

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, JUNE 6, 2013  
7:00 p.m.**

\*\*\*\*\*

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

David H. Smith           ) – Mayor Presiding  
  
Clark R. Bell            )  
Edward J. Burks        )  
Michael W. Hunter     ) – Council Members Present  
Walker B. Moffitt      )  
Charles A. Swiers      )  
  
Talmadge S. Baker     )  
Linda H. Carter        ) – Council Members Absent

John N. Ogburn, III, City Manager  
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal  
John L. Evans, Assistant Community Development Director  
Michael L. Leonard, P.E., City Engineer  
Trevor L. Nuttall, Community Development Director  
Deborah P. Reaves, Finance Director  
Jeffrey C. Sugg, City Attorney  
Todd Swaney, Police Captain

**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 for prayer or meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

**3. Consent agenda:**

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

- (a) The minutes of the City Council’s regular meeting on May 9, 2013.**
- (b) The minutes of the City Council’s special meeting on May 30, 2013.**
- (c) Acknowledgement of the receipt of a copy of the Asheboro ABC Board’s adopted budget for fiscal year 2013-2014 in addition to copies of the minutes of the ABC Board meetings held on April 1, 2013 and May 8, 2013.**

A copy of the Asheboro ABC Board’s adopted budget for fiscal year 2013-2014 along with copies of the minutes of the ABC Board meetings held on April 1, 2013 and May 8, 2013 were received by the Mayor and the Council Members. Copies of the budget and the minutes are on file in the City Clerk’s office.

- (d) In response to a request from the North Carolina Department of Transportation, a resolution authorizing the execution of a temporary construction easement and a permanent drainage (storm sewer) easement across city-owned land located adjacent to Bridget No. 430 on SR 1163 (Tot Hill Farm Road).**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT ON BEHALF OF THE CITY OF ASHEBORO**

**WHEREAS**, Section 160A-273 of the North Carolina General Statutes provides that a city is authorized to grant easements over, through, under, or across city property; and

**WHEREAS**, the City of Asheboro owns 25.9 acres, more or less, of land described in Deed Book 1291, Page 201, Randolph County Public Registry, and this land is adjacent to Bridge No. 430 on Tot Hill Farm Road (North Carolina Secondary Road 1163); and

**WHEREAS**, the North Carolina Department of Transportation (hereinafter referred to as the "NCDOT") has proposed certain improvements that will positively impact Bridge No. 430 and Tot Hill Farm Road; and

**WHEREAS**, in order to construct the planned improvements, the NCDOT has requested (a) a permanent drainage easement over approximately 0.017 of an acre of city-owned land and (b) a temporary construction easement over approximately 0.033 of an acre of city-owned land; and

**WHEREAS**, in order to obtain the requested easements, NCDOT personnel have drafted and transmitted to city personnel legal instruments to effectuate the conveyance of the requested easements; and

**WHEREAS**, these legal instruments are collectively attached to this Resolution as EXHIBIT 1 and are incorporated into this Resolution by reference as if copied fully herein; and

**WHEREAS**, the NCDOT has appraised the requested permanent easement and temporary construction easement as having a value of two hundred and no hundredths dollars (\$200.00), and, accordingly, the NCDOT has offered to pay this sum of money to the city as monetary consideration for granting the requested easements; and

**WHEREAS**, the proposed improvements are beneficial in nature, and the requested easements will pose no obstacle or impediment to the city's use of the above-described land; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that the terms and conditions of the legal instruments attached to this Resolution as EXHIBIT 1 are hereby found to be reasonable and acceptable; and

**BE IT FURTHER RESOLVED** that the Mayor of the City of Asheboro and any other necessary officials of the municipal corporation are hereby authorized and directed to execute, on behalf of the City of Asheboro, the legal instruments attached to this Resolution as EXHIBIT 1.

This Resolution was approved by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 6<sup>th</sup> day of June, 2013.

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

ATTEST:

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

[The legal instruments identified as EXHIBIT 1 in the preceding resolution are on file and available for inspection in the City Clerk's office.]

**(e) A resolution authorizing the disposal of a damaged police vehicle.**

**RESOLUTION AUTHORIZING THE DISPOSAL OF A DAMAGED POLICE VEHICLE**

**WHEREAS**, Article IX, Section 9.3 of the Charter of the City of Asheboro provides that the City Council shall have the power granted by Chapter 160A, Article 12 of the General Statutes of North Carolina to sell any personal property belonging to the City of Asheboro; and



The recommended budget reflects an unchanged property tax rate of \$0.55 per \$100 valuation and no fee increase for utility services. The budget is balanced with no allocation of fund balance from the General Fund or retained earnings from the Water and Sewer Fund.

Mayor Smith invited comments from the public, but none were offered. Mayor Smith closed the public hearing and announced that written comments will be accepted from the public until final consideration of the budget. Final consideration of the budget will take place during a special meeting of the Council at 12:30 p.m. on June 27, 2013 in the Council Chamber.

In addition to a copy of the proposed budget, a copy of the visual presentation utilized by Mr. Ogburn is on file in the City Clerk's office.

## 5. Community Development Division Items:

### (a) Land Use Cases RZ-13-09, SUP-13-03, and SUB-13-01: Combined hearing on requests to rezone the property located at 2513 Old Cedar Falls Road from R40 Low-Density Residential to R10 Medium-Density Residential, issue a Special Use Permit, and approve a subdivision sketch design.

Mayor Smith opened the public hearing on these land use cases (RZ-13-09, SUP-13-03, and SUB-13-01). Mr. Nuttall was placed under oath and provided the Community Development Division staff's analysis of the applicant's requests.

This application for a legislative rezoning, the issuance of a Special Use Permit and the approval of a Sketch Design pertains to approximately 106.13 acres of land that is owned by Phyllis E. Thomas and is located at 2513 Old Cedar Falls Road. This property is more specifically identified by Randolph County Parcel Identification Number 7772117810.

Old Cedar Falls Road (SR 2216) is a state-maintained major thoroughfare. The property was annexed on October 5, 2006 at the request of the property owner. Currently, water and sewer lines do not extend to the property, but a developer could extend the lines under the city's water and sewer line extension policy.

The Land Development Plan proposes development of a recreational greenway on this property. A small portion of the property (primarily in the northwestern quadrant) is located in a Special Hazard Flood Area. A portion of the proposed Northeast Corridor (Thoroughfare Plan 2001) crosses the northeastern quadrant of the tract.

The applicant, Mr. Brian Thomas, is requesting a rezoning of the property to the R10 Medium-Density residential zoning district along with a Special Use Permit authorizing a residential Planned Unit Development (PUD) consisting of 160 attached dwelling units within 80 residential structures along with an agricultural tourism use, including a banquet center. However, if the Special Use Permit is not granted or initiated, rezoning the property to R10 would allow any uses, including conventional subdivisions, permitted in the R10 district by right. A Special Use Permit has previously been approved allowing a 198 site recreational vehicle (RV) resort (which allows sale of individual lots) with an agricultural tourism facility (including a banquet center) as an optional amenity to the RV resort.

In addition to having the property rezoned and requesting a Special Use Permit for a Residential Planned Unit Development, the applicant is requesting the approval of a sketch design for the proposed subdivision, Reserves at the Vineyards, consisting of 160 lots plus common area with the average lot size of 3,360 square feet. The development proposes a gatehouse and private streets, restricting access to visitors.

The Community Development Division staff and the Planning Board recommended approval of the requested legislative rezoning based on the following analysis:

"The existing R40 Low Density Residential district is primarily intended to accommodate property developed at lower densities due to lack of public water and sewer services, while annexation of the subject property creates the ability to extend public water and sewer services to the property consistent with R10 Medium-Density Residential land uses. The R10 designation, which allows single and two-family dwellings at medium densities, is consistent with the LDP proposed land use map's 'neighborhood residential' classification of the property. The East Small Area Plan envisions employment growth south of the subject property and provision of urban services in Economic Development Areas identified by the Land Development Plan and Economic Development Zones identified by the NC Department of Commerce (the property is located in both)."

On behalf of the applicant, Mr. Scott Eggleston, Esq. and Mr. Jim Wright, who is a certified real estate appraiser were placed under oath and addressed the four standard tests for issuance of a Special Use Permit.

No witnesses came forward in opposition to the applicant's request to place the property in an R10 Medium-Density Residential zoning district and for the issuance of a Special Use Permit. There being no comments and no opposition from the public, Mayor Smith asked the Council to proceed to the deliberative phase of the process.

With regard to the request to place the property in a different zoning district, the Council considered and took action with one motion to approve: (i) the requested rezoning and (ii) adopted a statement as to the consistency of the requested zoning designation with the adopted comprehensive plans as well as the reasonableness of the request and whether granting the request is in the public interest. This motion, which was made by Mr. Moffitt and seconded by Mr. Swiers, and was approved without dissent by Council Members Bell, Burks, Hunter, Moffitt, and Swiers. With the approval of this motion, the Council:

- (i) Adopted the recommendation of the Planning Board and placed the above-described property in an R10 Medium Density Residential zoning district; and
- (ii) Adopted the following consistency/reasonable statement:

After considering the factors identified by the staff and the planning board, Council believes the zoning map amendment will allow a reasonable use of the property and ensure consistency with the Land Development Plan.

With regard to the application for a Special Use Permit, Mr. Moffitt then moved to approve, with the staff recommended conditions, the requested Special Use Permit for a Residential Planned Unit Development, including an Agricultural Tourism Facility, to be located on the above-described property. Mr. Burks seconded the motion, and Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted in favor of this motion. The issuance of this permit is based on the four standard tests being met.

The formal findings of fact, conclusions of law, and order authorizing the Special Use Permit will be entered by the Council during regular session on July 11, 2013. This order will reflect the conditions imposed upon this permit as a consequence of the testimony presented during the public hearing.

With regard to the request for a subdivision sketch design approval and based on the recommendations of the Community Development Division staff and the Planning Board, Mr. Moffitt moved to approve the sketch design for the proposed Reserves at the Vineyards subject to the following comments/conditions:

- 1. The NC Department of Transportation (NCDOT) does not allow water and/or sewer lines and appurtenances within the public right-of-way.
- 2. The HOA and/or property owners will be responsible for maintaining the low pressure sewer system, pumps, and all related appurtenances.
- 3. The HOA and/or property owners will be responsible for maintaining the private water line (and related appurtenances) and all private streets/drives.
- 4. The Land Development Plan identifies a public greenway on this property. The LDP recommends accommodating this facility during the development process.
- 5. RV storage can either be prohibited by Homeowners Association documents recorded with final plat or a separate, screened area will need to be provided.
- 6. Technical corrections to the plat that were identified by the city staff are to be made.
- 7. Hydrant locations will be subject to further review by the fire department and the fire prevention bureau when the preliminary plat is submitted.
- 8. Per the fire department and the fire prevention bureau, street radii may need to increase in certain locations.
- 9. Per the fire department and the fire prevention bureau, a secondary access from Old Cedar Falls Road must be constructed when the number of residential units exceeds 30.

Mr. Bell seconded the motion. Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

The visual presentation utilized by Mr. Nuttall during his presentation is on file in the City Clerk's office.

**(b) Consideration of a recommendation from the Asheboro Redevelopment Commission concerning potential changes to the commission's membership roll.**

Mr. Nuttall presented the following recommendations from the Asheboro Redevelopment Commission concerning potential changes to the commission's membership roll:

1. To appoint Mr. David Jarrell to the unexpired term formerly held by Mr. Charlie Robbins. This term expires on April 1, 2014.
2. To appoint Mr. Michael Moore to the currently vacant seat for a full five (5) year term that will expire on April 1, 2018.
3. To reduce the commission's membership roll from nine (9) members to eight (8) members, eliminating one currently vacant seat.
4. To reappoint Mr. Roger Spoon to a five (5) year term that will expire on April 1, 2018.

These recommendations were reflected in a resolution presented to the Council Members for their consideration. Upon motion by Mr. Bell and seconded by Mr. Hunter, Council voted unanimously to adopt the following resolution by reference. Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

**31 RES 6-13**

**A RESOLUTION REDUCING AND CLARIFYING THE MEMBERSHIP ROLL  
OF THE ASHEBORO REDEVELOPMENT COMMISSION**

**WHEREAS**, on October 8, 1970, the Asheboro City Council, by means of formally adopting a resolution, entered into the public record the governing board's finding that blighted areas existed in the City of Asheboro and that the redevelopment of such areas was in the interest of the public health, safety, and welfare of the residents of the City of Asheboro; and

**WHEREAS**, after making this finding, the City Council utilized the same resolution that is referenced in the immediately preceding paragraph to create the Asheboro Redevelopment Commission to function within the territorial limits of the City of Asheboro; and

**WHEREAS**, the vital role played by the Asheboro Redevelopment Commission in the redevelopment of blighted areas is just as important today as it was in 1970; and

**WHEREAS**, over the years, many dedicated residents have rendered important service to their city by serving on the redevelopment commission; and

**WHEREAS**, during the decades that have passed since October 8, 1970, the membership roll for the redevelopment commission has been set at different numbers and different members of the commission have served as long as they could and, in some cases, were unable to finish their scheduled terms of office; and

**WHEREAS**, during the course of reviewing the redevelopment commission's initial recommendation that former Mayor David Jarrell and Mr. Michael Moore should be considered to fill the unexpired term of retired commission member Charlie Robbins, the City Council concluded that it would be advisable for city staff members to research the status of the membership roll of the redevelopment commission before final action was taken on filling the unexpired term of Mr. Robbins; and

**WHEREAS**, this research led to the conclusion that the paperwork reflecting the terms of office of certain commission members needed to be updated to remove certain inaccuracies and that more appointments were needed than originally thought because the City Council, on June 7, 1984, had expanded the membership roll of the redevelopment commission to nine (9) members, which is the maximum number of members permitted under the enabling legislation for redevelopment commissions; and

**WHEREAS**, after having the results of the aforementioned research forwarded, at the direction of the Council, to the commission members for review, the Asheboro Redevelopment Commission studied the research data during a regular meeting on June 3, 2013, and recommended that the City Council clarify in the minutes of its next meeting the terms of office of all of the commission members, reappoint commission member Roger Spoon to a 5-year term of office, appoint former Mayor David Jarrell to fill the unexpired term of retired commission member Charlie Robbins, appoint Michael Moore to fill a currently vacant 5-year term of office, and reduce the membership of the commission from nine (9) members to eight (8) members since the ninth seat is currently vacant and, at present, there is no demonstrable need for nine (9) members; and

**WHEREAS**, the City Council concurs with these recommendations;

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

**Section 1.** Effective immediately, Roger Spoon is hereby reappointed to a 5-year term of office that commenced on April 1, 2013, and will expire on April 1, 2018.

**Section 2.** Effective immediately, Michael Moore is hereby appointed to a 5-year term of office that commenced on April 1, 2013, and will expire on April 1, 2018.

**Section 3.** Effective immediately, David Jarrell is hereby appointed to fill the unexpired term of Charlie Robbins that expires on April 1, 2014.

**Section 4.** Effective immediately, the number of members of the Asheboro Redevelopment Commission is hereby reduced from a total of nine (9) members to a total of eight (8) members.

**Section 5.** With the above-stated actions, the membership roll of the Asheboro Redevelopment Commission immediately after the adoption of this Resolution will be as follows:

<u>Member</u>	<u>Term Expires</u>
1. Linda Carter, Chair	April 1, 2014
2. David Jarrell	April 1, 2014
3. Tommy Lemonds	April 1, 2014
4. Martha Norman	April 1, 2014
5. Cynthia Bailey, Vice-Chair	April 1, 2017
6. Katie Snuggs	April 1, 2017
7. Michael Moore	April 1, 2018
8. Roger Spoon	April 1, 2018

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 6<sup>th</sup> day of June, 2013.

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

ATTEST:

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

**6. Consideration of the annexation of city-owned property located at 1431 East Salisbury Street.**

Mayor Smith opened the public hearing on the request for annexation of city-owned land located at 1431 East Salisbury Street.

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

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

Mr. Burks moved to adopt the following ordinance by reference. Mr. Bell seconded the motion, and Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

**Ordinance Number 11 ORD 6-13**  
**ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE**  
**CITY OF ASHEBORO, NORTH CAROLINA**  
**(City-Owned Land Located at 1431 East Salisbury Street)**

**WHEREAS**, on May 9, 2013, the Asheboro City Council adopted, pursuant to Section 160A-31 of the North Carolina General Statutes, a resolution (Resolution Number 25 RES 5-13) stating the City Council's intent to annex the city-owned property located at 1431 East Salisbury Street (the land to be annexed is more specifically described below in Section 1); and

**WHEREAS**, after due notice of the public hearing on the proposed annexation was published on the 17<sup>th</sup> day of May, 2013, in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, a public hearing on the question of the said annexation was in fact held during the Asheboro City Council's regular meeting that began at 7:00 o'clock p.m. on the 6<sup>th</sup> day of June, 2013, in the Council Chamber at Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

**WHEREAS**, the Asheboro City Council finds that the proposed annexation 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, effective immediately, the following described property, which is contiguous with the existing primary corporate limits of the City of Asheboro, is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the western boundary line of the City of Asheboro property previously described in Deed Book 905, Page 144, Randolph County Public Registry at a  $\frac{3}{4}$ " existing iron pipe flush with the ground at the intersection of the said western boundary line with the southern margin of the public right-of-way for Martin Luther King, Jr. Drive (North Carolina Secondary Road 2189), this beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 712,730.59 feet and East 1,765,520.99 feet (NAD 83); thence from the said beginning point following the proposed primary city limits line for the City of Asheboro by proceeding into the public right-of-way for Martin Luther King, Jr. Drive North 01 degree 27 minutes 45 seconds West 55.32 feet to a computed point on the existing primary city limits line for the City of Asheboro; thence following the existing primary city limits line that is located within the public right-of-way for Martin Luther King, Jr. Drive the following courses and distances: South 32 degrees 05 minutes 43 seconds East 280.16 feet to a computed point; thence South 32 degrees 05 minutes 43 seconds East 280.15 feet to a computed point; thence South 32 degrees 49 minutes 56 seconds East 52.86 feet to a computed point; thence South 36 degrees 32 minutes 03 seconds East 52.46 feet to a computed point; thence South 41 degrees 47 minutes 02 seconds East 50.46 feet to a computed point; thence South 46 degrees 16 minutes 59 seconds East 49.73 feet to a computed point; thence South 55 degrees 44 minutes 31 second East 51.81 feet to a computed point; thence South 58 degrees 23 minutes 46 seconds East 15.32 feet to a computed point; thence departing from the public right-of-way for Martin Luther King, Jr. Drive, but continuing to follow the existing primary city limits for the City of Asheboro, and proceeding along the northern margin of the public right-of-way for East Salisbury Street (North Carolina Secondary Road 2237) the following courses and distances: South 88 degrees 50 minutes 05 seconds West 121.99 feet to ~~the~~ existing iron pipe flush with the ground; thence in a northwesterly direction along the arc of a curve with a radius of 3,970.00 feet and an arc length of 350.09 feet (a chord bearing and distance of North 88 degrees 31 minutes 17 seconds West 349.98 feet) to a computed point in an existing utility pole; thence departing from the northern margin of the public right-of-way for East Salisbury Street and proceeding along the proposed primary city limits line by running along the western boundary line of the said City of Asheboro property the following courses and distances: North 00 degrees 58 minutes 38 seconds West 200.44 feet to a  $\frac{3}{4}$ " existing iron pipe that is 4" below ground; thence North 00 degrees 58 minutes 38 seconds West 333.14 feet to a  $\frac{3}{4}$ " existing iron pipe that is flush with the ground; thence North 00 degrees 31 minutes 55 seconds West 75.08 feet to the point and place of BEGINNING, and containing 3.226 acres (140,534 square feet) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "Annexation Plat for City of Asheboro FUTURE FIRE STATION #3 AREA." This plat was drawn under the supervision of Thomas Scaramastra, a Professional Land Surveyor with Registration Number L-4421, from an actual survey made under his supervision. The job number listed on the plat is 13-009, and the said plat of survey is dated April 19, 2013.

**Section 2.** Upon and after June 6, 2013, 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 6<sup>th</sup> day of June, 2013.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 6<sup>th</sup> day of June, 2013.

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

ATTEST:

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

Approved as to form:

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

**7. Consideration of petitions received from the Asheboro Housing Authority, Sandhills Center for Mental Health, and Our Daily Bread Kitchen, Inc. requesting the annexation of approximately 2.956 acres of land located at the eastern terminus of East Pritchard Street.**

Mayor Smith opened the public hearing on the request for annexation of 2.956 acres of land located at the eastern terminus of East Pritchard Street.

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

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

Mr. Burks moved to adopt the following ordinance by reference. Mr. Swiers seconded the motion, and Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

**Ordinance Number 12 ORD 6-13  
ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF ASHEBORO, NORTH CAROLINA  
(A Total of 2.956 Acres of Land Located at the Eastern Terminus of East Pritchard Street)**

**WHEREAS**, pursuant to Section 160A-31 of the North Carolina General Statutes, petitions requesting annexation by the City of Asheboro of the territory described in Section 1 of this Ordinance were presented to the Asheboro City Council on May 9, 2013; and

**WHEREAS**, by means of a duly adopted resolution (Resolution Number 26 RES 5-13), the Asheboro City Council directed the City Clerk to investigate the sufficiency of the petitions, and the Clerk has certified the sufficiency of the said petitions; and

**WHEREAS**, pursuant to Asheboro City Council Resolution Number 27 RES 5-13, notice was published to the public on the 17<sup>th</sup> day of May, 2013, 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 6<sup>th</sup> day of June, 2013, in the Council Chamber at Asheboro City Hall, to consider the adoption of an ordinance annexing the said area into the City of Asheboro; and

**WHEREAS**, the advertised public hearing was in fact held on the 6<sup>th</sup> day of June, 2013; and

**WHEREAS**, the Asheboro City Council has concluded that the petitions meet 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, effective June 30, 2013, 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 primary Asheboro city limits line at an existing iron pipe that is located at the southeast corner of the area proposed for annexation into the

city, the said existing iron pipe is at the southeast corner of the Sandhills Center for Mental Health property described in Deed Book 1823, Page 2286, Randolph County Public Registry; thence from the said beginning point following the existing primary city limits line around the entirety of the area to be annexed by first proceeding along the southern boundary line of the said Sandhills Center for Mental Health property the following courses and distances: North 85 degrees 16 minutes 09 seconds West 191.59 feet to an existing iron pipe; thence North 85 degrees 15 minutes 58 seconds West 41.80 feet to a computed point (this computed point is located North 19 degrees 00 minutes 40 seconds West 460.75 feet from the corner of the City of Asheboro primary city limits as located by means of the North Carolina Coordinate System at the coordinates of North 716,184.046 feet and East 1,763,126.258 feet (NAD 27)); thence North 19 degrees 00 minutes 40 seconds West 242.21 feet across the said Sandhills Center for Mental Health property and the Asheboro Housing Authority property described in Deed Book 1015, Page 143, Randolph County Public Registry to a computed point; thence continuing across the Asheboro Housing Authority property, the public right-of-way for East Pritchard Street, the Our Daily Bread Kitchen, Inc. property described in Deed Book 1574, Page 1398, Randolph County Public Registry, and a separate portion of the Asheboro Housing Authority property described in Deed Book 1015, Page 143, Randolph County Public Registry the following course and distance: North 24 degrees 16 minutes 36 seconds East 659.19 feet to a computed point on the boundary line for the City of Asheboro property described in Deed Book 1123, Page 416, Randolph County Public Registry; thence South 53 degrees 54 minutes 31 seconds East 39.42 feet along the boundary line for the said City of Asheboro property to an existing iron pipe; thence departing from the boundary line for the City of Asheboro property and proceeding South 25 degrees 14 minutes 29 seconds West 397.17 feet to an existing iron pipe on the northern boundary line of the previously referenced Our Daily Bread Kitchen, Inc property; thence along the Our Daily Bread Kitchen, Inc property boundary line the following courses and distances: South 84 degrees 17 minutes 14 seconds East 53.06 feet to an existing iron pipe; thence South 25 degrees 11 minutes 59 seconds West 89.14 feet to an existing iron pipe in the margin of the public right-of-way for East Pritchard Street; thence following the cul-de-sac at the eastern terminus of East Pritchard Street by proceeding in a southeasterly direction along the arc of a curve with a radius of 45.00 feet and an arc length of 110.96 feet (a chord bearing and distance of South 34 degrees 15 minutes 41 seconds East 84.91 feet) to a new iron pipe; thence along the northern and eastern boundary lines of the previously referenced Sandhills Center for Mental Health property the following courses and distances: South 85 degrees 16 minutes 45 seconds East 205.41 feet to an existing iron pipe; thence South 16 degrees 34 minutes 34 seconds West 150.01 feet to an existing iron pipe; thence South 17 degrees 15 minutes 59 seconds West 156.94 feet to the point and place of BEGINNING, and containing 2.956 acres (128,761 square feet) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "Annexation Plat for City of Asheboro EAST PRITCHARD STREET AREA." This plat was drawn under the supervision of Thomas Scaramastra, a Professional Land Surveyor with Registration Number L-4421, from an actual survey made under his supervision. The job number listed on the plat is 13-003, and the said plat of survey is dated March 8, 2012.

**Section 2.** Upon and after June 30, 2013, 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 30<sup>th</sup> day of June, 2013.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 6<sup>th</sup> day of June, 2013.

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

ATTEST:

Approved as to form:

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

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

**8. 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.

**9. Consideration of approval of Change Order #5 on the Sunset Theatre Renovation Project (Rehab Builders, Inc.) increasing the contract amount by \$19,021.00 to \$1,680,865, and increasing the contract time by 35 days to August 19, 2013.**

Mr. Leonard presented the above-referenced Change Order #5 on the Sunset Theatre Renovation Project by Rehab Builders, Inc. increasing the contract amount by \$19,021.00 to \$1,680,865. This change order also increases the contract time by 35 days to August 19, 2013.

In regards to the above-referenced Change Order #5, Mr. Leonard summarized the following additions and repairs to the Sunset Theatre Renovation Project:

- A Dutch door was added to the concession area where no door was present before;
- An electrician had to move the panel in the concession area closet in order to get enough separation from the location of the ice machine;
- Plumbing was added in the concession area closet including a wall sink and a floor sink;
- Repair and replace termite damage in the concession area ceiling structure;
- Add a rail to the handicapped ramp as it was required by code to be on both sides of the ramp but was only shown on one;
- A window was added to the sound booth for security purposes;
- The ladder to the right side of the stage was changed to stairs and guard rails for easier access;
- A chandelier and wiring were added to the main foyer for more aesthetic appeal;
- A power vent from the bookstore to the room in the rear was added because the door that was added in an earlier change order changed the circulation of air in Building Number 3; and
- A 150 Amp Electric Service Panel was added to the rear of the bookstore and Building Number 3 as it was omitted in the original plans.

Mr. Bell moved to approve the above-referenced Change Order #5. Mr. Burks seconded the motion, and Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

**10. Introduction of Ms. Kerrin Lowe, Community Development Department Intern.**

Mr. Nuttall introduced Ms. Kerrin Lowe, who is the Community Development Department Intern. She is a rising Senior at UNC Chapel Hill and is studying Interpersonal and Organizational Communications. Ms. Lowe's duties will include, but are not limited to, updating information on the city's website and on Channel 8, assisting in the city's marketing and promotional efforts as well as the city's Wayfinding Project.

**11. Discussion of enhancements related to how meeting agendas and related information is delivered to the City Council and the public.**

Mr. Nuttall reported that Council meeting agendas and related information will soon be available electronically. Council Members and citizens will be able to click on a link via the city's website in order to access the information for council meetings. A "practice" link will possibly be available for Council Members to access the agenda and related information for the regular July council meeting.

