

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, NOVEMBER 7, 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)
Linda H. Carter) – Council Members Present
Michael W. Hunter)
Walker B. Moffitt)
Charles A. Swiers)

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
Ralph W. Norton, Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, Water Resources Director
Charles E.L. Spencer, Police Sergeant
Jeffrey C. Sugg, City Attorney
E. 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. Approval of a resolution recognizing the 30th Anniversary of the founding of Hospice of Randolph County.

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

48 RES 11-13

Resolution

National Hospice Palliative Care Month – November 2013

Whereas, hospice and palliative care empower people to live as fully as possible, surrounded and supported by family and loved ones, despite serious and life-limiting illness; and

Whereas, hospice and palliative care bring patients and family caregivers the highest quality care delivered by an interdisciplinary team of skilled professionals that includes physicians, nurses, social workers, therapists, counselors, health aides, spiritual care providers and others who make the wishes of each patient and family a priority; and

Whereas through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends, and committed caregivers; and

Whereas, 2013 is the 30th anniversary of the founding of Hospice of Randolph County; and

Whereas hospice and palliative care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals;

12, 2013, and on October 10, 2013. After receiving sworn testimony and considering all of the evidence, including a proposed site plan, presented during the quasi-judicial hearing, the Council, on the basis of competent, material, and substantial evidence, hereby resolves the question of the issuance of the requested Special Use Permit by entering the following:

FINDINGS OF FACT

1. PF-Asheboro Too, LLC (hereinafter referred to as the "Applicant") has submitted an application for a Special Use Permit that would authorize the development of a commercial planned unit development on approximately 78,515 square feet (1.8 acres) of land currently owned by the Applicant.

2. The above-referenced land is located at 1280 East Dixie Drive and consists of a single parcel of land that is more specifically identified by Randolph County Parcel Identification Number 7760596184. This parcel of land will be hereinafter referred to as the "Zoning Lot."

3. The Zoning Lot is an undeveloped commercial parcel of land surrounded by commercial land uses to the north, south, east and west.

4. The Zoning Lot is located within a B2 (General Commercial) zoning district.

5. Under the Asheboro Zoning Ordinance, a commercial planned unit development can be developed in a B2 zoning district so long as such development is conducted in accordance with an approved Special Use Permit (hereinafter referred to as the "SUP").

6. The Growth Strategy Map identifies the area in which the Zoning Lot is located as a "Primary Growth" area, and the Proposed Land Development Plan Map designates this location as a "Commercial" area.

7. The Zoning Lot is located within the corporate limits of the City of Asheboro.

8. The Applicant is seeking approval for a commercial planned unit development (hereinafter referred to as a "PUD") with two lots because, as an approved use, the PUD concept would allow for the subdivision of the Zoning Lot into two lots that are each subject to conveyance as lots within the approved PUD.

9. Due to the significant compliance issues associated with subdividing the Zoning Lot independent of an approved PUD in a situation such as this one where one of the subdivided lots within the PUD will not be contiguous with a public street, the Council has examined whether the proposed use is viable as a functioning PUD. A private drive, which is to be maintained by a homeowners' association, will provide cross-access between the lots within the requested PUD. Both of the lots within the PUD will have access via privately maintained streets/driveways that connect, with the legal protection of easements, to a public right-of-way (East Dixie Drive).

10. The proposed subdivision of the Zoning Lot, as part of the requested PUD, can be accomplished through the process known under the city's land development regulations as a minor subdivision. The proposed subdivision is deemed to be minor as opposed to major because the proposal does not implicate any new dedication of public right-of-way or the construction of water/sewer lines to be maintained by the City of Asheboro. Minor subdivisions are subject to administrative review by city staff.

11. While the Zoning Lot is currently undeveloped, a car dealership was formerly located in this area. On the basis of the evidence presented, no elevated risk of any type of harm can be discerned from creating a 2-lot commercial PUD on this land that is currently surrounded by commercial uses and that has been the site of an active automobile dealership.

12. With the conditions suggested by the city's community development division staff, the site plan submitted by the Applicant is in compliance with the prescribed regulations and specifications of the Asheboro Zoning Ordinance. The conditions offered for attachment to a potential SUP are as follows:

(A) The label on the site plan denoting the total common area shall be amended to read: "Private Drive within common area: totals 3,300 square feet (0.0758 AC)."

(B) A property owners' association shall be established to ensure, at a minimum, maintenance of the private drive and common area referenced above in Condition (A).

(C) Maintenance of the sidewalk within the common area and on privately owned property shall be the responsibility of the property owners' association and individual property owner(s), respectively.

(D) The site plan depicts landscaping that is required within the common area, and landscaping within the front yard of Lot 2(A) adjacent to East Dixie Drive and the drive labeled "access drive." Landscaping adjacent to the privately maintained access drive (labeled "access drive" on the approved site plan) shall include, at a minimum, 8 canopy trees consistent with the landscaping that is shown on the approved site plan. Other required landscaping shall meet the requirements of the Asheboro Zoning Ordinance based on the landscaping requirements for each specific use as each lot develops.

(E) Prior to the approval of a subdivision plat for the proposed lots, the owner(s) of the Zoning Lot shall properly execute for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Special Use Permit in the chain of title for the Zoning Lot.

13. Mr. Ben Morgan, Esq. represented the Applicant during the hearing of this matter, and he informed the Council of his client's decision to accept and comply with the conditions recommended by the community development division staff.

14. No testimony was offered in opposition to the Applicant's request.

15. Pursuant to Section 602.1 of the Asheboro Zoning Ordinance, the Council must find that the Applicant has met four (4) general standards before an application for a SUP may be approved. The four standards are as follows:

(A) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

(B) That the use meets all required conditions and specifications.

(C) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

(D) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the Ordinance requires for the issuance of a SUP, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the Applicant has properly submitted an application for a SUP authorizing the development of a commercial PUD on the Zoning Lot that is located in a B2 zoning district.

3. In light of the available evidence and the express agreement of the Applicant to accept and comply with the conditions recommended by the Community Development Division staff, the Applicant's site plan for the proposed land use is compliant with the applicable requirements of the Asheboro Zoning Ordinance.

4. On the basis of the evidence presented during the hearing of this matter, the Council has concluded that the proposed use meets the four (4) general standards for the granting of a SUP. More specifically, the proposed use will not materially endanger the public health or safety, meets all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

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

ORDER

The Applicant, PF-Asheboro Too, LLC, is hereby issued a Special Use Permit authorizing the development of a commercial planned unit development, as defined by the Asheboro Zoning Ordinance, on the Zoning Lot. This Special Use Permit shall be valid so long as, and only so long as, PF-Asheboro

30 ORD 11-13

AN ORDINANCE CLARIFYING THE ONE-WAY STREET REGULATIONS APPLICABLE TO THE ENTIRETY OF SCARBORO STREET AND A SECTION OF HOLLY STREET

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, the Code of Asheboro, in Section 70.43 (titled "Operation on One-Way Streets"), provides as follows:

Upon those streets and parts of streets described in schedule 8 of § 72.02, vehicular traffic shall move only in the indicated direction when authorized signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited; and

WHEREAS, the Code of Asheboro, in Section 70.21 (titled "One-Way Street Signs"), provides as follows:

Whenever authorized signs are placed, erected or installed indicating that traffic shall proceed only in a certain direction, no driver of a vehicle shall disobey the directions contained in or given by such signs; and

WHEREAS, the Code of Asheboro, in Subsection (C) of Section 70.29 (titled "Designation and Posting Signs or Marking Streets"), provides 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:

(C) Cause all streets and parts of streets which are designated as one-way streets to be posted accordingly and so as to show the direction in which traffic shall proceed. He shall then notify the City Clerk, who shall enter the description of such streets and parts of streets, and the direction of traffic thereon, in schedule 8 of § 72.02; and

WHEREAS, prior to the adoption of this ordinance, Scarboro Street has been recognized and posted for an extended period of time as a one-way street with traffic entering from South Fayetteville Street and proceeding eastward; and

WHEREAS, a recent search, which was initiated by the City Clerk's office as a matter of records management, revealed that the above-referenced schedule 8 does not reflect the long-standing designation of Scarboro Street as a one-way street; and

WHEREAS, contemporaneous with the records research pertaining to Scarboro Street, the discovery was made that, when the section of Holly Street on the south side of Loflin Elementary School was designated in 1959 as one-way during school hours, the description entered into the schedule of one-way streets listed Hammer Avenue as the point of entry for the one-way traffic on Holly Street; and

WHEREAS, in reliance upon the recommendation of city staff, the Asheboro City Council has concluded that the city's records should be updated to clearly and accurately reflect the one-way traffic patterns that have been established and are deemed to be appropriate for Scarboro Street and a section of Holly Street;

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

Section 1. Scarboro Street is hereby designated as one-way for vehicular traffic during all times of the day with traffic entering Scarboro Street from South Fayetteville Street (United States Highway 220 Business), and, while traveling on Scarboro Street, traffic is prohibited from proceeding in any direction on the street other than eastward toward the intersection with South Cox Street (North Carolina Secondary Road 2327).

Section 2. From 7:15 a.m. to 8:15 a.m. and from 2:00 p.m. to 3:00 p.m. on school days, the section of Holly Street between South Church Street (North Carolina Secondary Road 1107) and South Park Street (North Carolina Secondary Road 1451) is hereby designated as one-way for vehicular traffic with entry onto this section of the street from South Church Street, and, while traveling on this section of Holly Street during the designated times on school days, traffic is prohibited from proceeding in any direction on the street other than westward toward the intersection with South Park Street.

Section 3. The City Manager is hereby instructed to cause the proper installation of signage, as well as the placement of any other form or type of traffic control markings and/or device(s) deemed appropriate by the City Manager, on the streets and at the intersections referenced in Sections 1 and 2 of

this Ordinance in order to indicate the direction of travel for vehicular traffic that is prohibited as a consequence of the adoption of this Ordinance.

Section 4. The City Clerk shall properly record the one-way street designations made by this Ordinance in schedule 8 of Section 72.02 of the Code of Asheboro.

Section 5. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 6. 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 November 7, 2013.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

- (g) **A resolution authorizing the transfer of a lease agreement pertaining to Hangar I at the Asheboro Regional Airport from Matlab, Inc. to Polyspray Corporation.**

49 RES 11-13

**RESOLUTION AUTHORIZING THE TRANSFER OF AN AIRPORT HANGAR LEASE
FROM MATLAB, INC. TO POLYSPRAY CORPORATION**

WHEREAS, Section 160A-272 of the North Carolina General Statutes, as modified by the local modification found in Chapter 867 of the 1989 (Reg. Sess., 1990) Session Laws of North Carolina, authorizes the City Council of the City of Asheboro to lease, in relation to the operation of the Asheboro Regional Airport, city-owned property located at said airport for a maximum lease term of thirty (30) years so long as the property will not be needed by the municipality during the term of the lease; and

WHEREAS, in response to a request received from the vice president and secretary for Matlab, Inc., the Asheboro Airport Authority has recommended approval of the request by Matlab, Inc. to transfer the existing lease agreement for Hangar I at the Asheboro Regional Airport from Matlab, Inc. to Polyspray Corporation; and

WHEREAS, the city attorney has prepared two (2) instruments that, if approved, would implement the leasing arrangements recommended by the Asheboro Airport Authority for Hangar I; and

WHEREAS, the instruments referenced in the immediately preceding paragraph are a TERMINATION OF LEASE AGREEMENT, which is attached to this resolution as EXHIBIT 1, and a LEASE OF HANGAR AT ASHEBORO REGIONAL AIRPORT agreement, which is attached to this resolution as EXHIBIT 2; and

WHEREAS, Hangar I will not be needed by the city during the term of the proposed lease with Polyspray Corporation; and

WHEREAS, public notice of the intent to approve the transfer of the lease agreement to Polyspray Corporation was given in *The Courier-Tribune* on October 24, 2013;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the transfer of the lease agreement pertaining to Hangar I at the Asheboro Regional Airport from Matlab, Inc. to Polyspray Corporation in accordance with the terms and conditions specified in EXHIBIT 1 and EXHIBIT 2, which are hereby incorporated into this Resolution by reference as if copied fully herein, is hereby authorized; and

BE IT FURTHER RESOLVED that, in order to implement the approved lease transfer, the Mayor and City Clerk are hereby authorized and directed to execute any and all instruments necessary to consummate the transaction reflected in EXHIBIT 1 and EXHIBIT 2.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of November, 2013.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

[The exhibits referenced in the adopted Resolution are on file in the City Clerk's office.]

- (h) **A resolution approving proposed amendments of the Municipal Records Retention Disposition Schedule that was initially published on September 10, 2012.**

50 RES 11-13

A RESOLUTION APPROVING AMENDMENTS OF THE MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE FOR THE CITY OF ASHEBORO

WHEREAS, in accordance with Section 121-5 of the North Carolina General Statutes and Section 132-3 of the North Carolina General Statutes, public records maintained by the City of Asheboro may only be destroyed with the consent of the North Carolina Department of Cultural Resources; and

WHEREAS, the Municipal Records Retention and Disposition Schedule (the "Retention Schedule") issued by the Government Records Branch of the State Archives of North Carolina, which is part of the Division of Archives and Records within the North Carolina Department of Cultural Resources, is the primary means by which the Department of Cultural Resources gives its consent for the destruction of records that do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified within the schedule; and

WHEREAS, in the absence of approving the Retention Schedule, the city is obligated to obtain permission from the Department of Cultural Resources to destroy any record, regardless of how insignificant a particular record might be; and

WHEREAS, prior to the City Council's consideration of this Resolution, the most recent edition of the Retention Schedule, which was approved by the City Council in 2012, was published on September 10, 2012; and

WHEREAS, in August 2013, the Department of Cultural Resources published amendments to Standard 4 (Budget, Fiscal, and Payroll Records) and Standard 12 (Personnel Records) of the Retention Schedule; and

WHEREAS, subsequent to the publication of the Retention Schedule in September 2012, city staff completed the preparation of policies specific to the City of Asheboro for the purpose of defining the minimum retention period for records that the Department of Cultural Resources scheduled with the instruction "destroy when administrative value ends;" and

WHEREAS, a revised Retention Schedule (the "Amended Retention Schedule") containing the above-referenced amendments promulgated by the North Carolina Department of Cultural Resources along with the policies generated by city staff to set minimum retention periods for records subject to the instruction to "destroy when administrative value ends" has been attached to this instrument as EXHIBIT 1, and this exhibit is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the City Clerk and City Manager have recommended approval of the Amended Retention Schedule;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the Amended Retention Schedule attached hereto as EXHIBIT 1 is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the signature page for the approved Amended Retention Schedule that is attached hereto as EXHIBIT 2, and this exhibit is hereby incorporated into this Resolution by reference as if copied fully herein.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of November, 2013.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

[The exhibits referenced in the adopted Resolution are on file in the City Clerk's office.]

(i) **Acknowledgement of the receipt of the Asheboro ABC Board's minutes of its meeting September 3, 2013.**

Copies of the minutes of the Asheboro ABC Board's meeting on September 3, 2013 were received by the Mayor and Council Members, and copies of these minutes are on file in the City Clerk's office.

(j) **A resolution authorizing a copier rental agreement.**

51 RES 11-13

RESOLUTION APPROVING AN EQUIPMENT RENTAL AGREEMENT

WHEREAS, the City of Asheboro has a total of 4 copiers that need to be replaced in order to meet the needs of certain departments, specifically water billing, engineering, fleet maintenance, and the water treatment plant; and

WHEREAS, the offices served by these copiers do not generate a sufficient volume of copies to obtain new copiers on the basis of a per copy fee arrangement that is cost effective; and

WHEREAS, the current supplier, Applied Copier Concepts, has offered to supply, in conjunction with EverBank Commercial Finance, Inc., 4 used copiers that will meet the city's requirements, including added networking capability and a service agreement, at a monthly rental rate for all 4 machines of \$160.00 plus a per copy charge of \$0.013 for a term of 48 months; and

WHEREAS, due to the combination of Applied Copier Concept's willingness to absorb the shipping cost associated with removing their current copiers from city facilities and the fact that the above-described charges cover supplies, other than paper, and repair work during the 48-month term of the proposed rental agreement, city staff members have determined that the proposed arrangement compares favorably with any other option that might be available to the city; and

WHEREAS, EverBank Commercial Finance, Inc. has agreed to modify its standard rental agreement to conform with the city's procurement and contracting practices; and

WHEREAS, in order to move forward with this proposal, the proposed rental agreement, as amended to conform with the city's contracting requirements, must be approved by the City Council; and

WHEREAS, the said amended rental agreement has been attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the proposed equipment rental agreement attached to this Resolution as EXHIBIT 1 is hereby approved; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the City Manager and his designees are hereby authorized to execute on behalf of the City all documents and instruments necessary to carry into full force and effect the said equipment rental agreement.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of November, 2013.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

[The exhibits referenced in the approved Resolution is on file in the City Clerk's office.]

6. Community Development Division items:

- (a) Zoning Case RZ-13-13: A public hearing on the application filed by Patsy M. Hinkle to rezone the property located at 163 East Academy Street from OA6 (Office-Apartment) to B3 (Central Commercial).**

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 0.27 of an acre of land owned by Patsy M. Hinkle and located at 163 East Academy Street. This property is more specifically identified by Randolph County Parcel Identification Number 7751816945.

Mr. Nuttall presented the Community Development Division staff's analysis of the request submitted by Mr. H.R. Gallimore, who is acting as the agent for Ms. Patsy M. Hinkle, to rezone the above-described property from OA6 (Office-Apartment) to B3 (Central Commercial)

The staff report noted that the property is located within Tier 2 of the Center City Planning Area, and the area is surrounded by a mix of office/service and multi-family residential uses along East Academy Street. More intense commercial uses are further west of the subject property along South Fayetteville Street. Placing the property in the B3 zoning district would allow all uses permitted by right in the district. Two key differences between the B3 district and the OA6 district are (1) a B3 district does not require off-street parking and (2) commercial uses such as restaurants and retail are permitted in the B3 district.

The Planning Board concurred with the following Community Development Division staff's analysis and recommended approval of the requested rezoning:

"The LDP proposed land use map designates the property as part of the Center City Planning Area (CCPA), which envisions a larger-scale mixed-use activity center serving the entire community. The Center City Planning Area map more precisely designates this property within Tier 2 of the CCPA. Tier 2 is distinguished by less availability of public parking than Tier 1, which raises a concern about the request since the B3 district requires no off-street parking.

There are, however, a number of factors that support the request. Although the property is located in Tier 2, it is contiguous to Tier 1 (to the north). On-street parking is available immediately in front of the property and in most of the surrounding area. There is B3 zoning approximately sixty-five feet west of the subject property and CUB3 zoning southeast of the subject property. Additionally, references throughout the LDP, including Design Principal #3 encourage a mix of uses to allow residents, especially the very old and very young, to be able to walk or bike to the store or work." Designating property B3 contiguous to the existing CBD and in such close proximity to high-density residential uses reduces the need for off-street parking and encourages modes of alternate transportation, such as walking and bicycling. Additionally, development requirements within Tier 2 and of the CCPA, such as front yard setback averaging and requiring that off-street parking (when provided) is located to the side and rear of buildings, will ensure that the property develops consistently with development patterns downtown."

Mr. H.R. Gallimore was available to answer questions.

There being no further comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

Upon motion by Bell and seconded by Ms. Carter, Council voted unanimously to adopt the recommendation/analysis of the Community Development Division staff and the Planning Board and approved the requested rezoning as well as adopting the following consistency statement:

In consideration of the above factors, the zoning map amendment will allow a reasonable use of the property and ensure consistency with the Land Development Plan.

(b) Zoning Case RZ-13-14: A public hearing on the application by Garrett Smith to rezone the property located at 2128 and 2148 U.S. Highway 64 East from CU-B2 (Conditional Use General Commercial) to B2 (General Commercial).

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 3.98 acres of land owned by McKenzie Properties Investment, LLC and located at 2128 and 2148 U.S. Highway 64 East. This property is more specifically identified by Randolph County Parcel Identification Number 7771046351.

Mr. Nuttall presented the Community Development Division staff's analysis of the request by Triad Corrugated Metal, by and through Mr. Garrett Smith, to rezone the above-described property from CUB2 (Conditional Use General Commercial) to B2 (General Commercial).

The staff report noted the following:

1. The property is located outside of the city limits. City water is available to the property, but city sewer is not currently available to the property.
2. U.S. Highway 64 East is a state-maintained major thoroughfare, and Luck Road is a state-maintained minor thoroughfare.
3. The U.S. Highway 64 East corridor has seen a transition from residential uses to commercial uses in recent years. It is likely that trend will continue.
4. The current zoning (CUB2) and conditional use permit only allow for sales of manufactured homes and related activities. This use has been discontinued.
5. The Zoning Ordinance Statement of Intent (Section 210) states that the B2 district "is intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to major or minor thoroughfares, never local streets."
6. Zoning the property B2 would permit all uses allowed by right in the district.

The Planning Board concurred with the following Community Development Division staff's analysis and recommended approval of the requested rezoning

"This property is designated as commercial by the Land Development plan map. Since the property was originally zoned CUB2 (Conditional Use General Commercial), the U.S. Highway 64 corridor has become more commercial in nature and the adjacent property to the south (currently in Randolph County's zoning jurisdiction) has been rezoned for industrial use, creating less need for a conditional use commercial district to ensure compatibility with the surrounding area.

Additionally, the LDP East Small area plan recognizes the increasing commercial significance of the U.S. Highway 64 East corridor."

Mr. Garrett Smith, a representative of Triad Corrugated Metal, presented comments in support of the rezoning.

There being no further comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

Upon motion by Mr. Moffitt and seconded by Mr. Burks, Council voted unanimously to adopt the recommendation/analysis of the Community Development Division staff and the Planning Board and approved the requested zoning as well as adopting the following consistency statement:

In consideration of the above factors, the zoning map amendment will allow a reasonable use of the property and ensure consistency with the Land Development Plan.

(c) A public hearing on a proposal to modify the size and composition of the Asheboro Planning Board by adopting an ordinance amending Chapter 34 (Departments, Boards, and Commissions) of the Code of Asheboro.

Mayor Smith opened the public hearing on the proposal to modify the size and composition of the Asheboro Planning Board.

Mr. Nuttall presented and recommended adoption by reference of an ordinance amending Chapter 34 (Departments, Boards, and Commissions) of the Code of Asheboro. There being no comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the hearing.

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

31 ORD 11-13

**AN ORDINANCE AMENDING CHAPTER 34 (DEPARTMENTS, BOARDS,
AND COMMISSIONS) OF THE CODE OF ASHEBORO**

WHEREAS, consistent with the authority granted to the city by virtue of Chapter 160A (Cities and Towns), Article 19 (Planning and Regulation of Development) of the North Carolina General Statutes, the Asheboro City Council, after giving proper notice and conducting a public hearing over the course of two (2) regular meetings, redrew the extraterritorial planning jurisdiction boundary line for the City of Asheboro by adopting Ordinance No. 36 ORD 12-12 on December 6, 2012; and

WHEREAS, pursuant to the adoption of Ordinance No. 36 ORD 12-12, which was entitled "AN ORDINANCE DEFINING THE BOUNDARY OF THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE CITY OF ASHEBORO," the extraterritorial planning jurisdiction boundary line shown on a map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area," which consisted of seven (7) sheets collectively prepared under Job No. 12030 by Thomas Scaramastra, Professional Land Surveyor with License No. L-4221, was approved and adopted, effective January 1, 2013, as the official boundary line for the extraterritorial planning jurisdiction of the City of Asheboro; and

WHEREAS, the said map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area" has been recorded in the Office of the Randolph County Register of Deeds in Plat Book 135, Pages 28-34; and

WHEREAS, by virtue of the adoption of this revised extraterritorial planning jurisdiction boundary line with an effective date of January 1, 2013, a substantial amount of territory previously located within the City of Asheboro's extraterritorial planning jurisdiction was released from the city's jurisdiction; and

WHEREAS, under North Carolina law, members of a municipality's Planning Board who represent the extraterritorial area only act on matters affecting that area unless the city's ordinance specifically grants these members equal authority on matters within the city limits; and

WHEREAS, similar to the majority of other cities in North Carolina, the City of Asheboro has explicitly authorized all members of the Planning Board, including the representatives of the extraterritorial area, to vote on matters that come before the Board regardless of whether the issue under consideration pertains to an area within or beyond the city limits; and

WHEREAS, the fact that all members of the Planning Board vote on any matter that comes before the Board creates a need to monitor the composition of the Board to determine if the number of extraterritorial members on the Planning Board is proportional to the population of the extraterritorial area relative to the city's population; and

WHEREAS, the above-described relinquishment of a substantial amount of territory from the city's jurisdiction has called into question the size and composition of the city's Planning Board; and

WHEREAS, the City Council has conclude that the size of the Planning Board should be reduced and the ratio of Board members who are city residents compared to the number of members from beyond the city limits should be adjusted to reflect the significantly reduced size of the population residing within the city's extraterritorial planning jurisdiction; and

WHEREAS, during a regular meeting of the Planning Board on October 7, 2013, and as reflected in the approved minutes of the said meeting, the Planning Board members who do not currently reside in an area subject to the city's planning jurisdiction have continued their tradition of assisting the City Council in its on-going efforts to update the city's framework for regulating land use and development by submitting their resignations, effective at the end of the day on December 31, 2013, in order to facilitate the Council's modification of the Planning Board's size and composition to reflect the significant reduction, that became effective on January 1, 2013, of the city's extraterritorial planning jurisdiction; and

WHEREAS, in preparation for considering the adoption of an ordinance that would implement the contemplated changes in the size and composition of the Planning Board by amending Chapter 34 (Departments, Boards and Commissions) of the Code of Asheboro, a public hearing on the proposed legislative action was scheduled for the City Council's regular November meeting; and

WHEREAS, after notice of this public hearing was published in *The Courier-Tribune* on October 24, 2013, and on October 31, 2013, the advertised public hearing was held on November 7, 2013, and the information presented during the hearing was considered prior to the adoption of this Ordinance;

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

Section 1. Section 34.51 (titled "Creation; Composition and Membership") of the Code of Asheboro is hereby rewritten to provide as follows:

(A) Pursuant to Article 19 of Chapter 160A of the General Statutes of North Carolina, there is hereby created a Planning Board, which shall consist of ~~ten~~ **seven** members, five of whom shall be residents of the city and ~~five~~ **two** of whom shall be residents of the extraterritorial area ~~as is~~ shown on the map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area" and recorded in the Office of the Randolph County Register of Deeds in Plat Book 135, Pages 28-34. ~~Notwithstanding the preceding residency requirements, any member of the Planning Board who, as of January 10, 2013, is serving on the board as a representative of the extraterritorial area and no longer resides in the said area may nonetheless serve the remainder of his or her current term of office, and no more, if the sole reason for the board member's noncompliance with the residency requirement is the City Council's adoption of the new boundary line for the extraterritorial area that became effective on January 1, 2013.~~

(B) All members of the Planning Board shall have equal rights, privileges and duties with the other members in all matters, wherever they might arise.

(C) The Planning Board may exercise the powers granted by this Code and other ordinances and by G.S. Ch. 160A, Art. 19, within the city and within the extraterritorial area ~~as is~~ shown on the map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area" and recorded in the Office of the Randolph County Register of Deeds in Plat Book 135, Pages 28-34.

Section 2. Section 34.52 (titled "Appointment and Term; Vacancies; Attendance; Compensation") of the Code of Asheboro is hereby rewritten to provide as follows:

~~(A) Members of the Planning Board shall be appointed for a term of five years and until their successors are appointed and qualify, and, to provide overlapping terms, two members shall be appointed each year during the month of January. Of the two annual appointees, one shall be a resident of the city and one shall be a resident of the extraterritorial area as is shown on the map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area" and recorded in the Office of the Randolph County Register of Deeds in Plat Book 135, Pages 28-34. Notwithstanding the preceding residency requirements, any member of the Planning Board who, as of January 10, 2013, is serving on the board as a representative of the extraterritorial area and no longer resides in the said area may nonetheless serve the remainder of his or her current term of office, and no more, if the sole reason for the board member's noncompliance with the residency requirement is the City Council's adoption of the new boundary line for the extraterritorial area that became effective on January 1, 2013.~~

(A) Members of the Planning Board shall be appointed for a term of five years and until their successors are appointed and qualify. The appointment of Planning Board members shall be conducted as follows:

(1) One city resident shall be appointed by the City Council in January of each year to a five-year term of office. This five-year term of office shall be deemed to commence on the first day of February during the year in which the appointment to the full term of office is made.

(2) One Planning Board member appointed by the Randolph County Board of Commissioners to provide representation for the city's extraterritorial planning jurisdiction area shall serve a five-year term of office that expires in 2018. This seat on the Planning Board shall initially be held by the Planning Board member appointed by the Randolph County Board of Commissioners to a five-year term of office in February 2013. Thereafter, the Randolph County Board of Commissioners shall continue to make appointments to this office on a schedule that will require the next appointment to a full term of office to occur in January 2018, and every five years thereafter. The commencement date for these five-year terms of office shall be deemed to be the first day of February during the year in which the appointment to the full term of office is made.

(3) The other member of the Planning Board to be appointed by the Randolph County Board of Commissioners to provide representation for the city's extraterritorial planning jurisdiction area shall serve a five-year term of office that will commence on February 1, 2014. The initial appointment to this office is to occur in January 2014, and successive appointments shall occur every five years thereafter.

(B) Members of the Planning Board who are residents of the city shall be appointed by the City Council. Members of the Planning Board who are residents of the extraterritorial area ~~as is~~ shown on the map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area" and recorded in the Office of the Randolph County Register of Deeds in Plat Book 135, Pages 28-34 shall be appointed by the Randolph County Board of Commissioners; provided, that in the event such Board of County Commissioners fails to make any appointment provided for in this section within 90 days after the receipt of a resolution from the City Council requesting that such appointment be made, the City Council may thereupon make such appointment.

(C) Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

(D) Faithful attendance at the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Board. A Planning Board member who is absent from three of any four consecutive regular meetings is subject to removal from office by the governing board that appointed the individual. When the removal of a Planning Board member for noncompliance with attendance requirements is under consideration, notice of the proposed action and an opportunity to be heard by the appointing authority on the question of the proposed removal from office shall be provided to the Board member facing the possibility of removal from office. Delivery of such notice of the opportunity to be heard shall be deemed to be sufficient if written notice of the opportunity is sent, at least fifteen calendar days in advance of the meeting during which removal is to be considered, via first class United States mail to the most recent address provided to the city by the member subject to removal.

(E) On and after April 1, 2009, each member of the Planning Board shall receive a stipend of \$100 for each month that the member actively serves on the Planning Board. In order to be deemed to be actively serving on the Planning Board during any specific month, a member of the Board must attend, at a minimum, the regular Planning Board meeting scheduled for the month for which the monthly stipend is to be paid. The actual disbursement of the monthly stipends for Planning Board members shall be made according to a schedule to be developed by the City of Asheboro Finance Department in accordance with the Department's normal business practices. Irrespective of the number of special meetings that may be held during any specific month, the amount of the monthly stipend for Planning Board members shall not exceed \$100.

Section 3. Section 34.53 (titled "Organization and Meetings") of the Code of Asheboro is hereby rewritten to provide as follows:

Each year, within 30 days after the annual appointment of new members, the Planning Board shall meet and elect a chairman and create and fill such offices as it may determine. The term of the chairman and other officers shall be one year, with eligibility for reelection. The Planning Board shall adopt rules for transaction of its business and governing its resolutions, discussions, findings and recommendations, and such rules shall be a public record. The Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public. A majority of the Planning Board's membership shall constitute a quorum. When determining whether or not a quorum is present, vacant positions on the Board and Planning Board members who are disqualified from voting because of a statutorily recognized conflict of interest shall not be considered members of the Board for the limited purpose of calculating how many Board members are needed for the requisite majority. ~~There shall be a quorum of six members for the purpose of taking any official action required by this Code.~~

Section 4. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall take effect and be in force from and after January 1, 2014.

This ordinance was adopted in open session during a regular meeting of the Asheboro City Council that was held on November 7, 2013.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

(d) Consideration of a request to extend the time allowed between the Preliminary and Final Plat subdivision reviews for Waterford Villas.

Mr. Nuttall presented a written request from Mr. Kevin Jessup, Manager of Waterford RE, LLC for a twelve month extension of the deadline to submit a final subdivision plat for review. This delay is requested because of the overall building market conditions and financing of the project. The developers expect to continue the project as market conditions improve.

Upon motion by Mr. Bell and seconded by Mr. Carter, Council voted unanimously to approve the requested extension.

- (e) **Discussion of potential transportation projects (excluding aviation) for consideration by the Piedmont Triad Rural Planning Organization as part of development of North Carolina Department of Transportation's FY 2016-2020 Transportation Improvement Program and FY 2021-2025 Developmental Plan.**

Mr. Nuttall briefly presented a list of potential transportation projects that included highway, pedestrian, and bicycle plans that may be considered by the Piedmont Triad Rural Planning Organization and could be included as part of the development of the North Carolina Department of Transportation's improvement and development plans.

Supportive comments were offered by the elected officials. No action was requested of the governing board, and none was taken on this matter.

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. Annexation items:

- (a) **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) **Public hearing**

Mayor Smith opened the public hearing on the request (petition) for contiguous annexation of 0.22 of an acre of land located 1346 East Presnell Street.

There were no comments and no opposition from the public. Mayor Smith then transitioned to the deliberative phase of 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.

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

Ordinance Number 32 ORD 11-13
ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO, NORTH CAROLINA
(Annexed Area = Parcel of Land Located at 1346 East Presnell 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 October 10, 2013; and

WHEREAS, this petition for annexation was properly executed by an authorized individual on behalf of the owner of the parcel of land for which annexation was requested; and

WHEREAS, by means of a duly adopted resolution (Resolution Number 43 RES 10-13), 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 44 RES 10-13, notice was published to the public on the 24th day of October, 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 next regular meeting that would begin at 7:00 o'clock p.m. on the 7th day of November, 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 7th day of November, 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 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.

Section 2. Upon and after November 7, 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 7th day of November, 2013.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of November, 2013.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

Approved as to form:

/s/Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney
City of Asheboro, North Carolina

- (b) **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) **Public hearing**

Mayor Smith opened the public hearing on the request (petition) for 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.

There were no comments and no opposition from the public. Mayor Smith then transitioned to the deliberative phase of 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.

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

Ordinance Number 33 ORD 11-13
ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO, NORTH CAROLINA
(Annexed Area = 0.44 of an Acre of Land on the West Side of North McCrary 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 October 10, 2013; and

WHEREAS, this petition for annexation was properly executed by the authorized officers of the non-profit corporation that owns the parcel of land for which annexation was requested; and

WHEREAS, by means of a duly adopted resolution (Resolution Number 45 RES 10-13), 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 46 RES 10-13, notice was published to the public on the 24th day of October, 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 next regular meeting that would begin at 7:00 o'clock p.m. on the 7th day of November, 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 7th day of November, 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 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 5/8" 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 1-1/4" 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.

Section 2. Upon and after November 7, 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 7th day of November, 2013.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of November, 2013.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

Approved as to form:

/s/Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney
City of Asheboro, North Carolina

9. Upcoming events:

- **Housing Summit sponsored by the Randolph County Housing Coalition, Inc. on November 8, 2013 from 8:00 a.m. until 2:00 p.m. at Randolph-Asheboro YMCA.**
- **Annual Christmas Parade begins at 7:00 p.m. on December 6, 2013.**
- **"Christmas on Sunset" street festival begins at 6:00 p.m. on December 13, 2013.**

There being no further business, the meeting was adjourned at 8:05 p.m.

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

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