

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, MARCH 8, 2007
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)
Keith Crisco)
Nancy Hunter) – Council Members Present
Walker Moffitt)
David Smith)

Linda Carter) – Council Members Absent
Archie Priest)

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
Wendell Holland, Zoning Administrator
Foster Hughes, Recreation Director
Deborah P. Juberg, Finance Director
Gary L. Mason, Chief of Police
R. Reynolds Neely, Jr., Planning Director
Trevor L. Nuttall, Planner
O. Lynn Priest, Community Development Director
Jeffrey C. Sugg, City Attorney

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 Russ Ward, Pastor of First Presbyterian Church, gave the invocation.

3. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

4. Presentation of Key to the City to Mr. Russell Walker.

Mayor Jarrell read and presented the following proclamation to Mr. Russell Walker in appreciation for his tireless public service rendered to the citizens of the City of Asheboro and the State of North Carolina.

PROCLAMATION

WHEREAS, the City Council of Asheboro, North Carolina hereby desires to express commendation and appreciation for the untiring and valuable service rendered to the City by

Mr. Russell Walker

and that the City Clerk is hereby authorized and instructed to spread a copy of this proclamation upon the city records and to transmit a copy thereof to Mr. Walker, and

WHEREAS, Mr. Walker has served as a member of the City Council, Airport Authority, served 10 consecutive terms in the North Carolina Senate, beginning with the 1975 General Assembly, also as a member and Vice Chair of the NC Aeronautics Council, giving generously of his time and efforts, unselfishly in all deliberations in a dignified, faithful, and businesslike manner, now,

THEREFORE BE IT PROCLAIMED, on behalf of the City Council, City Staff, and the Citizens of Asheboro to extend to Mr. Walker its humble expression of esteem for him in serving faithfully and well, and its best wishes for good health, success, and prosperity for many years to come.

Adopted this the eighth day of March, 2007.

s/ David H. Jarrell
David H. Jarrell
Mayor

ATTEST:

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

Mayor Jarrell also presented Mr. Walker with a gold key to the City of Asheboro.

5. Consent Agenda.

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

- Approval of the minutes of the regular meeting of the City Council held on February 8, 2007.
- Approval of findings of fact, conclusions of law, and order in the matter of CUP-07-01.

Case No. CUP-07-01
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION OF SUMMERS RUN, LLC FOR A CONDITIONAL USE PERMIT AUTHORIZING A MULTI-FAMILY DEVELOPMENT WITH A FLOOR AREA RATIO OF UP TO 22%

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 February 8, 2007. 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. Summers Run, LLC (hereinafter referred to as the "Applicant") has applied, by and through Tim Schwarz, for a Conditional Use Permit that, if granted, will authorize certain modifications to the Conditional Use Permit the Council issued to the Applicant under city planning department file number CUP-06-39. The new Conditional Use Permit sought by the Applicant would authorize the same use, a multi-family development with a floor area ratio of up to twenty-two percent (22%), as was authorized by the existing permit issued under CUP-06-39.

2. The new permit is sought for the Applicant's real property at 2159 and 2201 North Fayetteville Street, which consists of approximately 13.69 acres of land, more or less. This parcel of land is more specifically identified by Randolph County Parcel Identification Number 7763033224 and shall be hereinafter referred to as the "Zoning Lot."

3. The Zoning Lot is subject to mixed zoning due to its location in a CU-OA6 and a CU-RA6 zoning district.

4. A multi-family development with a floor area ratio of up to twenty-two percent (22%) is permitted with a Special Use Permit or a Conditional Use District in the underlying OA6 and RA6 zoning districts.

5. The Zoning Lot is located in an area designated on the Growth Strategy Map as a "Primary Growth" area, and this same area is identified as "Urban Residential" on the Proposed Land Development Plan Map.

6. A rental office and apartments already exist on the Zoning Lot. The site plan submitted with this application depicts a multi-family development with thirty-two (32) new dwelling units and a swimming pool area. The site plan indicates a floor area ratio of up to twenty-two percent (22%).

7. The Applicant has properly submitted an application, including a revised site plan and building elevations, that reflects a modification of the previously approved building designs and layout. The requested Conditional Use Permit would authorize eight (8) new one-bedroom units and eight (8) new two-bedroom units rather than the sixteen (16) new two-bedroom units that were approved under file number CUP-06-39. The sixteen (16) new three-bedroom units authorized by the existing Conditional Use Permit are not altered by the current application. In essence, if granted, the requested Conditional Use Permit would authorize a change in the approved building design and layout from thirty-two (32) new two and three-bedroom units to a mixture of thirty-two new one, two, and three-bedroom units.

8. Mr. Jon Megerian, Esq., who represented the Applicant during this hearing, presented uncontroverted testimony that the above-described changes in building design and layout did not substantially alter the square footage and footprint of the proposed buildings.

9. The revised site plan does not alter the amount of available parking space.

10. The current application is seeking approval for, functionally speaking, the same land use that was previously authorized under file number CUP-06-39.

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

12. North Fayetteville Street is a state-maintained major thoroughfare with a 100-foot right-of-way.

13. The land uses surrounding the Zoning Lot consist of manufactured home park uses to the north and west with multi-family residential uses located to the south and east of the Zoning Lot. In short, the Zoning Lot's surrounding land uses can be properly classified as medium to high density residential.

14. There is a 100-year floodplain on the Zoning Lot. Consequently, all development will be required to comply with the flood damage prevention section of the city's zoning ordinance. The use of fill is not permitted within the floodplain without the prior submittal of an engineered flood study.

15. Nothing unusually hazardous is associated with the proposed use.

16. The city's planning director provided uncontroverted testimony that the revised site plan has been reviewed by members of the city's planning department staff and found to be in compliance with the regulations of the Asheboro Zoning Ordinance.

17. During the hearing of this matter, no testimony or any other form of evidence was presented in opposition to the Applicant's request for the issuance of a new Conditional Use Permit.

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

CONCLUSIONS OF LAW

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

2. The evidence received during the public hearing established that the proposed use, as revised, continues to 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, as revised to change the building design and layout to accommodate a mixture of new one, two, and three-bedroom units rather than only two and three-bedroom units, will not substantially injure the value of the adjoining or abutting property.

4. The location and character of the Applicant's proposed use, as revised and 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

Summers Run, LLC is hereby issued a Conditional Use Permit authorizing a multi-family development with a floor area ratio of up to twenty-two percent (22%). This Conditional Use Permit shall

be valid so long as, and only so long as, the Applicant, and its successors and assigns, conducts the approved land use in compliance with the approved revised site plan, the provisions of the Asheboro Zoning Ordinance, and complies with the following condition:

All proposed amenities, which are not otherwise mandated under a time frame prescribed by the zoning ordinance or any other law, ordinance, or regulation, shall be either installed or a guarantee authorized by the zoning ordinance received prior to the issuance of a Certificate of Zoning Compliance for the final phase of the development.

Adopted by the Asheboro City Council in regular session on the 8th day of March, 2007.

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

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

- Approval of findings of fact, conclusions of law, and order in the matter of CUP-07-04.

Case No. CUP-07-04
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION BY HABITAT FOR HUMANITY, WITH THE CONSENT OF E & C INVESTMENTS, FOR A CONDITIONAL USE PERMIT AUTHORIZING A RESIDENTIAL PLANNED UNIT DEVELOPMENT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING A 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 February 8, 2007. 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. Habitat for Humanity, with the consent of E & C Investments, has properly submitted an application for a Conditional Use Permit that would authorize a Residential Planned Unit Development that utilizes a cluster development concept with a maximum number of twenty-two attached townhouses. Habitat for Humanity and E & C Investments shall be hereinafter collectively referred to as the "Applicant."
2. The real property upon which the proposed Residential Planned Unit Development is to be located is owned by E & C Investments and is located at the terminus of Springwood Road. This real property shall be hereinafter referred to as the "Zoning Lot."
3. The Zoning Lot consists of approximately 6.75 acres of land and is more specifically identified by Randolph County Parcel Identification Numbers 7750423605 and 7750423919.
4. The Zoning Lot is located in a CU-RA6 zoning district and is currently undeveloped.
5. The Growth Strategy Map designates the area in which the Zoning Lot is located as a "Primary Growth" area, and the Proposed Land Development Plan Map indicates "Neighborhood Residential" development should occur in this area.
6. The surrounding land uses are industrial to the south of the Zoning Lot, single-family residential to the east, single and two-family residential to the north, and United States Highway 220 Bypass is located to the west.
7. As established during the hearings that led to the issuance of the existing Conditional Use Permit under planning department file number CUP-05-25, existing easements that burden the Zoning Lot and site conditions found on the Zoning Lot make cluster development a practical alternative to a traditional subdivision design.
8. As determined by the Council when it issued the existing permit under file number CUP-05-25, the size of the townhouses proposed by the Applicant for the Residential Planned Unit Development is approximately one thousand five hundred (1,500) to one thousand eight hundred (1,800) square feet per unit. During this earlier permitting process, the Council found that the Applicant's original plan of development included overflow parking spaces and amenities such as picnic tables/shelters.

9. While the Council previously found that Springwood Road, which is a city maintained street, is not as wide as may be wished, no analytically sound evidence was introduced during the hearing of this matter under CUP-05-25 to establish that Springwood Road could not handle within acceptable parameters the traffic flow associated with the proposed development or that police, fire, or any other type of public service vehicle would be unable to reasonably access and provide service to Springwood Road residents.

10. Furthermore, during the previous Conditional Use Permit hearing, the Council found that Jim Wright, a certified real estate appraiser, offered credible testimony that the Applicant's proposed development would not detrimentally impact the value of adjoining properties.

11. On land that is not part of the Zoning Lot or the Residential Planned Unit Development authorized by the Conditional Use Permit obtained by E & C Investments under file number CUP-05-25, Habitat for Humanity has undertaken a project that resulted in the creation of five (5) residential lots to the north of the Zoning Lot. In order to maximize the viability of its project for low to moderate-income individuals, Habitat for Humanity wants to utilize a gravity flow system for the lots rather than having to pump sewage to the sanitary sewer system. The gravity flow system developed by the professional engineer(s) retained by Habitat for Humanity cannot work without the granting by E & C Investments of a new public sanitary sewer easement over a portion of the Zoning Lot. This easement is needed in order to allow connection to an existing sanitary sewer outfall line. The proposed new public sanitary sewer easement will encroach into an area of the Zoning Lot that was previously identified as open space on the site plan approved under file number CUP-05-25.

12. E & C Investments has agreed to grant the requested public sanitary sewer easement.

13. However, the granting of the new public sanitary sewer easement in the location requested by Habitat for Humanity will result in a modification of the plans approved under file number CUP-05-25 for the Residential Planned Unit Development. The Zoning Administrator cannot, on his own authority, approve such a modification. The Council must approve a modification of the plans previously approved under the Conditional Use Permit process.

14. Aside from revising the site plan for the proposed Residential Planned Unit Development to reflect the new public sanitary sewer easement, the Applicant has not proposed any modification to the plans for the proposed land use that were approved under file number CUP-05-25.

15. The city's planning director provided uncontroverted testimony that members of the city planning department staff have reviewed the revised site plan and found it to be in compliance with the regulations prescribed by the Asheboro Zoning Ordinance.

16. During the hearing of this matter, no testimony or any other form of evidence was presented in opposition to the Applicant's request for the issuance of a new Conditional Use Permit.

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

CONCLUSIONS OF LAW

1. The Council has concluded that the proposed use, as revised, will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the Council.

2. The evidence received during the public hearing established that the proposed use, as revised, continues to 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, as modified to simply reflect the granting of a public sanitary sewer easement over a portion of the Zoning Lot, will not substantially injure the value of the adjoining or abutting property.

4. The location and character of the Applicant's proposed use, as revised and 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

E & C Investments is hereby issued a Conditional Use Permit for a residential planned unit development with a maximum of twenty-two (22) attached townhouses that utilizes a cluster development concept. This Conditional Use Permit shall be valid so long as, and only so long as, E & C Investments, and its successors and assigns, conducts the approved land use in compliance with the approved revised site plan, the provisions of the Asheboro Zoning Ordinance, and complies with the following conditions:

1. Significant existing vegetation shall be preserved where possible. Clearing and grading shall be permitted under the following circumstances: (A) Where necessary for construction of the streets; (B) Where necessary for the installation of the water and sewer lines, including the new sewer facility that prompted the request for this new Conditional Use Permit, as well as where necessary for required improvements and/or other infrastructure; and (C) Where necessary for the building of dwellings.

2. No plantings shall be permitted within any city-maintained easements.

Adopted by the Asheboro City Council in regular session on the 8th day of March, 2007.

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

ATTEST:

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

- Approval of a resolution approving a salary level adjustment for the position of Parts and Service Technician II under the City of Asheboro Pay Plan.

11 RES 3-07

RESOLUTION APPROVING A SALARY LEVEL ADJUSTMENT FOR THE POSITION OF PARTS AND SERVICE TECHNICIAN II UNDER THE CITY OF ASHEBORO PAY PLAN

WHEREAS, the City of Asheboro Personnel Policies and Procedures Manual, which was initially promulgated by the City Manager and approved by resolution of the City Council of the City of Asheboro on March 4, 2004, and as amended, provides in Section 1 of Article III of the said manual that the City of Asheboro Pay Plan includes the basic salary schedule adopted and amended by the City Council for all classes of positions included in the city's position classification plan; and

WHEREAS, Section 2 of Article III of the city's personnel policies and procedures manual provides that "adjustments to the assigned salary level for the class of employees affected will be recommended by the City Manager for council approval;" and

WHEREAS, the position of Parts and Service Technician II, which is a position of employment within the Fleet Maintenance Department, has been established with a pay grade of 10 under the city's pay plan; and

WHEREAS, upon the recommendation of the Operations Director Public Works, and after an evaluation by the Director of Human Resources of the current responsibilities assigned to the position of Parts and Service Technician II, the City Manager has determined that the assigned salary level for this position should be adjusted to a pay grade of 11; and

WHEREAS, the City Council concurs with the City Manager's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City Manager's recommendation to adjust the pay grade for the position of Parts and Service Technician II to pay grade 11 is hereby adopted and approved; and

BE IT FURTHER RESOLVED that the approval of this pay grade adjustment for the position of Parts and Service Technician II shall be effective as of March 17, 2007.

Adopted by the Asheboro City Council in regular session on the 8th day of March, 2007.

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

ATTEST:

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

- Approval of a resolution designating the finance officer as an agent authorized to exercise certain powers on behalf of the municipal corporation when dealing with Carolina Bank.

(A copy of the above-referenced resolution is on file in the City Clerk's office.)

- Approval of a resolution for the City of Asheboro to maintain certain streets that are currently part of the NC Department of Transportation's Secondary Road System –

Harvell Street (SR 1266), Harvell Street Extension (SR 1241), Sunny Lane (SR 1229) and a portion of Sherwood Avenue (SR 1204) east of Lambert Drive (SR 1157).

13 RES 3-07

RESOLUTION FOR THE CITY OF ASHEBORO TO MAINTAIN CERTAIN STREETS THAT ARE CURRENTLY PART OF THE NC DEPARTMENT OF TRANSPORTATION'S SECONDARY ROAD SYSTEM - HARVELL STREET (SR 1266), HARVELL STREET EXTENSION (SR 1241), SUNNY LANE (SR 1229) AND A PORTION OF SHERWOOD AVENUE (SR 1204) EAST OF LAMBERT DRIVE (SR 1157)

WHEREAS, the NC Department of Transportation (NCDOT) currently maintains the streets listed below as part of the NCDOT Secondary Road (SR) System:

<u>NCDOT ROAD</u>	<u>STREET NAME</u>	<u>LOCATION FROM STREET (SR #) TO STREET SR #</u>
1266	Harvell Street	Sherwood Avenue (SR 1204) to Harvell Street (City Portion)
1241	Harvell St. Extension	Sherwood Avenue (SR 1204) to End of Street
1229	Sunny Lane	Sherwood Avenue (SR 1204) to Sunny Lane (City Portion)
1204	Sherwood Avenue	Lambert Drive (SR 1157) to East End of Street

WHEREAS, the above referenced streets are within an area annexed to the City of Asheboro by Ordinance # 25 ORD 6-06 effective June 30, 2007, and;

WHEREAS, the City of Asheboro desires to extend a sewer line that will affect Sunny Lane (SR 1229) and Sherwood Avenue (SR 1204), and the NCDOT has therefore requested that the City of Asheboro maintain the above referenced streets, which are not part of the City of Asheboro's Thoroughfare Plan.

NOW, THEREFORE, BE IT RESOLVED by the Asheboro City Council, that the City of Asheboro agrees to maintain the above referenced streets as part of the City of Asheboro Street System, effective July 1, 2007 upon concurrence of the NC Department of Transportation.

Adopted by the Asheboro City Council in regular session on the 8th day of March, 2007.

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

ATTEST:

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

- Approval of an ordinance amending the general fund budget to reflect the award of a U.S. Department of Homeland Security grant to the Asheboro Fire Department.

05 ORD 3-07

**ORDINANCE TO AMEND THE
GENERAL FUND BUDGET
FY 2006-2007**

WHEREAS, The City of Asheboro Fire Department has been approved to receive a grant from the US Department of Homeland Security that will reimburse the City of Asheboro for 90% of the salary and fringe benefits applicable for 3 new fire fighters, and;

WHEREAS, the estimated cost for salary and fringe benefits for 3 new fire fighters for the remaining part of the current fiscal year is a total of \$34,289 and the additional materials & supplies and uniform expenditures necessary to prepare for these firefighters is estimated at \$10,000, 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 expenditure:

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	\$13,429
10-349-0301	Grants- SAFER –06-07	30,860
	TOTAL	\$44,289

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

10-530-0200	Salaries & Wages	\$27,266
10-530-0702	Fringe- FICA	1,691
10-530-0703	Fringe-Medicare	396
10-530-0704	Fringe-Medical Insurance	3,300
10-530-0705	Fringe-Retirement	1,636
10-530-3400	Other Supplies & Materials	5,000
10-530-3600	Uniforms & Accessories	5,000
	TOTAL	\$44,289

Adopted this the 8th day of March 2007.

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

ATTEST:

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

(Line item 10-530-0703, which is listed in the ordinance copied above, currently reflects an increase of \$396.00. Certain paper copies of the ordinance distributed during the council meeting reflected the number of \$369.00, which was simply a typographical error.)

NEW BUSINESS

6. Land Use Issues.

- (a) RZ/CUP-07-05: Request to rezone from R10 to CU-RA6 and Issue Conditional Use Permit / South side of Ridge Street 600 feet west of Zoo Parkway and the west side of Zoo Parkway 200 feet south of Ridge Street. This zoning request pertains to two (2) parcels of land. The property of Macon Properties is located on the south side of Ridge Street approximately 600 feet west of its intersection with Zoo Parkway and consists of approximately 5.2 acres of land. Randolph County Parcel Identification Number 7750940407 more specifically describes this parcel. The property of Joseph and Lena Brown is located on the west side of Zoo Parkway approximately 200 feet south of its intersection with Ridge Street and consists of approximately 2.7 acres of land. Randolph County Parcel Identification Number 7750943464 more specifically describes this second parcel of land.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented a request by the Applicant to continue the above-referenced item to the Council's regular April meeting.

Upon motion by Mr. Smith and seconded by Mr. Baker, Council voted unanimously to continue this item to the regular April meeting.

- (b) RZ/CUP-07-06: Request to rezone from R15 to CU-R10 and Issue a Conditional Use Permit for a Residential Planned Unit Development / South side of Old Lexington Road approximately 2300 feet east of Chamberlin Drive. The property of First National Bank and Trust Company is located on the south side of Old Lexington Road approximately 2300 feet east of Chamberlin Drive and consists of approximately 21.61 acres of land. The property is more specifically described as "New Lot 5 Section II" of the Minor Subdivision for First National Bank and Trust Company Section I & II and is recorded in Plat Book 109, Page 64 in the Randolph County Registry.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely was sworn in and presented the staff's analysis of the applicant's request, including the submitted site plan. The Applicant, Routh Builders, requested the rezoning of the above-described property from R15 Low-Density Residential to CU-R10 Medium-Density Residential. In addition to having the property rezoned, the Applicant requested a Conditional Use Permit for a Residential Planned Unit Development.

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

“Staff’s primary concern with the request is the introduction of medium-density residential zoning in an area currently zoned for low-density development and recommended by the Land Development Plan to continue to develop with low-density residential neighborhoods. As the LDP states, the area, where developed, consists of ‘large-lot single-family residential uses’ (LDP, 105). The proposed R10 district would allow higher densities with the possibility for townhouse or duplex developments; developments that can be well-planned and built but nonetheless are different from current development patterns in the area. It is important to note, however, that the Conditional Use Permit process will afford the Council the ability to evaluate and address at least some of the compatibility, density, and environmental issues raised in this report.

After reviewing the Land Development Plan and considering surrounding zoning and development characteristics, staff believes the current R15 zoning designation allows reasonable development of the property while ensuring consistency with the surrounding area by limiting the potential for overly concentrated development.”

The Planning Board recommended approval on the basis of its recognition of the existence of the corresponding conditional use permit application, and the Board’s determination that the subject property is not located in a developed single-family area.

On behalf of the Applicant, Mr. Ben Morgan, Esq. was sworn in and addressed the four standard tests. Mr. Jimmy Routh and Ms. Patsy Woodruff, representatives of the Cornerstone Group, as well as Dr. John Couch were also sworn in and presented comments in support of the request.

Mr. Mack Johnson was sworn in and posed questions about the project, but expressed no specific opposition to the request.

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 Ms. Hunter, Council, by a vote of four (4) to one (1), adopted the recommendation of the Planning Board and placed the above-described property in a CU-R10 Medium-Density Residential zoning district. Mr. Crisco opposed.

Upon motion by Mr. Smith and seconded by Mr. Baker, Council voted unanimously to approve the requested Conditional Use Permit to allow a Residential Planned Unit Development to be located on the above-described 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 authorizing this Conditional Use Permit will be entered by the Council in regular session on April 5, 2007. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

- (c) SUP-07-01: Request for Special Use Permit for a Child Care Center – Medium / 3036 Forest Park Drive. The property of Roger Carl and Vanessa Adams and others is located at 3036 Forest Park Drive and consists of approximately 1.057 acres of land. Randolph County Parcel Identification Number 7764101572 more specifically describes the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely was sworn in and presented a request by the Applicants to continue the above-referenced item to the Council’s regular April meeting.

Upon motion by Mr. Baker and seconded by Mr. Smith, Council voted unanimously to continue this item to the regular April meeting.

- (d) SUB-95-03: Executive Park Phase 2. Final Plat Approval.

Mr. Neely presented the staff’s analysis of the request by Kearns & McDowell for final plat approval for Executive Park Phase 2. This subdivision is located at the terminus of Executive Way and contains approximately 4.997 acres of land, consisting of approximately one (1) lot.

All departments have reviewed the plat. The Planning Department Staff and the Planning Board recommended approval of the request.

Mr. Kenny McDowell was available to answer questions.

Upon motion by Mr. Baker and seconded by Mr. Smith, 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.)

(e) SUB-07-01: Olde Towne Village Sections I and II. Sketch Design Approval.

Mr. Neely presented the sketch design for the proposed Olde Towne Village Section I and II. Routh Builders, LLC (Cornerstone, LLC) requested the approval of a sketch design plat for a subdivision to be located along the south side of Old Lexington Road. The proposed subdivision contains approximately 21.61 acres of land, consisting of approximately 52 lots plus a common area.

All departments have reviewed the sketch design plat. The Planning Department Staff and the Planning Board recommended approval with the following comments:

1. Additional details on the roundabout will be required at the preliminary plat review. Access for larger trucks such as garbage trucks, emergency vehicles, construction, and moving trucks should be ensured.
2. Annexation will be required prior to connection to city utilities.
3. The solid waste disposal area will not allow for city pickup. The area should be redesigned to allow for city pickup since the developer proposes to utilize dumpsters only (not individual cans).
4. Pump station screening, in accordance with the Zoning Ordinance, will be required and is the responsibility of the developer.
5. The identified driveway connection to Old Lexington Road will require approval by NCDOT. NCDOT has provided written comment recommending the drive for this development align with a drive proposed for the Viewmont Estate Subdivision Phase I and II.
6. Fire hydrant locations are tentatively approved but are subject to final approval by the Fire Chief at preliminary plat review.
7. The identified sidewalk shall connect with the existing right-of-way of Old Lexington Road as required by the subdivision Ordinances. The preliminary plat shall show this connection.

Upon motion by Mr. Smith and seconded by Mr. Moffitt, Council accepted the recommendation of the Planning Board and approved the sketch design plat for Olde Towne Village Section I and II with the comments listed above.

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

7. Public Comment Period.

Mayor Jarrell opened the public comment period and invited members of the public to address the Council.

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

8. Annual report of the police department.

Mr. Gary L. Mason, Chief of Police, presented an overview of the Police Department's activities during 2006. The department's report reflected several activities and accomplishments within the department, specifically including staff training. A copy of the report presented by Chief Mason is on file in the City Clerk's office.

9. Recreation Items:

- **Consideration of proposed changes in Parks and Recreation User Fees.**

Mr. Hughes presented and recommended adoption by reference of certain changes in the Parks and Recreation User Fees.

Upon motion by Mr. Baker and seconded by Mr. Smith, Council voted unanimously to adopt the following user fees by reference.

ASHEBORO PARKS & RECREATION
Schedule of Fees, and Charges

<i>Proposed User Fees</i>		<i>REC CARD</i>	<i>NON-RESIDENT</i>		
FOR 2007/2008		<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>		
BASEBALL/SOFTBALL FIELD RENTAL					
Rental per hour (no lights)		\$ 15.00	\$ 20.00		
Light Fee (per hour)		\$ 10.00	\$ 15.00		
Tournament rental					
(1 field) per weekend		\$ 175.00	\$ 225.00		
(two fields) per weekend		\$ 300.00	\$ 400.00		
Concession Stand & Restrooms		\$ 50.00	\$ 65.00		
Additional Field Preparation		\$ 45.00	\$ 60.00		
GOLF COURSE					
Walking Only					
Weekday		\$8.00	\$10.00		
Weekends and Holidays		\$10.00	\$13.00	Delete	Delete
Riding (9 holes) includes Greens Fees					
Weekday		\$14.00	\$17.00		
Weekends and Holidays		\$16.00	\$20.00	Delete	Delete
Riding (18 holes) includes Greens Fees					
Weekday		\$20.00	\$24.00		
Weekends and Holidays		\$22.00	\$27.00	Delete	Delete
*Twilight (18 holes) After 3pm Daily <i>includes Cart & Greens Fees</i>					
Weekday		\$15.00	\$19.00		
Weekends and Holidays		\$17.00	\$22.00	Delete	Delete
Senior Member Cart Fee					
Nine Holes		\$ 5.00	\$ 6.00		
Eighteen Holes		\$ 10.00	\$ 12.00		
Membership Rates					
Individual		\$ 340.00	\$ 405.00	\$ 365.00	\$ 430.00
Family (Up to 4 at the same residence)		\$ 455.00	\$ 575.00	\$ 480.00	\$ 600.00
Student		\$ 235.00	\$ 280.00	\$ 260.00	\$ 305.00
Senior		\$ 235.00	\$ 280.00	\$ 260.00	\$ 305.00
LAKE LUCAS					
Daily fishing permit		\$ 3.00	\$ 4.00		
Annual fishing permit		\$ 35.00	\$ 50.00		
Daily Jon boat rental		\$ 8.00	\$ 12.00		
Daily Canoe rental		\$ 6.00	\$ 10.00		
Canoe/Kayak Launch		\$ 2.50	\$ 3.50		
*Annual Canoe/Kayak Launch		\$ 35.00	\$ 50.00		
Daily launch fee		\$ 7.00	\$ 9.50		
Annual launch fee		\$ 100.00	\$ 135.00		
Boat rental spaces		\$ 75.00	\$ 125.00		
LAKE REESE					
Daily launch fee		\$ 7.00	\$ 9.50		
Canoe/Kayak Launch		\$ 2.50	\$ 3.50		
Annual Canoe/Kayak Launch		\$ 35.00	\$ 50.00		
Annual launch fee		\$ 100.00	\$ 135.00		

Daily duck hunting (per boat)	\$ 12.50	\$ 16.00		
ROOM RENTAL	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>		
1 Hour	\$ 15.00	\$ 20.00	\$ 20.00	\$ 25.00
1/2 Day	\$ 45.00	\$ 60.00	\$ 60.00	\$ 75.00
Full Day	\$ 75.00	\$ 100.00	\$ 100.00	\$ 125.00

ROTARY PAVILION AT BICENTENNIAL PARK		
Security Deposit	\$ 75.00	\$ 75.00
Daily Rate	\$ 100.00	\$ 175.00

SKATE PARK	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
1/2 Day Admission (School Hours Only)	\$ 1.00	\$ 3.00
Full Day Admission (Non-School Hours)	\$ 2.00	\$ 4.00
15 Admission Pass	\$ 25.00	\$ 50.00
1 Year Unlimited Pass	\$ 150.00	\$ 300.00

SUNSET THEATER	<i>Applies to All</i>	
Security Deposit	\$	100.00
Dark/Rehearsal (Multi day use, 4 hour max)	\$	50.00
Non-Profit (Multi day use, 8 hour max)	\$	200.00
Non-Profit (Single day use, 8 hour max)	\$	250.00
General Meeting (2 hour max)	\$	75.00
Private Event (8 hour max)	\$	300.00
Commercial/For Profit (8 hour max)	\$	350.00

Some rates subject to a \$25.00 discount Monday - Thursday

TENNIS CENTER	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Lights per hour per court	\$ 2.50	\$ 3.50	\$ 3.00	\$ 4.00

YOUTH SPORTS FEES		
City resident	No Fee	
Non-Resident		\$ 40.00
SHELTER RENTAL	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Frazier, Eastside, Lake Lucas, North Asheboro Park, & 1/2 of Memorial		
1/2 Day: 10am - 3pm or 3:30pm - Dark	No Fee	\$ 20.00
Full Day	No Fee	\$ 40.00

Memorial Park Full Shelter

1/2 Day: 10am - 3pm or 3:30pm - Dark	No Fee	\$ 35.00
full Day	No Fee	\$ 70.00

SWIMMING POOLS	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Public Swim (day)		
2 years old & under (with paying adult)	No Fee	No Fee
3 years old and above	\$ 2.50	\$ 3.25
Public Swim (night)		
2 years old & under (with paying adult)	No Fee	No Fee
3 years old and above	\$ 2.00	\$ 2.75
Swimming lessons	\$ 25.00	\$ 30.00
Swim Pass (15 admissions)	\$ 30.00	\$ 40.00
*Groups (15+)	\$ 2.00	\$ 2.75
*Pool Rental (2 hr. Min.) 0 - 49	\$ 150.00	\$ 225.00
<i>Includes 1 Manager & 2 Lifeguards</i>		
*Pool Rental (2 hr. Min.) 50+	\$ 200.00	\$ 300.00

Includes 1 Manager & 3 Lifeguards, ad \$20 for each additional Lifeguard required.

Denotes new/updated user fees.

Participants who reside within the City Limits of Asheboro must obtain a

Rec Card in order to receive the City Resident Rate.

- **Consideration of an ordinance amending the Parks and Recreation Policy Manual.**

Mr. Hughes presented and recommended adoption, by reference, of an ordinance amending the Parks and Recreation Department Policy Manual.

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

06 ORD 3-07

**ORDINANCE AMENDING THE PARKS AND RECREATION
DEPARTMENT POLICY MANUAL**

WHEREAS, Section 98.01 of the Code of Asheboro provides that the Parks and Recreation Department Policy Manual, adopted March 5, 1998, and as amended, has been adopted by reference as a part of the Code of Asheboro; and

WHEREAS, the Parks and Recreation Director, with the concurrence of the City Manager, has recommended to the City Council that the Parks and Recreation Department Policy Manual be amended in order to update the said manual and enhance the operations of the Parks and Recreation Department; and

WHEREAS, the requested amendments to the Parks and Recreation Department Policy Manual are attached hereto as EXHIBIT 1, and EXHIBIT 1 is hereby incorporated into this ordinance by reference as if copied fully herein; and

WHEREAS, the City Council concurs with the recommendations made by the Parks and Recreation Director.

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

Section 1. The Parks and Recreation Department Policy Manual is hereby amended to provide as specified in EXHIBIT 1. All articles, sections, and provisions of the said manual that are not expressly addressed by EXHIBIT 1 will continue in full force and effect without alteration.

Section 2. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance will become effective upon adoption.

Adopted by the Asheboro City Council in regular session on the 8th day of March, 2007.

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

ATTEST:

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

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

- **Update on Farmers' Market.**

Mr. Hughes reported that the Farmers' Market is scheduled to open on Tuesday, May 8, 2007, and the new hours of operation are Tuesday from 3:00 p.m. until a time that is to be determined by Regional Consolidated Services, probably 7:00 p.m. or 8:00 p.m., Thursday from 7:00 a.m. until 1:00 p.m. and Saturday from 7:00 a.m. until 1:00 p.m.

Additionally, Mr. Hughes reported on efforts to enhance the market by hiring Joe Rudzinski on a part-time basis to recruit vendors and thus complement the Parks and Recreation Department's on-going efforts to advertise the Farmers' Market to consumers. No formal action was taken by the Council during Mr. Hughes' report.

10. Consideration of a petition received from Dorlos T. Steed and First Assembly of God Church of Asheboro, Inc. requesting contiguous annexation of 3.598 acres along Eastview Drive and Meadowbrook Road.

Mayor Jarrell opened the public hearing on the request for contiguous annexation of 3.598 acres of land located along Eastview Drive and Meadowbrook Road.

There being no 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. Smith and seconded by Mr. Crisco, Council voted unanimously to adopt the following ordinance by reference.

Ordinance Number 07 ORD 3-07
ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, NORTH CAROLINA
(3.598 Acres of Land Located along Eastview Drive and Meadowbrook Road)

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 February, 2007 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 8th day of March, 2007 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 8th day of March, 2007; 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 point, which is not set, on the existing primary corporate limits line of the City of Asheboro, said point is located by means of the North Carolina Coordinate System at the coordinates of North 717,375.7452 feet and East 1,761,221.8159 feet (NAD 27) and is itself located South 86 degrees 12 minutes 13 seconds West 1463.67 feet from Corporate Limits Corner # 1 (Corporate Limits Corner # 1 is located by means of the North Carolina Coordinate System at the coordinates of North 717,472.658 feet and East 1,762,682.274 feet (NAD 27)); thence from said Beginning point North 0 degrees 13 minutes 02 seconds West 120.88 feet to an existing iron pipe; thence North 0 degrees 00 minutes 45 seconds West 74.99 feet along the Lloyd J. Hamlet property described in Deed Book 1802, Page 477, Randolph County Public Registry to an existing iron rod; thence along the Roger L. Spinks property described in Deed Book 1411, Page 599, Randolph County Public Registry the following courses and distances: North 00 degrees 04 minutes 59 seconds East 97.50 feet to an existing iron rod; thence South 79 degrees 39 minutes 46 seconds East 201.03 feet to an existing iron rod set in the western margin of the 50-foot right-of-way for Meadowbrook Road (North Carolina Secondary Road 2184); thence North 25 degrees 14 minutes 44 seconds East 83.08 feet along the western margin of the right-of-way for Meadowbrook Road to a new iron rod; thence North 59 degrees 34 minutes 30 seconds West 534.20 feet to a new iron rod; thence South 88 degrees 39 minutes 49 seconds West 146.38 feet to a new iron rod set in the eastern margin of the 50-foot right-of-way for Eastview Drive (North Carolina Secondary Road 2260); thence along the eastern margin of the right-of-way for Eastview Drive the following courses and distances: South 0 degrees 52 minutes 02 seconds West 36.88 feet to an existing iron rod; thence South 01 degree 19 minutes 25 seconds

West 59.93 feet to an existing iron pipe; thence along the existing primary corporate limits of the City of Asheboro the following courses and distances: North 89 degrees 04 minutes 18 seconds East 167.31 feet to an existing iron pipe; thence South 0 degrees 06 minutes 51 seconds West 344.64 feet to an existing iron pipe; thence South 0 degrees 06 minutes 51 seconds West 60.02 feet to an existing iron pipe; thence South 0 degrees 35 minutes 54 seconds East 60.15 feet to an existing iron rod; thence South 0 degrees 03 minutes 41 seconds East 54.52 feet to a point, which is not set, in the existing primary corporate limits line of the City of Asheboro and located by means of the North Carolina Coordinate System at the coordinates of North 717,361.88 feet and East 1,761,012.92 feet (NAD 27); thence continuing along the primary corporate limits line of the City of Asheboro the following course and distance: North 86 degrees 12 minutes 13 seconds East 209.35 feet to the point and place of the BEGINNING, and containing 3.598 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 Jerry A. King, Professional Land Surveyor with Registration No. L-3373. The said plat of survey was dated January 11, 2007 and was identified as Job # 4816 C 10.

Section 2. Upon and after March 8, 2007, 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 be in full force and effect from the 8th day of March, 2007.

Adopted by the Asheboro City Council in regular session on the 8th day of March, 2007.

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

11. Consideration of a petition received from First National Bank & Trust Company requesting non-contiguous annexation of 43.44 acres along the southwest side of Old Lexington Road.

Mayor Jarrell opened the public hearing on the request for non-contiguous annexation of 43.44 acres of land located along the southwest side of Old Lexington Road.

There being no 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. Crisco, Council voted unanimously to adopt the following ordinance by reference.

Ordinance Number 08 ORD 3-07
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, NORTH CAROLINA
(43.44 Acres of Land Located along the Southwest Side of Old Lexington Road)

WHEREAS, pursuant to Section 160A-58.1 of the North Carolina General Statutes, a petition executed by First National Bank and Trust Company, who is the owner 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, during a regular meeting of the City Council that was held on the 8th day of March, 2007 after due notice by publication was given in *The Courier Tribune*, a newspaper having general circulation in the City of Asheboro, Randolph County, North Carolina, on February 22, 2007; 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 primary corporate limits of the City of Asheboro; and
- b. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another municipality than to the primary corporate limits of the City of Asheboro; and
- 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; and
- d. 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:

Back Creek Township, Randolph County, North Carolina:

BEGINNING at an existing iron rod that is set in the southwestern margin of the 60-foot right-of-way for Old Lexington Road (North Carolina Secondary Road 1004), said existing iron rod can be located by means of the North Carolina Coordinate System at the coordinates of North 718,683.631 feet and East 1,749,944.959 feet (NAD 27) and is located North 40 degrees 04 minutes 17 seconds West 1986.75 feet (grid bearing and distance) from City of Asheboro Monument 114, which is itself located by means of the North Carolina Coordinate System at the coordinates of North 717,163.286 feet and East 1,751,223.912 feet (NAD 27); thence from said Beginning point along the John H. Redding and Carolyn E. Redding property described in Deed Book 1015, Page 13, Deed Book 1251, Page 1413, and Deed Book 1716, Page 1624 in the Randolph County Public Registry the following courses and distances: North 0 degrees 13 minutes 02 seconds West 120.88 feet to an existing iron pipe; thence North 0 degrees 00 minutes 45 seconds West 74.99 feet along the Lloyd J. Hamlet property described in Deed Book 1802, Page 477, Randolph County Public Registry to an existing iron rod; thence along the Roger L. Spinks property described in Deed Book 1411, Page 599, Randolph County Public Registry the following courses

and distances: South 57 degrees 13 minutes 39 seconds West 73.06 feet to a computed point; thence South 48 degrees 23 minutes 11 seconds West 51.04 feet to a computed point; thence South 42 degrees 35 minutes 40 seconds West 48.00 feet to a computed point; thence South 37 degrees 51 minutes 53 seconds West 178.02 feet to a computed point; thence South 27 degrees 17 minutes 16 seconds West 43.83 feet to a computed point; thence South 12 degrees 35 minutes 18 seconds West 30.51 feet to a computed point; thence South 42 degrees 49 minutes 19 seconds West 186.75 feet to an existing 2" iron pipe; thence along the Schwarz Properties, LLC property described in Deed Book 1978, Page 1820 and Plat Book 70, Page 82 in the Randolph County Public Registry the following courses and distances: North 87 degrees 08 minutes 31 seconds West 21.69 feet to an existing 2" iron pipe; thence North 88 degrees 23 minutes 17 seconds West 255.35 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 150.95 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 164.51 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 172.64 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 177.92 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 217.60 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 198.13 feet to an existing 2" iron pipe; thence South 02 degrees 15 minutes 44 seconds West 163.20 feet to an existing 2" iron pipe in a stone pile; thence North 88 degrees 11 minutes 06 seconds West 215.91 feet to an existing 2" iron pipe; thence North 88 degrees 11 minutes 06 seconds West 228.91 feet to an existing 2" iron pipe; thence North 88 degrees 11 minutes 31 seconds West 156.33 feet to a new iron rod; thence along the existing satellite corporate limits line of the City of Asheboro the following courses and distances: North 06 degrees 11 minutes 59 seconds East 129.44 feet to an existing nail; thence North 16 degrees 29 minutes 27 seconds West 229.28 feet to an existing nail; thence North 07 degrees 52 minutes 34 seconds West 149.50 feet to an existing nail; thence North 42 degrees 39 minutes 02 seconds West 133.29 feet to an existing nail; thence North 06 degrees 08 minutes 38 seconds East 122.91 feet to an existing nail; thence North 24 degrees 14 minutes 23 seconds East 139.13 feet to a computed point; thence North 11 degrees 06 minutes 22 seconds West 140.83 feet to an existing nail; thence North 25 degrees 08 minutes 26 seconds East 96.27 feet to an existing nail; thence North 06 degrees 41 minutes 29 seconds East 121.35 feet to an existing nail; thence North 01 degree 27 minutes 01 second West 159.48 feet to a computed point; thence North 68 degrees 53 minutes 52 seconds West 158.01 feet to an existing nail; thence North 44 degrees 47 minutes 29 seconds West 104.45 feet to an existing nail; thence North 69 degrees 43 minutes 37 seconds West 113.32 feet to an existing nail; thence North 84 degrees 13 minutes 57 seconds West 80.25 feet to a new iron rod; thence departing from the existing satellite corporate limits line for the City of Asheboro and running North 29 degrees 30 minutes 24 seconds East 271.44 feet to a new iron rod; thence North 48 degrees 18 minutes 30 seconds East 254.70 feet to an existing iron rod control corner; thence along the Jon Couch and Patsy Couch property described in Deed Book 1749, Page 2078 and Plat Book 75, Page 66 in the Randolph County Public Registry the following courses and distances: South 76 degrees 16 minutes 44 seconds East 522.25 feet to an existing iron rod control corner; thence North 68 degrees 15 minutes 58 seconds East 347.46 feet to an existing iron rod; thence North 20 degrees 10 minutes 55 seconds East 333.63 feet to an existing iron rod set in the southwestern margin of the 60-foot right-of-way for Old Lexington Road; thence along the southwestern margin of Old Lexington Road the following courses and distances: South 50 degrees 51 minutes 16 seconds East 24.20 feet to an existing axle; thence South 50 degrees 55 minutes 51 seconds East 202.30 feet to a computed point; thence South 36 degrees 26 minutes 58 seconds East 94.65 feet to an existing iron pipe; thence South 39 degrees 28 minutes 29 seconds East 83.27 feet to a computed point; thence South 39 degrees 21 minutes 04 seconds East 382.82 feet to the point and place of the BEGINNING, and containing 43.44 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION MAP FOR FIRST NATIONAL BANK & TRUST COMPANY" that was drawn under the supervision of Timothy B. Duncan, Professional Land Surveyor with Registration No. L-4253. The said plat of survey was dated January 8, 2007 and was identified as Job # S-00307.

Section 2. Upon and after March 8, 2007, 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 the 8th day of March, 2007.

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 Matthew Ryan Salyer and Lisa A. Salyer requesting contiguous annexation of 2.765 acres along the west side of Browers Chapel Road.

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting contiguous annexation of 2.765 acres of land located along the west side of Browers Chapel Road.

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

14 RES 3-07

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES

(2.765 Acres of Land Located along the West Side of Browers Chapel Road)

WHEREAS, a petition requesting the annexation of approximately 2.765 acres of land located along the west side of Browers Chapel Road has been received by the City Council of the City of Asheboro, North Carolina from Matthew Ryan Salyer and Lisa A. Salyer; 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 the 8th day of March, 2007.

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

ATTEST:

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

CERTIFICATE OF SUFFICIENCY

(2.765 Acres of Land Located along the West Side of Browers Chapel Road)

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 owners of real property lying in the area described therein, and the petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina on this the 8th day of March, 2007.

(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. Baker and seconded by Ms. Hunter, Council voted unanimously to adopt the following resolution by reference.

15 RES 3-07

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT
TO SECTION 160A-31 OF THE
NORTH CAROLINA GENERAL STATUTES**

(2.765 Acres of Land Located along the West Side of Browers Chapel 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, during the City Council's regular meeting at 7:00 o'clock p.m. on the 5th day of April, 2007.

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, City Clerk

EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe set in the existing primary corporate limits line of the City of Asheboro and at the southwest corner of the Matthew R. Salyer and Lisa A. Salyer property described in

Deed Book 1870, Page 471, Randolph County Public Registry, said point is located by means of the North Carolina Coordinate System at the coordinates of North 707,506.368 feet and East 1,763,675.005 feet (NAD 83); thence from said Beginning point along the existing primary corporate limits line of the City of Asheboro the following courses and distances: North 01 degree 18 minutes 37 seconds East 45.90 feet to an existing iron pipe; thence North 01 degree 41 minutes 33 seconds East 67.75 feet to an existing iron pipe; thence North 02 degrees 23 minutes 11 seconds East 55.44 feet to an existing iron pipe set in the southern margin of the 50-foot right-of-way for Mackie Avenue; thence North 01 degree 53 minutes 38 seconds East 50.77 feet to an existing iron pipe set in the northern margin of the right-of-way for Mackie Avenue; thence continuing along the existing primary corporate limits line of the City of Asheboro the following courses and distances: North 01 degree 59 minutes 44 seconds East 194.07 feet to an existing iron pipe that can be located by means of the North Carolina Coordinate System at the coordinates of North 707,920.068 feet and East 1,763,688.800 feet (NAD 83); thence North 83 degrees 23 minutes 59 seconds East 137.03 feet to a new iron pipe set in the western margin of the 60-foot right-of-way for Browers Chapel Road (North Carolina Secondary Road 2826); thence North 83 degrees 23 minutes 59 seconds East 59.54 feet to a computed point within the right-of-way for Browers Chapel Road and on the existing primary corporate limits line of the City of Asheboro; thence along the existing primary corporate limits line of the City of Asheboro the following course and distance: South 20 degrees 04 minutes 01 second East 299.39 feet to an existing iron pipe; thence following the eastern margin of the right-of-way for Browers Chapel Road in a southeasterly direction along an arc having a radius of 756.75 feet and an arc distance of 165.42 feet (Chord Bearing and Distance = South 07 degrees 59 minutes 36 seconds East 165.09 feet) to a computed point; thence South 88 degrees 28 minutes 42 seconds West 60.00 feet across the right-of-way for Browers Chapel Road to a new iron pipe set at the southeast corner of the Matthew R. Salyer and Lisa A. Salyer property described in Deed Book 1870, Page 471, Randolph County Public Registry; thence along the Alvah and Louise Skeen property described in Deed Book 1067, Page 953, Randolph County Public Registry the following course and distance: North 87 degrees 54 minutes 57 seconds West 274.95 feet to the point and place of the BEGINNING, and containing 2.765 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 BROWERS CHAPEL ROAD AREA" that was drawn under the supervision of Glenn L. Brown, Professional Land Surveyor with Registration No. L-3663. The said plat of survey was dated February 26, 2007 and was identified as Job No. G07013AX.

13. Consideration of a petition received from the County of Randolph in combination with a petition received from Larry McKenzie and William Tyler requesting contiguous annexation of 49.982 acres along New Century Drive and Veterans Loop Road.

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the City Clerk to investigate a petition requesting contiguous annexation of 49.982 acres of land located along New Century Drive and Veterans Loop Road.

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

16 RES 3-07

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES

(49.982 Acres of Land Located along New Century Drive and Veterans Loop Road)

WHEREAS, petitions requesting the annexation of a total of 49.982 acres of land, more or less, located along New Century Drive and Veterans Loop Road have been received by the City Council of the City of Asheboro, North Carolina from the County of Randolph as the owner of one parcel of land and from William Tyler and Larry McKenzie as the owners of a separate adjoining parcel of land; and

WHEREAS, Section 160A-31 of the North Carolina General Statutes provides that the sufficiency of the petitions 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 these requests 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 petitions 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 the 8th day of March, 2007.

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

ATTEST:

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

CERTIFICATE OF SUFFICIENCY

(49.982 Acres of Land Located along New Century Drive and Veterans Loop Road)

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 petitions attached hereto. As a consequence of that investigation, I have found as a fact that said petitions are signed by all owners of real property lying in the area described therein, and the petitions appear to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina on this the 8th day of March, 2007.

(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 of a public hearing on the question of annexation.

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

17 RES 3-07

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES

(49.982 Acres of Land Located along New Century Drive and Veterans Loop Road)

WHEREAS, two (2) petitions requesting annexation of the area described herein have 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 the said petitions 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, during the City Council's regular meeting at 7:00 o'clock p.m. on the 5th day of April, 2007.

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, City Clerk

EXHIBIT 1

Cedar Grove Township, Randolph County, North Carolina:

BEGINNING at an existing iron rod control corner set in the eastern margin of the right-of-way for United States Highway 220 By-Pass (I-73/74), this control corner is located North 62 degrees 49 minutes 00 seconds East 92.07 feet from North Carolina Geodetic Survey Monument "GUARD" which is itself located by means of the North Carolina Coordinate System at the coordinates of North 697,724.5455 feet and East 1,751,909.593 feet (NAD 83); thence from the said Beginning point along the eastern margin of the right-of-way for United States Highway 220 By-Pass the following courses and distances: North 22 degrees 57 minutes 50 seconds East 446.56 feet to a concrete monument control corner; thence North 23 degrees 11 minutes 57 seconds East 499.23 feet to an existing iron pipe that is located by means of the North Carolina Coordinate System at the coordinates of North 698,636.6450 feet and East 1,752,362.3859 feet (NAD 83); thence along the existing primary corporate limits line of the City of Asheboro, which at this point follows the eastern margin of the right-of-way for United States Highway 220 By-Pass, the following courses and distances: North 23 degrees 14 minutes 41 seconds East 301.25 feet to a concrete monument; thence North 24 degrees 18 minutes 58 seconds East 195.39 feet to a concrete monument; thence in a northeasterly direction along an arc having a radius of 1,823.86 feet and an arc distance of 413.19 feet (Chord Bearing and Distance = North 32 degrees 42 minutes 44 seconds East 412.30 feet, Delta Angle = 12 degrees 58 minutes 48 seconds, Tangent = 207.48 feet) to a concrete right-of-way monument; thence North 41 degrees 14 minutes 03 seconds East 125.88 feet to an existing iron pipe; thence North 41 degrees 15 minutes 31 seconds East 69.69 feet to an existing iron pipe; thence North 42 degrees 07 minutes 33 seconds East 314.92 feet to an existing iron pipe; thence North 74 degrees 24 minutes 40 seconds East 82.69 feet to an existing iron pipe set in the southern margin of the right-of-way for McDowell Road (North Carolina Secondary Road No. 1150); thence along the southern margin of the right-of-way for McDowell Road the following courses and distances: South 73 degrees 19 minutes 04 seconds East 159.73 feet to an existing iron rod; thence South 74 degrees 11 minutes 53 seconds East 50.01 feet across the 50-foot right-of-way for New Century Drive (North Carolina Secondary Road No. 1244) to a new iron rod; thence along the eastern margin of the right-of-way for New Century Drive in a southwesterly direction along an arc having a radius of 265.20 feet and an arc distance of 117.68 feet (Chord Bearing and Distance = South 04 degrees 08 minutes 37 seconds West 116.72 feet, Delta Angle = 25 degrees 25 minutes 32 seconds, Tangent = 59.83 feet) to an existing iron pipe; thence continuing along the eastern margin of the right-of-way for New Century Drive in a southeasterly direction along an arc having a radius of 327.42 feet and an arc distance of 91.27 feet (Chord Bearing and Distance = South 00 degrees 35 minutes 21 seconds East 90.97 feet, Delta Angle = 15 degrees 58 minutes 14 seconds, Tangent = 45.93 feet) to an existing iron pipe; thence South 73 degrees 13 minutes 07 seconds East 282.69 feet along the Pugh Oil Company property described in Deed Book 1198, Page 1791, Randolph County Public Registry to an existing iron pipe; thence along the Pugh Oil Company property described in Deed Book 1212, Page 1419, Randolph County Public Registry the following courses and distances: South 14 degrees 46 minutes 23 seconds West 960.83 feet to an existing iron pipe; thence South 15 degrees 05 minutes 14 seconds West 40.52 feet to a tall existing iron pipe; thence along the Wilton Craven property described in Deed Book 1403, Page 396, Randolph County Public Registry the following courses and distances: South 01 degree 01 minute 03 seconds West 571.55 feet to an existing iron pipe; thence South 01 degree 30 minutes 20 seconds West 137.61 feet to a new iron rod set in the northern margin of the 50-foot right-of-way for Veterans Loop Road (North Carolina Secondary Road No. 1149); thence along the northern margin of the right-of-way for Veterans Loop Road in a northwesterly direction along an arc having a radius of 597.96 feet and an arc distance of 166.09 feet (Chord Bearing and Distance = North 80 degrees 54 minutes 33 seconds West 165.56 feet, Delta Angle = 15 degrees 54 minutes 52 seconds, Tangent = 83.58 feet) to a point not set; thence continuing along the northern margin of the right-of-way for Veterans Loop Road the following courses and distances: North 88 degrees 51 minutes 58 seconds West 68.98 feet to a point not set; thence in a southwesterly direction along an arc having a radius of 597.96 feet and an arc distance of 235.92 feet (Chord Bearing and Distance = South 79 degrees 49 minutes 51 seconds West 234.39 feet, Delta Angle = 22 degrees 36 minutes 19 seconds, Tangent = 119.51 feet) to a point not set; thence South 65 degrees 54 minutes 48 seconds West 204.32 feet to a point not set; thence in a southwesterly direction along an arc having a radius of 979.93 feet and an arc distance of 89.61 feet (Chord Bearing and Distance = South 63 degrees 05 minutes 27 seconds West 89.58 feet, Delta Angle = 05 degrees 14 minutes 22 seconds, Tangent = 44.84 feet) to a point not set; thence South 60 degrees 28 minutes 15 seconds West 358.46 feet to a point not set; thence in a southwesterly direction along an arc having a radius of 929.93 feet and an arc distance of 86.12 feet (Chord Bearing and Distance = South 63 degrees 06 minutes 59 seconds West 86.09 feet, Delta Angle = 05 degrees 18 minutes 22 seconds, Tangent = 43.09 feet) to a point not set; thence South 65 degrees 46 minutes 50 seconds West 61.43 feet to a new iron rod; thence along the Larry Tupper property described in Deed Book 1950, Page 1365, Randolph County Public Registry the following course and distance: North 35 degrees 18 minutes 59 seconds West 403.81 feet to the point and place of the BEGINNING, and containing 49.982 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 Jerry A. King, Professional Land Surveyor with Registration No. L-3373. The said plat of survey was dated January 30, 2007 and was identified as Job # 4981 M 10.

14. Report on possible statutory annexation of Cedar Creek, Old Lexington Road and Viewmont Drive area.

Mr. Bunker gave an overview of a recent study regarding the possible extension of city services to Cedar Creek Subdivision, Old Lexington Road, and the Viewmont Drive area in preparation for the potential statutory annexation of this area. In order to implement such an extension of services, further engineering studies will have to be undertaken, including an analysis of funding options for the extension project which could cost approximately six million dollars (\$6,000,000.00)

15. Consideration of a resolution per G.S 143-64.32 exempting the City of Asheboro from the advertisement/qualification based selection procedure to contract with The Wooten Company for surveying and engineering services for sewer line extensions for Cedar Creek Subdivision, a portion of Old Lexington Road and the Viewmont Drive area, including property, easement and annexation surveys, along with related sewer system improvements, and surveying and engineering services for a water line extension into Cedar Creek Subdivision for fire protection.

Mr. Bunker recommended adoption, by reference, of a resolution authorizing an exemption for the West Asheboro Annexation Project from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes. This exemption is recommended by staff in order to facilitate the hiring of a firm, The Wooten Company, that is particularly well suited to render the services needed to implement the extension of city utility services described above in item number 14.

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

18 RES 3-07

RESOLUTION EXEMPTING THE WEST ASHEBORO ANNEXATION PROJECT FROM THE PROVISIONS OF ARTICLE 3D OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES

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

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

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

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

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

WHEREAS, the City of Asheboro is preparing to undertake a statutory annexation project known as the West Asheboro Annexation Project; and

WHEREAS, the successful implementation of this annexation project will require the procurement of the surveying and engineering services necessary to implement sewer system extensions and improvements for Cedar Creek Subdivision, a portion of Old Lexington Road, and the Viewmont Drive area in addition to extending a water line into Cedar Creek Subdivision for fire protection; and

WHEREAS, in addition to the easement surveys needed for the above-referenced water and sewer system extensions and improvements, the West Asheboro Annexation Project will necessitate the procurement of surveying services to prepare annexation plats of survey for the area under review; and

WHEREAS, in light of the interconnected nature of each of the above-listed surveying and engineering tasks, the efficiency and effectiveness of the city's efforts to implement the West Asheboro Annexation Project will be enhanced if the city utilizes a firm with the in-house capability to provide the requisite engineering and surveying services for the entirety of the annexation project; and

WHEREAS, the attainment of funding pursuant to the North Carolina Clean Water Revolving Loan and Grant Act of 1987 is critical to the full implementation and success of the West Asheboro Annexation Project; and

WHEREAS, during previous projects, The Wooten Company has demonstrated to the city's engineering department the desired level of competence and responsiveness in providing engineering and surveying services similar to the services that will be needed in order to successfully complete the West Asheboro Annexation Project; and

WHEREAS, The Wooten Company has demonstrated competence in successfully undertaking projects that utilize funding from the State Revolving Fund; and

WHEREAS, The Wooten Company has indicated to the city its willingness and ability to provide the requisite engineering and surveying services for the West Asheboro Annexation Project in a timely manner that will maximize the city's opportunity to avail itself of funding from the State Revolving Fund; and

WHEREAS, on the basis of the qualifications and demonstrated suitability of The Wooten Company for meeting the city's current need for a combination of engineering and surveying services, the City Manager and the City Engineer have recommended that The Wooten Company be utilized to provide the engineering and surveying services needed to successfully implement the West Asheboro Annexation Project.

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

Adopted by the Asheboro City Council in regular session on the 8th day of March, 2007.

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

ATTEST:

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

The motion approved by Council to adopt, by reference, the resolution printed immediately above this paragraph included authorization for the city to actually contract with The Wooten Company for the needed services.

16. Discussion of items not on the agenda.

Mr. Trevor Nuttall, Planner for the City of Asheboro, updated the Council on the activities and efforts of the pedestrian task force. The task force has met and discussed certain issues involving pedestrian infrastructure within the city.

In order to receive citizen comments, there will a community-wide pedestrian task force meeting on Tuesday, April 3, 2007 at the Asheboro Public Library. The meeting will be held in two (2) sessions – 6:00 p.m. until 7:00 p.m. and 7:15 p.m. until 8:15 p.m.

There being no further business, the meeting was adjourned at 9:45 p.m.

Holly J. Hartman, City Clerk

David H. Jarrell, Mayor