

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, JUNE 7, 2018  
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 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  
Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk/Paralegal  
Michael L. Leonard, PE, City Engineer  
Trevor L. Nuttall, Community Development Director  
Deborah P. Reaves, Finance Director  
Jeffrey C. Sugg, City Attorney  
Jody P. Williams, Chief of Police

**1. Call to order.**

With a quorum thus being present, Mayor Smith called the meeting to order 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 say the pledge of allegiance.

**3. Public hearing on the previously continued cases (Case Nos. RZ-18-06, CUP-18-06, and SUB-18-01) pertaining to the residential planned unit development proposed for the property at 1223 Crestview Church Road.**

Prior to considering the above-referenced land use cases, conflict of interest concerns on the part of Council Members Bell and Redding that were raised by the board members themselves in consultation with the city attorney were addressed. The concern pertained to potential perceptions about the financial impact on Council Members Bell and Redding who are attorneys with an active law practice in the district court if they enter a decision adverse to the property owner in this case who is a district court judge.

Council Members Bell and Redding concurred with the city attorney's opinion that they should be excused from hearing this case due to this conflict of interest concern.

Mr. Burks moved to excuse Council Members Bell and Redding from participating in the hearing of Case Nos. RZ-18-06, CUP-18-06, and SUB-18-01. Ms. Snuggs seconded the motion, and Council Members Burks, Carter, Moffitt, Snuggs, and Swiers voted in favor of the motion.

Council Members Bell and Redding then stepped away from the council table until this agenda item was completed.

Mayor Smith opened the public hearing on these land use cases (RZ-18-06, CUP-18-06, and SUB-18-01). Mr. Nuttall, who had already been placed under oath when a continuance request was heard during the May 2018 regular meeting, provided the Community Development Division staff's analysis of the applicant's requests.

John T. Robbins filed the application for a legislative rezoning from R-15 (Low-Density Single-Family Residential) to CU-R10 (Conditional Use Medium-Density Residential) zoning, the issuance of a Conditional Use Permit for a residential planned unit development (a "PUD"), and the approval of a subdivision sketch design plat. The land upon which the PUD is proposed for development is an approximately 10.46-acre parcel of land owned by James Pierce Hill, Jr. at 1223 Crestview Church Road, near the intersection of Zoo Parkway and Crestview Church Road, and more specifically identified by Randolph County Parcel Identification Number 7669289834.

The property is outside the city limits. In accordance with the applicable city ordinance provisions, the proposed connection to city water and sewer services will require annexation.

Zoo Parkway (NC 159) is a state-maintained major thoroughfare. Crestview Church Road is a state-maintained minor thoroughfare.

The immediate area primarily consists of low to medium density single-family residential uses. There are also some institutional uses and multi-family residential uses to the south along Zoo Parkway. The nearest R10 zoning is approximately 800 feet north along Zoo Parkway.

The existing R-15 (Low-Density Residential) zoning district only allows single-family dwellings on lots with a minimum of at least 15,000 square feet.

Along with the requested CU-R10 zoning, the applicant is seeking a Conditional Use Permit that would authorize a PUD consisting of 36 attached single-family dwellings (18 total structures), 36 lots, and common area. Traditional subdivisions in the R10 district require a minimum lot size of 10,000 square feet for single-family dwellings or 15,000 square feet for two-family dwellings. The maximum number of lots permitted is the same for Planned Unit Developments and traditional subdivisions. As required with a PUD application, a major subdivision sketch design has been submitted for review.

The Proposed Land Use Map designation for the land under review is Neighborhood Residential, and the Growth Strategy Map designation is Secondary Growth. This property is in the Central Small Area Plan.

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

While the majority of the area around the subject property consists of low-density residential uses, the Zoo Parkway corridor also includes institutional and multi-family uses.

The requested CU-R10 district allows additional options in housing types, while the Conditional or Special Use Permit process can help ensure conformity with the Land Development Plan. Depending on the specific request, the Conditional Use permitting process has the ability to require development that more closely resembles the 'Neighborhood Residential' designation by mandating components such as sidewalks and open/recreation space that are encouraged by the LDP. The requested CU-R10 district and corresponding Conditional Use permitting process will also allow additional flexibility in how dwellings may be arranged in consideration of steep topography that exists on portions of the property.

Finally, the Central Small Area Plan indicates that areas with the 'Secondary Growth Area' growth strategy designation will be 'given the highest priority for receiving urban services and being annexed,' which also helps support the request to rezone the property from a low-density residential classification to a medium-density residential classification.

Considering these factors, staff believes that the requested CU-R10 district is consistent with the Land Development Plan and therefore reasonable and in the public interest.

On behalf of the applicant, Mr. Jon Megerian, Esq., Mr. Mack Summey, PE, and Mr. H.R. Gallimore were placed under oath and addressed the four standard tests for the issuance of a Conditional Use Permit.

Mr. Charles Wollard was placed under oath and inquired about storm water issues. Additionally, Mr. Jimmie D. Kinney, Jr. was placed under oath and presented concerns about the possibility of an increase in traffic along Crestview Church Road. There being no further comments from the public, Mayor Smith asked the Council to proceed to the deliberative phase of the process.

The Council first addressed the request to place the property in a different zoning district. Mr. Moffitt moved, and Ms. Carter seconded a multi-part motion to follow the staff and planning board recommendations to approve the legislative portion of the application. Council Members Burks, Carter, Moffitt, Snuggs, and Swiers voted unanimously in favor of the multi-part motion that included the following actions:

- (A) Approval and adoption by the Council as its own of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's decision to grant the requested rezoning; and
- (B) The application for the CU-R10 zoning was approved, without any modifications, due to the above-described analysis and the consistency of the requested rezoning with the adopted plans.

With regard to the application for a Conditional Use Permit, Mr. Moffitt then moved to approve, with the staff recommended conditions, the requested Conditional Use Permit for a PUD consisting of 36 dwelling units to be located on the above-described property. Mr. Swiers seconded the motion, and Council Members Burks, Carter, Moffitt, Snuggs, and Swiers voted in favor of this motion. The issuance of this permit is based on the four standard tests being met.

The final decision document authorizing the Conditional Use Permit will be entered by the Council during regular session on July 12, 2018. This order will reflect the conditions imposed upon this permit as a consequence of the testimony presented during the public hearing.

With regard to the request for subdivision sketch design approval for the proposed PUD, Mr. Moffitt moved to approve the sketch design plat, and Mr. Burks seconded the motion. Council Members Burks, Carter, Moffitt, Snuggs, and Swiers voted aye. The final decision document entering this approval and describing the comments/conditions attached to the approval will be entered by the Council during regular session on July 12, 2018.

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

[At the conclusion of this third and final vote in connection with agenda item no. 3, Council Members Bell and Redding returned to the council table.]

**4. Public hearing on the proposed budget for fiscal year 2018-2019.**

Mayor Smith opened the public hearing on the proposed budget for fiscal year 2018-2019.

Finance Director Deborah Reaves utilized a visual presentation to highlight the fund allocations for the proposed fiscal year 2018-2019 annual budget. Copies of the proposed budget and the visual presentation utilized by Ms. Reaves are on file in the city clerk's office.

Mayor Smith invited comments from the public, and Mr. James Armstrong inquired about the possibility of additional street lighting in certain areas. There being no further comments from the public, Mayor Smith closed the public hearing and announced that written comments will be accepted from the public until final consideration of the budget.

Final consideration of the budget will take place during a special meeting of the Council at 7:00 p.m. on June 26, 2018 in the Council Chamber.

**5. Public hearing on the proposed appropriations during the upcoming fiscal year for economic development purposes unrelated to real property or business location incentives.**

Mayor Smith opened the public hearing on the proposed appropriations during fiscal year 2018-2019 for economic development purposes.

Ms. Reaves utilized a visual presentation in order to highlight that the City of Asheboro partners and financially supports two local agencies for economic development activities, the Randolph County Economic Development Corporation (RCEDC) and the Asheboro/Randolph Chamber of Commerce. \$50,000.00 has been proposed for appropriation to the RCEDC, and \$25,000.00 has been proposed for appropriation to the Asheboro/Randolph Chamber of Commerce.

Mr. Walter Sprouse, who is the president of the Randolph County Economic Development Corporation, was available to answer questions.

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

The final consideration of the proposed budget, which includes these economic development expenditures, will take place during a special meeting of the Council at 7:00 p.m. on June 26, 2018 in the Council Chamber.

A copy of the visual presentation utilized by Ms. Reaves is on file in the city clerk's office.

**6. Consent agenda.**

Upon motion by Mr. Bell and seconded by Ms. Snuggs, the Council Members voted unanimously to approve/adopt each of the following consent agenda items.

- (a) The meeting minutes for the city council's regular meeting on May 10, 2018.**

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 for the city council's special meeting on May 18, 2018.**

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 for the city council's special meeting on May 23, 2018.**

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) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for April 2, 2018.**

The minutes of the meeting held by the Asheboro ABC Board on April 2, 2018 have been received by the city clerk, distributed to the mayor and members of the city council for review, and are on file and available in the city clerk's office.

**(e) Acknowledgement of the receipt, on May 23, 2018, of the budget message and proposed budget for the Asheboro ABC Board for fiscal year 2018-2019.**

Copies of the budget message and proposed budget for the Asheboro ABC Board for fiscal year 2018-2019 are on file in the city clerk's office.

**(f) Approval to schedule for July 12, 2018, and to advertise, a combined hearing concerning a proposed transfer station, including ancillary manufacturing, processing, and assembly activities, on property located at 2445 N. Fayetteville Street, 2455 N. Fayetteville Street, 200 Pineview Street, 204 Pineview Street, and 208 Pineview Street (Randolph County Parcel Identification Numbers 7753975069, 753976059, 7753977009, 7753978029, 7753978243, 7763070038, 7753974069, and 7753973059). This application seeks to rezone property from R10 (Medium-Density Residential), B2 (General Commercial), and I2 (General Industrial) to CU-I2 (Conditional Use General Industrial) in addition to obtaining a conditional use permit for the requested land use(s).**

**(g) The audit contract for the fiscal year ending June 30, 2018.**

A copy of the audit contract for the fiscal year ending June 30, 2018 is on file in the city clerk's office.

**(h) A resolution designating deputy finance officers to perform certain preaudit functions.**

**09 RES 6-18**

**RESOLUTION**

**Designating Deputy Finance Officers for Preaudit Authorization under Purchase Order Threshold**

WHEREAS, it is the desire of the City Council that city services be performed efficiently and that he obligation of public funds comply with legal requirements;

WHEREAS, G.S. 159-28 (a) requires written obligations to include a preaudit certificate signed by the Finance officer or any deputy finance officer approved for this purpose by the governing board;

WHEREAS, obligations in excess of \$1,000 are approved with a purchase order or a contract for service;

WHEREAS, department heads are responsible for the operations and budget management for their departments;

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

Section 1: The following department heads are hereby designated as deputy finance officers for the purpose of preauditing obligations incurred to their department's budgets in amounts totaling less than \$1000:

City Attorney Jeff Sugg; IT Director Todd Stout; Planning Director Trevor Nuttall; Police Chief Jody Williams; Deputy Fire Chief Eddie Cockman; Chief Building Inspector Randy Purvis; Chief Fire Inspector Tony Fruitt; Public Works Director David Hutchins; Fleet Maintenance Superintendent Jeff Fox; Public Services Superintendent Dwaine Maness; Human Resources Director Doug Kemp, Recreation and

Cultural Services Director Jonathan Sermon; Facilities Maintenance Superintendent Jimmy Cagle; Water Resources Director Michael Rhoney; Water and Sewer Maintenance Superintendent Andrew Connor; Water Plant Manager Bryan Lanier; Wastewater Treatment Plant Manager Mike Wiseman; Technical Services Director Michele Dawes; System Maintenance Superintendent Jeff Cagle; Water Quality Director Bernadine Wardlaw

Section 2: The Facilities Maintenance Superintendent is hereby designated as deputy finance officer for the purpose of preauditing maintenance related obligations incurred by his department on behalf of the other departments during the course of their duties to maintain City Facilities.

Adopted this the 7th day of June, 2018.

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

ATTEST:

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

**(i) An Ordinance to Amend the General Fund.**

**09 ORD 6-18**

**ORDINANCE TO AMEND THE GENERAL FUND FY 2017-2018**

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following expense line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
10-490-5100	Community Redevelopment- Code Enforcement Activities	80,000
10-565-4503	Contracted Services- Sidewalks	(50,000)
10-565-5800	Workers Compensation	(30,000)
10-580-7401	Capital Outlay	80,000
10-555-1800	Vehicle Parts – Inventory	(80,000)
		<u>0</u>

Adopted this 7<sup>th</sup> day of June, 2018.

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

ATTEST:

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

**(j) An Ordinance to Amend the Water and Sewer Fund.**

**10 ORD 6-18**

**ORDINANCE TO AMEND THE WATER AND SEWER FUND FY 2017-2018**

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following expense line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
30-810-3401	Meter Replacement	294,000
30-830-4500	Contracted Services	(294,000)
		<u>0</u>

Adopted this the 7th day of June 2018.

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

ATTEST:

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

- (k) A resolution implementing financing for certain rolling stock needed by the city during fiscal year 2017-2018.

RESOLUTION NUMBER 10 RES 6-18

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION APPROVING THE FINANCING OF CERTAIN ROLLING STOCK  
ACQUIRED DURING FISCAL YEAR 2017-2018**

**WHEREAS**, Section 160A-20 of the North Carolina General Statutes authorizes the City of Asheboro (the "City") to finance the purchase of personal property by creating a security interest in the purchased property to secure payment of the purchase price to the entity supplying financing for the purchase transaction; and

**WHEREAS**, with the adoption of Resolution Number 25 RES 9-17 on September 14, 2017, the City Council of the City of Asheboro (the "Council") stated its intent, consistent with the City's budget ordinance for fiscal year 2017-2018, to authorize the expenditure of a maximum of \$676,971.00 from the City's General Fund during the current fiscal year for certain vehicles and equipment referenced in the adopted Resolution of Intent; and

**WHEREAS**, also by means of adopting Resolution Number 25 RES 9-17, the Council formally and explicitly declared the official intent of the City to fully reimburse the General Fund, with proceeds from a financing agreement to be executed before the end of the 2017-2018 fiscal year, for any and all expenditures for the purchase of the vehicles and equipment identified in Resolution Number 25 RES 9-17 that are necessary to the provision of essential municipal services; and

**WHEREAS**, consistent with the above-referenced Resolution of Intent, the City, in order to better accomplish its public purposes, acquired the vehicles and equipment (the "Equipment") described in the schedule attached to or set forth in the Equipment Lease-Purchase Agreement (the "Agreement") attached hereto as EXHIBIT 1, which is incorporated by reference into this Resolution as if copied fully herein; and

**WHEREAS**, the Council has concluded that the most economical and efficient means of financing the use of the described Equipment is pursuant to the terms and conditions found in the Agreement; and

**WHEREAS**, the Council has considered the attached Agreement that was provided to the governing board with this Resolution and has decided to approve the Agreement;

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

**Section 1.** The City is hereby authorized to enter into the Agreement between the City and Regions Equipment Finance Corporation ("Regions") with all riders, certificates, schedules, and amendments thereto so long as the Agreement is substantially, and in every material sense, in the form attached hereto.

**Section 2.** The execution and delivery of the Agreement is hereby approved, authorized, ratified, and confirmed.

**Section 3.** The mayor, city manager, and finance director, and each and any of them without the others, is hereby authorized to execute and deliver the Agreement on behalf of the City in substantially, and in every material sense, in the form presented to the Council at its regular June 2018 meeting with such changes or additions thereto or deletions therefrom as the officer executing the same shall approve so long as such approval is consistent with the material terms of the Agreement attached hereto as EXHIBIT 1, such approval shall be conclusively evidenced by his or her execution of the Agreement. Each and any of them without the others is hereby authorized to execute and deliver on behalf of the City such contracts/agreements, indemnities, purchase orders, leases, bills of sale, certificates, or other instruments or obligations as they or any one of them may deem necessary or appropriate to the accomplishment of the Agreement. The execution and delivery of any such contract, instrument, or obligation described in the immediately preceding sentence prior to the date hereof by any such officer is in all respects hereby confirmed, ratified, and approved. The city clerk is hereby authorized and directed to affix the city seal to such instruments and to attest the same.

**Section 4.** The proper City officers are authorized and directed to do or cause to be done all such other acts and things required pursuant to the Agreement and related documents such as making all payments, specifically including rent payments, and to execute all documents, certificates, and instruments as in his, her, or their judgment may be necessary or advisable in order to carry out the directions found within this Resolution and to carry out the City's obligations under the Agreement or any properly amended, renewed, or supplemental agreement. All actions heretofore taken by the City's officers in connection with the acquisition of the Equipment and negotiation of the Agreement are hereby approved, ratified, and confirmed in all respects.

**Section 5.** The City hereby designates the Agreement to be a "qualified tax exempt obligation" under the provisions of Section 265(b)(3) of the Internal Revenue Code, as amended.

**Section 6.** The City and its proper officers understand Section 15 of the Agreement pertaining to insurance, and they hereby agree to obtain property and liability coverage consistent with the terms of the Agreement through the self-insured risk pool administered by the North Carolina League of Municipalities, the Interlocal Risk Financing Fund of North Carolina.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7<sup>th</sup> day of June, 2018.

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

ATTEST:

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

[Exhibit 1 that is referenced above is on file in the city clerk's office.]

(I) **A resolution updating the city's employee policies and procedures manual.**

**RESOLUTION NUMBER 11 RES 6-18**

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**A RESOLUTION EXPRESSING CONCURRENCE WITH REVISIONS TO THE  
EMPLOYEE POLICIES AND PROCEDURES MANUAL**

**WHEREAS**, the City of Asheboro Employee Policies and Procedures Manual (formerly known as the City of Asheboro Personnel Policies and Procedures Manual and hereinafter referred to as the "Manual"), which was originally promulgated by the city manager and approved by resolution of the Asheboro City Council on March 4, 2004, has to be updated on a regular basis; and

**WHEREAS**, subsequent to the last revision of the Manual, the city manager, acting on recommendations submitted by the human resources director, has revised certain policies in the Manual pertaining to the prevention of workplace harassment and payroll administration; and

**WHEREAS**, the revised policies have been specified in the exhibits attached hereto as EXHIBIT 1 and EXHIBIT 2, which are hereby incorporated into this Resolution by reference as if copied fully herein; and

**WHEREAS**, the city manager's decision to incorporate the attached revisions into the Manual included an effective date of July 1, 2018 for the rewritten text found in EXHIBIT 1 and EXHIBIT 2; and

**WHEREAS**, the Asheboro City Council has concluded that the city manager's decision to update the Manual by adopting the attached revisions is supportive of the governing board's goal to create a positive work environment for municipal employees and thereby facilitate excellence in the provision of municipal services to the citizens of Asheboro;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that it concurs with the city manager's decision to incorporate, with an effective date of July 1, 2018, the revisions to the City of Asheboro Employee Policies and Procedures Manual attached to this Resolution as EXHIBIT 1 and EXHIBIT 2.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7<sup>th</sup> day of June, 2018.

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

ATTEST:

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

### **EXHIBIT 1**

#### **ARTICLE I. UNIFIED HUMAN RESOURCES SYSTEM**

##### **SECTION 7. WORKPLACE HARASSMENT PREVENTION POLICY**

Harassment of any employee in the workplace by management (including elected and appointed public officials as well as division and department heads), supervisory personnel, co-workers, or nonemployees (including contractors, vendors, or customers) on the basis of race, color, religion, sex (including pregnancy, gender identity, transgender status, and sexual orientation), national origin, age, disability, genetic information, veteran status, or other characteristic protected by applicable law is a form of discrimination that violates the law and city policy. Such harassment is prohibited and will not be tolerated. No employee is immune from this policy.

If you believe that you are being or have been subjected to such harassment, you must immediately report the perceived harassment according to the reporting procedure described below. All reports of perceived unlawful harassment will be investigated, and, if it is found to have occurred, appropriate disciplinary action up to and including termination of employment will be taken. Consideration will also be given to remedial action necessary to eliminate unlawful harassment and to remove any detriment suffered by the aggrieved employee as a result of unlawful harassment.

Retaliation against employees who report perceived unlawful harassment, or who participate in investigations as witnesses or in other capacities, also violates the law and city policy. Such retaliation is prohibited and will not be tolerated and must be reported immediately according to the reporting procedure below.

#### **Workplace Harassment Defined**

The purpose of this policy is not to regulate the personal morality of employees. It is to ensure that, in the workplace, employees are not subjected to harassment based on characteristics protected by law and to ensure that employees do not inadvertently engage in behaviors that may be perceived as such harassment.

Unlawful harassment may include:

- (1) Verbal, nonverbal, or physical conduct that shows aversion, denigration, or hostility because of race, color, religion, national origin, sex (including pregnancy, gender identity, transgender status, and sexual orientation), age, disability, veteran status, or other protected characteristic when it:
  - (A) Creates an intimidating, hostile, or offensive working environment;
  - (B) Unreasonably interferes with an individual's work; or
  - (C) Adversely affects an individual's employment opportunities.
- (2) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - (A) Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - (B) Submission to or rejection of the conduct is used as the basis for employment decisions; or

- (C) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**Examples of Types of Behavior That May Violate This Policy Include:**

**Verbal/Written Actions:**

- Offensive comments, including slurs or ridicule of another's culture, accent, or appearance;
- Humor, jokes, teasing, or asking unwelcome questions about protected class characteristics, including comments about the individual's body;
- Computer transmissions/email/social media or online postings/texts;
- Intentional or persistent failure to respect an individual's gender identity (e.g., intentionally referring to the individual by a name or pronoun that does not correspond to the individual's gender identity);
- Threatening, intimidating, or abusive words or acts;
- Rumors about other employees; or
- Whistling.

**Sexual Harassment Also Includes:**

- Offering or implying an employment-related reward such as a promotion or raise in exchange for sexual favors or submission to sexual conduct, or threatening or carrying out negative actions such as termination, demotion, or denial of a raise or leave due to the rejection of such advances;
- Comments about sexual activities, prowess, or deficiencies;
- Propositions, innuendo, flirtation, suggestive or sexist comments, or gifts; or
- Continued advances or other unwelcome conduct after the conclusion of a consensual relationship.

**Sexual Harassment Can Include:** Conduct between members of the same sex.

**Visual/Graphic/Non-Verbal:** Pictures, posters, signs, cartoons; display of objects or images; graffiti; vandalism; staring; or exclusion.

**Physical Actions:** Touching, pinching, patting, brushing against the body, hugging, assault, impeding access, or vandalism.

**Scope of the Policy**

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

Rude, uncivil, disrespectful, or otherwise unacceptable conduct that is not based on legally protected characteristics is not covered by this policy. However, it is covered by other city policies.

**Reporting Procedure**

If you experience unwelcome conduct in violation of this policy, or believe that you are being unlawfully harassed or retaliated against, or you observe or otherwise become aware of such conduct in the workplace, you are encouraged (if you are comfortable doing so), but not required, to promptly tell the person that the conduct is unwelcome and ask them to stop the conduct. Anyone who receives such a request is expected to comply with the request and not retaliate against the person making the request.

**If this action does not put a stop to the unwelcomed conduct or perceived harassment or retaliation, or if you do not want to confront the individual, then you must immediately report the conduct to one of the following individuals: (a) the city manager, (b) the human resources director, or (c) the human resources specialist, who, as of the date of the adoption of this policy, is Lesia H. Cox.**

Regardless of which approach you take, the city encourages prompt reporting of unwelcome conduct before it becomes severe or pervasive. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived harassment.

This procedure does not require reports to be made to your supervisor or to anyone who you believe is participating in the conduct. Instead, you may choose from the above-listed individuals the person with whom you would be most comfortable speaking.

Supervisors and managers who become aware of perceived harassment or retaliation must immediately report such matters to the following individuals: (a) the city manager, (b) the human resources director, or (c) the city attorney.

Disciplinary action, up to and including termination of employment, may result against supervisors and managers who fail to respond immediately and appropriately to the allegations.

All reports of alleged harassment or retaliation will be investigated. Under no condition will the investigation be conducted by or under the direction of the person reported to have engaged in the alleged harassment or retaliation. Confidentiality will be maintained to the extent consistent with adequate investigation and appropriate corrective action.

## EXHIBIT 2

### ARTICLE III. PAYROLL CLASSIFICATION AND PAYROLL ADMINISTRATION

#### SECTION 4. OVERTIME AND SPECIAL DUTY ASSIGNMENT

- 4.01 For the purpose of calculating compensatory time-off and overtime pay, the standard workweek for city employees is 12:01 a.m. Sunday – 12:00 Midnight Saturday. This standard workweek may not be altered without the permission of the city manager.
- 4.02 The city abides by all applicable sections of the Fair Labor Standards Act, the Fair Labor Standards Amendments of 1986, and all subsequent amendments. On the basis of time sheets or time cards submitted by the employees, the city will properly record all applicable overtime accrued for each covered employee.
- 4.03 With the exception of subsection 4.12, this overtime and special duty assignment policy is applicable only to city employees who are nonexempt under the Fair Labor Standards Act (“FLSA”).
- 4.04 Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Except in cases of emergency, employees are prohibited from performing work during any time that they are not scheduled to work unless they receive prior approval from their immediate supervisor. An emergency exists if a condition arises that could reasonably result in injury or harm to a person, damage to property, or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate supervisor of the unscheduled work as soon as practical following completion of the work.
- 4.05 It is the policy of the city, in agreement with its employees, that nonexempt employees receive compensatory time-off at a rate of one-and-one-half hours for each hour of overtime worked. Except for law enforcement and fire protection employees, nonexempt employees receive compensatory time-off at the rate of one-and-one-half hours for every hour worked over 40 hours in a standard 7-day workweek. Pursuant to Section 207(k) of the FLSA and 29 CFR Part 553, nonexempt law enforcement employees are entitled to this overtime rate only for hours worked in excess of 92 hours in a 15-day cycle, and fire protection employees are entitled to this overtime rate only for hours worked in excess of 114 hours in a 15-day cycle.
- 4.06 “Gap” time refers to the hours that fall between a nonexempt employee’s regularly scheduled hours and, in the case of an employee who is not subject to the Section 207(k) exemption, the 40 hours that the employee must work before becoming entitled to the overtime premium rate for pay or compensatory time-off. The hourly or salaried pay established in the pay plan for a nonexempt employee who is not paid under the Section 207(k) exemption is the entirety of the pay to be received by the employee for the hours worked during the standard workweek so long as the hours actually worked do not exceed the 40-hour maximum. No additional compensation will be paid or granted for “gap” hours that do not cause the employee to exceed the 40-hour maximum.
- 4.07 The applicability of this section of the city employee policies and procedures manual is limited to nonexempt law enforcement and fire protection personnel paid under the Section 207(k) exemption.
- (A) The salary established in the pay plan for a nonexempt law enforcement employee or fire protection employee paid under the Section 207(k) exemption is the only compensation that will be paid to the employee for all of the regularly scheduled hours worked by the employee. For “gap” hours in a non-overtime work cycle that do not cause a law enforcement employee to exceed 92 hours in a 15-day cycle or a fire protection employee to exceed 114 hours in a 15-day cycle, such an employee will receive bonus compensatory time-off on an hour-for-hour basis, not the overtime premium rate of one-and-one-half hours, for each hour actually worked in excess of the total number of hours that the employee was scheduled to work during the 15-day cycle.
- (B) During an overtime work cycle, such an employee will be paid in cash on a straight time basis for all “gap” time worked and paid in cash on an overtime premium basis (one-and-one-half hours) for every hour worked by a law enforcement employee in excess of 92 hours in a 15-day cycle and every hour worked by a fire protection employee in excess of 114 hours in a 15-day cycle.

- (C) None of the foregoing provisions are to be interpreted or implemented in a manner that impedes the utilization by management officials of special duty assignments that are compensated with bonus cash payments that are calculated by using the overtime premium rate of one-and-one-half hours. Such bonuses are to be calculated as a separate and distinct form of compensation.
- 4.08 With the exception of holiday leave, when an employee takes leave from work, the compensatory leave time bank must be exhausted prior to using any accrued vacation or sick leave. Because accrued holiday leave expires if not used within a designated timeframe, if an employee has accrued holiday leave, the employee may exhaust the holiday leave bank first and then use any compensatory leave time prior to utilizing vacation or sick time for time away from work. The only exception to using compensatory time-off before accrued vacation and/or sick leave applies to retiring employees leaving in good standing per Article VII's Resignation in Good Standing Policy. During the 12-month period immediately preceding retirement, a retiring employee may work with his or her supervisor to exhaust any accrued vacation leave over the 240 maximum prior to working his or her last day with the city.
- 4.09 In a situation where a nonexempt employee performs work that fails to qualify as overtime work because the employee did not actually work over 40 hours during the standard 7-day workweek, or for a law enforcement employee or a fire protection employee subject to the Section 207(k) exemption who did not work in excess of the threshold amount set for overtime work during the prescribed 15-day cycle, such an employee may receive a bonus in the form of one-and-one-half hours of compensatory time-off for every hour worked in furtherance of the assigned task if the work is designated as a special duty assignment by the employee's division director or department head on the employee's time sheet or time card. Alternatively, a nonexempt employee may receive a bonus in the form of a monetary payment rather than compensatory time-off for work on a special assignment if such work is designated for special duty pay by the employee's division director or department head on the employee's time sheet or time card. Such a bonus shall be calculated on the basis of one-and-one-half times the employee's regular rate of pay for each hour worked on a special duty assignment.
- 4.10 When a nonexempt employee is called back to work outside regularly scheduled working hours, the employee's division director or department head is to evaluate the totality of the circumstances and make a determination as to which of the following options will be utilized:
- (A) The call-back event can be designated as a special duty assignment with the granting of either bonus compensatory time-off or the payment of a monetary bonus as described above in subsection 4.09, and a guarantee that the employee will receive, under this option, credit for no less than 2 hours of special duty assignment work; or
  - (B) The call-back event can be integrated into flexible, alternative scheduling of the employee's work time during the workweek.
- 4.11 Nonexempt law enforcement employees and fire protection employees subject to the Section 207(k) exemption may accrue not more than 480 hours of compensatory time-off. All other nonexempt employees may accrue not more than 240 hours of compensatory time-off. When the thresholds specified in this subsection are reached, the nonexempt employee will receive a monetary payment of one-and-one-half times the employee's regular rate of pay for each hour in excess of the limits specified in this subsection.
- 4.12 Employees wishing to use accrued compensatory time-off must make a written request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the city. Additionally, in order to reduce the amount of accrued compensatory time-off, an employee who has not asked to use accrued compensatory time-off may, nonetheless, be required by his or her supervisor to use that accrued time at the convenience of the city.
- 4.13 Accrued compensatory time-off will be paid upon termination of employment and shall be calculated at the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.
- 4.14 Subject to the conditions specified in this subsection, an exempt employee may be granted bonus compensatory time-off or pay to the same extent that such a bonus would be granted to a nonexempt employee for work designated and approved as special duty assignment work by the management official with approval authority for the exempt employee's time sheet or time card. The receipt of bonus compensatory time-off or pay by an exempt employee is subject to the following conditions:
- (A) The amount of compensatory time-off or pay shall be calculated on an hour-for-hour basis, not at the rate used for nonexempt employees of one-and-one-half hours for each hour of special duty assignment. The maximum amount of time that can be accrued by exempt employees is dependent on whether the employee is subject to the Section

207(k) exemption. If the Section 207(k) exemption is not applicable, the maximum accrual of special duty compensatory time-off allowed by this policy is 240 hours. If the Section 207(k) exemption is applicable to the employee, the maximum accrual of special duty compensatory time-off allowed by this policy is 480 hours. Any special duty compensatory time-off listed on a time record that would cause a leave balance to exceed the above stated amounts shall be disregarded as non-approved special duty compensatory time-off.

- (B) As with nonexempt employees, exempt employees wishing to use accrued compensatory time-off must make a written request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the city. Additionally, in order to reduce the amount of accrued compensatory time-off, an employee who has not asked to use accrued compensatory time-off may, nonetheless, be required by his or her supervisor to use that accrued time at the convenience of the city. When unusual work scheduling needs arise, the employee and the employee's supervisor should make every effort to fluctuate the schedule to avoid the accrual of compensatory time-off.
- (C) Exempt employees who have been allowed to accumulate compensatory time-off, rather than receiving payment for overtime work, will not be paid for any portion of the accumulated compensatory time-off until the exempt employee is promoted or terminates his or her employment with the city.
- (D) In the event an exempt employee separating from employment with the city is to receive a payment for some or all of the accumulated compensatory time-off, such terminal pay is to be calculated at the employee's final regular rate of pay. While exempt employees can generally accrue up to 240 hours and those subject to the Section 207(k) exemption can accrue up to 480 hours, the maximum terminal pay cannot exceed 120 hours for exempt employees who do not qualify for the Section 207(k) exemption or 240 hours for law enforcement and fire protection employees who qualify for the Section 207(k) exemption. When an exempt employee terminates his or her employment with the city, the balance of any accumulated compensatory time-off that has not been used by the employee prior to the separation from employment or included in the employee's terminal pay in strict accordance with the limits set within this subsection shall be deemed to be forfeited.

## 7. Community Development Items:

### (a) **Case No. SUP-18-02: A quasi-judicial hearing to consider an application for a Special Use Permit authorizing a change of use on property with two building addresses: 624 Brewer Street and 621 Franks Street (Randolph County Parcel Identification Number 7761146503).**

Mayor Smith opened the quasi-judicial hearing on the request to issue a Special Use Permit to allow a change from one non-conforming use to another non-conforming use.

Mr. Nuttall was placed under oath and presented the planning staff's analysis of the Special Use Permit application. The applicant for the Special Use Permit is Ready 4 Change, Inc., which wants to utilize the space at 624 Brewer Street to provide professional services, i.e. counseling services. The rented space is part of an approximately 3.3-acre parcel of land (Randolph County Parcel Identification Number 7761146503) that also includes the facility at 621 Franks Street. This parcel of land is owned by Eastside Improvement Association, Inc.

During his presentation, Mr. Nuttall utilized a visual presentation and noted the staff's analysis of the Special Use Permit application as follows:

1. The property is inside the city limits, and all city services are available.
2. Brewer and Franks Streets are both local streets.
3. In 1982, a Special Use Permit was issued for a large child care facility (SUP-82-15) in the structure located at 624 Brewer Street.
4. In 2001, a portion of the property, where the structure at 621 Franks Street is located, was rezoned from RA6 to CU-B2 (Conditional Use General Commercial), with a Conditional Use Permit (CUP-02-23) for a membership organization (specifically a gym). No changes are proposed to this portion of the property.
5. The requested use of the portion of the property at 624 Brewer Street is professional services (counseling). This use is permitted by right in OA6 (Office-Apartment), O&I (Office & Institutional), M (Mercantile), B2 (General Commercial), B3 (Central Commercial), I1 (Light Industrial), and I2 (General Industrial) districts. This use is not permitted by right in the RA6 district.
6. The zoning ordinance allows a Special Use Permit to be issued for a change in non-conforming uses if supported by Section 803(B)(C) of the Asheboro Zoning Ordinance. Both the previous use (large child care center) and the proposed use (professional services, i.e. counseling services) are non-conforming in the RA6

district, which is the zoning district in which the 624 Brewer Street structure is located.

7. No new structures or additions to existing structures are proposed. The Applicant proposes adding a community garden on the property (which does not specifically require a SUP).

Mr. Tim Vincent of Ready 4 Change was placed under oath and offered testimony in support of the request. Additionally, Ms. Michele Hammond and Mr. Willard D. McNair, Jr. were placed under oath and offered testimony in support of the request.

Mr. James Armstrong, Rev. Phillip Taylor, Ms. Patricia Covington, Ms. Lovette Brown, and Ms. Maxine Mclver testified in opposition to the application. After all of the parties who wished to offer testimony were heard, Mayor Smith transitioned to the deliberative phase of the public hearing.

The Council Members then discussed the lack of evidence to satisfy the standard prescribed by the Asheboro Zoning Ordinance for the issuance of the requested Special Use Permit. Based on this discussion, Ms. Carter moved, and Ms. Snuggs seconded the motion, to deny the application for a Special Use Permit. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously to adopt the motion denying the requested Special Use Permit.

A final decision document with the formal findings of fact, conclusions of law, and order denying the Special Use Permit will be entered by the Council during regular session on July 12, 2018.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

**(b) Case No. RZ-18-07: A public hearing on an application to rezone property located on the north side of East Salisbury Street, between 1745 and 1793 East Salisbury Street, (Randolph County Parcel Identification Number 7761738476) from R40 (Low-Density Residential) and R10 (Medium-Density Residential) to B2 (General Commercial).**

Mayor Smith opened the public hearing, which was legislative in nature, on the request by the State Employees Credit Union to rezone approximately 14.83 acres of land from R40 (Low-Density Residential) and R10 (Medium-Density Residential) to B2 (General Commercial). The land to be rezoned is owned by Earlene Ward and is located on the north side of East Salisbury Street, between 1745 and 1793 East Salisbury Street. Randolph County Parcel Identification Number 7761738476 more specifically identifies the property.

Mr. Nuttall utilized a visual presentation to summarize the planning staff's analysis of the request. The staff report noted the following:

1. The property is outside the city limits. Connection to city water and sewer services will require annexation in accordance with the applicable city ordinance provisions.
2. East Salisbury Street is a state-maintained minor thoroughfare at this location. The property is approximately 400 feet west of East Dixie Drive/U.S. Highway 64 at a signalized intersection with East Salisbury Street.
3. The property currently has split zoning between the R10 district and R40 district (which comprises the majority of the parcel with approximately 10.6 acres).
4. The zoning ordinance states that the intent of the B2 district is *to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to major or minor thoroughfares, never local streets.*

The Planning Board recommended approval of the request. This recommendation was based on the Planning Board's concurrence with the following analysis from the Community Development Division staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans as well as the reasonableness of the request and whether the requested rezoning is in the public interest:

Several factors support the request. The Land Development Plan proposed land use map designates the property for Commercial Use. The Growth Strategy Map indicates the property is part of an Employment Center, which includes commercial uses as a component. The Eastern Small Area Plan recognizes suitability of commercial growth in various locations along and near the U.S. Highway 64 corridor in close proximity to the property. The property also adjoins established commercial uses to the south and east, and commercially zoned property and established industrial uses to the west.

Additionally, the property has frontage solely on East Salisbury Street, which will necessitate access to development from that minor thoroughfare instead of local, residential streets. Along with required buffering/screening adjacent to

residential uses, this will help mitigate impacts of commercial property onto adjacent residential properties.

Considering these factors, staff believes that the requested B2 district is consistent with the Land Development Plan and therefore reasonable and in the public interest.

Mr. Aaron Hutchens of Summey Engineering and Ms. Earlene Ward presented comments in favor of the request.

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

Upon motion by Mr. Bell, and seconded by Ms. Carter, Council voted unanimously to follow the staff and Planning Board recommendations to approve the requested rezoning and adopted a multi-part motion that included the following actions:

1. Approval and adoption by the Council as its own of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's decision to grant the requested rezoning; and
2. The application for the requested zoning amendment was approved, without any modifications, due to the above-described analysis and the consistency of the requested rezoning with the adopted plans.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

**(c) Public hearing on the question of whether to approve the 2018-2023 Central Business District Redevelopment Plan.**

Mayor Smith opened the public hearing on the question of whether to approve the 2018-2023 Central Business District Redevelopment Plan.

Mr. Nuttall presented and recommended adoption of the 2018-2023 Central Business District Redevelopment Plan. There being no further comments and no opposition from the public, Mayor Smith moved to the deliberative phase of the hearing.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve the 2018-2023 Central Business District Redevelopment Plan. A copy of the approved plan is on file in the Community Development Division.

**(d) Public hearing to discuss possible applications for funding under the 2018 North Carolina Neighborhood Revitalization Community Development Block Grant Program (CDBG-NR) and to solicit citizen input on possible activities to be included in these applications.**

Mayor Smith opened a public hearing to discuss and solicit input on possible applications for funding under the 2018 North Carolina Neighborhood Revitalization Community Development Block Grant Program (CDBG-NR).

Mr. Nuttall presented an overview of the above-referenced block grant program. After the hearing, if the city decides to pursue any specific projects, a project specific hearing will be scheduled and advertised. In essence, this hearing is step one in a 2-step process. No one expressed an interest in speaking, and Mayor Smith closed the public hearing.

Other than conducting a public hearing, no action was requested of the council at this time, and none was taken.

**(e) Presentation of the City of Asheboro Planning Board Annual Report.**

Mr. Nuttall presented the City of Asheboro Planning Board Annual Report. The Planning Board reviewed approximately 27 cases as of May 7, 2018, which is an increase of 14 cases over the prior year. A copy of the written report presented by Mr. Nuttall is on file in the Community Development Division. No action was taken by the Council.

**8. Public comment period.**

Mayor Smith opened the floor for public comments.

During the public comment period, Mr. Ben Chavis submitted a petition signed by property owners of Hickory Forest Subdivision requesting an evaluation of the potential for resurfacing and repairing Hickory Forest Drive.

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

**9. Consideration of a petition from Lawrence B. Cranford Sr. Trading Co. requesting the satellite annexation of a parcel of land that is approximately 2.81 acres in size and is located at 3418 U.S. Highway 220 Business South.**

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

**RESOLUTION NUMBER 12 RES 6-18**

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION**

**WHEREAS**, a petition requesting the annexation of approximately 2.81 acres of land located at 3418 United States Highway 220 Business South has been received by the City Council of the City of Asheboro (the "Council") from the LAWRENCE B. CRANFORD, SR. TRADING COMPANY, which is the fee simple owner of the real property; and

**WHEREAS**, Section 160A-58.2 of the North Carolina General Statutes provides that the sufficiency of such a petition shall be investigated by the city clerk before further annexation proceedings take place; and

**WHEREAS**, the Council deems it advisable to proceed in response to this request for annexation;

**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 Council the results of her investigation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7<sup>th</sup> day of June, 2018.

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

ATTEST:

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

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

**CERTIFICATE OF SUFFICIENCY**

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

I, Holly H. Doerr, am the 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 LAWRENCE B. CRANFORD, SR. TRADING COMPANY (the "Petitioner") requesting the annexation of approximately 2.81 acres of the Petitioner's land into Asheboro's satellite city limits. The tract of land for which the Petitioner is requesting annexation (the "Annexation Tract") is located at 3418 United States Highway 220 Business South and is not contiguous to Asheboro's primary city limits.

On the basis of the evidence obtained during the course of my investigation, I have concluded that all of the owners of the Annexation Tract have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-58.1 of the North Carolina General Statutes.

**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 7<sup>th</sup> day of June, 2018.

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

(ii) In light of the preceding council action and the submittal of the 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 Moffitt moved to adopt the following resolution by reference, and Council Member Burks 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** 13 RES 6-18

**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 INTO THE SATELLITE LIMITS OF THE CITY OF ASHEBORO**

**WHEREAS**, by and through an authorized corporate officer, LAWRENCE B. CRANFORD, SR. TRADING COMPANY (the "Petitioner") has properly submitted a petition requesting the annexation into Asheboro's satellite city limits of approximately 2.81 acres of the Petitioner's land at 3418 United States Highway 220 Business South; and

**WHEREAS**, pursuant to a previously adopted resolution, the city clerk has investigated the sufficiency of the annexation petition; and

**WHEREAS**, the city clerk has certified the sufficiency of the petition for proceeding with setting the date for a public hearing on the question of the requested annexation in accordance with Section 160A-58.2 of the North Carolina General Statutes;

**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 non-contiguous territory described herein will be held in the Council Chamber at Asheboro City Hall, which is located at 146 North Church Street, Asheboro, North Carolina 27203, during a special meeting of the Asheboro City Council that will begin at 7:00 p.m. on the 26<sup>th</sup> day of June, 2018.

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

Cedar Grove Township, Randolph County, North Carolina:

BEGINNING at a ½" iron pipe flush with the ground at the northeast corner of the LAWRENCE B. CRANFORD, SR. TRADING COMPANY property that is identified and described as New Lot 1 on a plat of survey recorded in Plat Book 156, Page 13, Randolph County Registry (this LAWRENCE B. CRANFORD, SR. TRADING COMPANY property will be hereafter referred to as the "Annexation Tract"), the ½" iron pipe at the beginning point of this metes and bounds description is located by means of the North Carolina Coordinate System at the coordinates of North 695,123.89 feet and East 1,755,930.41 feet (NAD 83); thence from the said beginning point following the proposed Asheboro satellite city limits line, which is also the eastern boundary line of the Annexation Tract, along the western margin of the public right-of-way for United States Highway 220 Business South the following courses and distances: South 09 degrees 51 minutes 23 seconds West 100.07 feet to a point identified with rebar that is 0.6' below ground; thence South 09 degrees 49 minutes 28 seconds West 100.00 feet to a ½" iron pipe that is flush with the ground; thence South 09 degrees 49 minutes 28 seconds West 62.63 feet to a ½" iron pipe that is flush with the ground at the southeast corner of the Annexation Tract; thence departing from the western margin of the public right-of-way for United States Highway 220 Business South and continuing to follow the proposed satellite city limits line by proceeding along the southern boundary line of the Annexation Tract North 82 degrees 29 minutes 54 seconds West 456.11 feet to a ½" iron pipe that is flush with the ground in the eastern margin of the public right-of-way for Old State Highway (North Carolina Secondary Road 1148) at the southwest corner of the Annexation Tract; thence departing from the southern boundary line of the Annexation Tract and continuing to follow the proposed satellite city limits line by proceeding along the western boundary line of the Annexation Tract, which is also the eastern margin of the public right-of-way for Old State Highway, the following courses and distances: North 22 degrees 49 minutes 34 seconds West 31.34 feet to a ½" iron pipe that is flush with the ground; thence North 18 degrees 39 minutes 17 seconds West 100.00 feet to a ½" iron pipe that is flush with the ground; thence North 13 degrees 15 minutes 38 seconds West 100.44 feet to a ½" iron pipe that is flush with the ground at the northwest corner of the Annexation Tract; thence departing from the eastern



