

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, MAY 9, 2013  
7:00 p.m.**

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

David H. Smith            ) – Mayor Presiding  
  
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, Acting Chief of Police  
Trevor L. Nuttall, Community Development Director  
Deborah P. Reaves, Finance Director  
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.

**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 Retirees:**

**(a) Mr. Dumont Bunker, P.E., City Engineer**

Mr. Ogburn presented to Mr. Bunker a retirement plaque for his 32 years of service to the City of Asheboro.

**(b) Mr. Larry Trotter, Chief Building Inspector**

Mr. Ogburn presented to Mr. Trotter a retirement plaque for his 27 years of service to the City of Asheboro.

**4. Proclamation honoring Klaussner Furniture Industries, Inc., 50<sup>th</sup> Anniversary.**

Mayor Smith read and presented a proclamation to representatives of Klaussner Furniture Industries, Inc. honoring the 50<sup>th</sup> anniversary of the company. The proclamation is as follows:

**PROCLAMATION  
KLAUSSNER HOME FURNISHINGS  
CELEBRATES  
50th ANNIVERSARY**

**WHEREAS**, founded in 1963 in Asheboro, North Carolina, by entrepreneur Stuart Love, it quickly thereafter became one the nation's leading upholstered furniture manufacturers; and

**WHEREAS**, in 1979 Hans Klaussner bought the company, and under the leadership of its President, J.B. Davis, it grew into one of the world's leading furniture manufacturers; and

**WHEREAS**, after Mr. Davis retired in 2010, Bill Wittenberg and Dave Bryant partnered together in 2011 to lead a group of local managers in the buyout of Klaussner Home Furnishings, ensuring Klaussner's prominence in the global furniture business and Asheboro as its home and headquarters; and

**WHEREAS**, 2013 marks Klaussner Home Furnishings 50th Anniversary.

**NOW, THEREFORE**, I, David H. Smith, Mayor, do hereby proclaim 2013 as Klaussner Home Furnishings 50th Anniversary Year in the City Of Asheboro and recognize the company's contributions to its customers, employees, and the community it serves.

This the 9<sup>th</sup> day of May, 2013.

\_\_\_\_\_  
/s/David H. Smith  
David H. Smith  
Mayor

**5. Consent Agenda:**

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

- (a) The minutes of the City Council's regular meeting on April 4, 2013.**
- (b) The findings of fact, conclusions of law, and order granting a conditional use permit to Charles C. Hodges, Jr. under case no. CUP-13-04.**

Case No. CUP-13-04  
City Council  
City of Asheboro

IN THE MATTER OF THE APPLICATION BY CHARLES C. HODGES, JR. FOR A CONDITIONAL USE PERMIT AUTHORIZING A FUNERAL PARLOR WITH A CREMATORIUM AS AN ACCESSORY USE  
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING, WITH CONDITIONS, THE REQUESTED CONDITIONAL USE PERMIT

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THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for a properly advertised quasi-judicial public hearing on the question of whether to grant the applicant's request for the issuance of a Conditional Use Permit. The public hearing was opened and sworn testimony received during a regular meeting of the Asheboro City Council that was held on April 4, 2013. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Charles Chavis Hodges, Jr. (hereinafter referred to as the "Applicant") properly submitted to the City of Asheboro the prescribed application materials for a Conditional Use Permit authorizing the continued operation of an existing funeral home with the addition of a new crematorium.
2. The aggregate acreage of the four (4) parcels of land upon which the existing funeral home is located and upon which the crematorium is proposed for construction is approximately one and eleven hundredths (1.11) acres.
3. The Applicant has submitted a site plan depicting the existing funeral home and the proposed crematorium as land uses located on a single zoning lot comprised of the above-referenced four (4) parcels of land (hereinafter collectively referred to as the "Zoning Lot") that are more specifically described by Randolph County Parcel Identification Numbers 7751957092, 7751956082, 7751958081, and 7751949927.
4. The Zoning Lot is located within the corporate limits of the City of Asheboro, and all city services are available to the Zoning Lot.
5. The existing principal structure for the funeral home has been assigned the street address of 222 Brewer Street, Asheboro, North Carolina 27203.
6. Brewer Street is a city-maintained collector street.

7. The existing land use on the Zoning Lot is a commercial use identified under the Asheboro Zoning Ordinance as a funeral parlor.

8. The surrounding land uses are as follows:

**North:** Single-Family/Office & Institutional  
**South:** Single-Family/Undeveloped

**East:** Office & Institutional/Medical  
**West:** Single-Family/Undeveloped

9. The Zoning Lot is currently subject to both OA6 (Office-Apartment) and R7.5 (Medium-Density Residential) zoning districts.

10. The hearing on the Applicant's request for a Conditional Use Permit was held as a combined public hearing that was conducted for the purpose of giving legislative consideration to the request to place the Zoning Lot in a CU-B2 (Conditional Use General Commercial) zoning district while also gathering and considering evidence through a quasi-judicial hearing process conducted for the purpose of answering the question of whether to issue the requested Conditional Use Permit.

11. Prior to the Council's consideration of whether to approve the requested Conditional Use Permit, the Council took the legislative action of placing the entirety of the Zoning Lot in the requested CU-B2 zoning district.

12. Section 102 of the Asheboro Zoning Ordinance, provides as follows:

Within a CU District, only those uses specifically permitted in the zoning district to which the CU district corresponds (i.e. R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.

13. Asheboro Zoning Ordinance Section 102 further provides that, within a conditional use district, "no use shall be submitted except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized."

14. Pursuant to the Asheboro Zoning Ordinance's Table 200-2 (Table of Permitted Uses by District), a funeral home, which is labeled as a funeral parlor in the zoning ordinance, is permitted as a principal use in a B2 zoning district, and a crematorium is permitted in a B2 zoning district as an accessory use to a funeral parlor.

15. With regard to the city's comprehensive development plans, 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 the area as neighborhood/urban residential.

16. The area in which the Zoning Lot is located is characterized by a mixture of land uses, including office, institutional, and residential uses. Medical and office uses have set a transitional pattern between the commercial uses located farther to the west and the residential uses located to the east.

17. The funeral home has operated on the Zoning Lot since approximately 1980.

18. The Applicant is proposing to construct the crematorium within an accessory structure (approximately 20' X 28' in size) outside of the funeral home's principal structure.

19. The accessory structure for the crematorium will be a metal building with a brick façade fronting Brewer Street. Within the accessory structure, there will be a refrigeration unit, processing station, and the actual cremation chamber. The cremation process will be computerized with an automatic cool down period and an exhaust system to prevent pollution/noxious odors.

20. The Applicant offered uncontroverted testimony that, compared with other services offered by funeral directors, less traffic is generally associated with the provision of cremation services by a funeral home.

21. On the Zoning Lot, there is already paved parking, an unpaved overflow parking area, loading spaces, and landscaping (in the front yard and along the property's perimeter). Construction of the proposed accessory structure will not invoke requirements for additional improvements to the parking or landscaping.

22. In an effort to ensure the compatibility of the proposed land use with the surrounding land uses and to advance the public interest, the Applicant worked with staff members in the city's Community Development Division to reach agreement on conditions that city staff members and the Applicant could recommend to the Council for attachment to the requested Conditional Use Permit. The suggested conditions are as follows:

- (a) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall submit building elevation drawings to city staff properly and

unequivocally demonstrating compliance with commercial design standards detailed in the Asheboro Zoning Ordinance.

(b) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator, 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 Conditional Use Permit in the chain of title for the Zoning Lot.

23. No testimony was offered in opposition to the Applicant's request. Aside from the absence of testimony in opposition to the application for a Conditional Use Permit, no other type of evidence came to the attention of the Council during the hearing of this matter to indicate that the Applicant's proposed site plan was noncompliant with the Asheboro Zoning Ordinance.

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

#### CONCLUSIONS OF LAW

With the proposed conditions described hereinabove, the requested Conditional Use Permit can be issued on the basis of the following conclusions:

1. The proposed development will not materially endanger the public health or safety if the proposed land use is located where proposed and developed according to the plan as submitted and approved;
2. The evidence received during the public hearing established that the proposed land use does meet all of the required conditions and specifications of the Asheboro Zoning Ordinance;
3. The evidence presented during the course of the hearing of this matter established that the proposed land use will not substantially injure the value of the adjoining or abutting property; and
4. The location and character of the Applicant's proposed land 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 above-recited findings of fact and conclusions of law, the Council hereby enters the following:

#### ORDER

Subject to the following conditions, a Conditional Use Permit, which is applicable to the entirety of the above-described four (4) parcels of land collectively referred to herein as the Zoning Lot and that authorizes on the said Zoning Lot the land uses requested in the application submitted under file number CUP-13-04, is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns. The land uses requested by the Applicant and approved for the Zoning Lot with the issuance of this Conditional Use Permit are the principal use of a funeral parlor, which is already in existence on the Zoning Lot, and a crematorium that the Applicant proposes to construct and operate as an accessory use to the funeral parlor. The continuing validity of this Conditional Use Permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, the site plan presented and approved during the hearing of this matter, and the following supplementary conditions:

- (a) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall submit supplemental building elevation drawings to city staff for the purpose of demonstrating in an unequivocal manner the compliance of the proposed land use with the commercial design standards detailed in the Asheboro Zoning Ordinance. This condition shall be deemed to be satisfied once city staff, as part of an administrative or ministerial review process, determines that the supplemental building elevation drawings are in full compliance with the Asheboro Zoning Ordinance's commercial design standards.
- (b) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator, 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 Conditional Use Permit in the chain of title for the Zoning Lot.

The above-listed findings, conclusions, and order were adopted by the Asheboro City Council in open session during a regular meeting held on May 9, 2013.

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

ATTEST:

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

- (c) **A resolution awarding to Chief Rickey D. Wilson his service side arm upon his retirement from the Asheboro Police Department.**

**21 RES 5-13**

**RESOLUTION AWARDING A SERVICE SIDE ARM TO A RETIRING OFFICER  
OF THE ASHEBORO POLICE DEPARTMENT**

**WHEREAS**, effective July 1, 2013, Police Chief Rickey D. Wilson will begin his retirement from employment with the City of Asheboro after rendering honorable and invaluable service to the City of Asheboro and its citizens since the date of his initial employment with the Asheboro Police Department on June 22, 1981; and

**WHEREAS**, pursuant to and in accordance with G.S. 20-187.2, the Asheboro City Council wishes to honor and thank Chief Wilson for his service to the city by awarding to him the service side arm that he carried at the time of his retirement;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that, effective July 1, 2013, and in consideration of his dedicated service to the City of Asheboro, Rickey D. Wilson is to be awarded, at no charge and upon securing a permit as required by G.S. 14-402 et seq. or G.S. 14-409.1 et seq., his city-issued service side arm (a Glock 23 Generation 4 with serial no. SFS911 and three magazines).

The Asheboro City Council adopted this resolution in open session during a regular meeting that was held on the 9<sup>th</sup> day of May, 2013.

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

ATTEST:

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

- (d) **A resolution authorizing the conveyance of surplus animal control traps to the Randolph County Health Department.**

**22 RES 5-13**

**RESOLUTION AUTHORIZING THE CONVEYANCE OF TWO ANIMAL CONTROL TRAPS TO THE  
RANDOLPH COUNTY HEALTH DEPARTMENT**

**WHEREAS**, Section 160A-274 of the North Carolina General Statutes authorizes the city to sell, with or without consideration, city-owned personal property to the Randolph County Health Department upon such terms and conditions as the city deems wise; and

**WHEREAS**, pursuant to Resolution No. 12 RES 3-12, the Asheboro City Council permitted, effective April 1, 2012, "An Ordinance Governing the General Control of Animals in Randolph County" that was adopted by the Randolph County Board of Commissioners on January 10, 2000, and as amended, to become effective within the corporate limits of the City of Asheboro; and

**WHEREAS**, also pursuant to Resolution No. 12 RES 3-12, the Asheboro City Manager has executed, on behalf of the City of Asheboro, a contract with the Randolph County Health Department for the performance by the health department of animal control services within the corporate limits of the City of Asheboro in accordance with the provisions of the animal control ordinance adopted by the Randolph County Board of Commissioners; and

**WHEREAS**, with the transfer of the primary responsibility for animal control services from the Asheboro Police Department to the Randolph County Health Department, the Chief of Police, with the concurrence of the City Manager, recommended the transfer of the police department's animal control

traps to the Randolph County Health Department for use in performing that department's animal control duties; and

**WHEREAS**, on the basis of this recommendation, the Asheboro City Council adopted Resolution No. 18 RES 4-12 on April 5, 2012, for the purpose of authorizing the conveyance, in consideration of the favorable contractual terms under which the health department agreed to provide animal control services within the city, of seven (7) animal control traps to the Randolph County Health Department; and

**WHEREAS**, the seven (7) animal control traps referenced in the immediately preceding paragraph were believed to be the entirety of the inventory of animal control traps maintained by the Asheboro Police Department prior to the entry of the city into the contract with the county health department for the provision of animal control services within the city limits; and

**WHEREAS**, the Asheboro Police Department subsequently discovered two (2) large animal traps (no serial numbers were found on the traps) that were manufactured by Tomahawk Live Trap Company, Tomahawk, Wisconsin 54437 and were inadvertently omitted from the previous list of animal traps identified for the City Council as surplus property to be conveyed to the county health department; and

**WHEREAS**, the Asheboro Police Department has not been using these recently discovered traps since the transfer of primary responsibility for animal control services to the county health department; and

**WHEREAS**, a Randolph County Health Department representative has indicated to a member of the Asheboro Police Department's command staff that these animal traps could be utilized by the health department for animal control operations; and

**WHEREAS**, with the previous adoption of Resolution No. 18 RES 4-12, the City Council had intended to authorize the conveyance of all of the animal control traps in the city's possession to the county health department as the agency conducting animal control field operations within the city;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that the above-described animal control traps manufactured by Tomahawk Live Trap Company are hereby declared to be surplus personal property; and

**BE IT FURTHER RESOLVED** that, in order to correct the erroneous omission of the said animal control traps from the identifying information listed in Resolution No. 18 RES 4-12, and in consideration of the continuing agreement of the health department to provide animal control services for the City of Asheboro under favorable terms and conditions, the City Manager is hereby authorized and directed to convey good legal title, free and clear of any liens, as well as physical possession of the two (2) large animal control traps described herein to the Randolph County Health Department.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting of the City Council that was held on the 9<sup>th</sup> day of May, 2013.

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

ATTEST:

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

**(e) Audit contract for fiscal year ending June 30, 2013.**

A copy of the audit contract is on file in the City Clerk's office.

**(f) Acknowledgement of the receipt of the minutes of the Asheboro ABC Board meeting held on March 4, 2013.**

A copy of the minutes of the Asheboro ABC Board's meeting on March 4, 2013 was received by the Mayor and Council Members, and a copy of the minutes is on file in the City Clerk's office.

**(g) A resolution approving the 5% local government match (\$750.00) for the Expanding Opportunities for Active Living Project undertaken with grant assistance from the Rural Hope Initiative Program of the North Carolina Rural Economic Development Center, Inc.**

**AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT**  
Rural Hope Initiative

**WHEREAS**, the North Carolina Rural Economic Development Center, Inc. (Rural Center) has authorized the awarding of grants to assist in the construction and renovation of rural health care facilities if the project creates jobs in the health care industry;

**WHEREAS**, the City of Asheboro has requested grant assistance for the "Expanding Opportunities for Active Living" project (the project) from the Economic Infrastructure Grants Program; and

**WHEREAS**, the City of Asheboro has been awarded \$15,000 under the Rural Hope Initiative Program for the project contingent upon the Rural Center receiving a signed resolution showing the City of Asheboro's commitment to provide the required 5% local government match;

**NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:**

That the City of Asheboro commits to provide \$750.00 towards the project if approved for a grant.

That John Ogburn, City Manager and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with the project proposed; to make assurances as contained in the application; and to execute such other documents as may be required in connection with the application.

That the City of Asheboro has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th of May, 2013.

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

**ATTEST:**

/s/Holly H. Doerr  
Holly H. Doerr, CMC, NCCMC, City Clerk (Seal)

**(h) Acknowledgement of the receipt and acceptance, without modification, of the operational hours proposed by the Cultural and Recreation Services Division for the city-owned pools during the 2013 season.**

**North Asheboro Pool Schedule**

**Friday:**

**Sunday:**  
1:00pm – 6:00pm Public Open Swim

9:00am – 11:30am Swimming Lessons  
12:00pm – 6:00pm Public Open Swim

**Monday:**  
9:00am – 11:30am Swimming Lessons  
12:00pm – 6:00pm Public Open Swim  
6:30pm – 7:30pm Swim Team Practice

**Saturday:**

10:00am – 11:00am Swim Team Practice  
12:00pm – 6:00pm Public Open Swim

**Tuesday:**  
9:00am – 11:30am Swimming Lessons  
12:00pm – 6:00pm Public Open Swim  
7:30pm – 9:30pm Public Night Swim

**Note:**

Some additional days may be used for swim team practice when not in conflict with regularly scheduled pool programming.

**Wednesday:**  
9:00am – 11:30am Swimming Lessons  
12:00pm – 6:00pm Public Open Swim  
6:30pm – 7:30pm Swim Team Practice

**Memorial Pool Schedule**

**Thursday:**  
9:00am – 11:30am Swimming Lessons  
12:00pm – 6:00pm Public Open Swim  
7:30pm – 9:30pm Public Night Swim

**Sunday:**

1:00pm – 6:00pm Public Open Swim

**Monday:**

11:00am – 1:00pm Public Lap/Adult Swim  
1:00pm – 6:00pm Public Open Swim  
6:30pm – 7:15pm Swimming Lessons  
7:30pm – 9:30pm Public Night Swim

**Tuesday:**

11:00am – 1:00pm Public Lap/Adult Swim  
1:00pm – 6:00pm Public Open Swim  
6:30pm – 7:15pm Swimming Lessons

**Friday:**

11:00am – 1:00pm Public Lap/Adult Swim  
1:00pm – 6:00pm Public Open Swim  
6:30pm – 7:15pm Swimming Lessons

**Wednesday:**

11:00am – 1:00pm Public Lap/Adult Swim  
1:00pm – 6:00pm Public Open Swim  
6:30pm – 7:15pm Swimming Lessons  
7:30pm – 9:30pm Public Night Swim

**Saturday:**

12:00pm – 6:00pm Public Open Swim

**Thursday:**

11:00am – 1:00pm Public Lap/Adult Swim  
1:00pm – 6:00pm Public Open Swim  
6:30pm – 7:15pm Swimming Lessons

**Note:**

**Memorial Pool Staff will post a weekly schedule, identifying pool games and programming for swimmers to partake in throughout public open swim hours, Monday thru Friday.**

**7. Public comment period.**

Mayor Smith opened the floor for comments from the public, and one (1) person rose to speak.

Mr. Johnny Baynes, a member of the Asheboro Municipal Golf Course asked the Council Members to consider establishing a senior couples rate on the municipal golf course rate schedule. Mr. Ogburn indicated that such an adjustment would be considered during the upcoming budget planning process.

**8. Consideration of a resolution in support of improvements to SR 2269 (Vision Drive) in Randolph County.**

Mr. Nuttall presented and recommended adoption, by reference, of a resolution in support of improvements to SR 2269 (Vision Drive) in Randolph County.

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

**24 RES 5-13**

**RESOLUTION IN SUPPORT OF IMPROVEMENTS TO  
SR 2269 (VISION DRIVE) IN RANDOLPH COUNTY**

**WHEREAS**, the City of Asheboro is concerned about safety issues on SR 2269 (Vision Drive) near the I-73/74 interchange,

**WHEREAS**, due to the current roadway design and absence of adequate left-turn median area storage lanes, unsafe vehicular movements occur across the raised median,

**WHEREAS**, the City of Asheboro has worked with the NCDOT Division 8 District 1 Engineer to prepare conceptual plans enhancing public safety by providing left turn lanes with increased storage and paved shoulders to accommodate heavy vehicular traffic,

**WHEREAS**, Hospice of Randolph County has submitted a letter to the City of Asheboro expressing its concerns about safe access to its property located on SR 2269 (Vision Drive) and support for roadway improvements that can enhance the safety of the more than 500 individuals who visit the property daily,

**WHEREAS**, the proposed improvements may be eligible for Spot Safety Project or other NCDOT funding,

**WHEREAS**, the NCDOT asks that requests for Spot Safety Project or other NCDOT funding be made in writing to the appropriate Division Engineer,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that Spot Safety Project or other NCDOT funding be considered for safety-related improvements to SR 2269 (Vision Drive) in Randolph County.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th of May, 2013.

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

ATTEST:

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

**9. Consideration of an appointment to the Redevelopment Commission.**

Mr. Nuttall reported that the Redevelopment Commission has reviewed information packages for individuals interested in serving on the Redevelopment Commission. The individuals who formally expressed an interest in serving were: David H. Jarrell, Kenneth L. Powell, and Michael S. Moore.

The commission selected the following two individuals for equal and further consideration by the city council for appointment to the unexpired term of retired Commission Member Mr. Charlie Robbins: David H. Jarrell and Michael S. Moore.

Mr. Baker moved to appoint Mr. Michael S. Moore to the Redevelopment Commission, and Mr. Swiers seconded the motion. During discussion, the Council Members inquired about the possibility of increasing the commission's membership roll so that both applicants could be appointed.

Prior to a vote on the motion under consideration, Mr. Baker and Mr. Swiers jointly withdrew the motion to appoint Mr. Moore. In order to allow city staff time to investigate the possibility of expanding the commission's membership roll, Mr. Baker moved to continue the discussion of this item to the Council's special meeting on May 30, 2013. Mr. Burks seconded the motion, and Council Members Baker, Bell, Burks, Carter, Hunter, Moffitt, and Swiers voted in favor of the motion.

**10. Airport Items:**

**(a) Acknowledgement of the receipt of the annual report from the Asheboro Airport Authority.**

Mr. Leonard presented to Mayor Smith and the Council Members the annual report that was approved by the Asheboro Airport Authority. A copy of the report is on file in the City Clerk's office.

**(b) Consideration of the award of a contract for the Asheboro Regional Airport Hangar Site Preparation, Taxi-way & Access Road Grading Project.**

Bids to perform this work were submitted by the following:

- Simcon Company, LLC of Mount Airy, North Carolina
- Triangle Grading and Paving, Inc. of Burlington, North Carolina
- Terry's Plumbing and Utilities, Inc. of Asheboro, North Carolina
- Yates Construction Company, Inc. of Stokedale, North Carolina
- Zoladz Construction Co., Inc. of Alden, New York
- Thomas Stanley Grading and Hauling, Inc. of Stokesdale, North Carolina

After the bid tabulation was presented by the City Engineer, Mr. Moffitt moved, and Ms. Carter seconded the motion to award the contract to Simcon Company, LLC who was the lowest responsive, responsible bidder with a bid of \$369,451.50. Council Members Baker, Bell, Burks, Carter, Hunter, Moffitt, and Swiers voted aye on the motion. A copy of the bid tabulation is on file in the City Clerk's office.

**11. Annexation of property contiguous to the primary city limits:**

**(a) Consideration of a resolution of intent to annex the city-owned land upon which the future fire station no. 3 will be built.**

Mr. Leonard presented and recommended adoption by reference of a resolution stating the intent of the City of Asheboro to annex city-owned property that is contiguous to the existing municipal boundaries.

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

**A RESOLUTION STATING THE INTENT OF THE CITY OF ASHEBORO TO ANNEX CITY-OWNED REAL PROPERTY THAT IS CONTIGUOUS TO THE EXISTING MUNICIPAL BOUNDARIES**

**WHEREAS**, on December 30, 2011, the City of Asheboro purchased a parcel of land at 1431 East Salisbury Street that was the former site of a business engaged in the sale and repair of agricultural equipment; and

**WHEREAS**, this parcel of land, which is contiguous to the existing primary municipal boundary for the City of Asheboro, was purchased because the parcel was deemed to be a suitable location for a third fire station to serve eastern Asheboro; and

**WHEREAS**, the Asheboro City Council has concluded that, in preparation for the eventual development of a third municipal fire station on this parcel of land, the said land should be annexed into the City of Asheboro;

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

**Section 1.** It is the intent of the Asheboro City Council, pursuant to Section 160A-31 of the North Carolina General Statutes, to annex into the City of Asheboro the land described in Section 2 of this Resolution that is owned in fee simple by the City of Asheboro.

**Section 2.** The legal description of the land to be annexed into the City of Asheboro is as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the western boundary line of the City of Asheboro property previously described in Deed Book 905, Page 144, Randolph County Public Registry at a ¾" existing iron pipe flush with the ground at the intersection of the said western boundary line with the southern margin of the public right-of-way for Martin Luther King, Jr. Drive (North Carolina Secondary Road 2189), this beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 712,730.59 feet and East 1,765,520.99 feet (NAD 83); thence from the said beginning point following the proposed primary city limits line for the City of Asheboro by proceeding into the public right-of-way for Martin Luther King, Jr. Drive North 01 degree 27 minutes 45 seconds West 55.32 feet to a computed point on the existing primary city limits line for the City of Asheboro; thence following the existing primary city limits line that is located within the public right-of-way for Martin Luther King, Jr. Drive the following courses and distances: South 32 degrees 05 minutes 43 seconds East 280.16 feet to a computed point; thence South 32 degrees 05 minutes 43 seconds East 280.15 feet to a computed point; thence South 32 degrees 49 minutes 56 seconds East 52.86 feet to a computed point; thence South 36 degrees 32 minutes 03 seconds East 52.46 feet to a computed point; thence South 41 degrees 47 minutes 02 seconds East 50.46 feet to a computed point; thence South 46 degrees 16 minutes 59 seconds East 49.73 feet to a computed point; thence South 55 degrees 44 minutes 31 second East 51.81 feet to a computed point; thence South 58 degrees 23 minutes 46 seconds East 15.32 feet to a computed point; thence departing from the public right-of-way for Martin Luther King, Jr. Drive, but continuing to follow the existing primary city limits for the City of Asheboro, and proceeding along the northern margin of the public right-of-way for East Salisbury Street (North Carolina Secondary Road 2237) the following courses and distances: South 88 degrees 50 minutes 05 seconds West 121.99 feet to a ¾" existing iron pipe flush with the ground; thence in a northwesterly direction along the arc of a curve with a radius of 3,970.00 feet and an arc length of 350.09 feet (a chord bearing and distance of North 88 degrees 31 minutes 17 seconds West 349.98 feet) to a computed point in an existing utility pole; thence departing from the northern margin of the public right-of-way for East Salisbury Street and proceeding along the proposed primary city limits line by running along the western boundary line of the said City of Asheboro property the following courses and distances: North 00 degrees 58 minutes 38 seconds West 200.44 feet to a ¾" existing iron pipe that is 4" below ground; thence North 00 degrees 58 minutes 38 seconds West 333.14 feet to a ¾" existing iron pipe that is flush with the ground; thence North 00 degrees 31 minutes 55 seconds West 75.08 feet to the point and place of BEGINNING, and containing 3.226 acres (140,534 square feet) of land, more or less, to be annexed.

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

**Section 3.** The property described in Section 2 of this Resolution is contiguous to the current municipal boundaries.

**Section 4.** A public hearing on the question of annexation of the property will be held in the Asheboro City Hall Council Chamber, 146 North Church Street, Asheboro, North Carolina 27203 during the regular June meeting of the Asheboro City Council that will begin at 7:00 p.m. on June 6, 2013.

**Section 5.** Notice of the public hearing shall be published once 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 by the Asheboro City Council in open session during a regular meeting of the City Council that was held on May 9, 2013.

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

ATTEST:

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

- (b) **Receipt of petitions from the Asheboro Housing Authority, Sandhills Center for Mental Health, and Our Daily Bread Kitchen, Inc. requesting the annexation of approximately 2.956 acres of land in the East Pritchard Street area.**
- (i) **Consideration of a resolution directing the city clerk to investigate the annexation petitions.**

Mr. Leonard presented and recommended adoption, by reference, of resolution directing the city clerk to investigate annexation petitions received pursuant to Section 160A-31 of the North Carolina General Statutes. These petitions are requesting annexation by the City of Asheboro of the portions of the petitioners' real property that form a "doughnut hole" in the city limits at the eastern terminus of East Pritchard Street (a total of approximately 2.956 acres of land).

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

**26 RES 5-13**

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

**(A Total of 2.956 Acres of Land Located at the Eastern Terminus of East Pritchard Street)**

**WHEREAS**, the Asheboro Housing Authority, the Sandhills Center for Mental Health, and Our Daily Bread Kitchen, Inc. have submitted petitions requesting annexation by the City of Asheboro of the portions of the petitioners' real property that form a "doughnut hole" in the city limits at the eastern terminus of East Pritchard Street, the said "doughnut hole" exists because certain contiguous portions of the petitioners' respective properties, along with a section of public street right-of-way, form a land area that is outside of the Asheboro city limits and completely surrounded by the primary municipal boundaries of the City of Asheboro; and

**WHEREAS**, the territory for which annexation is requested, as noted above, is contiguous with the existing primary corporate limits of the City of Asheboro; and

**WHEREAS**, Section 160A-31 of the North Carolina General Statutes provides that the sufficiency of the petitions shall be investigated by the city clerk before further annexation proceedings may take place; and

**WHEREAS**, in response to these petitions, 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 petitions 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 9<sup>th</sup> day of May, 2013.

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

ATTEST:

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

[With the approval of the resolution to investigate the petitions, the Council received the following Certificate of Sufficiency.]

**CERTIFICATE OF SUFFICIENCY**

**(A Total of 2.956 Acres of Land Located at the Eastern Terminus of East Pritchard 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 city staff members in the engineering department, I have investigated the petitions executed and submitted to the city by the Asheboro Housing Authority, the Sandhills Center for Mental Health, and Our Daily Bread Kitchen, 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 signed the mandated petitions, and the petitions appear to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina in order to make this certification effective as of the 9<sup>th</sup> day of May, 2013.

(SEAL)

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

**(ii) Consideration of a 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 the annexation petitions, Mr. Leonard presented and recommended adoption, by reference, of a resolution setting the date for a public hearing on the question of annexation.

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

**27 RES 5-13**

**A RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

**(A Total of 2.956 Acres of Land Located at the Eastern Terminus of East Pritchard Street)**

**WHEREAS**, the Asheboro Housing Authority, the Sandhills Center for Mental Health, and Our Daily Bread Kitchen, Inc. have submitted petitions requesting the annexation by the City of Asheboro of the portions of the petitioners' real property that form a "doughnut hole" in the city limits at the eastern terminus of East Pritchard Street, the said "doughnut hole" exists because certain contiguous portions of the petitioners' respective properties, along with a section of public street right-of-way, form a land area that is outside of the Asheboro city limits and completely surrounded by the primary municipal boundaries of the City of Asheboro; and

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

**WHEREAS**, on the basis of her review of information gathered by city staff members during an investigation of the submitted petitions, the city clerk has certified to the City Council the sufficiency of the petitions 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 6<sup>th</sup> day of June, 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 9<sup>th</sup> day of May, 2013.

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

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

### EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

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

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

**12. Consideration of a resolution authorizing the execution and delivery of financing documents by and between the City of Asheboro and SunTrust Equipment Finance and Leasing Corporation.**

Ms. Reaves presented and recommended adoption, by reference, of the aforementioned resolution.

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

**28 RES 5-13**

**A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 01, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

**WHEREAS**, the governing body of the **CITY OF ASHEBORO, NC** ("Lessee") desires to obtain certain equipment (the "Equipment") described in Equipment Schedule No. 01 to the Master Lease Agreement (collectively, the "Lease"), between **SUNTRUST EQUIPMENT FINANCE & LEASING CORP.** ("Lessor") and Lessee, the form of which has been available for review by the governing body of Lessee prior to this meeting; and

**WHEREAS**, the Equipment is essential for Lessee to perform its governmental functions; and

**WHEREAS**, the funds made available under the Lease will be deposited with **SUNTRUST BANK** ("Escrow Agent") pursuant to an Escrow Agreement between Lessor, Lessee and Escrow Agent (the "Escrow Agreement") and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; and

**WHEREAS**, Lessee has satisfied the legal requirements, including those relating to any applicable public bidding requirements, to arrange for the acquisition of the Equipment and the execution and delivery of the Lease and the Escrow Agreement; and

**WHEREAS**, Lessee proposes to enter into the Lease with **SUNTRUST EQUIPMENT FINANCE & LEASING CORP.** and the Escrow Agreement with Lessor and Escrow Agent substantially in the forms presented to this meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:**

**Section 1.** It is hereby found and determined that the terms of the Lease and the Escrow Agreement (collectively, the "Financing Documents") in substantially the forms presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.

**Section 2.** The Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The City Manager of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officers who execute the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents. The City Clerk of Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

**Section 3.** The proper officers of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents.

**Section 4.** Pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), Lessee hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code.

**Section 5.** This resolution shall take effect immediately.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting of the City Council that was held on the 9<sup>th</sup> day of May, 2013.

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

ATTEST:

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

