

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, OCTOBER 10, 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 officials and staff members present:

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

John N. Ogburn, III, City Manager  
Jimmy Cagle, Facilities Maintenance Superintendent  
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal  
John L. Evans, Assistant Community Development Director  
Jason A. Hanson, Police Lieutenant  
Michael L. Leonard, P.E., City Engineer  
Pamela M. Morgan, Office Assistant – Cultural & Recreation Services  
Trevor L. Nuttall, Community Development Director  
Deborah P. Reaves, Finance Director  
Jonathan M. Sermon, Recreation Services Superintendent  
James O. Smith, Police Major  
Jeffrey C. Sugg, City Attorney

**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.

Mayor Smith welcomed everyone in attendance and recognized boy scouts from Troop 525 that were in attendance as a requirement for their Citizenship Badge.

**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. Recognition of Mr. Felix L. Ward, Cultural and Recreation Services Director (Retired), for his years of dedicated service to the City of Asheboro.**

Mr. Ogburn presented to Mr. Felix L. Ward a retirement plaque for his 20 years of dedicated service to the City of Asheboro. Additionally, Mr. Ogburn presented Mr. Ward with the Order of the Long Leaf Pine from Governor Pat McCrory and thanked him for his service to the City of Asheboro.

Mr. Ward thanked the City Manager and the Council Members for allowing him to serve the City of Asheboro.

**4. Consent agenda:**

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve the following consent agenda items. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

- (a) The minutes of the City Council's regular meeting on September 12, 2013.
- (b) The following dates submitted by the Recreation Services Superintendent for the 2013-2014 dark geese (Canada & white-fronted geese) & duck hunting season at Lake Reese:
  - November 19<sup>th</sup>, 23<sup>rd</sup>, 28<sup>th</sup>
  - December 17<sup>th</sup>, 21<sup>st</sup>, 26<sup>th</sup>
  - January 9<sup>th</sup>, 14<sup>th</sup>, 18<sup>th</sup>
- (c) The temporary closing of the following streets for a horse parade on Sunday, November 3, 2013, from 3:00 p.m. to 4:00 p.m.: South Park Street from Sunset Avenue to West Taft Avenue, West Taft Avenue from South Park Street to South Church Street, South Church Street from West Taft Avenue to Sunset Avenue, and Sunset Avenue from Church Street to Park Street.
- (d) A request received from the Randolph County Veteran's Council to temporarily close Church Street from Hoover Street to West Kivett Street, Sunset Avenue from Church Street to Fayetteville Street, Fayetteville Street from Academy Street to Salisbury Street, and Worth Street from Fayetteville Street to Cox Street for a Veteran's Day Parade from 4:00 p.m. to 5:00 p.m. on Monday, November 11, 2013.
- (e) Approval of a utility agreement between the City of Asheboro and the North Carolina Department of Transportation to replace water and sewer lines along Tot Hill Farm Road at the Betty McGee's Creek crossing for the proposed North Carolina Department of Transportation Bridge Replacement Project, wherein the estimated cost to the City is \$44,536,00, to be paid within sixty (60) days of receipt of invoice.

With this approval, the City Council authorized the City Manager to execute this utility agreement. A copy of the aforementioned utility agreement is on file in the City Clerk's office.

**5. Community Development Division Items:**

- (a) **Zoning Case RZ/CUP-13-11:** A combined hearing on the application filed by Glenn King to rezone the property located at 1000 Park Drive from R15 (low-density residential) to conditional use O&I (office and institutional) zoning and, if the requested rezoning is approved, to obtain a conditional use permit authorizing an office development with multiple uses.

Mr. Nuttall reported to the Council Members that the above-stated request has been withdrawn by the applicant.

- (b) **Zoning Case SUP-13-05:** A quasi-judicial hearing concerning a request for a special use permit authorizing a commercial planned unit development at 1280 East Dixie Drive.

Mayor Smith opened the previously continued public hearing on the above-stated request. This public hearing was initially opened during the Council's regular meeting on September 12, 2013.

Mr. Nuttall, who was originally placed under oath when this case was first called on September 12, 2013, presented the Community Development Division staff's analysis of the Applicant's request that included a properly submitted site plan. This request pertains to approximately 78,515 square feet of land owned by PF-Asheboro Too, LLC (the Applicant) that is located at 1280 East Dixie Drive. Randolph County Parcel Identification Number 7760596184 more specifically identifies the property.

The Applicant's property is located in a B2 General Commercial zoning district and all uses are permitted in a B2 district by right would be permitted on this property. However, the Applicant is requesting authorization to create a commercial Planned Unit Development (a "PUD"). A PUD cannot be created without the issuance by the Council of a Special Use Permit (a "SUP").

The Applicant is seeking a SUP authorizing a PUD because the desire is to create two (2) buildable lots that can each be conveyed on the single parcel of land with public street frontage on one side (the side contiguous with East Dixie Drive). A properly designed PUD will meet this goal. Thus, the Applicant is requesting a commercial Planned Unit Development with two lots. A private drive maintained by an owners' association would provide cross-access between the two lots. The lots also would be accessible from a commercial driveway that connects Centerpoint Plaza to Dixie Drive.

On behalf of the Applicant, Mr. Ben Morgan, Esq. was placed under oath and addressed the four standard tests. Mr. Wayne Gibson who is a representative of Murphy USA from El Loredo, Arkansas, Mr. Hamilton Williams, II, Civil Engineering Department Manager and Mr. Greg Sistrunk, PE of Greenberg Farrow were placed under oath and were available to answer questions.

No witnesses came forward in opposition to the Applicant's request for the issuance of Special Use Permit. There being no comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

During the course of the hearing, including the deliberative phase, no concerns arose about the ability of the proposed PUD to function cohesively and to satisfy the requirements of the zoning ordinance, specifically including the standards that have to be met in order to obtain a SUP. Upon motion by Mr. Moffitt and seconded by Mr. Baker, Council voted unanimously to approve, with the staff recommended conditions, the requested Special Use Permit. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

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 November 7, 2013. This order will reflect the conditions imposed upon this permit as a consequence of the testimony presented during the public hearing.

**6. Annexation Items:**

**(a) Consideration of a petition received from Shade Joines & Tish F. Joines requesting the annexation of their parcel of land (approximately 1.08 acres) located at 1839 U.S. Highway 64 East.**

**(i) Public hearing**

Mayor Smith opened the public hearing on the request for annexation of approximately 1.08 acres of land located at 1839 U.S. Highway 64 East.

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

**(ii) Ordinance to extend the corporate limits of the City of Asheboro**

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

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

**Ordinance Number** 29 ORD 10-13  
**ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE**  
**CITY OF ASHEBORO, NORTH CAROLINA**  
**(A Total of 1.9327 Acres of Land at 1839 U.S. Highway 64 East)**

**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 September 12, 2013; and

**WHEREAS**, this petition for annexation was signed by the owners of the parcel of land for which annexation was requested; and

**WHEREAS**, by means of a duly adopted resolution (Resolution Number 40 RES 9-13), 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 Asheboro City Council Resolution Number 41 RES 9-13, notice was published to the public on the 19<sup>th</sup> day of September, 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 10<sup>th</sup> day of October, 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 said public hearing was in fact held on the 10<sup>th</sup> day of October, 2013; 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 primary city limits line for the City of Asheboro (as shown on an annexation plat recorded in Plat Book 36, Page 83, Randolph County Public Registry) at a computed point on the southern margin of the public right-of-way for United States Highway 64 and North Carolina Highway 49, the said beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 713,064.184 feet and East 1,769,204.807 feet (NAD 27); thence from the said beginning point proceeding along the existing primary city limits line and the southern margin of the public right-of-way for United States Highway 64 and North Carolina Highway 49 the following course and distance: South 47 degrees 40 minutes 05 seconds West 258.88 feet to a computed point located by means of the North Carolina Coordinate System at the coordinates of North 712,889.849 feet and East 1,769,013.430 feet (NAD 27); thence departing from the existing primary city limits line and proceeding across the public right-of-way for United States Highway 64 and North Carolina Highway 49 the following course and distance: North 43 degrees 44 minutes 02 seconds West 149.28 feet to a ½" existing iron rod flush with the ground at the southwest corner of the Shade J. Joines and Tish F. Joines property that is described in Deed Book 2311, Page 409, Randolph County Public Registry and for which an annexation petition has been submitted; thence along the boundary line for the said Joines property the following courses and distances: North 43 degrees 44 minutes 02 seconds West 102.52 feet to a 1-½" existing iron pipe that is flush with the ground; thence North 04 degrees 17 minutes 02 seconds East 282.76 feet to a 1" existing iron pipe that is 6" above the ground; thence South 49 degrees 56 minutes 10 seconds East 299.31 feet to a ½" existing iron rod that is flush with the ground and is set on the northern margin of the public right-of-way for United States Highway 64 and North Carolina Highway 49 at the southeast corner of the said Joines property; thence South 49 degrees 56 minutes 10 seconds East 150.60 feet across the public right-of-way for United States Highway 64 and North Carolina Highway 49 to the point and place of BEGINNING, and containing a total of 1.9327 acres of land, more or less, to be annexed (Within the overall annexation area, 1.0735 acres of land, more or less, are located within the Joines property, and 0.8592 of an acre of land, more or less, is located within the public street right-of-way.)

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION PLAT PREPARED FOR CITY OF ASHEBORO (and) SHADE J. & TISH F. JOINES" that was drawn under the supervision of Glenn Lee Brown, Professional Land Surveyor with Registration Number L-3663, from an actual survey made under his supervision. The job number listed on the plat is G13030AX, and the said plat of survey is dated August 24, 2013.

**Section 2.** Upon and after October 10, 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 10<sup>th</sup> day of October, 2013.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of October, 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

(b) **Consideration of a petition received from Clapp Rental Property Family Limited Partnership requesting contiguous annexation of 0.22 of an acre of land at 1346 East Presnell Street.**

(i) **Resolution directing the city clerk to investigate the annexation petition.**

Mr. Leonard presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting contiguous annexation of 0.22 of an acre of land located at 1346 East Presnell Street.

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

**43 RES 10-13**

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

**(A Petition from the Owner of the Parcel of Land Located at 1346 East Presnell Street)**

**WHEREAS**, Clapp Rental Property Family Limited Partnership has submitted a petition requesting the annexation by the City of Asheboro of the family limited partnership's parcel of land (approximately 0.22 of an acre of land identified by Randolph County Parcel Identification Number 7761653854) located at 1346 East Presnell Street; and

**WHEREAS**, the northern boundary line of the parcel of land for which annexation is requested is contiguous with the existing primary city limits of the City of Asheboro; 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**, in response to this petition, the City Council has decided to proceed with the statutorily prescribed voluntary annexation proceedings;

**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.

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 10<sup>th</sup> day of October, 2013.

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

ATTEST:

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

**CERTIFICATE OF SUFFICIENCY**

**(A Petition from the Owner of the Parcel of Land Located at 1346 East Presnell Street)**

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

I, Holly H. Doerr, CMC, NCCMC, City Clerk of the City of Asheboro, North Carolina, do hereby certify that, with the assistance of other city staff members in the engineering department, I have investigated the petition submitted by Clapp Rental Property Family Limited Partnership. On the basis of

the evidence obtained during the course of that investigation, I have concluded that all owners of real property lying in the area for which annexation has been requested have executed the mandated petition, 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 in order to make this certification effective as of the 10<sup>th</sup> day of October, 2013.

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

**(ii) Resolution setting the date for a public hearing on the question of annexation.**

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

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

**44 RES 10-13**

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

**(A Petition from the Owner of the Parcel of Land Located at 1346 East Presnell Street)**

**WHEREAS**, Clapp Rental Property Family Limited Partnership has properly submitted a petition requesting the annexation by the City of Asheboro of the family limited partnership's parcel of land (approximately 0.22 of an acre of land identified by Randolph County Parcel Identification Number 7761653854) located at 1346 East Presnell Street; and

**WHEREAS**, the City Council has, by resolution, directed the city clerk to investigate the sufficiency of the annexation petition; and

**WHEREAS**, on the basis of her review of information gathered by city staff members during an investigation of the submitted petition, the city clerk has certified to the City Council the sufficiency of this petition to proceed with setting a date for a public hearing on the question of annexation pursuant to Section 160A-31 of the North Carolina General Statutes;

**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 annexing the area described herein will be held in the Council Chamber of Asheboro City Hall, which is located at 146 North Church Street, Asheboro, North Carolina 27203, during a regular meeting of the City Council that will begin at 7:00 o'clock p.m. on the 7<sup>th</sup> day of November, 2013.

**Section 2.** A metes and bounds description of the area proposed for annexation is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

**Section 3.** Notice of the 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 the public hearing.

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 10<sup>th</sup> day of October, 2013.

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

ATTEST:

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

**EXHIBIT 1**

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing primary city limits line for the City of Asheboro at a 5/8" existing iron rod set 6" down in the southern margin of the public right-of-way for East Presnell Street (North Carolina Secondary Road 2345) at the northeast corner of the parcel of land for which annexation has been requested (the Clapp Rental Property Family Limited Partnership property that is described in Deed Book 1640, Page 688, Randolph County Public Registry and which will be hereinafter referred to as the "Annexation Parcel"), the said beginning point is North 88 degrees 21 minutes 49 seconds West 90.29 feet from a right-of-way monument that is flush with the ground in the southern margin of the public right-of-way for East Presnell Street and is located by means of the North Carolina Coordinate System at the coordinates of North 715,974.05 feet and East 1,766,587.20 feet (NAD 83); thence departing from the existing city limits line and the said beginning point by proceeding along the proposed city limits line, which follows the boundary lines of the Annexation Parcel, the following courses and distances: South 02 degrees 28 minutes 41 seconds West 123.66 feet along the eastern boundary line of the Annexation Parcel to a 1/2" existing iron rod that is up 6"; thence South 89 degrees 37 minutes 11 seconds West 76.19 feet along the southern boundary line of the Annexation Parcel to a 1" existing iron pipe that is up 10"; thence along the Annexation Parcel's western boundary line the following course and distance: North 02 degrees 56 minutes 10 seconds East 126.19 feet to a right-of-way monument that is flush with the ground in the southern margin of the public right-of-way for East Presnell Street; thence along the southern margin of the public right-of-way for East Presnell Street, which is also the existing primary city limits line for the City of Asheboro, the following course and distance: South 88 degrees 29 minutes 33 seconds East 75.09 feet to the point and place of BEGINNING, and containing 9,441 square feet (or 0.22 of an acre) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR CLAPP RENTAL PROPERTY FAMILY LIMITED PARTNERSHIP" that was drawn under the supervision of Charles E. Morgan, Jr., Professional Land Surveyor with Registration Number L-3945, from an actual survey made under his supervision. The said plat of survey is dated August 22, 2013, and the following job number has been listed on the plat: 6744 C 10.

- (c) **Consideration of a petition received from Habitat for Humanity of Randolph County, N.C., Inc. requesting contiguous annexation of 0.38 of an acre of land located on the west side of North McCrary Street, approximately 400 feet south of the intersection of North McCrary Street and Wilson Street.**

- (i) **Resolution directing the City Clerk to investigate the annexation petition.**

Mr. Leonard presented and recommended adoption, by reference, of a resolution directing the City Clerk to investigate a petition requesting annexation of 0.38 of an acre of land located on the west side of North McCrary Street, approximately 400 feet south of the intersection of North McCrary Street and Wilson Street.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

**45 RES 10-13**

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

**(Petition to Annex 0.44 of an Acre of Land on the West Side of North McCrary Street)**

**WHEREAS**, Habitat for Humanity of Randolph County, N.C., Inc. has submitted a petition requesting the annexation by the City of Asheboro of the non-profit corporation's parcel of land (approximately 0.44 of an acre of land identified by Randolph County Parcel Identification Number 7751379056) located on the west side of North McCrary Street, approximately 400 feet south of the intersection of North McCrary Street and Wilson Street; and

**WHEREAS**, the western boundary line of the parcel of land for which annexation is requested is contiguous with the existing primary city limits of the City of Asheboro; 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**, in response to this petition, the City Council has decided to proceed with the statutorily prescribed voluntary annexation proceedings;

**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.

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 10<sup>th</sup> day of October, 2013.

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

ATTEST:

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

**CERTIFICATE OF SUFFICIENCY**

**(Petition to Annex 0.44 of an Acre of Land on the West Side of North McCrary Street)**

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

I, Holly H. Doerr, CMC, NCCMC, City Clerk of the City of Asheboro, North Carolina, do hereby certify that, with the assistance of other city staff members in the engineering department, I have investigated the petition submitted by Habitat for Humanity of Randolph County, N.C., Inc. On the basis of the evidence obtained during the course of that investigation, I have concluded that all owners of real property lying in the area for which annexation has been requested have executed the mandated petition, 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 in order to make this certification effective as of the 10<sup>th</sup> day of October, 2013.

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

**(ii) Resolution setting the date for a public hearing on the question of annexation.**

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

Upon motion by Mr. Burks and seconded by Mr. Bell, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

**46 RES 10-13**

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

**(Petition to Annex 0.44 of an Acre of Land on the West Side of North McCrary Street)**

**WHEREAS**, Habitat for Humanity of Randolph County, N.C., Inc. has submitted a petition requesting the annexation by the City of Asheboro of the non-profit corporation's parcel of land (approximately 0.44 of an acre of land identified by Randolph County Parcel Identification Number 7751379056) located on the west side of North McCrary Street, approximately 400 feet south of the intersection of North McCrary Street and Wilson Street; and

**WHEREAS**, the City Council has, by resolution, directed the city clerk to investigate the sufficiency of the annexation petition; and

**WHEREAS**, on the basis of her review of information gathered by city staff members during an investigation of the submitted petition, the city clerk has certified to the City Council the sufficiency of this petition to proceed with setting a date for a public hearing on the question of annexation pursuant to Section 160A-31 of the North Carolina General Statutes;

**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 annexing the area described herein will be held in the Council Chamber of Asheboro City Hall, which is located at 146 North Church Street, Asheboro, North Carolina 27203, during a regular meeting of the City Council that will begin at 7:00 o'clock p.m. on the 7<sup>th</sup> day of November, 2013.

**Section 2.** A metes and bounds description of the area proposed for annexation is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

**Section 3.** Notice of the 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 the public hearing.

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 10<sup>th</sup> day of October, 2013.

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

ATTEST:

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

#### EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a ½" existing iron rod that is 2" above the ground at the northeast corner of the parcel of land for which annexation has been requested (the Habitat for Humanity of Randolph County, N.C., Inc. property that is described in Deed Book 2345, Page 1167, Randolph County Public Registry and which will be hereinafter referred to as the "Annexation Parcel"), the said beginning point is on the western margin of the 30-foot public right-of-way for North McCrary Street and is located the following courses and distances from a 1-¼" existing iron pipe that is flush with the ground and is located by means of the North Carolina Coordinate System at the coordinates of North 727,295.75 feet and East 1,754,076.16 feet (NAD 27): South 05 degrees 46 minutes 47 seconds West 95.62 feet to a bent 1" existing iron pipe; thence South 05 degrees 30 minutes 31 seconds West 95.70 feet to the said beginning point; thence from the said beginning point along the proposed city limits line, which follows the western margin of the 30-foot public right-of-way for North McCrary Street, South 05 degrees 59 minutes 14 seconds West 95.59 feet to a 1" existing iron rod that is 2" down at the southeast corner of the Annexation Parcel; thence proceeding along the southern boundary line of the Annexation Parcel the following course and distance: North 85 degrees 44 minutes 57 seconds West 199.59 feet to a ⅝" existing iron rod that is up 24" at the southwest corner of the Annexation Parcel; thence departing from the proposed city limits line and proceeding along the existing primary city limits line for the City of Asheboro, which follows the western boundary line of the Annexation Parcel, the following course and distance: North 05 degrees 50 minutes 00 seconds East 95.70 feet to a 1-¼" existing iron pipe that is up 3" at the northwest corner of the Annexation Parcel; thence departing from the existing primary city limits line and following the proposed city limits line South 85 degrees 42 minutes 58 seconds East 199.84 feet along the northern boundary line of the Annexation Parcel to the point and place of BEGINNING, and containing 19,094 square feet (or 0.44 of an acre) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR HABITAT FOR HUMANITY OF RANDOLPH COUNTY NC INC." that was drawn under the supervision of Charles E. Morgan, Jr., Professional Land Surveyor with Registration Number L-3945, from an actual survey made under his supervision. The said plat of survey is dated September 23, 2013, and the following job number has been listed on the plat: 6767 H 10.

#### 7. Public comment period.

Mayor Smith opened the floor for comments from the public.

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

**8. Transportation Items:**

- (a) Update concerning Asheboro's Comprehensive Transportation Plan, including notification of a public workshop concerning the Comprehensive Transportation Plan that is scheduled for October 29, 2013, from 4:00 p.m. to 6:00 p.m. at the Randolph County Historic Courthouse.**

Ms. Hemal Shah of the North Carolina Department of Transportation highlighted that the Piedmont Triad Regional Planning Organization requested the Comprehensive Transportation Plan (CTP) for the City of Asheboro in April 2012, and the CTP Committee was formed in June 2012. This committee consists of City Council Members, Local Planning staff, Piedmont Triad RPO, North Carolina Zoo representatives, and other stakeholders. The first public workshop was held on November 1, 2012 at the City of Asheboro Public Works Building.

During her presentation, Ms. Shah utilized a visual presentation in order to highlight draft CTP recommendations that included improvements to various highways, including but not limited to, U.S. Highway 220: West Presnell Street to U.S. Highway 64/NC 49; U.S. Highway 220 Business from Northern City Limits to Old Liberty Road. A copy of the visual presentation utilized by Ms. Shah is on file in the City Clerk's office.

A second public workshop is scheduled for October 29, 2013, between 4:00 p.m. and 6:00 p.m., at the Randolph County Historic Courthouse located at 145 Worth Street.

- (b) Notification of a public workshop pertaining to the prioritization of transportation needs in Randolph County. This workshop will be held in the Randolph County Historic Courthouse and is scheduled to begin at 3:00 p.m. on October 29, 2013.**

Additionally, Mr. Nuttall announced that a public workshop pertaining to the prioritization of transportation needs in Randolph County will be held in the Randolph County Historic Courthouse at 3:00 p.m. on October 29, 2013.

- (c) Consideration of an ordinance establishing an "All Way Stop" at the intersection of East Walker Avenue and Oakdale Street.**

Mr. Leonard presented and recommended adoption, by reference, of an ordinance designating the intersection of East Walker Avenue and Oakdale Street as an all-way stop intersection.

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

**30 ORD 10-13**

**AN ORDINANCE DESIGNATING THE INTERSECTION OF EAST WALKER AVENUE AND OAKDALE STREET AS AN ALL-WAY STOP INTERSECTION**

**WHEREAS**, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

**WHEREAS**, Section 70.29(B) of the Code of Asheboro provides, in pertinent part, as follows:

Pursuant to instructions given to him by the City Council from time to time and entered in the council minute book, the City Manager shall:

(B) Cause all intersections designated as stop intersections when entered from designated streets to be posted accordingly. He shall then notify the City Clerk, who shall enter the description of such intersections and the streets of . . . (entry) thereto upon which stops are required in schedule 7 of § 72.02 (of the Code of Asheboro); and

**WHEREAS**, prior to the adoption of this ordinance, a stop sign had been erected on Oakdale Street in order to cause vehicles traveling southward on Oakdale Street to stop before entering the intersection of Oakdale Street with East Walker Avenue; and

**WHEREAS**, residents in the vicinity of this intersection have raised concerns about the speed of motorists passing through the intersection as well as concerns about the significant number of motorists that have to turn around in private driveways because they pass through the intersection at Oakdale Street before realizing that they are approaching the eastern terminus of East Walker Avenue; and

**WHEREAS**, the Asheboro City Council has concluded that a practical approach to resolving these issues is to require all vehicles approaching the intersection of East Walker Avenue and Oakdale Street to stop immediately before entering the intersection;

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

**Section 1.** The intersection of East Walker Avenue and Oakdale Street is hereby declared to be a stop intersection that shall be properly posted to cause all vehicles approaching the intersection from any direction to stop immediately before entering the said intersection.

**Section 2.** The City Manager is hereby instructed to cause the proper placement of stop signs on East Walker Avenue and Oakdale Street in order to stop traffic approaching the intersection of East Walker Avenue and Oakdale Street from any and all directions to stop immediately before entering and proceeding through the said intersection.

**Section 3.** The City Clerk shall properly record this action in schedule 7 of Section 72.02 of the Code of Asheboro.

**Section 4.** All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed to the extent that such ordinances conflict with the intent of the Asheboro City Council to create an all-way stop intersection at the intersection of East Walker Avenue and Oakdale Street.

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

This ordinance was adopted in open session during a regular meeting of the Asheboro City Council that was held on October 10, 2013.

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

ATTEST:

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

**(d) Consideration of the Asheboro Regional Airport Transportation Improvement Program (TIP) 2014-2020 Project Listing.**

Mr. Leonard presented and recommended adoption, by reference, of a resolution approving requests for state aid to the Asheboro Regional Airport in the aviation element of the Transportation Improvement Program by the City Council of the City of Asheboro.

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

**47 RES 10-13**

**RESOLUTION APPROVING REQUESTS FOR STATE AID TO THE ASHEBORO REGIONAL AIRPORT IN THE AVIATION ELEMENT OF THE TRANSPORTATION IMPROVEMENT PROGRAM BY THE CITY COUNCIL OF THE CITY OF ASHEBORO**

WHEREAS, the North Carolina Department of Transportation Division of Aviation has requested that the City of Asheboro submit a list of projects for the Aviation Element of the FY 2014-2020 Transportation Improvement Program; and

WHEREAS, the City of Asheboro has prepared a list titled "ASHEBORO REGIONAL AIRPORT TRANSPORTATION IMPROVEMENT PROGRAM (TIP) 2014-2020 PROJECT LISTING" incorporated herein by reference to modify previously submitted requests.

NOW, THEREFORE, BE IT RESOLVED that the Asheboro City Council has reviewed the referenced TIP submission, and that the City Council hereby formally approves the submission of these requests for State Aid to Airports and for the State Block Grant Program where applicable.

Adopted in regular session on this 10<sup>th</sup> day of October, 2013.

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

ATTEST:

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

[A copy of the above-referenced project listing is on file in the City Clerk's office.]

**9. Update on the purchase of a service truck for the water plant.**

Ms. Reaves reported that the 2013-2014 fiscal year budget included an appropriation for the purchase of a new truck for the water plant. Requests for bids were sent to all the local dealers at 8:00 a.m. on Wednesday, September 25, 2013. Bids were due back to the City by Thursday, October 3, 2013 at 12:00 p.m., and no responsive bids were received. Due to the fact that no responsive bids were received, Ms. Reaves requested the authorization to purchase the truck from State Contract.

After discussion and upon motion by Mr. Moffitt and seconded by Mr. Bell, Council voted unanimously to authorize Ms. Reaves to once again solicit informal bids, and if there are no responsive bids, then the truck may be purchased from State contract. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

**10. Upcoming events:**

- **NCLM Annual Conference: October 13-15, 2013 in Hickory, North Carolina.**
- **Cultural and Recreation Services Division's "Trick or Treat in the Park" from 6:00 p.m. until 9:00 p.m. on Thursday, October 31, 2013.**

There being no further business, the meeting was adjourned at 8:15 p.m.

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

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