

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JUNE 8, 2017
7:00 p.m.**

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

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Linda H. Carter)
Walker B. Moffitt) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)
Charles A. Swiers)

John N. Ogburn, III, City Manager
Robert L. Brown, Jr., Police Captain
John L. Evans, Assistant Community Development Director
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Donald R. Thompson, Jr., Police Captain
Tammy M. Williams, Deputy City Clerk

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order at 7:00 p.m. for the transaction of business, and business was transacted as follows.

2. Moment of silent prayer and pledge of allegiance.

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

3. Mayor Smith asked the council to consider adopting a resolution of appreciation for Hazel Anderson and Martha Norman in recognition of their valuable contributions to the city and the tennis community.

Mayor Smith began by expressing how heart-warming it was to see so many in attendance to honor Ms. Hazel Anderson and Ms. Martha Norman. Mayor Smith recounted how he had the pleasure of knowing Ms. Anderson and Ms. Norman for the majority of his life and remembers attending church with these ladies as a small child. He considers himself very fortunate to know these ladies.

Mayor Smith then asked the council to consider adopting a resolution to honor Ms. Hazel Anderson and Ms. Martha Norman for their contributions to the tennis community in Asheboro. If adopted as proposed, the resolution will dedicate and name tennis courts 3 and 4 of the Asheboro Municipal Tennis Center in honor of these outstanding women, who received a standing ovation from the people in attendance at the council meeting.

Ms. Carter moved to approve resolution by reference, and Mr. Burks seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion and thereby adopted the proposed resolution by reference and without modification.

18 RES 6-17

Resolution Honoring Hazel Anderson and Martha Norman for Outstanding Service to Asheboro

Whereas, the City of Asheboro would like to express appreciation for the valuable service to the City and tennis community by Mrs. Hazel Anderson and Mrs. Martha Norman; and

Whereas, Mrs. Anderson is such a fixture of the game that her license plate reads "LOB A LOT;" and

Whereas, Mrs. Norman, is an inspiration to us all having competed in tennis intersectional play, taking her to Florida and Texas. She also traveled extensively as she competed in World Cup Games for 16

years. Her longest trip was to Austria for the Friendship Cup and the European Senior Championships in 2004 at the age of 77; and

Whereas, between the years of 1991 and 2009 Mrs. Anderson and Mrs. Norman competed in doubles tennis at the National Senior Games. The Anderson/Norman doubles team won a national bronze medal in Baton Rouge in 1993 and again in Stanford in 2009. The doubles team won a national gold medal at the Senior Games in Orlando in 1999, beating the doubles team who had beaten them in San Antonio in 1995; and

Whereas, Ms. Norman and Ms. Anderson are ambassadors for the game of tennis and an inspiration that proves that tennis truly is a sport for a lifetime.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, that Courts 3 & 4 of the Asheboro Municipal Tennis Center hereby be named the Hazel Anderson & Martha Norman Courts in honor of their championship play and passion to support youth in Asheboro Tennis.

This the 8th day of June, 2017.

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

ATTEST:

/s/ Tammy M. Williams
Tammy M. Williams, Deputy City Clerk
City of Asheboro, North Carolina

4. Presentation by Dr. Tom Osteen and Rhinoleap Productions of the upcoming production of Ken Ludwig's "The Three Musketeers" co-sponsored by City of Asheboro Cultural and Recreational Services and Asheboro City Schools.

The city manager made introductory comments about this segment of the agenda and then Dr. Tom Osteen came forward, with the permission of Mayor Smith, to elaborate on the details of the up-coming play produced by Rhinoleap Productions. During the meeting, Dr. Osteen expressed his excitement about the production and opening of the play "The Three Musketeers." Some of the cast members came to the meeting with Dr. Osteen and performed a scene from the upcoming play.

Performance dates, location information, and ticket prices/availability for the show were listed on a flyer distributed to the council. A copy of this flyer is on file in the city clerk's office.

5. Mayor Smith opened a public hearing on the city's proposed budget for fiscal year 2017-2018, and Finance Director Deborah Reaves presented the city staff's recommendations.

After Mayor Smith opened the public hearing, Finance Director Deborah Reaves utilized a visual presentation in order to highlight the details of the budget proposed for fiscal year 2017-2018. The proposed budget is balanced at \$41,423,602 with the General Fund allocation at \$27,015,647 and the Water and Sewer Fund allocation at \$14,407,955.

For the upcoming fiscal year, there are no proposed property tax or water/sewer rate increases. The property tax rate is recommended to remain the same at \$0.665 per \$100.00 valuation. During her presentation, Ms. Reaves highlighted certain expenses including, but not limited to, the following:

General Fund Expenditure Highlights

- o Code Enforcement Vehicle \$27,407
- o City Hall Roof Replacement \$175,000
- o 11 Fully Equipped Police Vehicles \$406,488
- o Electric Ventilation System for Fire Apparatus \$20,550
- o Used Fire truck and Command Vehicle Upgrade at the Fire Department \$201,350
- o Volunteer Fire Department Contracts \$13,550
- o Heating and Air System at Public Works \$75,000
- o Truck in the Operations Department \$ 29,000
- o Two Trucks for Fleet Maintenance \$56,800
- o Street Sweeper in Street Department \$234,050
- o Side Loading Automated Garbage Truck for Environmental Services Department \$295,000
- o Pay Plan Modifications \$100,000
- o Two Service Trucks in Facilities Maintenance \$70,000
- o McCrary Gym Remodel/Roof Replacement \$500,000
- o Peninsula Park \$65,000
- o Library Books, Periodicals, and Supplies \$107,500

- Programs at Sunset Theatre \$50,000
- Summer Concert Series \$21,000
- Arts Guild \$17,000
- Senior Adult Center \$33,000
- Boys and Girls Club \$25,000
- BBQ Cook-Off Expenses \$40,000

Water and Sewer Fund Expenditure Highlights

- Hand Held Replacement – Meter Department \$8,000
- Radio Read Meter Replacement Approximately 1300 - \$300,000
- Meter Reading Truck \$29,000
- North Plant Water Treatment Plant Painting \$427,100
- Roof Replacement at Water Treatment Plant \$40,500
- Filter Automation at Water Treatment Plant \$190,000
- Maintenance and Repair at Water Treatment Plant \$280,000
- Lake Lucas Intake Structure Engineering Study \$50,000
- Digester #1 Cover and Mixer at Wastewater Treatment Plant \$1,100,000
- Haskett's Creek Bridge Repair at Wastewater Treatment Plant \$600,000
- Re-coat Tanks for Clarifiers at Wastewater Treatment Plant \$200,000
- Chemicals for Water Treatment and Wastewater Plants \$320,000
- Utilities for Water Treatment Plant and Wastewater Plant \$885,000
- Sludge Management at Wastewater Treatment Plant \$160,000
- Contracted Maintenance of Water Tanks \$230,803
- Service Truck and Equipment for Water Maintenance Department \$88,750
- Slip Lining on Lee Street \$80,000
- Vehicle for Systems Maintenance Department \$60,000
- Generators and Flow Meters at Lift Stations \$75,000
- Arc Flash Studies for Lift Stations \$16,000
- Water Quality Department Equipment and Vehicle \$34,000

A copy of the city's proposed annual budget for fiscal year 2017-2018, as well as the visual presentation utilized by Ms. Reaves, is on file and available for public inspection in the city clerk's office. The proposed budget is also available for viewing on the city's website at www.asheboronc.gov. The council will consider adopting the city's budget for fiscal year 2017-2018 during a special meeting that will begin at 6:00 p.m. on June 27, 2017.

Mayor Smith opened the floor for comments or concerns from anyone who wished to be heard. No comments were offered by anyone present at the meeting, and Mayor Smith closed the public hearing.

- 6. Mayor Smith opened a public hearing on the proposed appropriations during the upcoming fiscal year for economic development purposes other than real property and business location incentives, and Finance Director Deborah Reaves presented the city staff's recommendations.**

After Mayor Smith opened the public hearing, Finance Director Deborah Reaves used a visual presentation to highlight the following proposed appropriations. As a full government partner in the Randolph County Economic Development Corporation (RCEDC), the city contributes \$40,000 annually to the RCEDC. With regard to the Asheboro/Randolph Chamber of Commerce, the city is a member and contributes \$20,000 annually to that organization.

The city's appropriation to the RCEDC is used to provide the following services:

- New industrial/manufacturing company recruitment and site selection services.
- Existing industry/manufacturing technical assistance.
- Training assistance.
- Installment financing assistance.
- State economic development incentives information and assistance.
- International trade services and information.

The city's appropriation to the Asheboro/Randolph Chamber of Commerce is used to provide the following services:

- Small business assistance, resources, and advocacy.
- Retail business development.
- Community events and promotion.
- Local youth and adult leadership training.
- Downtown/center city development and support.

City staff proposes to continue the above-stated appropriations during the 2017-2018 fiscal year. A copy of the visual presentation utilized by Ms. Reaves is on file and available for public inspection in the city clerk's office.

After Ms. Reaves concluded her presentation, Mayor Smith opened the floor for comments or concerns from anyone who wished to be heard. No comments were offered by anyone present at the meeting, and Mayor Smith closed the public hearing.

7. Mayor Smith opened a public hearing on the question of a potential economic development project involving the former Yates Ham facility, and Kevin Franklin, Vice-President of the Randolph County Economic Development Corporation, described the proposed project.

After Mayor Smith opened the public hearing, Mr. Franklin discussed the purchase of the former Yates Ham facility by Piedmont Custom Meats, Inc. As part of his presentation, Mr. Franklin provided details of the investments and job creation associated with the project that the company would like to undertake with the aid of the city applying for funding from a Rural Building Reuse Grant.

After Mr. Franklin concluded his presentation, Mayor Smith opened the floor for comments or concerns from anyone who wished to be heard. No comments were offered by anyone present at the meeting, and Mayor Smith closed the public hearing.

At the conclusion of the public hearing, Mr. Bell moved to approve the following resolution by reference, and Mr. Swiers seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion and approved the resolution as presented.

RESOLUTION NUMBER 19 RES 6-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMISSION OF A RURAL BUILDING REUSE APPLICATION AS PART OF AN ECONOMIC DEVELOPMENT PROJECT WITH PIEDMONT CUSTOM MEATS, INC.

WHEREAS, in accordance with Section 143B-472.127 of the General Statutes of North Carolina, the North Carolina Department of Commerce's Rural Economic Development Division administers grants and loans to units of local government such as the City of Asheboro (the "City") to support economic development activity that will lead to the creation of new, full-time jobs; and

WHEREAS, Piedmont Custom Meats, Inc. (the "Company") has purchased the former Yates Ham facility that is located within the City on North Carolina Highway 49 South; and

WHEREAS, the Company is proposing to invest a total of \$4,150,000, including \$400,000 for property acquisition, \$1,250,000 for building renovations, and \$2,500,000 for machinery and equipment; and

WHEREAS, the Company is committed to creating at its facility in the City 40 new full-time jobs with an average wage of \$33,938; and

WHEREAS, in light of the Company's stated commitment to job creation, the City's professional staff has recommended that the municipal corporation submit an application for Rural Building Reuse Grant funding in the amount of \$500,000; and

WHEREAS, on June 8, 2017, the City Council conducted a properly advertised public hearing on the question of whether to enter into the proposed economic development project involving the submission of the above-described grant application; and

WHEREAS, after considering the information presented during the public hearing, the City Council concurred with the recommendation to submit an application for Rural Building Reuse Grant funding;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City Council supports the job creation associated with the Company's proposed use of the former Yates Ham facility in Asheboro, and, therefore, the City is fully supportive of undertaking an economic development project consisting of the submission of a Rural Building Reuse Grant application seeking \$500,000 in funding; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the City hereby commits to provide the required local cash match of \$25,000, which is equal to 5% of the \$500,000 sought for this project; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the mayor and the City's appointed officials are hereby authorized to execute the legal instruments necessary to successfully complete the above-described grant application process.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of June, 2017.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

8. Mayor Smith honored Ms. Bonnie Renfro, President of the Randolph County Economic Development Corporation, by presenting to her a key to the City of Asheboro.

Mayor Smith honored Ms. Bonnie Renfro, President of the Randolph County Economic Development Corporation (RCEDC), for her 22 years of outstanding service and commitment to economic growth in Asheboro and Randolph County. Ms. Renfro, who began her career with RCEDC in 1995, has announced her retirement. After becoming president of the RCEDC in 1999, Ms. Renfro has faithfully used her considerable talents to create opportunities for economic prosperity in Asheboro and Randolph County. Mayor Smith attributed economic growth in our area to Ms. Renfro's contributions and dedication to retaining and creating industrial jobs in the area. In recognition and honor of this service, Mayor Smith presented a key to the city to Ms. Renfro.

9. Consent Agenda.

Mayor Smith inquired of the council members as to whether any items on the consent agenda needed to be removed for discussion or debate. No council member requested the removal of an item from the consent agenda.

Mr. Burks moved to approve the consent agenda as presented, and Mr. Swiers seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion and approved the following consent agenda in its entirety.

(a) The meeting minutes of the city council's regular meeting on May 4, 2017.

The approved minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

(b) The meeting minutes of the city council's special meeting on May 18, 2017.

The approved minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

(c) The meeting minutes of the city council's special meeting on May 19, 2017.

The approved minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

(d) The meeting minutes of the city council's special meeting on May 30, 2017.

The approved minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

(e) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for April 3, 2017.

A copy of the Asheboro ABC Board's meeting minutes for April 3, 2017, is on file in the city clerk's office.

(f) Acknowledgement of the receipt, on May 18, 2017, of the budget message and proposed budget for the Asheboro ABC Board for fiscal year 2017-2018.

Copies of the budget message and proposed budget for the Asheboro ABC Board are on file in the city clerk's office.

(g) Approval of a 15-day construction project notice.

The following 15-day notice of a construction project from the sewer maintenance department was approved. In order to enhance the city's sewer maintenance program, clean-outs will be installed along the following streets: Barclay Place, Draper Street, Gant Street, Henson Road, Hughes Street, Pleasant Street, Randall Street, Sanford Street, Sewell Drive, Simpson Avenue, Yzex Street, and Yorktown Lane.

(h) Audit contract approval.

The proposed audit contract with the firm of Maxton McDowell, CPA for the fiscal year ending June 30, 2017 was approved. A copy of the approved contract is on file and available for public inspection in the city clerk's office and in the city's finance department.

(i) Approval to schedule and advertise a land use case.

The scheduling and related advertisement of the following land use case, which will require a combined public hearing on July 13, 2017, was approved: An application to rezone property at 312 W. Ward Street from RA6 High-Density Residential and OA6 Office-Apartment to CU-B2 Conditional Use General Commercial and to issue a Conditional Use Permit for a large child day care center.

10. Community Development Items:

(a) The continuation from the May meeting of a quasi-judicial hearing for Case Nos. CUP-17-03 / SUB-17-01 pertaining to the applications for a conditional use permit and subdivision sketch design approval for Waterford Villas, Phase 2.

Mayor Smith re-opened the quasi-judicial hearing that was continued from the last regular council meeting on May 4, 2017. When this hearing was initially opened on May 4, 2017, the following individuals affirmed that the information they were going to provide to the council in this matter would be truthful:

1. Trevor Nuttall
2. Daniel Stickler
3. John Evans
4. Benjamin Albright
5. Tom Wright
6. Tonya Brady
7. Jim Wright
8. James Markle
9. Shaun Plount

As a continuation of the same hearing, the above-listed individuals remained under oath. On June 8, 2017, Mark Leonard and Robert Bloh also affirmed that the information they were going to provide to the council in this matter would be truthful.

After receiving additional testimony and engaging in further deliberation, the council decided the case with the following actions.

With regard to Case No. CUP-17-03, Council Member Moffitt moved to enter findings and conclusions that, with the attachment of certain conditions, the standards for issuing the requested conditional use permit had been met and authorizing the issuance of the requested conditional use permit with the following conditions:

- (A) *The exact location of sidewalks connecting sidewalks located within public right-of-ways, recreation areas, and the proposed 100' x 100' residents' storage units may be modified to the extent that they comply with the Asheboro Subdivision Ordinance, Article X, Subsection IV.C.5, requiring ADA compliant sidewalks that extend from sidewalks along the public right-of-way to all amenities.*
- (B) *The site plan labels a Type A screen or buffer along portions of the property's perimeter and along Forest Park Drive. Existing vegetation may also count towards meeting screening/buffering requirements. However, should any deficiency in meeting the landscaping requirements occur, additional buffering or screening measures consistent with Section 304A (Buffers and Screening) and Section 308A (Front Yard Landscaping) of the AZO shall be required.*

- (C) *The 100' x 100' storage building identified on the site plan is not required by the zoning ordinance, subdivision ordinance, or conditional use permit. If constructed, use of the proposed storage building shall be limited to residents of the proposed Phase 2 of Waterford Villas, and residents of Phase 1 of Waterford Villas (Plat Book 115, Page 80, Randolph County Public Registry).*
- (D) *Building facades of the 100' x 100' residents' storage building shall consist of materials permitted by Section 318A.D (Design Standards for all Residential Districts) of the AZO.*
- (E) *Should any recreational vehicles be located in the parking area surrounding the 100' x 100' residents' storage building, such recreational vehicles shall be screened in accordance with the requirements of Section 305A of the AZO.*
- (F) *If topography necessitates the drive providing access to the dam to encroach into the required 5' screening yard on the southern boundary of the property (in cases in which the "Screen A" option is used in lieu of locations where the minimum 15' "Buffer A" is an option), additional plantings/screening as specified by Section 304A.6 (Alternative Buffers and Screening) will be required to ensure that the degree of screening to adjoining properties is equal to or exceeds the degree of screening provided by "Screen A" requirements.*
- (G) *Landscaping required adjacent to the northern property boundary of James Markle (DB 1332, PG 55) shall equal or exceed the requirements of a "Screen A" as specified by Section 304A.4. The "Buffer A" option is not permitted at this location.*
- (H) *Enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings outside the common area shall not be considered a modification of the permit requiring Council review.*
- (I) *The primary architectural elements for the two-family dwellings shall be substantially similar to those depicted by the building elevation plans submitted showing the three-family dwellings.*
- (J) *Prior to the approval of a final plat, the applicant shall provide additional details concerning proposed buffering and screening that are required by the Zoning Ordinance and/or adopted supplementary conditions to the conditional use permit.*
- (K) *All residential units shall have brick/stone fronts.*
- (L) *Garages: All residences shall have two car garages and all driveways to residences shall be surfaced entirely of concrete.*
- (M) *Single Story Construction: All new residences shall be one story except bonus rooms may be constructed in the truss area of the homes.*
- (N) *The drive at the end of Waterside Drive shall be constructed entirely of concrete.*
- (O) *The rear entrance from Forest Park shall be landscaped consistent with the standards utilized at the entrance at Hub Morris Road except it will not contain a water feature.*
- (P) *Developers will leave at least 25 feet between Unit 96 and 97 for access to the dam in the event repairs are needed and further developers shall turn over a non-exclusive easement to Dooley Drive and to the 40 foot easement set out in Plat Book 135, Page 3 to access the dam to the homeowners association.*
- (Q) *Hours of operation for the residents' storage building shall be restricted to 7:00 a.m. through 9:00 p.m.*
- (R) *There shall be no signs identifying the residents' storage building or area at either entrance, other than address signs or other signs required by applicable local ordinances.*
- (S) *The exterior of the residents' storage building shall be consistent with the exterior of the other units at Waterford, Phase Two.*
- (T) *Brick Restrictions and Heated Square Foot Size Restrictions:*
 - (1) *The first two triplex units beyond 2458 Waterside Drive, units 1 – 12 on the preliminary map, will be restricted to triplexes with 1500-1350-1500*

sq. ft. minimum heated space and three two car garages will all exterior brick/stone.

- (2) *The four triplex units facing the pond on Waterford Court, Units 55 – 60 and 88 – 93, will be restricted to triplexes with 1500-1350-1500 sq. ft. minimum heated space and three two car garages and all exterior brick/stone.*
- (3) *All duplex units will be restricted to duplexes with 1500-1500 sq. ft. minimum heated space and two, two car garages with fronts of all exterior brick/stone.*
- (4) *All units will have brick/stone fronts.*
- (5) *The two triplex units across Richardson Lake will be triplex units 1500-1350-1500 sq. ft. minimum heated space and all brick/stone exterior (identified as 2 triplex units 88 – 90 & 91 – 93) and three two car garages per unit.*
- (6) *All other triplex units to be built in the new second and subsequent phases will have a minimum of 1350 square feet of heated space for the interior (middle) unit and the two outside units will have no less than 1500 heated square feet.*
- (7) *All duplex units to be built in the new second and subsequent phases will have a minimum of 1500 square feet of heated space in each unit.*

In the event of any conflict between the above-stated provisions of conditional use permit condition (T) and the site plan reviewed on June 8, 2017, the provisions found in condition (T) of the permit shall be the controlling authority. Furthermore, if such a conflict is discovered, the Applicant shall promptly submit a revised site plan that reflects strict conformity with the conditions stated herein.

- (U) *Prior to the issuance of a zoning compliance permit for the proposed land use, the attorneys who appeared on behalf of the represented private parties during the quasi-judicial hearing conducted by the Council shall deliver to the zoning administrator an accurate and legible copy of a fully executed private development agreement indicating that their clients have reached a meeting of the minds with regard to the following issues that were raised during the hearing of this matter:*
- (1) *Restrictive Covenants: The second and subsequent phases will comply with all covenant guidelines currently enforced in Phase 1 as set out and recorded in Book 2064, Page 340 and in Article VII Sections 1 – 10 except as to the heated square footage of the units, which will be as set out in these conditional use requirements.*
 - (2) *Common Areas: If common areas are developed in the second phase, they will be developed under declarant control, but nothing will be built without a majority of existing homeowners' approval.*

The zoning administrator will not review the agreement for legal sustainability, and no city officials will undertake enforcement of the provisions contained within the private development agreement. The city official's sole standard for determining whether this condition has been satisfied is whether a legible copy of a document evidencing an agreement between the represented parties as to the two issues listed in conditional use permit condition (U) has been submitted.

- (V) *Prior to the issuance of a zoning compliance permit for the proposed land use, the Zoning Lot owner 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.*

Council Member Bell seconded Council Member Moffitt's motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion and the requested conditional use permit, subject to the above-stated conditions, was approved.

With regard to Case No. SUB-17-01, Council Member Moffitt moved to enter findings and conclusions holding that, with the attachment of certain conditions, the requisite standards had been met for approving the subdivision sketch design plat. The conditions specified in the motion for attachment to the plat review approval were as follows:

- (A) *Homeowners association documents must be recorded with the final plat, including restrictions pertaining to recreational vehicle parking.*
- (B) *New Construction plans must be submitted to the city's public works division prior to starting development. Plans must show proposed locations on the site of individual water and sewer services with connections to the mainlines for each of the proposed units.*

Council Member Burks seconded Council Member Moffitt's motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion and the requested subdivision sketch design plat, subject to the above-stated conditions, was approved.

A final decision document containing the entirety of the above-referenced findings, conclusions, and order will be entered by the council during its next regular meeting on July 13, 2017.

(b) Final subdivision plat review for Springwood Townhomes.

Community Development Director Trevor Nuttall provided the planning department's analysis of the request by McMc Properties, LLC for approval of the submitted final subdivision plat under Case No. SUB-14-01. The subdivision's name is Springwood Townhomes, and it is located at the terminus of Springwood Road. The parcel of land is identified by Randolph County Parcel Identification Number 7750423717.

The proposed plan includes minor changes from the sketch design, including a slight difference in the shape/size of some of the lots. These include relocation of two of the dwelling units, relocation of the proposed passive recreation areas, and changes to the recreation areas (change from three to two areas that are proposed, new location for one of the recreation areas, increase in the total amount of recreation space from 10,189 square feet to 12,144 square feet). After reviewing the record of the proceedings, these changes are not considered modifications that would require a new conditional use permit.

As proposed, private streets, common area, and 12 of the 22 lots will be platted. The subdivision of the remaining lots may be reviewed by planning department staff as a minor subdivision.

The planning board reviewed this request during its June 5, 2017 meeting and recommended approval with the attachment of conditions recommended by the planning department staff. Mr. Larry McKenzie was present during the council's consideration of this agenda item, and, on behalf of the applicant, he expressed agreement with the staff's proposed conditions.

In concurrence with the recommendations from the planning board and staff, Council Member Bell moved to approve, subject to the following conditions, the submitted final subdivision plat. Under this motion, the conditions to be attached to the final plat approval are as follows:

1. *Punch list items identified by the city's public works division must be completed during the 1-year warranty period.*
2. *Homeowners' association documents, including restrictions on RVs, must be recorded with the final plat.*

Council Member Bell's motion was seconded by Council Member Swiers. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion and the submitted final subdivision plat was approved, subject to the above-stated conditions.

(c) A request to extend the time allowed between the preliminary and final plat subdivision reviews for New Century Industrial Center.

On May 5, 2016, a preliminary plat for the New Century Industrial Center was approved under Case No. SUB-15-02. Due to various delays in the coordination of construction, Summey Engineering Associates, PLLC, by and through a letter from H. Mack Summey, Jr., PE that was dated May 18, 2017, requested a 12-month extension to submit a final plat.

Council Member Burks moved to approve the extension request, and Council Member Bell seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion and approved the requested extension.

11. Application by Asheboro Gold Y, LLC d/b/a Asheboro Gold and Pawn for a pawnbroker license.

Mayor Smith opened a quasi-judicial hearing to consider the application filed by Yuri Shyshko for a pawnbroker license. Mr. Shyshko intends for the corporation in which he owns stock and serves as corporate president, Asheboro Gold Y, LLC d/b/a Asheboro Gold & Pawn, to open a pawn shop at 378 N. Fayetteville Street, Asheboro, North Carolina 27203. In order to open this pawnshop, a pawnbroker license must be obtained from the city.

In addition to reviewing the pawnbroker license application that was properly completed by Mr. Shyshko, the council received sworn testimony from Community Development Division Director Trevor Nuttall and Asheboro Police Captain Robert L. Brown, Jr. Mr. Nuttall testified that city inspectors in his division have completed the required inspections of the premises at 378 N. Fayetteville Street. The site of the proposed pawnshop is compliant with all applicable zoning, building code, and fire prevention code regulations.

Captain Brown testified that police personnel have reviewed the application submitted by Mr. Shyshko and found no misstatements in the application itself. A review of the available records confirmed that Mr. Shyshko does not have any felony convictions in his background. The police department has no objections to the issuance of the requested pawnbroker license.

After considering the evidence received during this hearing, Council Member Bell moved to enter into the record the council's conclusion that the applicant met the prescribed standards for the issuance of a pawnbroker license and that, upon providing the bond required by Section 66-399 of the North Carolina General Statutes, the city clerk is to issue a pawnbroker license to Mr. Shyshko's corporation for a pawnshop business, Asheboro Gold and Pawn, at 378 N. Fayetteville Street. Council Member Swiers seconded the motion, and the motion was adopted unanimously. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

12. Public Comment Period.

At this point on the meeting agenda, which was designated as the time for the public comment period, Mayor Smith opened the floor for comments. No comments were offered, and the mayor closed the public comment period.

13. City Engineer Michael Leonard, PE presented a petition submitted by Edwin R. McGrath, Jr. requesting the annexation of certain lots in the Northampton Heights Subdivision.

(a) A resolution directing the city clerk to investigate the annexation petition.

After receiving an overview of the annexation petition from Mr. Leonard, Council Member Bell moved to adopt the following resolution by reference, and Council Member Carter seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion and thereby approved the resolution.

RESOLUTION NUMBER 20 RES 6-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF AN ANNEXATION PETITION SUBMITTED BY EDWIN R. McGRATH, JR.

WHEREAS, Edwin R. McGrath, Jr. (the "Petitioner") has submitted a petition requesting the annexation into Asheboro's primary corporate limits of Lots 72-86 in the Petitioner's Northampton Heights (formerly known as "The Carriage at Sykes Farm Map III") subdivision; and

WHEREAS, the lots for which annexation is requested are more specifically identified by the following Randolph County Parcel Identification Numbers:

<u>Lot No.</u>	<u>Randolph County PIN</u>
72	7750926840
73	7750926700
74	7750925661
75	7750925522
76	7750924492
77	7750924353
78	7750924214
79	7750923185
80	7750923045
81	7750913916
82	7750912876
83	7750912747
84	7750912608
85	7750911578
86	7750911427

The above-listed lots will be hereinafter collectively referred to as the "Proposed Annexation Territory;" and

WHEREAS, the Proposed Annexation Territory is contiguous, as defined by the General Statutes of North Carolina, with the existing primary corporate limits of the City of Asheboro; and

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

WHEREAS, in response to this petition, the Asheboro City Council has decided to proceed with the statutorily prescribed voluntary annexation process;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the city's governing board the results of her investigation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of June, 2017.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

In anticipation of the council's above-stated action, the deputy city clerk prepared the following certification in advance of the council meeting and submitted this certificate for the council's review.

CERTIFICATE OF SUFFICIENCY
(Annexation Petition Received from Edwin R. McGrath, Jr.)

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

I, Tammy M. Williams, am the Deputy City Clerk for the City of Asheboro, and I do hereby certify that, with the assistance of staff members in various city departments, I have investigated the petition submitted by Edwin R. McGrath, Jr. requesting the annexation into Asheboro's primary corporate limits of Lots 72-86 in his Northampton Heights (formerly known as "The Carriage at Sykes Farm Map III") subdivision.

The territory for which the petitioner is requesting annexation is more specifically identified by the following lot numbers and corresponding parcel identification numbers:

<u>Lot No.</u>	<u>Randolph County PIN</u>
72	7750926840
73	7750926700
74	7750925661
75	7750925522
76	7750924492
77	7750924353
78	7750924214
79	7750923185
80	7750923045
81	7750913916
82	7750912876
83	7750912747
84	7750912608
85	7750911578
86	7750911427

The above-listed lots will be hereinafter collectively referred to as the "Proposed Annexation Territory."

On the basis of the evidence obtained during the course of my investigation, I have concluded that all of the owners of the real property lying in the Proposed Annexation Territory have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the General Statutes of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of the 8th day of June, 2017.

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

(b) A resolution setting a date for a public hearing on the annexation.

In light of the preceding council action and the submittal of the deputy city clerk's certification document, Mr. Leonard then presented for the council's consideration a resolution setting the date for an advertised hearing on the question of the requested annexation. Council Member Bell moved to adopt the following resolution by reference, and Council Member Carter seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion and thereby approved the said resolution.

RESOLUTION NUMBER 21 RES 6-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF THE REQUESTED ANNEXATION OF LAND OWNED BY EDWIN R. McGRATH, JR.

WHEREAS, Edwin R. McGrath, Jr. (the "Petitioner") has properly submitted a petition requesting the annexation into Asheboro's primary corporate limits of Lots 72-86 in the Petitioner's Northampton Heights (formerly known as "The Carriage at Sykes Farm Map III") subdivision; and

WHEREAS, the lots for which annexation is requested are more specifically identified by the following Randolph County Parcel Identification Numbers:

<u>Lot No.</u>	<u>Randolph County PIN</u>
72	7750926840
73	7750926700
74	7750925661
75	7750925522
76	7750924492
77	7750924353
78	7750924214
79	7750923185
80	7750923045
81	7750913916
82	7750912876
83	7750912747
84	7750912608
85	7750911578
86	7750911427

The above-listed lots will be hereinafter collectively referred to as the "Proposed Annexation Territory;" and

WHEREAS, the Asheboro City Council directed, by resolution, the city clerk to investigate the sufficiency of the annexation petition submitted by the Petitioner; and

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

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

Section 1. A public hearing on the question of annexing the territory described herein will be held in the Asheboro City Hall Council Chamber, which is located at 146 North Church Street, Asheboro, North Carolina 27203, during a special meeting of the city council that will begin at 6:00 o'clock p.m. on the 27th day of June, 2017.

Section 2. The area proposed for annexation is described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING in the western margin of the 60-foot right-of-way for Northampton Drive (North Carolina Secondary Road 2947) at an existing iron pipe that is the southeastern corner of Lot 37 shown in Plat Book 37, Page 84, Randolph County Registry and the northeastern corner of Lot 72 shown in Plat Book 145, Page 80, Randolph County Registry; thence from the said beginning point across Northampton Drive and along the proposed new Asheboro city limits line South 68 degrees 41 minutes 48 seconds East 60.00 feet to a point in the eastern margin of the public right-of-way for Northampton Drive; thence departing from the proposed new city limits line and following the existing Asheboro city limits line along the eastern margin of the public right-of-way for Northampton Drive the following courses and distances: South 22 degrees 30 minutes 42 seconds West 592.29 feet to a point not set; thence South 22 degrees 05 minutes 27 seconds West 57.13 feet to a point not set; thence South 21 degrees 01 minute 27 seconds West 100.00 feet to a point not set; thence South 20 degrees 11 minutes 57 seconds West 31.30 feet to a point not set; thence South 20 degrees 00 minutes 47 seconds West 771.20 feet to a point of intersection with the northern margin of the 60-foot public right-of-way for Newbern Avenue (North Carolina Secondary Road 2922), the said point of intersection is located North 68 degrees 32 minutes 05 seconds East 40.05 feet from the intersection of the centerlines for Newbern Avenue and Northampton Drive; thence departing from the eastern margin of the public right-of-way for Northampton Drive and following the existing city limits line across Northampton Drive the following course and distance: North 63 degrees 15 minutes 04 seconds West 60.34 feet to an existing iron pipe that is in the western margin of the public right-of-way for Northampton Drive and is also the southeastern corner of Lot 86 shown in Plat Book 145, Page 80, Randolph County Registry; thence continuing along the existing city limits line and the southern boundary line of Lot 86, as well as the northern margin of the public right-of-way for Eldorado Road (North Carolina Secondary Road 2919), the following courses and distances: North 65 degrees 04 minutes 39 seconds West 125.92 feet to a right-of-way monument; thence North 68 degrees 27 minutes 23 seconds West 43.33 feet to an existing iron pipe at the southwestern corner of Lot 86; thence departing from the northern margin of the public right-of-way for Eldorado Road and following the proposed new city limits line along the western boundary lines for Lots 86-72 shown in Plat Book 145, Page 80, Randolph County Registry the following courses and distances: North 21 degrees 15 minutes 44 seconds East 139.01 feet to an existing common corner of Lot 86 and Lot 85; thence North 21 degrees 21 minutes 20 seconds East 99.94 feet to an existing common corner of Lot 85 and Lot 84; thence North 21 degrees 13 minutes 43 seconds East 99.83 feet to an existing common corner of Lot 84 and Lot 83; thence North 21 degrees 10 minutes 40 seconds East 99.75 feet to an existing common corner of Lot 83 and Lot 82; thence North 21 degrees 19 minutes 29 seconds East 99.89 feet to the existing common corner of Lot 82 and Lot 81; thence North 21 degrees 14 minutes 05 seconds East 299.53 feet to the existing common corner of Lot 79 and Lot 78; thence North 21 degrees 16 minutes 38 seconds East 100.12 feet to the existing common corner of Lot 78 and Lot 77; thence North 21 degrees 12 minutes 57 seconds East 99.93 feet to the existing common corner of Lot 77 and Lot 76; thence North 21 degrees 15 minutes 39 seconds East 99.88 feet to the common corner of Lot 76 and Lot 75; thence North 21 degrees 11 minutes 13 seconds East 99.91 feet to the existing common corner of Lot 75 and Lot 74; thence North 21 degrees 22 minutes 24 seconds East 100.05 feet to the existing common corner of Lot 74 and Lot 73; thence North 21 degrees 14 minutes 43 seconds East 99.97 feet to the existing common corner of Lot 73 and Lot 72; thence North 21 degrees 22 minutes 33 seconds East 99.91 feet to the existing common corner of Lot 72 shown in Plat 145, Page 80, Randolph County Registry and Lot 37 shown in Plat Book 37, Page 84, Randolph County Registry; thence continuing to follow the proposed new city limits line by departing from the western boundary line of Lot 72 and following the northern boundary line of Lot 72, which is the southern boundary line of Lot 37, South 68 degrees 41 minutes 48 seconds East 164.89 feet to the point and place of BEGINNING, and containing 7.75 acres (337,457 square feet) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey identified as job number 7997, dated in the title block June 5, 2017, and titled "ANNEXATION PLAT FOR NORTHAMPTON HEIGHTS(;) FORMERLY KNOWN AS THE CARRIAGE AT SYKES FARM MAP III." The said plat was drawn under the supervision of Charles E. Morgan, Jr., Professional Land Surveyor with Registration Number L-3945.

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 8th day of June, 2017.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

14. Upcoming events and items not on the agenda.

Mayor Smith discussed with the council and the city manager upcoming events. No action was taken by the council.

15. Adjournment.

With no further business to conduct, the meeting was adjourned at 9:08 p.m.

 /s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

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