addition to the rules and regulations generally prescribed by the Asheboro Zoning Ordinance for signage, no lighting may be used on any signage located on the Zoning Lot, and such signage shall not exceed the dimensions of four (4) feet by four (4) feet.

3. Subsequent to the date of the entry of this order, no exterior portion or feature of the existing structure may be altered, moved, or demolished without first obtaining an amended Conditional Use Permit authorizing such an action. Exterior features shall include the architectural style, general design, and general arrangement of the exterior of the structure, including without limitation the color and the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, and light fixtures. However, an amended Conditional Use Permit shall not be needed under the following circumstances:

- a. Routine maintenance or repairs that do not involve a change in design, material, or appearance.
- b. Any changes needed for public safety because of an unsafe or dangerous condition, as certified by the building inspector, fire marshal, or a similar official.

4. For purposes of clarification and without limitation, no structures shall be permitted on the Zoning Lot except as shown on the site plan submitted to this Council during the regular meeting held on February 9, 2006. Furthermore, unless identified as a hard surface or the context clearly and unequivocally indicates otherwise, open areas on the site plan shall have a ground cover of grass or landscaping.

5. The existing parking area located on the northernmost portion of the Zoning Lot may be used as either accessory parking for the land uses authorized by this permit or conveyed out of the Zoning Lot. If the Applicant decides to convey this parking area out of the Zoning Lot, a revised site plan reflecting the conveyance and the compliance of the balance of the Zoning Lot with the Asheboro Zoning Ordinance shall be submitted to the Zoning Administrator for review and verification. This revised site plan shall be subject to administrative review only and shall not be submitted to the Council for hearing so long as the revisions to the site plan comply with the Asheboro Zoning Ordinances, the terms and conditions of this permit, and are limited to reflecting the conveyance of the existing parking area with its associated buffer. Any and all other proposed changes to the approved site plan shall be subject to the standard analysis prescribed by Section 1013.5 of the Asheboro Zoning Ordinance.

Adopted by the Asheboro City Council in regular session on this 9<sup>th</sup> day of March, 2006.

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

ATTEST:

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

- Ordinance to Amend the General Fund Budget.

**07 ORD 3-06**

**ORDINANCE TO AMEND THE  
GENERAL FUND BUDGET  
FY 2005-2006**

WHEREAS, as a result of the September 2005 Bond Refunding, additional proceeds were received to offset expenditures associated with the refunding, and;

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

WHEREAS, the budget as adopted requires amendment to reflect adjustments in revenues and expenditures, and:

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

Section 1: That the following Revenue line items be increased:

10-385-0000	Bond Proceeds	\$ 93,378.40
-------------	---------------	--------------

Section 2: That the following Expenditure line items be increased/ decreased:

10-440-4401	Contracted Services- Bond Refunding	\$ 93,378.40
-------------	-------------------------------------	--------------

Adopted this the 9th day of March 2006.

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

ATTEST:

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

- Ordinance to Amend the General Fund Budget FY 2005-2006.

**08 ORD 3-06**

**ORDINANCE TO AMEND THE  
GENERAL FUND BUDGET  
FY 2005-2006**

WHEREAS, The City of Asheboro entered into a contract to purchase the building commonly known as the "Sunset Theater" from the George Washington Carver College Inc., and;

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

WHEREAS, the budget as adopted requires amendment to reflect adjustments in revenues and expenditures necessary for this purchase:

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

Section 1: That the following Revenue line items be increased:

10-399-0000	Fund Balance Allocation	\$ 244,840.00
-------------	-------------------------	---------------

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

10-610-7400	Capital Outlay	\$ 244,840.00
-------------	----------------	---------------

Adopted this the 9th day of March 2006.

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

ATTEST:

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

- Project Ordinance Traffic 2005 Grant FY 2005-2006.

**PROJECT ORDINANCE  
TRAFFIC 2005 GRANT  
FY 2005-2006**

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

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

Section 1. The TRAFFIC 2005 GRANT, a National Highway Traffic Safety Administration (Federal) Grant administered thru the NC Department of Transportation on behalf of the Governor's Highway Safety Program, Project Contract NO. PT-06-04-05-48, is hereby authorized as a project with revenues and expenditures projected for the duration of the project.

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

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

LINE ITEM	DESCRIPTION	AMOUNT
75-348-0100	Federal Grant #PT-06-04-05-48	\$ 57,995.00
75-367-1000	GF Contribution FY 05-06	\$ 10,139.00
	Total	\$ 68,134.00

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

LINE ITEM	DESCRIPTION	AMOUNT
75-510-0200	Salaries & Wages	\$ 27,579.00
75-510-7400	Capital Outlay- Equipment	\$ 40,555.00
	Total	\$ 68,134.00

Adopted this the 9<sup>th</sup> day of March 2006.

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

ATTEST:

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

- Reappointment of members to the Redevelopment Commission.

During a regularly scheduled meeting on February 6, 2006, the Asheboro Redevelopment Commission voted unanimously to request that the Asheboro City Council reappoint the following members of the Asheboro Redevelopment Commission for another five-year term.

Linda H. Carter  
Charlie Robbins  
Martha Norman  
Tommy Lemonds  
David Smith.

- Ordinance prohibiting the riding of skateboards, roller skates, or any other toy vehicle on the private property of DRV Properties, located at 911 South Fayetteville Street.

AN ORDINANCE PROHIBITING ANY PERSON FROM RIDING ON A SKATEBOARD, ROLLER SKATES, OR ANY OTHER TYPE OF TOY VEHICLE ON POSTED PRIVATE PROPERTY

**WHEREAS**, Section 160A-174(a) of the North Carolina General Statutes provides that a city may define, prohibit, regulate, or abate by ordinance acts, omissions, or conditions that are detrimental to the health, safety, or welfare of the city's citizens and the peace and dignity of the city; and

**WHEREAS**, Section 70.53 of the Code of Asheboro restricts the use of play vehicles in the following manner:

**§ 70.53 USE OF PLAY VEHICLES RESTRICTED.**

(A) It shall be unlawful for any person riding on a skateboard, roller skates, coaster, toy vehicle or similar device to ride any of such devices on the premises of the municipal buildings, on any municipal parking facility, or to ride any such devices on any sidewalk or street located in the central business district of the city, as designated on the City Zoning Map as a B-3 District.

(B) It shall be unlawful for any person riding on a skateboard, roller skate or any other toy vehicle to ride on a roadway except while crossing a street at a crosswalk or intersection; provided, that this section shall not apply upon streets set aside as play streets.

(C) It shall be unlawful for any person to ride on a skateboard, roller skates, or any other toy vehicle on private property when signs are placed, erected, or installed giving notice that skateboarding, roller skating or riding any other toy vehicle is regulated, prohibited, or prohibited during certain hours, in that space or area.

**WHEREAS**, Walter Lee Ward, Jr., who is authorized to act of behalf of DRV Properties, has petitioned the City Council of the City of Asheboro to have the premises located at 911 South Fayetteville Street posted in order to prohibit, in accordance with Section 70.53(C) of the Code of Asheboro, the riding by any person of a skateboard, roller skates, or any other toy vehicle in the front and back parking areas, as well as the roof area of the building, located at 911 South Fayetteville Street; and

**WHEREAS**, DRV Properties is the owner of the land and structure located at 911 South Fayetteville Street.

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

**Section 1.** Pursuant to and in accordance with Section 70.53(C) of the Code of Asheboro, it shall be unlawful for any person to ride a skateboard, roller skates, or any other toy vehicle on any structure located at 911 South Fayetteville Street or upon any portion of the front and rear parking areas of the premises.

**Section 2.** The number and type of signs necessary to lawfully implement the provisions of Section 1 of this ordinance shall be erected or installed in a manner to be determined by the Chief of Police or his designee, and the entirety of the cost of erecting or installing the necessary signs shall be paid by DRV Properties as the applicant requesting the adoption of this ordinance.

**Section 3.** The city clerk shall enter a description in Schedule 20 of Chapter 72 of the Code of Asheboro of the type of prohibition imposed by this ordinance and a description of the private property subject to said prohibition.

**Section 4.** This ordinance shall become effective upon adoption.

Adopted by the Asheboro City Council in regular session on this 9<sup>th</sup> day of March, 2006.

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

ATTEST:

\_\_\_\_\_  
s/ Holly J. Hartman  
Holly J. Hartman, Deputy City Clerk

The following consent agenda item was deferred until the next regular council meeting:

- Findings of Fact, Conclusions of Law, and Order in the Matter of SUP-06-01.

## **OLD BUSINESS**

Mayor Jarrell opened the public hearing on the following request:

4. **RZ/CUP-06-04: Rezone from R15 to CU-R15 and Permit Modification / Old Castle Drive at Boundary Drive.** The property of James Worth Heath is located on the north side of Boundary Drive at Old Castle Drive and contains approximately 36,911 square feet of land. Randolph County Parcel Identification Number 7764307155 more specifically describes the property.

Mr. Neely was sworn in and presented the staff analysis of the applicant's request, including the submitted site plan. The Applicant, James Worth Heath, requested the rezoning of the above-described property from R15 to CU-R15 Conditional Use Low Density Residential. In addition to having the property rezoned, the Applicant requested a Conditional Use Permit modification to allow the Heathwood Acres Subdivision to be expanded and a portion of the natural buffer that is required around the perimeter of the development eliminated. The elimination of the buffer was requested for Lot 70 only. Approval of the request would result in a net gain of three (3) lots for the development.

The Planning Department Staff and the Planning Board recommended approval of the request in that "[c]ity zoning in the vicinity is CU-R15. This request is consistent with both the city's zoning pattern in the area and the Land Development Plan's maps and policies." Staff recommended retention of all conditions imposed under CUP-00-19 except as expressly modified by any new permit issued in response to this request.

On behalf of the Applicant, Mr. Jerry King, 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 audio tape 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 adopted the recommendation of the Planning Board and placed the above-described property in a CU-R15 district.

Upon motion by Mr. Smith and seconded by Ms. Hunter, Council unanimously voted to approve the requested Conditional Use Permit to allow the expansion of the Heathwood Acres Subdivision. 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 April 6, 2006.

## **NEW BUSINESS**

### **5. Land Use Issues:**

#### **Zoning Issues:**

Mayor Jarrell opened the public hearing on the following request:

- (a) **RZ-06-03: Rezone from OA6 to B3 / Hill Street and South Church Street.** The properties of Charles G. Willard are located on the west side of South Church Street and the south side of Hill Street at their intersection and contain approximately 1.07 acres of land. Randolph County Parcel Identification Numbers 7751721250, 7751721200, 7751722142, 7751722157, and 7751722252.

Mr. Neely presented the staff analysis of the request submitted by Mr. Charles Willard to rezone the above-described property from OA6 Office and Apartment to B3 Central Business. The Planning Department Staff and the Planning Board recommended approval of the request in that "[t]he request is supported by the LDP's Proposed Land Use Map as well as several stated Economic Development and Transportation System goals and policies advocated by the plan."

The Applicant, Mr. Charles Willard, was available to answer questions.

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

Upon motion by Mr. Baker and seconded by Mr. Priest, Council adopted the Planning Board's analysis of the request and approved the requested rezoning.

Mayor Jarrell opened the public hearing on the following request:

- (b) SUP-06-06: Special Use Permit / Hill Street and South Church Street. The properties of Charles G. Willard are located on the west side of South Church Street and the south side of Hill Street at their intersection and contain approximately 1.07 acres of land. Randolph County Parcel Identification Numbers 7751721250, 7751721200, 7751722257, 7751722142, 7751722157, and 7751722252 more specifically describe 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 to allow a Residential Townhouse Development in a B3 District.

Mr. Charles Willard 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 audio tape of the testimony presented during this hearing is on file in the City Clerk's office.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to approve the Special Use Permit for a Residential Townhouse Development in a B3 District. 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 April 6, 2006. This order will reflect a condition 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:

- (c) SUP-06-05: Special Use Permit / East side of Oak Leaf Road south of North Carolina Highway 49 South. The property of Bernard and Ellen Caruso is located on the east side of Oak Leaf Road approximately 600 feet south of North Carolina Highway 49 South and contains approximately 6.01 acres of land. Randolph County Parcel Identification Number 7750043201 more specifically describes 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 Child Day Care-Large, which consists of eighty (80) or more children.

Mr. Bernard Caruso was sworn in and addressed the four standard tests.

Ms. Vernetta Clark was sworn in and presented comments and concerns in opposition to the requested permit.

There being no further testimony to be entered into the record, Mayor Jarrell closed the public hearing. An audio tape 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 Child Day Care-Large consisting of eighty (80) or more children. 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 April 6, 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) CUP-06-07: Conditional Use Permit Modification / Ridgeway Drive east of Ridgeway Circle. The properties of Clayton Terry Tucker are located on the north and south sides of Ridgeway Drive east of Ridgeway Circle and including the addresses 767 and 782 Ridgeway Drive and consists of approximately 4.28 acres of land. Randolph County Parcel Identification Numbers 7750197514, 7750198533, 7750199672, and 7750199359 more specifically describe the properties.

This case was withdrawn by the Applicant subsequent to the printing of the agenda.

**Subdivisions:**

- (e) SUB-06-01: Asheboro Downtown Plaza. Sketch Design Plat Approval.

Mr. Neely presented the sketch design for the proposed Asheboro Downtown Plaza. Mr. Charles Willard requests the approval of a sketch design plat for a residential townhouse development containing multi-story town homes with commercial spaces at the street-level of the units fronting South Church Street. The proposed location for this subdivision is at the southwest intersection of South Church Street and Hill Street and contains approximately 1.05 acres of land, consisting of approximately twelve (12) lots.

All departments have reviewed the plat. Both Planning Department Staff and Planning Board recommended approval.

Upon motion by Mr. Baker and seconded by Mr. Crisco, Council took the following unanimous actions: (i) Granted a variance as indicated on the sketch from the street right-of-way dedication requirements; (ii) Granted a variance as indicated on the sketch from the sight distance triangle requirements; and (iii) Accepted the staff and Planning Board comments and approved the sketch design plat.

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

(f) SUB-04-04: Robins Nest Phases 1 and 2, Map 1. Final Plat Approval.

Mr. Neely submitted the Applicant's request to defer the final plat approval for Phase 2, Map 1. Upon motion by Mr. Smith and seconded by Ms. Carter, Council voted unanimously to defer the final plat approval for Phase 2, Map 1 until the next regular council meeting.

Mr. Neely then 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 1. This subdivision is located on East Allred Street at the proposed Robins Nest Drive, consisting of three (3) lots, with an average lot size of approximately 15,246 square feet of land.

All departments have reviewed the plat. Both Planning Department Staff and the Planning Board recommend approval of the final plat for Robins Nest Phase 1, Map 1.

Upon motion by Ms. Carter and seconded by Mr. Priest, Council accepted the recommendation of the Planning Board and granted final plat approval for Robins Nest Phase 1, Map 1.

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

**Report from Planning Board/Board of Adjustment meeting:**

(g) Request by the Planning Board/Board of Adjustment for clarification of certain text in the Asheboro Zoning Ordinance.

Mr. Neely presented certain concerns of the Planning Board/Board of Adjustment in regards to a debate of the differences between a body shop and customization shop. These concerns arose from a recent hearing of an appeal of the zoning administrator's decision in regards to whether a body shop or customization shop is considered a major or minor auto body repair as set forth in the zoning ordinance.

Additionally, the Planning Board requests that the City Council review the language concerning the required screening for mechanical equipment of all new construction with the exception of single-family dwellings. The Planning Board/Board of Adjustment requests that the City Council closely examine the current regulations for said screening.

The Planning Department Staff will research these areas of concern with the Planning Board and report the results for council's review.

**6. Appearance of Mr. Bob Crumley.**

Mr. Bob Crumley presented comments and concerns in regards to certain zoning issues such as the screening of mechanical equipment that he had encountered during his recent development projects, specifically including Shoppes on Dixie. Mr. Crumley specifically requested that the Planning Department Staff and the Council closely examine and review the amount of flexibility and discretion contemplated by the Asheboro Zoning Ordinance during the implementation and enforcement of the ordinance's provisions.

**7. Public Comment Period.**

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

**8. Annual report of the Police Department.**

This item was moved by council to immediately precede agenda item 11.

**9. Request by Doug Kemp of 613 South Park Street for an ordinance establishing a no-truck zone on South Park Street (SR 1451) between Sunset Avenue (SR 1442) and Albemarle Road (SR 1713), subject to concurrence by the North Carolina Department of Transportation.**

Mr. Doug Kemp presented a request to establish a no-truck zone on South Park Street between Sunset Avenue and Albemarle road.

An ordinance establishing a no-truck zone for the requested area will be presented for council's review at the next regular meeting. During the Council's discussion of Mr. Kemp's request, a consensus emerged that the proposed ordinance should be directed at prohibiting the use of the above-described roadway by tractor-trailers as a through street.

**10. Annual report of the Police Department.**

Mr. Gary L. Mason, Chief of Police, presented an overview of the Police Department's activities during 2005. The department's report reflected several activities and accomplishments within the department, specifically including staff development and training.

Chief Mason highlighted that the department was recently approved for a grant, enabling the department to add a traffic position. This grant will fund the necessities of the additional officer. Additionally, Chief Mason presented the department's statistics specifically including traffic stops, searches, and seizures along with updates regarding the use of the K-9 unit and the A.L.E.R.T. team in critical incidents and high-risk situations.

**11. Request by the North Carolina Department of Transportation for an ordinance declaring a 25 mile per hour speed limit on West Presnell Street (SR 1462) from a point 0.13 mile east of Piedmont Street (SR 1481) eastward to a point 0.14 mile west of White Oak Street (SR 3262), in effect 30 minutes before to 30 minutes after Charles W. McCrary School begins and ends on school days only.**

The above-referenced item was deferred until the next regular council meeting.

**12. Ordinance amending Chapter 51 of the Code of Asheboro.**

The above-referenced item was withdrawn for further review by staff.

**13. Petition received from Jeffrey Schwarz requesting contiguous annexation of 0.715 acre at 251 Lakecrest Road.**

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the City Clerk to investigate a petition requesting contiguous annexation of 0.715 of an acre of land located at 251 Lakecrest Road.

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

**09 RES 3-06**

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES (0.715 of an Acre of Land Located at 251 Lakecrest Road)**

**WHEREAS**, a petition requesting the annexation of a lot located at 251 Lakecrest Road has been received by the City Council of the City of Asheboro, North Carolina; and

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

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

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

Adopted by the Asheboro City Council in regular session on this the 9<sup>th</sup> day of March, 2006.

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

ATTEST:

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

As a consequence of the receipt of written certification from the Deputy 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. Baker and seconded by Ms. Carter, Council voted unanimously to adopt the following resolution by reference.

**10 RES 3-06**

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES  
(0.715 of an Acre of Land Located at 251 Lakecrest Road)**

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

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

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

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

**Section 1.** A public hearing on the question of annexation of the area described herein will be held in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, at 7:00 o'clock p.m. on the 6<sup>th</sup> day of April, 2006.

**Section 2.** The area proposed for annexation is described on the attached sheet that 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, at least ten (10) days prior to the date of said public hearing.

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

ATTEST:

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

(Exhibit 1 that is referred to in this resolution is attached to the original resolution on file in the City Clerk's office.)

**14. Statutory annexation of approximately 80.317 acres of land located southwest of West Dixie Drive and U.S. Highway 220 Bypass.**

**(a) Consideration of a resolution of intent.**

Mr. Ogburn presented and recommended adoption, by reference, of a resolution stating the intent of the City of Asheboro to consider annexation of approximately 80.317 acres of land located southwest of West Dixie Drive and U.S. Highway 220 Bypass and fixing the date of a public informational meeting and a public hearing on the question of annexation.

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

**11 RES 3-06**

**A RESOLUTION STATING THE INTENT OF THE CITY OF ASHEBORO TO CONSIDER ANNEXATION OF THE AREA DESCRIBED HEREIN AND FIXING THE DATE OF A PUBLIC INFORMATIONAL MEETING AND A PUBLIC HEARING ON THE QUESTION OF ANNEXATION**

**BE IT RESOLVED** by the City Council of the City of Asheboro that:

**Section 1.** It is the intent of the City Council of the City of Asheboro to consider annexation of the following described territory pursuant to Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe/rod set in the southern margin of the right-of-way for West Dixie Drive (United States Highway 64 and North Carolina Highway 49) and located South 11 degrees 54 minutes 45 seconds East 31.34 feet from North Carolina Geodetic Survey Monument "Holiday", which is itself located by means of the North Carolina Coordinate System at the coordinates of North 705,503.991 feet and East 1,753,504.069 feet (NAD 27); thence from said Beginning point along the existing corporate limits line for the City of Asheboro and the southern margin of the right-of-way for West Dixie Drive North 69 degrees 16 minutes 34 seconds East 424.71 feet to an existing iron pipe/rod; thence along the existing corporate limits line for the City of Asheboro the following courses and distances: South 00 degrees 46 minutes 20 seconds East 904.63 feet to an existing iron pipe/rod; thence South 12 degrees 43 minutes 58 seconds East 442.73 feet to an existing iron pipe/rod; thence North 89 degrees 11 minutes 13 seconds West 147.36 feet to an existing iron pipe/rod set in the eastern margin of the right-of-way for United States Highway 220 Bypass (I-73/I-74); thence along the eastern margin of the right-of-way for United States Highway 220 Bypass the following courses and distances: South 16 degrees 44 minutes 40 seconds East 62.93 feet to an existing iron pipe/rod; thence South 16 degrees 04 minutes 31 seconds East 26.59 feet to an existing iron pipe/rod; thence South 15 degrees 42 minutes 09 seconds East 50.47 feet to an existing iron pipe/rod; thence South 15 degrees 41 minutes 29 seconds East 39.80 feet to an existing iron pipe/rod; thence South 14 degrees 56 minutes 22 seconds East 50.27 feet to an existing iron pipe/rod; thence South 12 degrees 07 minutes 44 seconds East 50.17 feet to an existing iron pipe/rod; thence South 12 degrees 37 minutes 49 seconds East 88.14 feet to an existing iron pipe/rod; thence South 10 degrees 23 minutes 38 seconds East 35.94 feet to an existing iron pipe/rod; thence South 08 degrees 55 minutes 23 seconds East 64.82 feet to an existing iron pipe/rod; thence South 09 degrees 42 minutes 42 seconds East 103.28 feet to an existing iron pipe/rod; thence South 07 degrees 43 minutes 29 seconds East 54.93 feet to a concrete monument; thence North 83 degrees 50 minutes 50 seconds East 39.79 feet to a concrete monument; thence along the eastern property line of the BSR, LLC property described in Deed Book 1916, Page 146, Randolph County Registry the following courses and distances: North 02 degrees 40 minutes 57 seconds West 67.98 feet to an existing iron pipe/rod; thence North 02 degrees 40 minutes 04 seconds West 77.59 feet to an existing iron pipe/rod; thence North 02 degrees 45 minutes 19 seconds West 100.34 feet to an existing iron pipe/rod; thence North 02 degrees 39 minutes 33 seconds West 99.97 feet to an existing iron pipe/rod; thence North 02 degrees 48 minutes 57 seconds West 4.61 feet to an existing iron pipe/rod; thence North 02 degrees 43 minutes 45 seconds West 195.04 feet to an existing iron pipe/rod set in the southern margin of the 60-foot right-of-way for Sherwood Road; thence North 88 degrees 21 minutes 46 seconds East 13.16 feet along the southern margin of the right-of-way for Sherwood Road to an existing iron pipe/rod; thence continuing along the existing corporate limits line for the City of Asheboro the following courses and distances: South 12 degrees 43 minutes 58 seconds East 558.90 feet to an existing iron pipe/rod; thence South 12 degrees 29 minutes 58 seconds East 562.83 feet to an existing iron pipe/rod; thence South 61 degrees 10 minutes 37 seconds West 1,213.57 feet across United States Highway 220 Bypass to a concrete monument; thence continuing along the existing corporate limits line for the City of Asheboro the following courses and distances: North 13 degrees 01 minute 14 seconds East 169.06 feet to an existing iron pipe/rod; thence North 13 degrees 15 minutes 01 second East 99.96 feet to an existing iron pipe/rod; thence North 13 degrees 22 minutes 19 seconds East 99.99 feet to an existing pipe/rod; thence North 13 degrees 14 minutes 24 seconds East 99.77 feet to an existing iron pipe/rod; thence North 13 degrees 16 minutes 20 seconds East 300.06 feet to an existing iron pipe/rod; thence North 13 degrees 15 minutes 55 seconds East 99.99 feet to an existing iron pipe/rod; thence North 13 degrees 45 minutes 14 seconds East 110.98 feet to a concrete monument; thence North 83 degrees 42 minutes 54 seconds West 241.18 feet to an existing iron pipe/rod; thence North 83 degrees 46 minutes 48 seconds West 51.72 feet across the 50-foot right-of-way for Harvell Street to an existing iron pipe/rod; thence continuing along the existing corporate limits line for the City of Asheboro the following courses and distances: North 83 degrees 34 minutes 06 seconds West 229.64 feet to an existing iron pipe/rod; thence North 83 degrees 45 minutes 01 second West 195.81 feet to an existing iron pipe/rod; thence across the 50-foot right-of-way for Sunny Lane (North Carolina Secondary Road 1229) and along the northern line of the Phillip Cox property described in Deed Book 1258, Page 634, Randolph County Registry the following courses and distances: North 82 degrees 59 minutes 26 seconds West 39.60 feet to an existing iron pipe/rod; thence North 83 degrees 44 minutes 21 seconds West 206.82 feet to a concrete monument; thence North 01 degree 45 minutes 55 seconds West 99.89 feet to a concrete monument; thence departing from the existing corporate limits line and continuing the following courses and distances: North 01 degree 58 minutes 10 seconds West 82.68 feet to an existing iron pipe/rod; thence North 01 degree 17 minutes 04 seconds West 84.08 feet to an existing iron pipe/rod; thence North 02 degrees 41 minutes 29 seconds West 7.95 feet to an existing iron pipe/rod;

thence North 01 degree 18 minutes 23 seconds West 74.93 feet to an existing iron pipe/rod; thence North 01 degree 51 minutes 55 seconds West 82.60 feet to an existing iron pipe/rod; thence North 01 degree 51 minutes 16 seconds West 33.69 feet to an existing iron pipe/rod; thence North 01 degree 33 minutes 22 seconds West 48.80 feet to an existing iron pipe/rod; thence North 01 degree 51 minutes 15 seconds West 85.13 feet to an existing iron pipe/rod; thence North 85 degrees 42 minutes 41 seconds West 204.50 to an existing iron pipe/rod set in the 60-foot right-of-way for Lambert Drive (North Carolina Secondary Road 1157); thence North 85 degrees 42 minutes 41 seconds West 24.56 feet to an existing iron pipe/rod set in the right-of-way for Lambert Drive; thence South 01 degree 35 minutes 37 seconds East 89.51 feet to an existing iron pipe/rod set in the right-of-way for Lambert Drive; thence South 86 degrees 53 minutes 10 seconds West 198.27 feet along the Douglas Hensley property described in Deed Book 1630, Page 295, Randolph County Registry to an existing iron pipe/rod; thence along the Mark Thompson property described in Deed Book 1690, Page 1504, Randolph County Registry the following courses and distances: North 00 degrees 31 minutes 36 seconds West 36.39 feet to an existing iron pipe/rod; thence North 01 degree 05 minutes 39 seconds West 174.99 feet to an existing iron pipe/rod set in the 50-foot right-of-way for Sherwood Avenue (North Carolina Secondary Road 1204); thence North 04 degrees 19 minutes 22 seconds West 38.54 feet to an existing iron pipe/rod set in the right-of-way for Sherwood Avenue; thence North 03 degrees 49 minutes 19 seconds West 62.18 feet to an existing iron pipe/rod; thence North 01 degree 50 minutes 54 seconds West 74.95 feet to an existing iron pipe/rod; thence North 01 degree 48 minutes 08 seconds West 74.99 feet to an existing iron pipe/rod; thence North 87 degrees 32 minutes 26 seconds West 86.80 feet to an existing iron pipe/rod; thence along the existing corporate limits line the following courses and distances: North 03 degrees 19 minutes 32 seconds East 99.02 feet to an existing iron pipe/rod; thence North 03 degrees 35 minutes 27 seconds East 49.77 feet to an existing iron pipe/rod; thence North 02 degrees 34 minutes 14 seconds East 49.84 feet to an existing iron pipe/rod; thence North 02 degrees 38 minutes 58 seconds East 24.92 feet to an existing iron pipe/rod; thence North 07 degrees 39 minutes 32 seconds East 13.78 feet to an existing iron pipe/rod; thence along the northern line of the Mental Health Association property described in Deed Book 1875, Page 768, Randolph County Registry the following courses and distances: North 87 degrees 31 minutes 52 seconds West 75.02 feet to an existing iron pipe/rod; thence North 87 degrees 21 minutes 13 seconds West 75.00 feet to an existing iron pipe/rod; thence North 87 degrees 27 minutes 09 seconds West 12.94 feet to an existing iron pipe/rod; thence North 05 degrees 28 minutes 42 seconds East 89.75 feet to an existing iron pipe/rod; thence along the Schwarz property described in Deed Book 1731, Page 948, Randolph County Registry the following courses and distances: South 87 degrees 26 minutes 04 seconds East 165.69 feet to an existing iron pipe/rod; thence North 07 degrees 25 minutes 34 seconds East 78.92 feet to an existing iron pipe/rod; thence North 06 degrees 59 minutes 42 seconds East 29.53 feet to an existing iron pipe/rod; thence North 08 degrees 04 minutes 51 seconds East 20.92 feet to an existing iron pipe/rod; thence along the BSR, LLC property described in Deed Book 1902, Page 1858, Randolph County Registry the following courses and distances: North 87 degrees 54 minutes 39 seconds East 203.07 feet to an existing iron pipe/rod; thence North 07 degrees 58 minutes 40 seconds West 41.49 feet to an existing iron pipe/rod; thence North 03 degrees 53 minutes 16 seconds West 58.10 feet to an existing iron pipe/rod; thence North 88 degrees 19 minutes 45 seconds East 67.79 feet across Lambert Drive to an existing iron pipe/rod; thence North 26 degrees 37 minutes 38 seconds East 70.15 feet to an existing iron pipe/rod; thence North 60 degrees 17 minutes 16 seconds East 89.47 feet to a concrete monument; thence along the southern margin of the right-of-way for West Dixie Drive the following courses and distances: South 86 degrees 02 minutes 19 seconds East 122.74 feet to an existing iron pipe/rod; thence South 89 degrees 57 minutes 55 seconds East 135.17 feet to an existing iron pipe/rod; thence North 86 degrees 26 minutes 47 seconds East 121.11 feet to an existing iron pipe/rod; thence North 83 degrees 05 minutes 08 seconds East 124.14 feet to an existing iron pipe/rod; thence North 79 degrees 45 minutes 07 seconds East 114.39 feet to an existing iron pipe/rod; thence North 76 degrees 24 minutes 00 seconds East 124.66 feet to an existing iron pipe/rod; thence North 73 degrees 04 minutes 06 seconds East 124.50 feet to an existing iron pipe/rod; thence continuing along the existing corporate limits line for the City of Asheboro the following courses and distances: South 05 degrees 02 minutes 14 seconds West 466.93 feet to a concrete monument; thence South 05 degrees 34 minutes 18 seconds East 118.32 feet to an existing iron pipe/rod; thence North 89 degrees 03 minutes 51 seconds East 60.46 feet to an existing iron pipe/rod; thence along the eastern margin of the 60-foot right-of-way for Harvell Street Extension (North Carolina Secondary Road 1241) the following courses and distances: South 00 degrees 53 minutes 47 seconds East 106.60 feet to an existing iron pipe/rod; thence South 17 degrees 17 minutes 04 seconds East 58.31 feet to an existing iron pipe/rod; thence South 22 degrees 26 minutes 00 seconds East 348.42 feet to an existing iron pipe/rod; thence along the northern margin of the 50-foot right-of-way for Sherwood Avenue (North Carolina Secondary Road 1204) the following courses and distances: South 83 degrees 28 minutes 22 seconds East 74.29 feet to an existing iron pipe/rod; thence North 89 degrees 23 minutes 25 seconds East 204.08 feet to a concrete monument set in the western margin of the right-of-way for the United States Highway 220 Bypass; thence along the western margin of the right-of-way for the United States Highway 220 Bypass the following courses and distances: North 17 degrees 19 minutes 08 seconds West 130.60 feet to an existing iron pipe/rod; thence North 21 degrees 28 minutes 06 seconds West 90.65 feet to an existing iron pipe/rod; thence North 27 degrees 52 minutes 36 seconds West 109.78 feet to a concrete monument; thence North 01 degree 53 minutes 23 seconds West 881.60 feet along the existing corporate limit line to

the point and place of the BEGINNING, containing 80.317 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR CITY OF ASHEBORO(;) AREA SOUTHWEST OF WEST DIXIE DRIVE AND US HIGHWAY 220 BYPASS". This plat of survey was dated December 29, 2005, and was prepared by Jerry A. King, who is a Professional Land Surveyor with Registration Number L-3373.

Section 2. A public informational meeting on the question of annexing the above-described territory will be held in the Council Chamber of the Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina, at 7:00 o'clock p.m. on the 27th day of April, 2006. At this public informational meeting, plans for extending services to said territory will be explained, and all residents and property owners in said territory along with all residents of the City of Asheboro will be given an opportunity to ask questions and receive answers regarding the proposed annexation.

Section 3. A public hearing on the question of annexing the above-described territory will be held in the Council Chamber of the Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina, at 7:00 o'clock p.m. on the 18th day of May, 2006. At this public hearing, plans for extending services to said territory will be explained, and all residents and property owners in said territory along with all residents of the City of Asheboro will be given an opportunity to be heard.

Section 4. A report of plans for extending services to the above-described territory shall be made available for public inspection at the office of the City Clerk at least thirty (30) days prior to the date of the public informational meeting. The statement of financial impact contained in the report shall be delivered to the Randolph County Board of Commissioners at least thirty (30) days prior to the date of the public informational meeting.

Section 5. A legible map of the area to be annexed and a list of persons who have been identified as holding freehold interests in property in the area to be annexed shall be posted in the office of the City Clerk at least thirty (30) days prior to the date of the public informational meeting.

Section 6. Notice of the public informational meeting and public hearing shall be given by publication and by first class mail as required by Section 160A-49 of the North Carolina General Statutes.

Section 7. The effective date of the annexation shall be not less than one (1) year following the date of adoption of the annexation ordinance.

Adopted by the Asheboro City Council in regular session on the 9th day of March, 2006.

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

ATTEST:

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

**(b) Consideration of the annexation report and services plan.**

This item was deferred until the Special Council Meeting on Thursday, March 23, 2006.

**15. City Council Committee reports.**

Mr. Ogburn reported that after its next meeting, the Recreation Committee will present an update and recommendation pertaining to the Sunset Theater project, specifically including the hiring of an architectural consultant to conduct a feasibility study. In addition, the Committee will report its findings in regards to the possibility of forming an Advisory Committee that would offer programming suggestions and promote the theater's programs.

**16. Upcoming Events.**

- Monday, March 20, 2006, Mayor Jarrell's Clean-Up Day at 4:00p.m. until 5:30 p.m. Meet at City Hall.
- Thursday, March 23, 2006, Strategic Planning Steering Committee at 7:00 p.m. at City Hall.
- Tuesday, April 11, 2006, Strategic Planning Steering Committee at 7:00 p.m. at City Hall.
- Friday, April 14, 2006, Good Friday, City Offices will closed.

- Thursday, April 27, 2006, Special Called Council Meeting – Public Meeting on Annexation at 7:00 p.m. at City Hall.

There being no further business, the meeting was adjourned at 9:58 p.m.

---

Holly J. Hartman, Deputy City Clerk

---

David H. Jarrell, Mayor