

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, FEBRUARY 7, 2019
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
Edsel L. Brown, Code Enforcement Officer
D. Jason Cheek, Police Captain
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Charles J. Garner, Code Enforcement Officer
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Randy C. Purvis, Chief Building Inspector
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jeffrey C. Sugg, City Attorney

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. 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 recite the pledge of allegiance.

3. The year-end audit report for fiscal year 2017-2018. [Originally listed as Agenda Item 4]

The City Council received from Mr. Steve Hackett, CPA, with the firm of William R. Honeycutt, CPA the audit report for the fiscal year that ended June 30, 2018. During his presentation, Mr. Hackett reported that the city received what is commonly referred to as a “clean audit” (currently also referred to as an “unmodified opinion”). A “clean audit” means the city’s financial statements are fairly presented in accordance with generally accepted accounting principles for the year ending June 30, 2018.

The council members expressed their satisfaction with the audit report and their general consent to the acceptance of the report from the auditor. A copy of the written audit report is available for inspection in the city finance department.

4. Recognition of water resources division employees who earned their Utility Management Certification Credentials. [Originally listed as Agenda item 5]

After being introduced by City of Asheboro Water Resources Director Michael Rhoney, PE, Mr. Alan Oldham of the North Carolina Rural Water Association recognized the city’s water resources division employees who successfully earned their Utility Management Certification Credentials. The employees receiving said credentials were Ms. Sarah Loflin, Mr. Jeff Cagle, and Mr. Mike Wiseman. This credential is the highest professional credential in the utility industry.

5. Consent agenda: [Originally listed as Agenda Item 6]

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

(a) The meeting minutes for the city council's regular meeting on January 10, 2019.

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) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for December 3, 2018.

The minutes of the meeting held by the Asheboro ABC Board on December 3, 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.

(c) An ordinance to amend the General Fund.

03 ORD 2-19

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2018-2019**

WHEREAS, the development of affordable housing for the rising senior population has been identified to support the "Quality of Life" component of the Asheboro 20 / 20 plan, and;

WHEREAS, The City of Asheboro has requested that Re/Max Central Realty consult with the City of Asheboro to facilitate the acquisition of space for parking that is an essential component of the development of the proposed Church Street Mill Loft Project as supported in the adopted 2018-2023 Central Business District Redevelopment Plan, project #3: Acme McCrary West Senior Housing Project, and;

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:

Section 1: That the following Revenue line item be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	18,000

Section 2: That the following Expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-490-0400	Professional Services	18,000

Adopted this 7th day of February, 2019.

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

ATTEST:

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

(d) Approval to schedule for March 7, 2019, and to advertise, public hearings on the following land use cases:

- (i) Quasi-Judicial Hearing: A special use permit application triggered by proposed modifications to an existing multi-family development operating under a special use permit allowing a gross floor area of up to 22 percent on the development's parcel of land at 2280 and 2282 North Fayetteville Street (Randolph County Parcel Identification Number 7763140443).

- (ii) Legislative Hearing: An application to rezone from R7.5 (Medium-Density Residential) and RA6 (High-Density Residential) to OA6 (Office-Apartment) various parcels of land along and near the Greensboro Street and Cox Street corridor, between East Presnell Street and East Dorsett Avenue.
- (iii) Legislative Hearing: An application to rezone approximately 1.77 acres of land from B2 (General Commercial) to R10 (Medium-Density Residential). The land for which R10 zoning is requested is a portion of a parcel of land (Randolph County Parcel Identification Number 7750249743) on the north side of Sherwood Avenue. This property is most closely associated with the 145 Whitley Street address.
- (iv) Quasi-Judicial Hearing: An application for a special use permit, inclusive of subdivision sketch design review and approval for a residential planned unit development on an approximately 7.34-acre parcel of land (Randolph County Parcel Identification Number 7750249743) on the north side of Sherwood Avenue and north of Harvell Street Extension. The street addresses associated with this site are 145 Whitley Street and 159 Whitley Street.

The above-listed land use cases will be advertised and heard by the Council on March 7, 2019.

6. Public comment period. [Originally listed as Agenda Item 7]

Mayor Smith opened the floor for public comments.

Dr. David Stansfield, a representative of the Randolph County SPCA, briefly highlighted the importance of vaccinating pets (cats and dogs) against rabies and the efforts by the Randolph County SPCA in support of this cause.

Mr. James Armstrong expressed his on-going concerns about taking concrete steps to improve the quality of life for citizens.

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

7. The annual Building Inspections Report. [Originally listed as Agenda Item 8]

Chief Building Inspector Randy Purvis presented an overview of the Building Inspection Department's activities during 2018. The department's report reflected a total of 1,143 permits issued with a total of \$156,757.00 in revenue received.

A copy of the written report submitted to the council is on file in the city clerk's office. No action was taken by the Council.

8. The annual Code Enforcement Report. [Originally listed as Agenda Item 9]

Code Enforcement Officer Ed Brown utilized a visual presentation in order to provide an overview of the code enforcement office's activities during the preceding year. Mr. Brown's report reflected a total of 528 recorded violations for 2018. These violations included, but were not limited to, nuisance violations, non-permitted signs, minimum housing code violations, and zoning violations.

A copy of the visual presentation utilized by Mr. Brown is on file in the city clerk's office. No action was taken by the Council.

9. Engineering items: [Originally listed as Agenda Item 10]

(a) Public hearing and consideration of an ordinance to annex approximately 5.921 acres of city-owned land at the future Zoo City Sportsplex.

Mayor Smith opened a public hearing on the question of the annexation of approximately 5.921 acres of city-owned land at the future Zoo City Sportsplex.

As part of the public hearing, City Engineer Michael Leonard, PE presented and recommended adoption, by reference, of an ordinance to extend the satellite municipal boundaries by annexing into the City of Asheboro approximately 5.921 acres of city-owned land at the future Zoo City Sportsplex. No citizen spoke in opposition to the proposed annexation.

Once the city council entered the deliberative phase of the hearing, Mr. Bell moved, and Mr. Burks seconded the motion, to approve the following annexation ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

ORDINANCE NO. 04 ORD 2-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE TO EXTEND THE SATELLITE MUNICIPAL BOUNDARIES BY ANNEXING INTO THE CITY OF ASHEBORO APPROXIMATELY 5.921 ACRES OF CITY-OWNED LAND AT THE FUTURE ZOO CITY SPORTSPLEX SITE

WHEREAS, on January 10, 2019, in accordance with Section 160A-58.7 of the North Carolina General Statutes, the Asheboro City Council adopted a resolution (Resolution Number 05 RES 1-19) stating the governing board's intent to annex into the municipality the approximately 5.921 acres of city-owned land described in Section 1 of this Ordinance that is part of the future Zoo City Sportsplex site; and

WHEREAS, after the publication of the required public hearing notice in *The Courier-Tribune* on January 18, 2019, the public hearing on the proposed annexation into Asheboro's satellite municipal boundaries of the city-owned land described in Section 1 of this Ordinance was held in the council chamber at Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203, during a regular city council meeting that began at 7:00 p.m. on Thursday, February 7, 2019; and

WHEREAS, the Asheboro City Council finds that the area for which annexation is proposed meets the standards of Section 160A-58.1(b) of the North Carolina General Statutes, as follows:

- a. The nearest point on the proposed satellite corporate limits line is not more than three miles from the primary corporate limits line of the City of Asheboro;
- b. No point on the proposed satellite corporate limits line is closer to the primary corporate limits line of another municipality than to the primary corporate limits line of the City of Asheboro;
- c. The area described in Section 1 of this Ordinance is situated in a manner that enables the City of Asheboro to provide the same services within the proposed satellite corporate limits that the city provides within the primary corporate limits;
- d. No subdivision, as defined in Section 160A-376 of the North Carolina General Statutes, will be fragmented by this proposed annexation; and
- e. The area within the proposed satellite corporate limits, when added to the area within all of Asheboro's other satellite corporate limits, does not exceed twenty percent (20%) of the area within the city's primary corporate limits; and

WHEREAS, the Asheboro City Council further finds that the proposed annexation of the described area is in the public interest.

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

Section 1. By virtue of the authority granted by Section 160A-58.7 of the North Carolina General Statutes, the following described property, which is owned by the City of Asheboro and is not contiguous with Asheboro's existing primary corporate limits, is hereby annexed and made part of the City of Asheboro, effective immediately:

Grant Township, Randolph County, North Carolina:

BEGINNING at a concrete right-of-way monument on the existing City of Asheboro satellite city limits line at the northeast corner of the intersection of Old Cox Road (North Carolina Secondary Road 2834) with Zoo Parkway (North Carolina Highway 159), this concrete right-of-way monument is located by means of the North Carolina Coordinate System at the coordinates of North 697,213.934 feet and East 1,764,583.371 feet (NAD 83); thence from the beginning point proceeding along the proposed new Asheboro satellite city limits line by following the eastern margin of the public right-of-way for Zoo Parkway the following courses and distances: North 22 degrees 07 minutes 01 second West 43.46 feet to a computed point; thence North 19 degrees 05 minutes 09 seconds West 72.03 feet to a computed point; thence departing from the eastern margin of the public right-of-way for Zoo Parkway and running with the existing City of Asheboro satellite city limits line around the area to be annexed by proceeding along the southern boundary line of the City of Asheboro property described in Deed Book 2009, Page 547, Randolph County Registry (this city-owned property is shown as Lot 1 in Plat Book 108, Page 88, Randolph County Registry) the following courses and distances: North 55 degrees 19 minutes 25 seconds East 30.00 feet to a computed point; thence North 46 degrees 47 minutes 34 seconds East 101.12 feet to 5/8" rebar with a cap that is flush with the ground; thence North 55 degrees 19 minutes 25 seconds East 95.36 feet to 5/8" rebar with a cap that is up 1"; thence North 55 degrees 18 minutes 28 seconds East 197.68 feet to 1/2" rebar with a cap that is down 1"; thence South 83 degrees 00 minutes 20 seconds East 1,010.39 feet to a 3/4" existing iron pipe that is up 2"; thence departing from the southern boundary line of the City of Asheboro property described in Deed Book 2009, Page 547, Randolph County Registry in order to follow the proposed new City of Asheboro satellite city limits line South 11 degrees 20 minutes 19 seconds West 103.96 feet along the western boundary line of the Lettice

M. Tate property described in Deed Book 1638, Page 1149, Randolph County Registry (the Tate property is shown as Lot 6 in Plat Book 10, Page 50, Randolph County Registry) to a 5/8" pinch-top existing iron pipe that is up 2"; thence continuing to follow the proposed new City of Asheboro satellite city limits line by proceeding along the western boundary line of the Wendy M. Jordan property described in Deed Book 1965, Page 2087, Randolph County Registry (the Jordan property is shown as Lot 5 in Plat Book 10, Page 50, Randolph County Registry) the following courses and distances: South 11 degrees 19 minutes 35 seconds West 87.89 feet to 3/8" rebar that is up 4"; thence South 11 degrees 15 minutes 00 seconds West 14.06 feet to a computed point where the proposed new City of Asheboro satellite city limits line intersects with the existing City of Asheboro satellite city limits line; thence departing from the western boundary line for the Wendy M. Jordan property in order to proceed along the existing City of Asheboro satellite city limits line the following courses and distances across two parcels of City of Asheboro property described, respectively, in Deed Book 2616, Page 377, Randolph County Registry (this parcel of city-owned land is shown as Lot #2 in Plat Book 120, Page 4, Randolph County Registry) and in Deed Book 2581, Page 1177, Randolph County Registry (this parcel of city-owned land is shown in Plat Book 154, Page 78, Randolph County Registry): North 69 degrees 08 minutes 49 seconds West 652.61 feet to a computed point; thence South 53 degrees 06 minutes 23 seconds West 707.22 feet to a computed point that is on the southern boundary line for the City of Asheboro property described in Deed Book 2581, Page 1177, Randolph County Registry (this boundary line is also the northern margin of the public right-of-way for Old Cox Road); thence continuing with the existing City of Asheboro satellite city limits line along the northern margin of the public right-of-way for Old Cox Road by proceeding North 56 degrees 34 minutes 07 seconds West 34.69 feet to the point and place of BEGINNING, and containing a total of 5.921 acres (257,901 square feet) of land, more or less, to be annexed.

This legal description is based on a plat of survey identified as Job # 18-037, dated January 3, 2019, and drawn under the supervision of Thomas Scaramastra, Professional Land Surveyor with License No. L-4421. The plat of survey is titled "Annexation Plat for Balance of Zoo City Sportsplex Property(;) City of Asheboro."

Section 2. Upon and after February 7, 2019, the above-described territory and any citizens and property found upon the described land shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The territory described in Section 1 of this Ordinance shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Register of Deeds of Randolph County, North Carolina, and in the Office of the Secretary of State of North Carolina in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections as required by Section 163A-1594 of the North Carolina General Statutes.

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

Section 5. This Ordinance shall be in full force and effect upon and after the 7th day of February, 2019.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of February, 2019.

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

ATTEST:

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

Approved as to form:

/s/Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

(b) Annexation Petition from Ronnie High and Ronald Thomas.

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

RESOLUTION NUMBER 06 RES 2-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF THE ANNEXATION PETITION SUBMITTED BY RONNIE G. HIGH AND RONALD THOMAS

WHEREAS, Ronnie G. High and Ronald Thomas (the "Petitioners") have submitted a petition requesting the annexation into Asheboro of their approximately 11,236-square foot parcel of land at 811 Meadowbrook Road, Asheboro, North Carolina 27203; and

WHEREAS, the parcel of land for which annexation has been requested (the "Annexation Parcel") is more specifically identified by Randolph County Parcel Identification Number 7761173416; and

WHEREAS, the Annexation Parcel is contiguous to Asheboro's primary city limits; and

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

WHEREAS, 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 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 7th day of February, 2019.

/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
(Annexation Petition Received from Ronnie G. High and Ronald Thomas)

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

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petition submitted by Ronnie G. High and Ronald Thomas. I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petition.

The petition submitted by Mr. High and Mr. Thomas requests the annexation into Asheboro of their approximately 11,236-square foot parcel of land at 811 Meadowbrook Road, Asheboro, North Carolina 27203. The parcel of land for which the petitioners have requested annexation (the "Annexation Parcel") is more specifically identified by Randolph County Parcel Identification Number 7761173416.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of the 7th day of February, 2019.

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

RESOLUTION NUMBER 07 RES 2-19

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 RONNIE G. HIGH AND RONALD THOMAS

WHEREAS, Ronnie G. High and Ronald Thomas (the "Petitioners") properly submitted a petition requesting the annexation into Asheboro of their approximately 11,236-square foot parcel of land at 811 Meadowbrook Road, Asheboro, North Carolina 27203; and

WHEREAS, the parcel of land for which annexation has been requested (the "Annexation Parcel") is more specifically identified by Randolph County Parcel Identification Number 7761173416; and

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

WHEREAS, the city clerk certified the sufficiency of the petition for proceeding with setting the date for a public hearing on the question of the requested annexation pursuant to Section 160A-31 of the North Carolina General Statutes.

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

Section 1. A public hearing on the question of annexing the territory described in Section 2 of this Resolution will be held in the council chamber on the second floor of Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on March 7, 2019.

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a 1" existing iron pipe that is down 4" with a cap at the southwest corner of the Ronnie G. High and Ronald Thomas property described in Deed Book 1548, Page 866, Randolph County Registry (the Ronnie G. High and Ronald Thomas property is the parcel of land, which is identified by Randolph County Parcel Identification Number 7761173416, for which annexation is requested and will be hereafter referred to as the "Annexation Parcel"), this beginning point is on the existing City of Asheboro primary city limits line and is located by means of the North Carolina Coordinate System at the coordinates of North 717,507.61 ground US survey feet and East 1,761,300.32 ground US survey feet (NAD 83 (2011)); thence from the beginning point following the existing City of Asheboro primary city limits line along the western boundary line of the Annexation Parcel that is contiguous to the Darren Keith Lucas property described in Deed Book 2128, Page 1248, Randolph County Registry North 00 degrees 13 minutes 43 seconds West 57.88 feet to a 1" existing iron pipe that is down 2" at the northwest corner of the Annexation Parcel; thence departing from the existing primary city limits line and following the proposed City of Asheboro primary city limits line along the northern boundary line of the Annexation Parcel that is contiguous to the Garry O. Lowery property described in Deed Book 2383, Page 223, Randolph County Registry South 88 degrees 31 minutes 33 seconds East 181.78 feet to a 1" existing iron pipe that is down 4" with a cap in the western margin of the 60-foot public right-of-way for Meadowbrook Road at the northeast corner of the Annexation Parcel; thence continuing to follow the proposed City of Asheboro primary city limits line by departing from the northern boundary line for the Annexation Parcel and proceeding along the western margin of the public right-of-way for Meadowbrook Road South 01 degree 03 minutes 31 seconds East 64.93 feet to a 1/2" existing iron rod that is down 4" at the southeastern corner of the Annexation Parcel; thence continuing to run along the proposed City of Asheboro primary city limits line by departing from the western margin of the public right-of-way for Meadowbrook Road and proceeding along the southern boundary line of the Annexation Parcel that is contiguous to the Geraldine A. DeBerry (life estate) property described in Deed Book 2332, Page 1141, Randolph County Registry the following courses and distances: North 87 degrees 54 minutes 47 seconds West 101.92 feet to a point with a 60d nail set at the base of a 1/2" existing iron rod that is down 4"; thence North 00 degrees 04 minutes 42 seconds West 5.02 feet to a 1/2" existing iron rod that is down 6"; thence North 87 degrees 53 minutes 25 seconds West 80.89 feet to the point and place of BEGINNING, and containing a total of 0.258 of an acre (11,236 square feet) of land, more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: Ronnie High (and) Ronald Thomas" and is identified as Job No. 10779thomas.

Section 3. Notice of the public hearing scheduled by Section 1 of this Resolution shall be published in *The Courier-Tribune*, which is a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

