

**REGULAR MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, AUGUST 4, 2011
7:00 p.m.**

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

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Stuart B. Fountain)
Michael W. Hunter)
Walker B. Moffitt)

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
Edsel L. Brown, Code Enforcement Officer
Holly H. Doerr, CMC, City Clerk/Senior Legal Assistant
John L. Evans, Senior Planner
Casandra M. Fletcher, Marketing Specialist
Justin L. Luck, Zoning Administrator/Planner
Deborah P. Reaves, Finance Director
James W. Smith, II, Fire Chief
Jeffrey C. Sugg, City Attorney
Jody P. Williams, Police Captain
Rickey D. Wilson, Chief of Police

1. Call to order.

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

2. Silent prayer and pledge of allegiance.

After a moment of silence was observed in order to allow prayer and/or meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

3. Appearance and recognition of guests and citizens.

Mayor Smith welcomed everyone in attendance.

4. Consent agenda:

Upon motion by Mr. Baker and seconded by Mr. Bell, Council voted unanimously to approve the following consent agenda items.

- (a) The minutes of the City Council's regular meeting on July 14, 2011, including the general account of the closed session.**
- (b) The temporary closing of streets for Fall Festival XXXIX. The parade is to begin at 7:00 p.m. on Friday, September 30, 2011, and vendor locations will be open on downtown streets during the weekend of October the 1st and 2nd. The Randolph Arts Guild requested this temporary closure of downtown streets.**

[A copy of the street map submitted as part of this request is on file in the City Clerk's office.]

- (c) An ordinance to amend the Economic Development Fund Fiscal Year 2011-2012 for Technimark, LLC.**

ORDINANCE TO AMEND THE ECONOMIC DEVELOPMENT FUND FY 2011-2012

WHEREAS, on May 3, 2011, the City Council of the City of Asheboro was presented with an economic development project relating to the manufacturing facility expansion of Technimark LLC, and;

WHEREAS, Technimark's project would result in an investment of approximately \$20 million dollars to expand its manufacturing facility and hire a minimum of 30 new employees over a four year period, and;

WHEREAS, the City Council authorized the City of Asheboro to support Technimark's expansion through a resolution adopted May 3, 2011 and an agreement for economic incentives agreement signed June 27th, 2011, and;

WHEREAS, the City of Asheboro will provide economic incentives in the amount of \$30,000 to be paid over 4 years in equal installments of \$7,500, and;

WHEREAS, the City of Asheboro is ready to set up the financial accounting infrastructure to manage the revenues and expenses relating to this incentives agreement, and;

WHEREAS, the budget as adopted requires amendment to be in compliance with all generally accepted accounting principles, and;

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

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

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>	<u>Amended Budget</u>
72-370-0000	Contribution for Technimark 6-2011 agreement	30,000	30,000

Section 2: That the following Expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>	<u>Amended Budget</u>
72-850-2900	Technimark Incentive	30,000	30,000

Adopted this the 4th day of August 2011.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H Doerr, City Clerk

5. Community Development items:

(a) SUB-88-02 (Carrington Hills, Section 2). Preliminary Plat.

Mayor Smith noted that the above-referenced item was withdrawn by the applicant.

(b) RZ-11-14: Request for text amendments to the Asheboro Zoning Ordinance. An application filed by Mr. Bhupen Patel of Hotels at Executive Way to amend Article 500 of the Asheboro Zoning Ordinance.

Mayor Smith opened the public hearing on the following request.

Senior Planner John Evans presented the Community Development Division staff's analysis of the request by Mr. Bhupen Patel of Hotels at Executive Way to amend Article 500 of the Asheboro Zoning Ordinance. In essence, the Applicant wishes to amend Article 500 in order to allow off-premises directional signs to be illuminated. Other types of off-premises signs, such as

off-premises real estate signs or off-premises advertising or billboard signs, are not part of this request.

On the basis of the following analysis, the Community Development Division staff recommended a modified version of the request that is narrower in scope:

“There are certain circumstances in which illumination of signs can improve wayfinding of motorists, particularly in districts that cater heavily to the motoring public (such as the B2 General Commercial district) and to tourism promotion (such as the TH Tourism Hospitality district). Staff proposes further narrowing the locations in which off-premises signs may be illuminated to intensive commercial districts on Dixie Drive (US 64) due to traffic patterns and the predominance of through traffic on this corridor compared to other major thoroughfares. Furthermore, these amendments will not result in an increased allowance in the permitted number, height, or area of signs.

Therefore, staff believes the amendments (with modifications proposed by staff) provide for the public health, safety, and general welfare and recommends approval.”

A copy of the text amendment recommended by the Community Development Division staff is on file in the City Clerk’s office.

The Planning Board concurred with the Community Development Division staff’s analysis and recommended approval of the text amendment modified by city staff to only allow internal illumination of off-premises directional signs in certain intensive commercial districts on Dixie Drive.

The Applicant, Mr. Bhupen Patel presented comments in support of adopting the modified text amendment that was prepared by city staff members.

There being no further comments and no opposition from the public, Mayor Smith closed the public hearing.

Dr. Fountain moved to follow the Planning Board’s recommendation and adopt the analysis and text put forward by the Community Development Division staff to amend the Asheboro Zoning Ordinance. Mr. Burks seconded the motion, and the Council voted unanimously to adopt the analysis and modified text amendment put forward by the Community Development Division staff with the concurrence of the Applicant.

(c) **RZ-11-13: Request to rezone from R15 (Low-Density Residential) to I2 (General Industrial).** The property of Banner Hosiery Mills, Inc. is located at 2267 North Asheboro School Road and consists of approximately 2.4 acres of land. Randolph County Parcel Identification Number 7752596400 more specifically identifies the property.

Mayor Smith opened the public hearing on the following request.

Senior Planner John Evans presented the Community Development Division staff’s analysis of the request by Banner Hosiery Mills, Inc. to rezone the above-described property from R15 (Low-Density Residential) to I2 (General Industrial). The Planning Board recommended approval of the requested rezoning because the Board concurred with the analysis provided by the Community Development Division staff. The staff’s analysis is as follows:

“The property is designated by the Land Development Plan proposed land use map and Northeast Small Area Plan as part of an employment center. The Land Development Plan toolkit incorporates industrial uses into an employment center. One of the reasons for designating the property within as an employment center is the property’s proximity to the U.S. 220/Future I-73/I-74 corridor at its intersection with Spero Road, a major thoroughfare. Additionally, the historic use of the property since its development has been for industrial purposes. Considering these factors, staff believes that the rezoning request is generally within the public interest in supporting a reasonable use of property.”

Mr. H.R. Gallimore of ReMax Central Realty, a representative of the applicant, and Mr. Richard Hines presented comments in support of the requested rezoning. Mr. Hines owns property in close proximity to the parcel for which this rezoning is requested.

There being no further comments and no opposition from the public, Mayor Smith closed the public hearing.

Upon motion by Mr. Baker and seconded by Mr. Bell, Council adopted the recommendation/analysis of the Community Development Division staff and the Planning Board and voted unanimously to approve the requested rezoning.

6. Annexation items:

- (a) **Consideration of a petition received from Junior T. and Hazel C. Goldston requesting contiguous annexation of 0.32 of an acre of land located at 432 and 434 Woodlawn Street (0.33 of an acre of land to be annexed including street right-of-way).**

Mayor Smith opened the public hearing on the request for contiguous annexation of 0.33 of an acre of land located at 432 and 434 Woodlawn Street.

There being no comments and no opposition from the public, Mayor Smith 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 Ms. Carter and seconded by Mr. Burks, Council voted unanimously to adopt the following ordinance by reference.

Ordinance Number 27 ORD 8-11
**ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO, NORTH CAROLINA
(A Total of 0.33 of an Acre of Land Located at 432 and 434 Woodlawn Street)**

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition requesting annexation by the City of Asheboro of the territory described in Section 1 of this ordinance was presented to the Asheboro City Council on July 14, 2011; and

WHEREAS, this petition for annexation was signed by the owners of all of the real property, other than territory located within the adjoining public street right-of-way, for which annexation was requested; and

WHEREAS, by means of a duly adopted resolution (Resolution Number 27 RES 7-11), the Asheboro City Council directed the City Clerk to investigate the sufficiency of the petition, and the Clerk has certified the sufficiency of the said petition; and

WHEREAS, pursuant to instructions received from the Asheboro City Council, notice was published to the public on the 21st day of July, 2011, in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held during the Asheboro City Council's regular meeting at 7:00 o'clock p.m. on the 4th day of August, 2011, in the Council Chamber at Asheboro City Hall, to consider the adoption of an ordinance annexing the said area to the City of Asheboro; and

WHEREAS, the said public hearing was in fact held on the 4th day of August, 2011; and

WHEREAS, the Asheboro 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 Section 160A-31 of the North Carolina General Statutes, 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 computed point on the southern boundary line of a lot owned by Junior T. Goldston and Hazel C. Goldston and identified as Lot 23 on a plat of survey recorded in Plat Book 1, Page 199, Randolph County Public Registry, this computed point is on the existing primary corporate limits line for the City of Asheboro and is located by means of the North Carolina Coordinate System at the coordinates of North 714,412.143 feet and East 1,763,735.818 feet (NAD 27); thence from the said beginning point following the existing primary corporate limits line North 19 degrees 00 minutes 40 seconds West 52.49 feet across a portion of the said lot 23 to a computed point on the platted line between Lot 23

and Lot 24; thence continuing along the existing primary corporate limits line the following courses and distances: North 19 degrees 00 minutes 40 seconds West 23.16 feet across a portion of the said Lot 24, which is also owned by Junior T. Goldston and Hazel C. Goldston (see Deed Book 1455, Page 1629, Randolph County Public Registry), to a computed point on the eastern margin of the 30-foot public right-of-way for Woodlawn Street (North Carolina Secondary Road 2186), this computed point is located by means of the North Carolina Coordinate System at the coordinates of North 714,483.663 feet and East 1,763,711.176 feet (NAD 27); thence North 19 degrees 00 minutes 40 seconds West 29.26 feet to a computed point in Woodlawn Street; thence departing from the existing primary corporate limits line and following the proposed new primary corporate limits line North 88 degrees 56 minutes 11 seconds East 11.09 feet to a new Parker-Kalon nail set in a concrete drive at the northwest corner of the said Lot 24; thence continuing along the proposed new primary corporate limits line and the boundary lines of the Goldston property described in Deed Book 1455, Page 1629, Randolph County Public Registry the following courses and distances: North 88 degrees 56 minutes 11 seconds East 150.33 feet to a 1-inch existing iron stake that is 6" tall; thence South 03 degrees 43 minutes 53 seconds West 50.18 feet to a 1-inch existing iron pipe that is flush with the ground; thence South 03 degrees 27 minutes 57 seconds West 50.08 feet to a 1-inch existing iron stake that is flush with the ground; thence South 88 degrees 59 minutes 42 seconds West 120.94 feet to the point and place of BEGINNING, and containing 0.33 of an acre (or 14,093 square feet) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "**ANNEXATION SURVEY - CITY OF ASHEBORO PROPERTY OF JUNIOR T. GOLDSTON & HAZEL C. GOLDSTON.**" This plat was drawn under the supervision of Timothy B. Duncan, Professional Land Surveyor with Registration Number L-4253, from an actual survey made under his supervision. The said plat is dated May 13, 2011, and the job number listed on the plat is S-01811.

Section 2. Upon and after August 4, 2011, 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, North Carolina, and in the office of the Secretary of State of North Carolina 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 upon and after the 4th day of August, 2011.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of August, 2011.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

Approved as to form:

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

(b) Consideration of a petition received from B.D. and Ann L. Greene requesting contiguous annexation of 0.766 of an acre of land located at 969 Sherwood Avenue (1.760 acres of land to be annexed including street right-of-way).

Mayor Smith opened the public hearing on the request for contiguous annexation of 1.760 acres of land located at 969 Sherwood Avenue.

There being no comments and no opposition from the public, Mayor Smith 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. Burks and seconded by Mr. Bell, Council voted unanimously to adopt the following ordinance by reference.

Ordinance Number 28 ORD 8-11
**ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO, NORTH CAROLINA
(A Total of 1.76 Acres of Land Located at 969 Sherwood Avenue)**

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition requesting annexation by the City of Asheboro of the territory described in Section 1 of this ordinance was presented to the Asheboro City Council on July 14, 2011; and

WHEREAS, this petition for annexation was signed by the owners of all of the real property, other than territory located within the adjoining public street right-of-way, for which annexation was requested; and

WHEREAS, by means of a duly adopted resolution (Resolution Number 29 RES 7-11), the Asheboro City Council directed the City Clerk to investigate the sufficiency of the petition, and the Clerk has certified the sufficiency of the said petition; and

WHEREAS, pursuant to instructions received from the Asheboro City Council, notice was published to the public on the 21st day of July, 2011, in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held during the Asheboro City Council's regular meeting at 7:00 o'clock p.m. on the 4th day of August, 2011, in the Council Chamber at Asheboro City Hall, to consider the adoption of an ordinance annexing the said area to the City of Asheboro; and

WHEREAS, the said public hearing was in fact held on the 4th day of August, 2011; and

WHEREAS, the Asheboro 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 Section 160A-31 of the North Carolina General Statutes, the following described area is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing 1-inch iron stake found 0.2' above grade in the southern margin of the 60-foot public right-of-way for Sherwood Avenue (North Carolina Secondary Road 1204) at the northeast corner of the Burnie D. Greene property described in Deed Book 548, Page 32, Randolph County Public Registry, the said existing iron stake is located by means of the North Carolina Coordinate System at the coordinates of North 704,443.663 feet and East 1,751,777.292 feet (NAD 83); thence from the said beginning point following the existing primary corporate limits line for the City of Asheboro along the eastern and southern boundary lines of the said Burnie D. Greene property the following courses and distances: South 05 degrees 47 minutes 52 seconds West 197.89 feet to an existing 1-inch iron stake found 0.4' above grade and located by means of the North Carolina Coordinate System at the coordinates of North 704,246.784 feet and East 1,751,757.302 feet (NAD 83); thence North 83 degrees 48 minutes 52 seconds West 167.61 feet to an existing 1-inch iron stake found 0.4' above grade; thence following the proposed new primary corporate limits line along the western boundary of the said Burnie D. Greene property North 05 degrees 41 minutes 58 seconds East 199.84 feet to an existing 1-inch iron stake found flush

with the ground in the southern margin of the public right-of-way for Sherwood Avenue; thence North 84 degrees 16 minutes 12 seconds West 159.87 feet along the proposed new corporate limits line and the southern margin of the public right-of-way for Sherwood Avenue to an existing iron pipe found at the northwest corner of the Hubert V. Henderson, Jr. property described in Deed Book 1758, Page 1953, Randolph County Public Registry; thence along the existing primary corporate limits line and the southern margin of the public right-of-way for Sherwood Avenue North 84 degrees 21 minutes 46 seconds West 100.32 feet to an existing iron pipe; thence North 05 degrees 37 minutes 35 seconds East 58.99 feet across Sherwood Avenue and along the proposed new primary corporate limits line to a point not set; thence along the northern margin of the public right-of-way for Sherwood Avenue and the existing corporate limits line the following courses and distances: South 84 degrees 22 minutes 25 seconds East 469.93 feet to a point not set; thence South 81 degrees 36 minutes 48 seconds East 176.10 feet to a point not set; thence along the proposed new primary corporate limits line that follows a portion of the western boundary line and the entirety of the southern boundary line of the Dee Ann Bowman property described in Deed Book 1420, Page 1183, Randolph County Public Registry the following courses and distances: South 04 degrees 20 minutes 04 seconds West 6.34 feet to a point not set; thence South 80 degrees 32 minutes 22 seconds East 112.26 feet to a point not set; thence South 04 degrees 19 minutes 22 seconds East 38.54 feet across Sherwood Avenue and along the existing corporate limits line to a point not set; thence following the existing corporate limits line along the southern margin of the right-of-way for Sherwood Avenue the following courses and distances: North 81 degrees 56 minutes 38 seconds West 103.18 feet to a point not set; thence South 02 degrees 09 minutes 21 seconds West 8.74 feet to a point not set; thence North 83 degrees 56 minutes 37 seconds West 233.95 feet to the point and place of BEGINNING, and containing 1.76 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "**Annexation Survey City Of Asheboro** Plat Prepared For **Burnie D. Greene.**" This plat was drawn under the supervision of Michael R. Stout, Professional Land Surveyor with Registration Number L-3492, from an actual survey made under his supervision. The said plat is dated June 22, 2011, and the job number listed on the plat is 11-BD Greene-01-01.

Section 2. Upon and after August 4, 2011, 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, North Carolina, and in the office of the Secretary of State of North Carolina 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 upon and after the 4th day of August, 2011.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of August, 2011.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

Approved as to form:

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

- (c) **Consideration of a petition received from CommunityOne Bank National Association requesting contiguous annexation of 12.183 acres of land located at 187 Browers Chapel Road. (12.884 acres of land to be annexed including street right-of-way).**

Mayor Smith opened the public hearing on the request for contiguous annexation of 12.884 acres of land located at 187 Browers Chapel Road.

There being no comments and no opposition from the public, Mayor Smith 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 Dr. Fountain and seconded by Mr. Hunter, Council voted unanimously to adopt the following ordinance by reference.

Ordinance Number 29 ORD 8-11
**ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO, NORTH CAROLINA
(A Total of 12.884 Acres of Land Located at 187 Browers Chapel Road)**

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition requesting annexation by the City of Asheboro of the territory described in Section 1 of this ordinance was presented to the Asheboro City Council on July 14, 2011; and

WHEREAS, this petition for annexation was signed by the owners of all of the real property, other than territory located within the adjoining public street right-of-way, for which annexation was requested; and

WHEREAS, by means of a duly adopted resolution (Resolution Number 31 RES 7-11), the Asheboro City Council directed the City Clerk to investigate the sufficiency of the petition, and the Clerk has certified the sufficiency of the said petition; and

WHEREAS, pursuant to instructions received from the Asheboro City Council, notice was published to the public on the 21st day of July, 2011, in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held during the Asheboro City Council's regular meeting at 7:00 o'clock p.m. on the 4th day of August, 2011, in the Council Chamber at Asheboro City Hall, to consider the adoption of an ordinance annexing the said area to the City of Asheboro; and

WHEREAS, the said public hearing was in fact held on the 4th day of August, 2011; and

WHEREAS, the Asheboro 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 Section 160A-31 of the North Carolina General Statutes, the following described area is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing corporate limits line for the City of Asheboro at a 60D nail set at a ½-inch existing iron rod that is down 3" at the northwest corner of the CommunityOne Bank, N.A. property described in Deed Book 2171, Page 1278, Randolph County Public Registry, this beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 707,662.3663 feet and East 1,763,988.3234 feet (NAD 83); thence from the said beginning point following the existing City of Asheboro primary corporate limits line along the northern and eastern boundary lines of the said CommunityOne Bank, N.A. property the following courses and distances: North 79 degrees 58 minutes 47 seconds East 768.62 feet to a 60D nail set flush at a ~~5~~ 1/2 -inch existing iron rod found up 1'6"; thence South 10 degrees 26 minutes 45 seconds West 574.91 feet to a ¾-inch existing iron pipe flush with the ground; thence along the eastern boundary line of the CommunityOne Bank, N.A. property described in Deed Book 2171, Page 1275, Randolph County Public Registry the following courses and distances: South 10 degrees 32 minutes 00 seconds West

60.50 feet to a ½-inch existing iron rod flush with the ground; thence South 10 degrees 37 minutes 37 seconds West 122.52 feet to a 1¼-inch existing iron pipe that is up 1' and marks the present termination point for the existing corporate limits line; thence following the proposed new primary corporate limits line along the CommunityOne Bank, N.A. property described in Deed Book 2171, Page 1275, Randolph County Public Registry the following courses and distances: South 10 degrees 06 minutes 24 seconds West 74.62 feet to a ½-inch existing iron rod that is up 2"; thence South 01 degree 45 minutes 15 seconds West 191.38 feet to a ½-inch existing iron rod that is up 6"; thence North 87 degrees 15 minutes 32 seconds West 205.98 feet to a ½-inch existing iron rod that is up 6"; thence North 10 degrees 19 minutes 50 seconds West 191.78 feet to a ½-inch existing iron rod that is up 6"; thence North 88 degrees 46 minutes 29 seconds West 313.41 feet to a 60D nail set at a ½-inch existing iron rod that was found down 3" in the eastern margin of the 60-foot public right-of-way for Browers Chapel Road (North Carolina Secondary Road 2826); thence North 88 degrees 46 minutes 29 seconds West 61.46 feet across Browers Chapel Road to a point not set; thence along the western margin of the public right-of-way for Browers Chapel Road the following courses and distances: North 11 degrees 17 minutes 47 seconds West 87.27 feet to a point not set; thence North 01 degree 19 minutes 17 seconds West 409.33 feet to a point not set; thence North 06 degrees 10 minutes 40 seconds West 12.67 feet to a point not set in the existing primary corporate limits line; thence following the existing primary corporate limits line across Browers Chapel Road South 87 degrees 56 minutes 19 seconds East 60.63 feet to a point not set; thence North 06 degrees 10 minutes 40 seconds West 165.52 feet along the eastern margin of the public right-of-way for Browers Chapel Road and the existing primary corporate limits line to the point and place of BEGINNING, and containing 12.884 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR THE CITY OF ASHEBORO." This plat was drawn under the supervision of Jerry A. King, Professional Land Surveyor with Registration Number L-3373, from an actual survey made under his supervision. The said plat is dated June 2, 2011, and the job number listed on the plat is 6188 A 10.

Section 2. Upon and after August 4, 2011, 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, North Carolina, and in the office of the Secretary of State of North Carolina 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 upon and after the 4th day of August, 2011.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of August, 2011.

s/ David H. Smith
David H. Smith, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

Approved as to form:

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

7. Public comment period.

Mayor Smith opened the floor for comments from the public, and none were offered.

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

8. Public safety items:

(a) Discussion of possibility of contracting with Randolph County for animal control services.

Chief Wilson and Ms. MiMi Cooper, Director of Public Health of Randolph County, initiated a discussion of the possibility of the City of Asheboro contracting with Randolph County for animal control services.

Chief Wilson expressed his concerns that the Asheboro Police Department was is not the ideal agency to provide the desired level of animal control services and felt that the city should contract with the county in order to provide improved services. In contrast to a lone animal control officer employed by the Asheboro Police Department, Randolph County employs multiple animal control officers. Thus, a trained animal control officer would be available to respond to calls at all times of the day. Chief Wilson believes that the availability of these trained animal control officers on a 24-hour basis, as opposed to using Asheboro Police Department patrol officers to fill in the gaps when the city's animal control officer is unavailable, would lead to an enhancement in the animal control services offered to citizens.

The Randolph County Health Department, under the leadership of Health Director Cooper, is offering to provide county-wide animal control services to all of the municipalities within the county. The contract price for such services is determined on a per capita basis. For fiscal year 2011-2012, the estimated cost to Asheboro for field services provided by the Randolph County Health Department would be \$53,432.89

As an operational necessity, the City of Asheboro would have to adopt the Randolph County Animal Control Ordinance if health department employees are to provide animal control field services within the corporate limits. If health department employees are used to provide animal control field services, the city's animal control officer would be re-assigned within the city police department to a position that provides support for the department's law enforcement operations.

The mayor and members of the city council expressed general support for the proposal from Chief Wilson and Health Director Cooper. Before making a final decision, the elected officials want city staff to review and present more information on any regulatory gaps that might arise if the county's animal control ordinance is adopted and the city's current ordinance is repealed. City staff will report back to the council on this issue.

(b) Discussion of possible sites for a third fire station.

Mr. Bunker presented a detailed map depicting eight (8) possible site for an additional fire station to be located in the eastern portion of Asheboro. A copy of the map is on file in the City Clerk's office.

Chief Smith expressed his opinion that a third fire station in east Asheboro would be a great benefit to the city and address the high call volume in east Asheboro, specifically including the congestion and many vehicle accidents occurring on U.S. Highway 64 during heavy traffic times. Chief Smith also expressed his belief that a higher level of service could be provided to citizens and the maintenance of the city's fire rating would be supported by bringing a third fire station on-line in east Asheboro.

City staff will continue to analyze the available sites in an effort to find a location that can efficiently and effectively serve the city for decades into the future. The elected officials expressed their general support for proceeding to find and obtain a site for a third fire station in east Asheboro. The results of the continuing analysis will be discussed at a future council meeting.

9. Discussion of items not on the agenda.

- Mayor Smith noted that the "National Night Out" event was very successful and thanked the Police Department for its involvement in the event.
- Mayor Smith acknowledged the receipt of the minutes of the Asheboro ABC Board meeting that was held on July 5, 2011.

There being no further business, the meeting was adjourned at 8:21 p.m.

s/ Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

s/ David H. Smith
David H. Smith, Mayor