

**REGULAR MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JULY 14, 2011
7:00 p.m.**

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

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Michael W. Hunter)
Walker B. Moffitt)

Stuart B. Fountain) – Council Member Absent

John N. Ogburn, III, City Manager
Edsel L. Brown, Code Enforcement Officer
Holly H. Doerr, CMC, City Clerk/Senior Legal Assistant
John L. Evans, Senior Planner
Casandra M. Fletcher, Marketing Specialist
Michael L. Leonard, P.E., Assistant City Engineer
Justin L. Luck, Zoning Administrator/Planner
R. Reynolds Neely, Jr., Community Development Director
Ralph W. Norton, Assistant Chief of Police
Deborah P. Reaves, Finance Director
James W. Smith, II, Fire Chief
Jeffrey C. Sugg, City Attorney

1. Call to order.

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

2. Silent prayer and pledge of allegiance.

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

3. Appearance and recognition of guests and citizens.

Mayor Smith welcomed everyone in attendance and announced that Dr. Fountain was absent due to his attendance at a meeting of the State Board of Community Colleges.

4. Consent Agenda:

Upon motion by Mr. Burks and seconded by Ms. Carter, Council voted unanimously to approve the following consent agenda items. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

- (a) The minutes of the City Council's regular meeting on June 9, 2011.**
- (b) The minutes of the City Council's special meeting on June 28, 2011.**
- (c) A resolution authorizing the lease of Hangar J at the Asheboro Regional Airport to Mr. Chris J. Price for a term that will expire on August 6, 2028, at a rental rate of \$360.00 per year.**

**RESOLUTION AUTHORIZING THE LEASE OF HANGAR J
AT THE ASHEBORO REGIONAL AIRPORT**

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

WHEREAS, in response to a request received from Dr. Thomas Osteen and Mr. Chris J. Price, the Asheboro Airport Authority has recommended to the Asheboro City Council that Chris J. Price assume from Dr. Osteen the full and sole responsibility for the lease of Hangar J at the Asheboro Regional Airport; and

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

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

WHEREAS, these proposed instruments are hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, Hangar J will not be needed by the city during the term of the proposed lease with Chris J. Price; and

WHEREAS, public notice of the intent to approve a lease agreement with Chris J. Price was given in *The Courier-Tribune* on June 16, 2011;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the lease of Hangar J at the Asheboro Regional Airport to Chris J. Price in accordance with the terms and conditions specified in "EXHIBIT 2" is hereby authorized; and

BE IT FURTHER RESOLVED that, in order to implement the approved leasing arrangement, the Mayor and City Clerk are hereby authorized and directed to execute the instruments 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 14th day of July, 2011.

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

ATTEST:

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

[EXHIBIT 1 and EXHIBIT 2 are on file in the City Clerk's office.]

Flood Zone Permit	\$ 25.00	[\$ 75.00]
Zoning Compliance Permits:		
Single-Family Residential	\$ 25.00	
Duplex	\$100.00	
Multi-Family	\$200.00	[\$250.00]
Commercial	\$250.00	
Institutional/Industrial	\$250.00	
Single-Family Accessory Structure	\$ 40.00	[\$ 25.00]
Accessory Structure Commercial	\$ 25.00	\$ 50.00
Accessory Structure Industrial	\$ 25.00	\$ 50.00
Accessory Structure Institutional	\$ 25.00	\$ 50.00
Sign	\$ 25.00/sign type]	
Change of Occupancy	\$ 25.00	
Change of Use	\$250.00	
Soil Evaluation	\$ 10.00	
[Land Disturbance Permit (includes grading, filling, excavation)	\$ 50.00	
Temporary Produce/Seasonal Sales/ Limited Duration Event Permit	\$ 50.00]	
Certificate of Zoning Compliance		
Single-Family	\$ 25.00	
Duplex	\$ 25.00	
Multi-Family	\$ 50.00	[\$100.00]
Commercial	\$100.00	
Industrial	\$100.00	
Change use	\$100.00	
Subdivision Plats		
Sketch	\$100.00	
Preliminary	\$200.00	
Final	\$200.00 + \$25.00/lot	
Minor	\$100.00	
[Subdivision Text Amendment	\$200.00]	
Zoning Verification Official Letter		
Residential	\$ 25.00	
Non-Residential	\$ 75.00	

(e) An ordinance amending Chapter 110 (General License Provisions) of the Code of Asheboro in order to eliminate a historically unutilized privilege license tax classification.

23 ORD 7-11

AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF ASHEBORO

WHEREAS, Section 160A-211 of the North Carolina General Statutes authorizes a city “to levy privilege license taxes on all trades, occupations, professions, businesses, and franchises carried on within the city;” and

WHEREAS, the City Council of the City of Asheboro has previously exercised this taxing authority by means of enacting Chapter 110 of the Code of Asheboro; and

WHEREAS, Section 110.34 Code of Asheboro currently authorizes the levy of a privilege license tax on businesses labeled as “chain stores;” and

WHEREAS, the records utilized by the city employees charged with collecting privilege license taxes indicate that no business has been charged a tax on the basis of a store’s classification as a “chain store;” and

WHEREAS, due to concerns about uniformly interpreting and applying this specific tax on “chain stores,” businesses that could have been classified as “chain stores” have been taxed on some other basis such as the amount of annual gross sales or receipts rather than on the basis of the classification as a “chain store;” and

WHEREAS, in order to sustain and enhance the economic vitality of the City of Asheboro, the City Council is committed to maintaining a stable, equitable, and easily understood regulatory framework for businesses operating within the city; and

WHEREAS, the City Council has concluded that its goals for providing a stable, equitable, and easily understood regulatory framework for businesses can be advanced without reducing the city's revenue stream by amending Section 110.34 of the Code of Asheboro to eliminate the "chain stores" classification from the city's privilege license regulations;

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

Section 1. Section 110.34 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 110.34 SCHEDULE OF PRIVILEGE LICENSE TAXES FORMERLY TAXED BY THE STATE UNDER ARTICLE 2 OF CHAPTER 105 OF THE NORTH CAROLINA GENERAL STATUTES.

(a) *Tax Schedule.* The following businesses shall pay a tax in accordance with the amounts set forth in G.S. Chapter 105:

Barber Shops and Beauty Parlors	160A-211
Bicycle Dealers	105-102.5
Bowling Alleys	105-102.5
Campgrounds and Trailer Parks	105-102.5
Chain Stores	105-98
Collection Agencies	105-45
Contractors	105-54
Dealers in Firearms and Other Weapons	105-80
Electronic Video Games	105-66.1
Emigrant and Employment Agents	105-90
Fortune Tellers	105-58
General Amusements	105-37.1
Hotels and Motels	105-61
Installing Elevators and Sprinkler Systems	105-55
Loan Agencies	105-88
Manufacturers and Sellers of Ice Cream	105-97
Motorcycle Dealers	105-89.1
Movie Theaters	105-37
Music Machines	105-65
Outdoor Advertising	105-86
Outdoor Theaters	105-36.1
Pawnbrokers	105-88
Peddlers, Itinerant Merchants, and Specialty Market Operators	105-53
Pinball and Similar Amusements	105-102.5
Pool Tables	105-102.5
Sale of Pianos and Record Players	105-102.5
Service Stations, Wholesale Supply Dealers, and Automobile Dealers	105-89
Sundries	105-102.5
Undertakers	105-46

(b) *Restaurants.* Every person engaging in the business of operating a restaurant, café, cafeteria, hotel with a dining service on the European plan, drugstore, or other place where prepared food is sold shall pay a privilege license tax of:

(1) Twenty-five dollars (\$25.00) for a business that has seats for four customers or less; or

(2) Forty-two dollars and fifty cents (\$42.50) for a business that has seating for at least five customers.

(3) The provisions of this division of § 110.34 are not applicable to either food items sold through vending machines or nonprofit cafés or cafeterias located in industrial plants for the convenience of employees.

(c) *Dry Cleaners.* Every person engaging in the business of operating a cleaning plant, pressing club, or hat-blocking establishment shall pay a privilege license tax of fifty dollars (\$50.00) for each business location if the licensee does not solicit business outside of Randolph County. If the licensee solicits business outside of Randolph County, the privilege license tax shall be one hundred dollars (\$100.00) for each business location. The tax levied under this division shall only be charged if the business is located in the corporate limits of the city. If a dry cleaning or pressing business has several pick-up stations or receiving outlets in the city, only one privilege license tax shall be levied on the business; a separate tax may not be charged for each station.

(d) *Laundries.* Every person engaging in the business of operating a laundry, including wet- or damp-wash laundries and businesses known as launderettes, launderalls, and similar types of businesses, shall pay a privilege license tax of fifty dollars (\$50.00) for each business location if the licensee does not solicit business outside of Randolph County. If the licensee solicits business outside of Randolph County, the privilege license tax shall be one hundred dollars (\$100.00) for each business location. For purposes of this division, a laundry includes a person engaging in the business of supplying or renting clean linen or towels or wearing apparel. The tax levied under this division shall only be charged if the business is located in the corporate limits of the city. If a laundry has several pick-up stations or receiving outlets in the city, only one privilege license tax shall be levied on the business; a separate tax may not be charged for each station.

(e) *Plumbers, Heating Contractors, and Electricians.*

(1) Every person engaging in the business of a plumber or installing plumbing fixtures, piping, or equipment; a steam or gas fitter or installing hot-air heating systems; installing electrical equipment; or offering to perform such services shall pay a privilege license tax of fifty dollars (\$50.00). Any person engaged exclusively in the businesses enumerated in and licensed under this division shall not be liable for the tax on contractors, construction companies, installers of elevators and automatic sprinkler systems, and persons repairing elevators and automatic sprinkler systems.

(2) With respect to electricians and electrical contractors, a license procured under this division shall cover the installation of electrical equipment, fixtures, and wiring in or upon the consumer's premises, or on the "customer's side" of the point of delivery of electric service, but shall not cover the installation of or service to transmission or distribution lines or work on the "distributor's side" of the point of delivery of electric service. With respect to plumbers and plumbing contractors, a license procured under this division shall cover plumbing work and plumbing installation in buildings, upon the premises upon which the buildings are situated, and up to the connection with the sewer or water mains, but shall not cover the construction of or work upon water or sewer systems or mains.

Section 2. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect upon and after the 14th day of July, 2011.

This ordinance was adopted by the Asheboro City Council, in open session, during a regular meeting held on the 14th day of July, 2011.

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

ATTEST:

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

(f) **A proposed municipal agreement between the North Carolina Department of Transportation and the City of Asheboro for re-inspection of bridges on the municipal street system, with 80% funding by the Federal Highway Administration:**

- Greenvale Road Crossing Hasketts Creek
- Bonkemeyer Drive Crossing Hasketts Creek
- Vance Street Crossing Penwood Branch
- Newbern Avenue Crossing a Tributary to Vestal/Richland Creek
- Chamberlin Drive Crossing Cedar Fork Creek
- Art Bryan Drive Crossing a Tributary to Hasketts Creek

[A copy of the above-referenced agreement is on file in the City Clerk's office.]

- (g) A resolution in compliance with the applicable tax regulations expressing the official intent of the Asheboro City Council to reimburse with funding from an installment financing contract the funds expended in fiscal year 2011-2012 for certain municipal equipment authorized by the previously approved budget ordinance.

25 RES 7-11

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE THE GENERAL FUND AND WATER AND SEWER FUND WITH PROCEEDS FROM AN INSTALLMENT FINANCING CONTRACT

WHEREAS, in order to maintain a satisfactory level of municipal services for the citizens of the City of Asheboro, the Asheboro City Council adopted, on June 28, 2011, a budget ordinance for fiscal year 2011-2012 that allocated funding from the General Fund for a leaf truck in the Street Department and allocated funding from the Water and Sewer Fund for the acquisition of a skid loader and truck for the Wastewater Treatment Plant as well as the acquisition of a truck for each of the following departments: (a) the Water Maintenance Department, (b) the Wastewater Maintenance Department, (c) the Technical Services Department, and (d) the Systems Maintenance Department; and

WHEREAS, the budgeted amount of the expenditure from the General Fund for the leaf truck is one hundred forty thousand and no/100 dollars (\$140,000.00), and the budgeted amount of the expenditure from the Water and Sewer Fund for vehicles and equipment is one hundred eighty-seven thousand and no/100 dollars (\$187,000.00) with the total expenditure from both funds not to exceed three hundred twenty-seven thousand and no/100 dollars (\$327,000.00); and

WHEREAS, Section 160A-20 of the North Carolina General Statutes authorizes the city to finance the purchase of personal property by means of an installment contract that creates 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, the adopted budget ordinance calls for the above-stated expenditures to be financed by means of entering into an installment financing contract that creates a security interest in the municipal vehicles and equipment to be acquired with the proceeds from this financing arrangement; and

WHEREAS, in order to continue to provide high quality municipal services at their present level, the listed vehicles and equipment will be purchased and placed into service as soon as is feasible by utilizing funds that are currently available in the General Fund and the Water and Sewer Fund; and

WHEREAS, loan proceeds obtained from the installment financing contract authorized by the previously adopted budget ordinance will be used to reimburse the General Fund and the Water and Sewer Fund for the above-described initial expenditures for municipal vehicles and equipment; and

WHEREAS, more favorable financing terms can be obtained if the city takes the steps necessary to allow the lending institution from whom financing is ultimately obtained to exclude from its gross income the interest paid or payable under the installment financing contract with the city; and

WHEREAS, in accordance with the applicable Treasury Regulations, one of the steps necessary to avoid jeopardizing the ability of a lender to exclude from its gross income the interest paid or payable under the agreed upon financing agreement is for the City Council to declare its intent to reimburse the General Fund and the Water and Sewer Fund for the original expenditures used to purchase the vehicles and equipment needed to provide municipal services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, prior to the execution of an installment financing contract and consistent with the adopted budget ordinance, a maximum of one hundred forty thousand and no/100 dollars (\$140,000.00) may be expended from the General Fund by the Street Department for a leaf truck and a maximum of one hundred eighty-seven thousand and no/100 dollars (\$187,000.00) may be expended from the Water and Sewer Fund for the purchase of a skid loader and truck for the Wastewater Treatment Plant as well as the purchase of a truck for each of the following departments: (a) the Water Maintenance Department, (b) the Wastewater Maintenance Department, (c) the Technical Services Department, and (d) the Systems Maintenance Department; and

BE IT FURTHER RESOLVED that it is the official intent of the Asheboro City Council to fully reimburse, with loan proceeds from an installment financing contract to be executed prior to the end of the 2011-2012 fiscal year, the General Fund and the Water and Sewer Fund for the purchase earlier in the same fiscal year of vehicles and equipment needed by the municipal departments listed in the immediately preceding paragraph to continue to provide essential municipal services.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 14th day of July, 2011.

s/ David H. Smith

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

ATTEST:

s/ Holly H. Doerr

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

5. Community Development Items:

- (a) **RZ-11-11 Request to rezone from Conditional Use B2 (General Commercial) and R10 (Medium-Density Residential) zoning districts to an O&I (Office and Institutional) zoning district.** The proposed zoning district includes two (2) parcels of land owned by CommunityOne Bank along Browers Chapel Road. One (1) parcel of land is located at 187 Browers Chapel Road, and the other adjoining parcel is located to the immediate south of 187 Browers Chapel Road. The proposed zoning district encompasses approximately 12.183 acres of land. Randolph County Parcel Identification Numbers 7760473123 and 7760473548 more specifically identify the property.

Mayor Smith opened the public hearing on the following request.

Senior Planner John Evans presented the Community Development Division staff's analysis of the request by CommunityOne Bank to rezone the above-described property from CU-B2 (Conditional Use General Commercial) and R10 (Medium-Density Residential) zoning to O&I (Office and Institutional). The Planning Board recommended approval of the requested rezoning because the Board concurred with the analysis provided by the Community Development Division staff. The staff's analysis is as follows:

"Analysis of this request is complex. The property is designated by the Land Development Plan "Proposed Land Use Map" as commercial and neighborhood residential, which reflects the current zoning of the property. The Land Development Plan "Proposed Land Use Map" was adopted prior to the creation of the O&I zoning district, which was designated as a transitional zoning district to be placed between more intensive commercial uses and residential uses. The property is also located on a minor thoroughfare.

The requested Office and Institutional (O&I) zoning district is generally the least intensive non-residential zoning district, and prohibits more intensive commercial uses (i.e. retail, eating establishments, hotels, sales of motor vehicles, etc.) that are permitted in other commercial zoning districts. Considering the character of Browers Chapel Road, which exhibits a pattern of progressively less intensive uses between heavier commercial uses to the north (along East Dixie Drive) and single-family residential uses to the south, the Office and Institutional District is an appropriate transitional zoning that is supported by the text of the Land Development Plan. Considering these factors, staff believes this request is within the public interest in supporting a reasonable use of the property."

Mr. H.R. Gallimore of ReMax Central Realty presented comments in support of the requested rezoning.

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

Upon motion by Mr. Moffitt and seconded by Ms. Carter, Council adopted the recommendation/analysis of the Community Development Division staff and the Planning Board and voted unanimously to approve the requested rezoning. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

- (b) **RZ-11-12: Request to rezone from R10 (Medium-Density Residential) and Conditional Use OA6 (Office-Apartment) zoning districts to an I2 (General Industrial) zoning district.** The proposed zoning district includes multiple parcels of land owned by Malt-O-Meal Company at its Asheboro Mill, 2525 Bank Street, Asheboro, North Carolina. The property for which I2 zoning is proposed is located along Quaker Drive and consists of approximately 47.11 acres of land within the parcels of land listed in the applicant's request. Randolph County Parcel Identification Numbers 7753881257, 7753873514, 7753872514, 7753872276, 7753871543, 7753871361, 7753870563, 7753779563, 7753778295, 7753778204, 7753777582, 7753777234, 7753777007, 7753776584, 7753776512, 7753775532, 7753775226, 7753774562, and 7753774216

more specifically identify the property subject to this request. Additionally, the land area included within the proposed I2 zoning district is inclusive of public right-of-way that may be added to the above-listed parcels of land as a consequence of the proposed permanent closure of a section of Quaker Drive pursuant to Section 160A-299 of the North Carolina General Statutes.

Mayor Smith opened the public hearing on the following request

Senior Planner John Evans presented the Community Development Division staff's analysis of the request by Malt-O-Meal Company to rezone the above-described property from R10 (Medium-Density Residential) and CU-OA6 (Conditional Use Office-Apartment) to I2 (General Industrial). The Planning Board recommended approval of the requested rezoning because the Board concurred with the analysis provided by the Community Development Division staff. The staff's analysis is as follows:

"Analysis of this request is complex. The proposed land use map of the Land Development Plan proposes neighborhood residential use of the property, which reflects the current uses. However, industrial development to the north and west, in combination with the changing character of the area, the property's available access to infrastructure (water, sewer), and the close proximity to multi-modal transportation (including rail and two future interstate corridors), make zoning these properties to I-2 General Industrial in harmony with the public health, safety, and general welfare, and create a reasonable use of the property. Therefore, staff recommends approval of the request."

Mr. Ben Morgan, Esq. and Mr. Paul Holzhueter of the Malt-O-Meal Company presented comments in support of the requested rezoning.

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

Upon motion by Mr. Bell and seconded by Mr. Baker, Council adopted the recommendation/analysis of the Community Development Division staff and the Planning Board and voted unanimously to approve the requested rezoning. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

(c) SUB-88-02: Preliminary Plat for Carrington Hills Phase 2.

Senior Planner John Evans presented a written request from Summey Engineering Associates, PLLC (a representative of the Applicant, Mr. Gerald Hedrick) to continue this item to the Council's regular August meeting.

Upon motion by Ms. Carter and seconded by Mr. Burks, Council voted unanimously to continue the above-referenced item to its regular August meeting. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

(d) Public hearing to consider and possible take action on a resolution adopting the Randolph County Multi-Jurisdictional Hazard Mitigation Plan.

Mayor Smith opened the public hearing.

Senior Planner John Evans presented and recommended adoption, by reference, of a resolution adopting the Randolph County Multi-Jurisdictional Hazard Mitigation Plan.

There being no comments from the public and no further comments from city staff members, Mayor Smith closed the public hearing.

Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

26 RES 7-11

Resolution Adopting the Randolph County Multi-Jurisdictional Hazard Mitigation Plan

WHEREAS, the citizens and property within the City of Asheboro are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the City are particularly vulnerable to dam failures, droughts, earthquakes, floods, hurricanes, tropical systems, extra-tropical systems, landslides, sinkholes, severe thunderstorms, tornados, heatwaves, wildfires, ice events and snow events; and

WHEREAS, the City desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 --- Senate Bill 300 effective July 1, 2001), States therein in Item (a) (2) "For a State of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act"; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the City of Asheboro has performed a comprehensive review and evaluation of each section of the previously approved Randolph County Multi-Jurisdictional Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the City of Asheboro City Council to fulfill this obligation in order that the City will be eligible for federal and State assistance in the event that a State of disaster is declared for a hazard event affecting the City;

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

1. Adopts the Randolph County Multi-Jurisdictional Hazard Mitigation Plan; and
2. Vests the City of Asheboro Zoning Administrator with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints the City of Asheboro Community Development Division to assure that the Randolph County Multi-Jurisdictional Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the City of Asheboro City Council for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Randolph County Multi-Jurisdictional Hazard Mitigation Plan.

Adopted this the 14th day of July, 2011.

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

Attest:

s/ Holly H. Doerr
Holly H. Doerr
City Clerk

(e) Update on status of Asheboro Municipal Watershed Restoration Plan (regarding storm water issues on Penwood Branch and Hasketts Creek).

Mr. Evans updated the Council on the status of the Asheboro Municipal Watershed Restoration Plan that was discussed during a special meeting of the Council on January 25, 2011. Mr. Cy Stober, a storm water management expert with the Piedmont Triad Regional Council has informed city staff that grant funding for this project from the Clean Water Trust Fund will not be available to the city at this time. Future funding opportunities will be pursued when they become available.

6. Public comment period.

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

7. Public works and engineering items:

(a) Consideration of closing a section of Quaker Drive as requested by Malt-O-Meal Company.

(i) Public hearing

Mayor Smith opened the public hearing on the proposed permanent closure of a section of Quaker Drive.

Mr. Leonard reported that the resolution declaring the city council's intent to permanently close a section of Quaker Drive was published in *The Courier Tribune* once a week for four successive weeks, property owners were notified by mail in accordance with the North Carolina General Statutes, and that signs were posted along the impacted sections of Quaker Drive.

Mr. Ben Morgan, Esq., presented comments in support of the proposed permanent closing of a section of Quaker Drive.

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

(ii) Order of closing

Mr. Leonard presented and recommended adoption, by reference, of an ordinance/order to permanently close a section of Quaker Drive described in the proposed ordinance/order.

Upon motion by Ms. Carter and seconded by Mr. Hunter, Council voted unanimously to adopt the following ordinance/order by reference.

CITY OF ASHEBORO STREET CLOSURE ORDINANCE NO. 24 ORD 7-11

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

**IN RE THE PERMANENT CLOSURE OF A)
CERTAIN SECTION OF THE RIGHT-OF-WAY) ORDER
FOR QUAKER DRIVE)
)
)**

WHEREAS, pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Asheboro adopted on the 9th day of June, 2011, during a regular meeting, a resolution (Resolution No. 22 RES 6-11) declaring the intent of the City Council to permanently close a section of the right-of-way for Quaker Drive; and

WHEREAS, Resolution Number 22 RES 6-11 properly called for a public hearing to be held during the Asheboro City Council's regular meeting, which would begin at 7:00 o'clock p.m., on the 14th day of July, 2011, in the Council Chamber of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro on the question of whether the proposed permanent street closure would be detrimental to the public interest or the property rights of any individual; and

WHEREAS, pursuant to Section 160A-299 of the North Carolina General Statutes, the said resolution of intent was published in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, Randolph County, North Carolina, once a week for four successive weeks (this notice was published on June the 16th, 23rd, and 30th as well as on July 7, 2011) prior to the public hearing called on the question of the permanent closure of the described section of the right-of-way for Quaker Drive; and

WHEREAS, a copy of the said resolution of intent was sent by certified mail to all of the property owners, as determined by reviewing the county tax records, adjoining Quaker Drive. These property owners are more particularly identified as follows:

1. John H. Stein and Linda A. Henson
2. Malt-O-Meal Company
3. Yarabit Vencez and Antonio M. Sanchez
4. Vicente Rios and Deisy Rios
5. Carlos Magana and Carolina Magana
6. Frances C. Caviness
7. Brian Lee Lucas
8. Ronald L. Bennett and Others
9. L&P Rentals, LLC
10. Jerry Lautenschleger and Eldora L. Lautenschleger
11. Timothy Draughn and Angela M. Draughn
12. Therman E. Brown

WHEREAS, notice of the Asheboro City Council's intention to permanently close the described section of Quaker Drive, as well as the call for a public hearing on the question of the proposed street closure, was prominently posted in two places along the section of right-of-way for Quaker Drive for which permanent closure is proposed; and

WHEREAS, after holding the above-described public hearing, the Asheboro City Council has concluded that the permanent closure of the described section of right-of-way for Quaker Drive is not contrary to the public interest and that no individual owning property in the vicinity of the proposed street closure would be deprived of reasonable means of ingress and egress to his or her property by such closure.

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

Section 1. The section of irrevocably dedicated right-of-way for Quaker Drive specifically described herein is hereby permanently closed. As of the date of adoption of this ordinance, the closed section of the right-of-way for Quaker Drive is located within the corporate limits of the City of Asheboro. The street right-of-way permanently closed by this ordinance is more particularly described by metes and bounds as follows:

Randleman Township, Randolph County, North Carolina:

BEGINNING at a ½" rebar set flush with the ground in the southern margin of the apparent 40-foot wide public right-of-way for Quaker Drive, this ½" rebar is located 548 feet, more or less, from the intersection of the southern margin of the public right-of-way for Quaker Drive with the western margin of the public right-of-way for Bank Street and is located South 88 degrees 21 minutes 55 seconds West 22.58 feet from a flat/iron located at the northwest corner of the Yarabit Vencez and Antonio M. Sanchez property described in both Deed Book 1837, Page 959, Randolph County Registry and in Plat Book 5, Page 81, Randolph County Registry; thence from the said beginning point along the southern margin of the public right-of-way for Quaker Drive the following courses and distances: South 88 degrees 21 minutes 55 seconds West 827.57 feet to a ½" rebar set flush with the ground; thence South 88 degrees 21 minutes 55 seconds West 37.66 feet to a ½" rebar set flush with the ground; thence North 01 degree 38 minutes 12 seconds West 40.24 feet across Quaker Drive to a ½" rebar set flush with the ground as a control corner in the northern margin of the public right-of-way for Quaker Drive; thence along the northern margin of the public right-of-way for Quaker Drive the following courses and distances: North 88 degrees 21 minutes 48 seconds East 423.35 feet to a control corner located at a 1½" existing iron pipe flush with the ground; thence North 88 degrees 40 minutes 08 seconds East 74.67 feet to a 2" existing iron pipe set flush with the ground; thence North 88 degrees 23 minutes 08 seconds East 319.07 feet to a ½" rebar set flush with the ground; thence across Quaker Drive in a southeasterly direction along the arc of a curve with a radius of 51.00 feet and an arc length of 67.18 feet a chord bearing and distance of South 52 degrees 05 minutes 28 seconds East 62.43 feet to the point and place of the BEGINNING, and being all of that certain 0.7629 of an acre (33,231 square feet) of land, more or less, encompassed by the preceding metes and bounds description, specifically including the entirety of the public right-of-way for the above-described section of Quaker Drive. The right-of-way to be permanently closed is shown on the plat of survey referenced below.

This description is in accordance with a plat of survey entitled "PLAT PREPARED FOR PROPOSED PERMANENT CLOSURE OF A SECTION OF QUAKER DR." that was drawn under the supervision of Glenn Lee Brown, a Professional Land Surveyor with registration number L-3663. This plat of survey, which is dated May 2, 2011, is hereby incorporated into this resolution by reference as if copied fully herein.

Section 2. The City of Asheboro, pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, hereby reserves its perpetual right, title, and interest in and to the City of Asheboro water line(s) and sanitary sewer line(s) shown on the above-referenced plat of survey. This express reservation of a perpetual right, title, and interest in the said municipal water and sanitary sewer lines includes, without limitation, an express reservation of a perpetual right, title, and interest in an easement for the said municipal water and sanitary sewer lines. The easement referenced in the immediately preceding sentence shall be deemed to be inclusive of the entirety of the area described by metes and bounds in Section 1 of this Ordinance/Order and shall be utilized for the operation and maintenance of the said municipal water and sanitary sewer lines. Furthermore, this reservation by the City of Asheboro of its right, title, and interest in an easement for public infrastructure expressly includes, without limitation, the city's perpetual right and privilege of going in, upon, and over the area described in Section 1 of this Ordinance/Order at any time or times, and from time to time, at the city's option, for the purpose of constructing, inspecting, operating, repairing, and maintaining municipal water and sanitary sewer lines, including such alterations, replacements, and expansions of capacity as may, in the city's sole judgment, be necessary or proper as a part of the Public Water Supply System and Sanitary Sewer System of the City of Asheboro, North Carolina.

Furthermore, this reservation of right, title, and interest in utility improvements and easements extends to existing utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city. In particular, this reservation of right, title, and interest extends to the gas, power, telephone, and cablevision lines located within the reserved easement area at the time of the adoption of this Ordinance/Order.

Section 3. This ordinance shall take effect and be in force from and after the date of its adoption.

Section 4. Any person aggrieved by the permanent closure of the above-described section of the right-of-way for Quaker Drive may appeal the adoption of this ordinance and order to the General Court of Justice of Randolph County, North Carolina within thirty (30) days after the adoption of the ordinance and order.

Section 5. In the event there is no appeal within thirty (30) days after the adoption of this ordinance and order, a certified copy of this ordinance and order shall be filed in the Office of the Register of Deeds of Randolph County, North Carolina as provided by law.

This ordinance and order was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 14th day of July, 2011.

CITY SEAL

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

ATTEST:

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

- (b) Consideration of a contract for professional services between the City of Asheboro and W.K. Dickson & Co., Inc. (selected through a qualification based selection procedure and approved by the city council on February 10, 2011) for engineering services at the Asheboro Regional Airport, including agreements for the following projects:**
- (i) Task Order No. 1 for Obstruction Removal/Certification for a lump sum amount of \$15,350.00**
 - (ii) Task Order No. 2 for taxilane, access road and hangar site preparation for costs not to exceed \$117,800.00**

Mr. Leonard presented and recommended approval of the above-referenced contract between the City of Asheboro and W.K. Dickson & Co., Inc. for engineering services at the airport, including the following projects:

- (i) Task Order No. 1 for Obstruction Removal/Certification for a lump sum amount of \$15,350.00. This project is to be undertaken in order to ensure a clear line of sight for pilots.
- (ii) Task Order No. 2 for taxilane, access road and hangar site preparation for costs not to exceed \$117,800.00

Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to approve the aforementioned contract that specifically includes the two (2) above-listed projects. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

[A copy of the approved contract is on file in the City Clerk's office.]

(c) Consideration of amendments to the Code of Asheboro in order to implement the City's electronics recycling program.

Mr. Williamson presented and recommended adoption, by reference, of an ordinance amending Chapter 51 of the Code of Asheboro for the purpose of implementing an electronics recycling program.

Upon motion by Ms. Carter and seconded by Mr. Bell, Council voted unanimously to adopt the following ordinance, by reference. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

25 ORD 7-11

AN ORDINANCE AMENDING CHAPTER 51 OF THE CODE OF ASHEBORO

WHEREAS, Chapter 51 of the Code of Asheboro prescribes certain regulations pertaining to the maintenance of environmental health within the city, specifically including the operations of the city's Environmental Services Department (formerly referred to as the Sanitation Department); and

WHEREAS, effective July 1, 2011, Section 130A-309.10(f)(14) and Section 130A-309.10(f)(15) of the North Carolina General Statutes prohibit the disposal in landfills of discarded computer equipment and discarded televisions; and

WHEREAS, Section 130A-309.131(2) of the North Carolina General Statutes defines "computer equipment" as follows:

Any desktop computer, notebook computer, monitor or video display unit for a computer system, and the keyboard, mice, other peripheral equipment, and a printing device such as a printer, scanner, a combination print-scanner-fax machine, or other device designed to produce hard paper copies from a computer. Computer equipment does not include an automated typewriter, professional workstation, server, ICI device, ICI system, mobile telephone, portable handheld calculator, portable digital assistant (PDA), MP3 player, or other similar device; an automobile; a television; a household appliance; a large piece of commercial or industrial equipment, such as commercial medical equipment, that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display device that is contained within, and is not separate from, the larger piece of equipment, or other medical devices as that term is defined under the federal Food, Drug, and Cosmetic Act; and

WHEREAS, Section 130A-309.131(16) of the North Carolina General Statutes defines "television" as follows:

Any electronic device that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying of television or video programming via broadcast, cable, or satellite, including, without limitation, any direct view or projection television with a viewable screen of nine inches or larger whose display technology is based on cathode ray tube (CRT), plasma, liquid crystal display (LCD), digital light processing (DLP), liquid crystal on silicon (LCOS), silicon crystal reflective display (SXRD), light emitting diode (LED), or similar technology marketed and intended for use by a consumer primarily for personal purposes. The term does not include computer equipment; and

WHEREAS, the City of Asheboro Environmental Services Department proposes to collect electronics as part of the city's recycling program; and

WHEREAS, Chapter 51 of the Code of Asheboro must be amended in order to update the references to the former Sanitation Department and in order to effectively implement the proposed electronics recycling program; and

WHEREAS, the Asheboro City Council wishes to proceed with implementing the electronics recycling program proposed by the city's Environmental Services Department;

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

Section 1. Section 51.22 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 51.22 PLACING OF MATERIALS FOR SPECIAL COLLECTION

(A) ~~The city sanitation department~~ City of Asheboro Environmental Services Department (formerly known as the Sanitation Department and referred to as the "Department" throughout the remainder of this section), by means of knuckle boom trucks, will collect yard waste and construction and demolition material/building material waste in accordance with the provisions of this division.

(1) As used within this section, the term **YARD WASTE** shall be deemed to consist of grass trimmings, brush, scrub vegetation, tree limbs, and other similar organic material not otherwise addressed by this chapter of the Code of Asheboro. Due to the fact that all yard waste will be collected with a knuckle boom truck, no such waste shall be placed for collection in a container or in any other manner that is contrary to the provisions of this division. The first two scoops of yard waste collected during a 24-hour period from a parcel of land shall be collected at no charge to the occupant(s) or owner(s) of the property. If the entirety of the yard waste deposited for collection on a parcel of land cannot be collected in two scoops within the normal operating parameters of the knuckle boom truck, a fee shall be charged to the occupant(s) or owner(s) of the parcel of land in the amount of \$12.00 for each additional scoop of yard waste that is collected. The ~~city sanitation department~~ Department shall utilize a route type system to collect yard waste and shall not be obligated to respond within any specified time frame to a call for service.

(2) Construction and demolition material/building material waste is subject to collection by the city with a knuckle boom truck. This waste material shall not be placed for collection in a container or in any other manner that is contrary to the provisions of this division. A fee shall be charged to the occupant(s) or owner(s) of the parcel of land upon which the waste material is located in the amount of \$20.00 per scoop of waste material that is collected. The ~~city sanitation department~~ Department shall utilize a route type system to collect the waste material and shall not be obligated to respond within any specified time frame to a call for service.

(3) Occupants or owners of property desiring to have yard waste and construction and demolition material/building material waste collected by the ~~city sanitation department~~ Department shall place such waste material at the edge of the yard and approximately two feet from the edge of the pavement of a public street or highway. Waste material shall be placed a minimum of four feet from any other object and shall not be placed under any guy wires.

(4) The above-stated fee structure shall only apply to items of yard waste that are no longer than five feet in length and no more than four inches in diameter. With regard to construction and demolition material/building material waste, the above-stated fee structure shall only apply to items that are no longer than four feet in length and no more than four feet in width. Any item that exceeds the dimensions listed in the immediately preceding sentences will not be collected when first observed by city employees operating a knuckle boom truck. Instead, the occupant(s) of the property shall be notified of the non-compliance of the waste material with the above-stated size restrictions by means of tagging the waste material, and the owner(s) of the real property, as listed by the Randolph County Tax Collector, shall be notified by means of a registered letter of the non-compliance with the size restrictions. Upon the passage of two calendar weeks from the date of tagging the waste and mailing notification to the property owner(s), whichever is later, the ~~city sanitation department~~ Department shall remove any non-conforming waste material that has not been relocated from its original collection point. The occupant(s) or owner(s) of the property from which such waste material is removed shall be charged a fee of \$24.00 per scoop of waste material that is removed. Any and all waste material found within a pile containing one or more non-conforming items of waste shall be subject to the \$24.00 per scoop fee, and no complimentary scoops of debris removal shall be provided to any occupant or owner who has intermingled conforming and non-conforming waste materials.

(5) No waste material shall be placed in a ditch or on a curb, sidewalk, or public street or highway. Any such waste material shall be collected by the ~~city sanitation department~~ Department without notice, and the occupant(s) or owner(s) of the property from which the waste originated will be charged a fee of \$24.00 for each scoop of such waste that is collected by the city. No

complimentary scoops of waste material removal will be provided to an individual who places such debris in a prohibited location.

(6) Waste material that is placed within a public right-of-way and constitutes a traffic hazard shall be removed by the ~~city sanitation department~~ **Department** without notice. The determination of whether waste material constitutes a traffic hazard shall be within the sole discretion of the ~~Director of Operations for Public Works~~ **Public Works Director** or his designee(s). Any waste material that is deemed to be a traffic hazard and has to be removed during the normal business hours of the ~~city's sanitation department~~ **Department** shall be removed at a cost of \$24.00 per scoop. If such waste material has to be removed outside of the ~~city sanitation department's~~ **Department's** normal business hours, the waste material will be removed at a cost of \$50.00 per scoop. The charges for removing waste material that poses a traffic hazard shall be borne by the occupant(s) or owner(s) of the property from which the waste material originated. No complimentary scoops of waste material removal will be provided to an individual who places debris in such a manner as to create a traffic hazard.

(7) As used within this section, the term **YARD WASTE** shall not be deemed to include leaves that have been properly placed for collection by the city's street department.

(B) Discarded tires are subject to collection by the city at a fee of \$5.00 per tire. Unless the identity of the party that physically discarded the collected tire(s) can be conclusively established, the fee for collecting discarded tires shall be charged to the occupant(s) or owner(s) of the parcel of land from which the discarded tires are collected. The ~~city sanitation department~~ **Department** shall utilize a route type system to collect discarded tires and shall not be obligated to respond within any specified time frame to a call for service.

(C) The ~~city sanitation department~~ **Department** will collect those items commonly referred to as "white goods" in accordance with the provisions of this division.

(1) As used within this section, the term **WHITE GOODS** shall be deemed to include refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, dishwashers, clothes dryers, and other similar domestic and commercial large appliances.

(2) Any items properly classified as white goods which are placed at the edge of a yard and approximately two feet away from the edge of the pavement of a public street or highway will be collected by the ~~city sanitation department~~ **Department** for a fee of \$10.00 per appliance.

(D) As part of the city's electronics recycling program, the Department will collect, on a weekly basis, electronics in accordance with the provisions of this division.

(1) As used within this section, the term **ELECTRONICS** shall be deemed to include any desktop computer, notebook computer, monitor or video display unit for a computer system, and the keyboard, mice, other peripheral equipment, and printing devices such as a printer, scanner, a combination print-scanner-fax machine, or other device designed to produce hard paper copies from a computer. The term **ELECTRONICS** also includes any electronic device that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying of television or video programming via broadcast, cable, or satellite, including, without limitation, any direct view or projection television with a viewable screen of nine inches or larger whose display technology is based on cathode ray tube (CRT), plasma, liquid crystal display (LCD), digital light processing (DLP), liquid crystal on silicon (LCOS), silicon crystal reflective display (SXR), light emitting diode (LED), or similar technology marketed and intended for use by a consumer primarily for personal purposes. If a question arises as to whether a specific item is deemed to fall within the scope of the term **ELECTRONICS**, the definitions provided for computer equipment and televisions in the most current version of NCGS 130A-309.131(2) and NCGS 130A-309.131(16) shall be deemed to be the controlling authority.

(2) With the exception of televisions and monitors, any items properly classified as **ELECTRONICS** that are placed at the edge of a yard and approximately two feet away from the edge of the pavement of a public street or highway will be collected by the Department free of charge. Televisions and monitors placed at the edge of a yard and approximately two feet away from the edge of the pavement of a public street or highway will be collected by the Department for a fee of \$10.00 per item.

(3) It is unlawful to place **ELECTRONICS** in trash or garbage receptacles/containers serviced by the city, in dumpsters serviced by the city, or in containers provided by the city for use with the automated collection trucks.

~~(D)~~ (E) Unless provided otherwise in this section, the collection charges instituted in this section will be added to the water and sewer bill of the occupant(s) or owner(s) of the parcel of land from which the collected waste material originated. Payment terms will be the same as for the water and sewer bill. In the event of a partial payment on a combined water-sewer and sanitation environmental services bill, the payment shall be first applied to the sanitation environmental services charge and the remainder, if any, shall be applied to the water-sewer charges. Failure to pay the full balance of the water-sewer bill shall result in the consequences specified in the city code, including without limitation the termination of water service. In the event of nonpayment of collection charges by property occupant(s) or owner(s) that do not have water and/or sewer accounts with the city, all collections of the customer's refuse will be discontinued until payment is remitted in full. If, after reasonable inquiry has been made by city officials, a determination cannot be conclusively made as to the identity of the party that placed the waste material for collection, the charges associated with any such collection shall be deemed to be the responsibility of the owner(s) of the property from which the waste material was collected.

Section 2. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after August 1, 2011.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 14th day of July, 2011.

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

ATTEST:

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

8. Annexation requests:

(a) **Consideration of a petition received from Junior T. and Hazel C. Goldston requesting contiguous annexation of 0.32 of an acre of land located at 432 and 434 Woodlawn Street (0.33 of an acre of land to be annexed including street right-of-way).**

(i) Mr. Leonard presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting contiguous annexation of 0.33 of an acre of land located at 432 and 434 Woodlawn Street.

Upon motion by Mr. Burks, and seconded by Mr. Baker, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

27 RES 7-11

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES (A Total of 0.33 of an Acre of Land Located at 432 and 434 Woodlawn Street)

WHEREAS, Junior T. Goldston and Hazel C. Goldston have submitted a petition requesting the annexation of their parcel of land (Randolph County Parcel Identification Number 7761347487) located at 432 and 434 Woodlawn Street into the primary corporate limits of the City of Asheboro; and

WHEREAS, this parcel of land is contiguous with the existing primary corporate limits of the City of Asheboro; and

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

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

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

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 14th day of July, 2011.

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

ATTEST:

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

CERTIFICATE OF SUFFICIENCY
(A Total of 0.33 of an Acre of Land Located at 432 and 434 Woodlawn Street)

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

I, Holly H. Doerr, CMC, City Clerk of the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto. As a consequence of that investigation, I have found as a fact that all owners of real property lying in the area described therein have signed the said petition, and 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, North Carolina in order to make this certification effective as of the 14th day of July, 2011.

(SEAL)

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

- (ii) As a consequence of the receipt of written certification from the City Clerk as to the sufficiency of said annexation petition, Mr. Leonard presented and recommended adoption, by reference, of a resolution setting the date for a public hearing on the question of annexation.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

28 RES 7-11

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES
(A Total of 0.33 of an Acre of Land Located at 432 and 434 Woodlawn Street)

WHEREAS, Junior T. Goldston and Hazel C. Goldston have submitted a petition requesting the annexation of their parcel of land (Randolph County Parcel Identification Number 7761347487) located at 432 and 434 Woodlawn Street into the primary corporate limits of the City of Asheboro; and

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

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

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

Section 1. A public hearing on the question of annexing the area described herein will be held in the Council Chamber of Asheboro City Hall, which is located at 146 North Church Street, Asheboro, North Carolina 27203, during a regular meeting of the City Council that will begin at 7:00 o'clock p.m. on the 4th day of August, 2011.

Section 2. A metes and bounds description of the area proposed for annexation is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

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

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 14th day of July, 2011.

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

ATTEST:

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

EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a computed point on the southern boundary line of a lot owned by Junior T. Goldston and Hazel C. Goldston and identified as Lot 23 on a plat of survey recorded in Plat Book 1, Page 199, Randolph County Public Registry, this computed point is on the existing primary corporate limits line for the City of Asheboro and is located by means of the North Carolina Coordinate System at the coordinates of North 714,412.143 feet and East 1,763,735.818 feet (NAD 27); thence from the said beginning point following the existing primary corporate limits line North 19 degrees 00 minutes 40 seconds West 52.49 feet across a portion of the said lot 23 to a computed point on the platted line between Lot 23 and Lot 24; thence continuing along the existing primary corporate limits line the following courses and distances: North 19 degrees 00 minutes 40 seconds West 23.16 feet across a portion of the said Lot 24, which is also owned by Junior T. Goldston and Hazel C. Goldston (see Deed Book 1455, Page 1629, Randolph County Public Registry), to a computed point on the eastern margin of the 30-foot public right-of-way for Woodlawn Street (North Carolina Secondary Road 2186), this computed point is located by means of the North Carolina Coordinate System at the coordinates of North 714,483.663 feet and East 1,763,711.176 feet (NAD 27); thence North 19 degrees 00 minutes 40 seconds West 29.26 feet to a computed point in Woodlawn Street; thence departing from the existing primary corporate limits line and following the proposed new primary corporate limits line North 88 degrees 56 minutes 11 seconds East 11.09 feet to a new Parker-Kalon nail set in a concrete drive at the northwest corner of the said Lot 24; thence continuing along the proposed new primary corporate limits line and the boundary lines of the Goldston property described in Deed Book 1455, Page 1629, Randolph County Public Registry the following courses and distances: North 88 degrees 56 minutes 11 seconds East 150.33 feet to a 1-inch existing iron stake that is 6" tall; thence South 03 degrees 43 minutes 53 seconds West 50.18 feet to a 1-inch existing iron pipe that is flush with the ground; thence South 03 degrees 27 minutes 57 seconds West 50.08 feet to a 1-inch existing iron stake that is flush with the ground; thence South 88 degrees 59 minutes 42 seconds West 120.94 feet to the point and place of BEGINNING, and containing 0.33 of an acre (or 14,093 square feet) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "**ANNEXATION SURVEY - CITY OF ASHEBORO PROPERTY OF JUNIOR T. GOLDSTON & HAZEL C. GOLDSTON.**" This plat was drawn under the supervision of Timothy B. Duncan, Professional Land Surveyor with Registration Number L-4253, from an actual survey made under his supervision. The said plat is dated May 13, 2011, and the job number listed on the plat is S-01811.

- (b) Consideration of a petition received from B.D. and Ann L. Greene requesting contiguous annexation of 0.766 of an acre of land located at 969 Sherwood Avenue (1.760 acres of land to be annexed including street right-of-way).**
- (i)** Mr. Leonard presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting contiguous annexation of 1.760 acres of land located at 969 Sherwood Avenue.

Upon motion by Bell and seconded by Ms. Carter, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

29 RES 7-11

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION
RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES
(A Total of 1.76 Acres of Land Located at 969 Sherwood Avenue)**

WHEREAS, B.D. Greene and Ann L. Greene have submitted a petition requesting the annexation of a parcel of land (Randolph County Parcel Identification Number 7750146219) located at 969 Sherwood Avenue into the primary corporate limits of the City of Asheboro; and

WHEREAS, this parcel of land is contiguous with the existing primary corporate limits of the City of Asheboro; and

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

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

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

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 14th day of July, 2011.

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

ATTEST:

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

CERTIFICATE OF SUFFICIENCY
(A Total of 1.76 Acres of Land Located at 969 Sherwood Avenue)

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

I, Holly H. Doerr, CMC, City Clerk of the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto. As a consequence of that investigation, I have found as a fact that all owners of real property lying in the area described therein have signed the said petition, and 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, North Carolina in order to make this certification effective as of the 14th day of July, 2011.

(SEAL)

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

- (ii) As a consequence of the receipt of written certification from the City Clerk as to the sufficiency of said annexation petition, Mr. Leonard presented and recommended adoption, by reference, of a resolution setting the date for a public hearing on the question of annexation.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT
TO SECTION 160A-31 OF THE
NORTH CAROLINA GENERAL STATUTES**
(A Total of 1.76 Acres of Land Located at 969 Sherwood Avenue)

WHEREAS, B.D. Greene and Ann L. Greene have submitted a petition requesting the annexation of a parcel of land (Randolph County Parcel Identification Number 7750146219) located at 969 Sherwood Avenue into the primary corporate limits of the City of Asheboro; and

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

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

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

Section 1. A public hearing on the question of annexing the area described herein will be held in the Council Chamber of Asheboro City Hall, which is located at 146 North Church Street, Asheboro, North Carolina 27203, during a regular meeting of the City Council that will begin at 7:00 o'clock p.m. on the 4th day of August, 2011.

Section 2. A metes and bounds description of the area proposed for annexation is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

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

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 14th day of July, 2011.

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

ATTEST:

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

EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing 1-inch iron stake found 0.2' above grade in the southern margin of the 60-foot public right-of-way for Sherwood Avenue (North Carolina Secondary Road 1204) at the northeast corner of the Burnie D. Greene property described in Deed Book 548, Page 32, Randolph County Public Registry, the said existing iron stake is located by means of the North Carolina Coordinate System at the coordinates of North 704,443.663 feet and East 1,751,777.292 feet (NAD 83); thence from the said beginning point following the existing primary corporate limits line for the City of Asheboro along the eastern and southern boundary lines of the said Burnie D. Greene property the following courses and distances: South 05 degrees 47 minutes 52 seconds West 197.89 feet to an existing 1-inch iron stake found 0.4' above grade and located by means of the North Carolina Coordinate System at the coordinates of North 704,246.784 feet and East 1,751,757.302 feet (NAD 83); thence North 83 degrees 48 minutes 52 seconds West 167.61 feet to an existing 1-inch iron stake found 0.4' above grade; thence following the proposed new primary corporate limits line along the western boundary of the said Burnie D. Greene property North 05 degrees 41 minutes 58 seconds East 199.84 feet to an existing 1-inch iron stake found flush with the ground in the southern margin of the public right-of-way for Sherwood Avenue; thence North 84 degrees 16 minutes 12 seconds West 159.87 feet along the proposed new corporate limits line and the southern margin of the public right-of-way for Sherwood Avenue to an existing iron pipe found at the northwest corner of the Hubert V. Henderson, Jr. property described in Deed Book 1758, Page 1953, Randolph County Public Registry; thence along the existing primary corporate limits line and the southern margin of the public right-of-way for Sherwood Avenue North 84 degrees 21 minutes 46 seconds West 100.32 feet to an existing iron pipe; thence North 05 degrees 37 minutes 35 seconds East 58.99 feet

across Sherwood Avenue and along the proposed new primary corporate limits line to a point not set; thence along the northern margin of the public right-of-way for Sherwood Avenue and the existing corporate limits line the following courses and distances: South 84 degrees 22 minutes 25 seconds East 469.93 feet to a point not set; thence South 81 degrees 36 minutes 48 seconds East 176.10 feet to a point not set; thence along the proposed new primary corporate limits line that follows a portion of the western boundary line and the entirety of the southern boundary line of the Dee Ann Bowman property described in Deed Book 1420, Page 1183, Randolph County Public Registry the following courses and distances: South 04 degrees 20 minutes 04 seconds West 6.34 feet to a point not set; thence South 80 degrees 32 minutes 22 seconds East 112.26 feet to a point not set; thence South 04 degrees 19 minutes 22 seconds East 38.54 feet across Sherwood Avenue and along the existing corporate limits line to a point not set; thence following the existing corporate limits line along the southern margin of the right-of-way for Sherwood Avenue the following courses and distances: North 81 degrees 56 minutes 38 seconds West 103.18 feet to a point not set; thence South 02 degrees 09 minutes 21 seconds West 8.74 feet to a point not set; thence North 83 degrees 56 minutes 37 seconds West 233.95 feet to the point and place of BEGINNING, and containing 1.76 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "**Annexation Survey City Of Asheboro** Plat Prepared For **Burnie D. Greene**." This plat was drawn under the supervision of Michael R. Stout, Professional Land Surveyor with Registration Number L-3492, from an actual survey made under his supervision. The said plat is dated June 22, 2011, and the job number listed on the plat is 11-BD Greene-01-01.

(c) Consideration of a petition received from CommunityOne Bank National Association requesting contiguous annexation of 12.183 acres of land located at 187 Browers Chapel Road (12.884 acres of land to be annexed including street right-of-way).

- (i)** Mr. Leonard presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting contiguous annexation of 12.884 acres of land located at 187 Browers Chapel Road.

Upon motion by Mr. Burks and seconded by Mr. Baker, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

31 RES 7-11

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES (A Total of 12.884 Acres of Land Located at 187 Browers Chapel Road)

WHEREAS, CommunityOne Bank, N.A. has submitted a petition requesting the annexation of two (2) parcels of land (Randolph County Parcel Identification Numbers 7760473123 and 7760473548) located at 187 Browers Chapel Road into the primary corporate limits of the City of Asheboro; and

WHEREAS, the combined parcels of land are contiguous with the existing primary corporate limits of the City of Asheboro; and

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

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

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

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 14th day of July, 2011.

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

ATTEST:

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

CERTIFICATE OF SUFFICIENCY
(A Total of 12.884 Acres of Land Located at 187 Browers Chapel Road)

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

I, Holly H. Doerr, CMC, City Clerk of the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto. As a consequence of that investigation, I have found as a fact that all owners of real property lying in the area described therein have signed the said petition, and 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, North Carolina in order to make this certification effective as of the 14th day of July, 2011.

(SEAL)

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

- (ii) As a consequence of the receipt of written certification from the City Clerk as to the sufficiency of said annexation petition, Mr. Leonard presented and recommended adoption, by reference, of a resolution setting the date for a public hearing on the question of annexation.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

32 RES 7-11

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES
(A Total of 12.884 Acres of Land Located at 187 Browers Chapel Road)

WHEREAS, CommunityOne Bank, N.A. has submitted a petition requesting the annexation of two (2) parcels of land (Randolph County Parcel Identification Numbers 7760473123 and 7760473548) located at 187 Browers Chapel Road into the primary corporate limits of the City of Asheboro; and

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

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

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

Section 1. A public hearing on the question of annexing the area described herein will be held in the Council Chamber of Asheboro City Hall, which is located at 146 North Church Street, Asheboro, North Carolina 27203, during a regular meeting of the City Council that will begin at 7:00 o'clock p.m. on the 4th day of August, 2011.

Section 2. A metes and bounds description of the area proposed for annexation is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

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

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 14th day of July, 2011.

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

ATTEST:

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

EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing corporate limits line for the City of Asheboro at a 60D nail set at a ½-inch existing iron rod that is down 3" at the northwest corner of the CommunityOne Bank, N.A. property described in Deed Book 2171, Page 1278, Randolph County Public Registry, this beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 707,662.3663 feet and East 1,763,988.3234 feet (NAD 83); thence from the said beginning point following the existing City of Asheboro primary corporate limits line along the northern and eastern boundary lines of the said CommunityOne Bank, N.A. property the following courses and distances: North 79 degrees 58 minutes 47 seconds East 768.62 feet to a 60D nail set flush at a bent ⅝-inch existing iron rod found up 1'6"; thence South 10 degrees 26 minutes 45 seconds West 574.91 feet to a ¾-inch existing iron pipe flush with the ground; thence along the eastern boundary line of the CommunityOne Bank, N.A. property described in Deed Book 2171, Page 1275, Randolph County Public Registry the following courses and distances: South 10 degrees 32 minutes 00 seconds West 60.50 feet to a ½-inch existing iron rod flush with the ground; thence South 10 degrees 37 minutes 37 seconds West 122.52 feet to a 1¼-inch existing iron pipe that is up 1' and marks the present termination point for the existing corporate limits line; thence following the proposed new primary corporate limits line along the CommunityOne Bank, N.A. property described in Deed Book 2171, Page 1275, Randolph County Public Registry the following courses and distances: South 10 degrees 06 minutes 24 seconds West 74.62 feet to a ½-inch existing iron rod that is up 2"; thence South 01 degree 45 minutes 15 seconds West 191.38 feet to a ½-inch existing iron rod that is up 6"; thence North 87 degrees 15 minutes 32 seconds West 205.98 feet to a ½-inch existing iron rod that is up 6"; thence North 10 degrees 19 minutes 50 seconds West 191.78 feet to a ½-inch existing iron rod that is up 6"; thence North 88 degrees 46 minutes 29 seconds West 313.41 feet to a 60D nail set at a ½-inch existing iron rod that was found down 3" in the eastern margin of the 60-foot public right-of-way for Browers Chapel Road (North Carolina Secondary Road 2826); thence North 88 degrees 46 minutes 29 seconds West 61.46 feet across Browers Chapel Road to a point not set; thence along the western margin of the public right-of-way for Browers Chapel Road the following courses and distances: North 11 degrees 17 minutes 47 seconds West 87.27 feet to a point not set; thence North 01 degree 19 minutes 17 seconds West 409.33 feet to a point not set; thence North 06 degrees 10 minutes 40 seconds West 12.67 feet to a point not set in the existing primary corporate limits line; thence following the existing primary corporate limits line across Browers Chapel Road South 87 degrees 56 minutes 19 seconds East 60.63 feet to a point not set; thence North 06 degrees 10 minutes 40 seconds West 165.52 feet along the eastern margin of the public right-of-way for Browers Chapel Road and the existing primary corporate limits line to the point and place of BEGINNING, and containing 12.884 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION PLAT FOR THE CITY OF ASHEBORO." This plat was drawn under the supervision of Jerry A. King, Professional Land Surveyor with Registration Number L-3373, from an actual survey made under his supervision. The said plat is dated June 2, 2011, and the job number listed on the plat is 6188 A 10.

9. Community Information Items:

(a) Report on 2011 All-America City Awards

Ms. Fletcher reported on her attendance at the 2011 All-America City Award program in Kansas City, Missouri. Most cities that were selected as finalists for the award brought teams to present their community's story and to share ways that the community engages its citizens in order to find local solutions to local issues.

This year's criteria for designation as an All-America City included a requirement to describe three projects that addressed serious challenges facing the applicant city. One of these projects had to focus on young people.

The 2012 All-America City program will focus on increasing the number of low-income children reading at grade level by the end of third grade. The 2013 awards will return to the format and criteria used this year.

Ms. Fletcher plans to work with the elected officials, city manager, and staff to assemble a community committee during 2012 in order to begin the City of Asheboro's application process for

the 2013 All-America City Award program. The Mayor and City Council expressed appreciation for and agreement with Ms. Fletcher's report.

(b) Notification of receipt of "Triad's Healthiest Employers" awards – Finalist in the 100-400 employees category

Ms. Fletcher informed the Council that the City of Asheboro has been notified of its status as a finalist in The Business Journal's 2011 "Triad's Healthiest Employers" awards program for employers with 100-499 employees.

(d) Notification of receipt of ICMA's "Community Sustainability Program Excellence Award" for the Mobile 3-1-1 program (plaque to be presented later this year)

Ms. Fletcher noted that the City of Asheboro received a "Community Sustainability Program Excellence Award" for the Mobile 3-1-1 program. According to the International City/County Management Association (ICMA), this award recognizes innovative local government programs or processes that demonstrate innovation, excellence and success in balancing that community's social, economic, environmental, and cultural needs. A plaque will be presented to Mr. Ogburn at a conference later this year.

10. Asheboro Alcoholic Beverage Control Board Items:

(a) Acknowledge receipt of the minutes of the Asheboro ABC Board meeting held on June 6, 2011.

Mayor Smith acknowledged the receipt of the minutes of the Asheboro ABC Board meeting that was held on June 6, 2011.

(b) Consideration of a resolution re-appointing Stephen R. Knight to a three-year term on the Asheboro ABC Board.

Mayor Smith presented a resolution re-appointing Stephen R. Knight to a three-year term on the Asheboro ABC Board.

Upon motion by Mr. Bell and seconded by Mr. Moffitt, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

33 RES 7-11

RESOLUTION REAPPOINTING STEPHEN R. KNIGHT TO A THREE-YEAR TERM ON THE ASHEBORO ABC BOARD

WHEREAS, consistent with Section 18B-700 of the North Carolina General Statutes, the Asheboro ABC Board consists of three (3) members that are appointed by the Asheboro City Council; and

WHEREAS, Section 18B-700(a) of the North Carolina General Statutes provides, in pertinent part, as follows:

If the board is a three-member board, one member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. As the terms of initial board members expire, their successors shall each be appointed for three-year terms; and

WHEREAS, Stephen R. Knight was first appointed to the Asheboro ABC Board for a three-year term on August 12, 2008, when the initial local board was appointed by the Asheboro City Council; and

WHEREAS, subsequent to the initial appointment of the current board members, the Asheboro ABC Board has performed its duties in a very efficient and professional manner; and

WHEREAS, the Asheboro City Council believes that it is in the best interest of the Asheboro ABC system and the municipal corporation to reappoint Stephen R. Knight to the Asheboro ABC Board for another three-year term, and Mr. Knight has agreed to accept this reappointment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, effective August 12, 2011, Stephen R. Knight is reappointed to the Asheboro ABC Board for another three-year term of office.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 14th day of July, 2011.

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

ATTEST:

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

11. Consideration of a motion to go into closed session pursuant to NCGS 143-318.11 (a)(5) for the purpose of providing instructions as to the potential purchase of land for a third fire station serving east Asheboro.

Mayor Smith entertained a motion to go into closed session pursuant to the statutory provisions found in Section 143-318.11(a)(5) of the North Carolina General Statutes in order to discuss the potential purchase of land for a third fire station serving east Asheboro.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to go into closed session. Council Members Baker, Bell, Burks, Carter, Hunter, and Moffitt voted in favor of the motion.

12. Closed session.

A separate general account of the closed session held pursuant to Section 143.318.11(a)(5) of the North Carolina General Statutes has been prepared and filed in the City Clerk's office.

13. Return to open session.

After returning to open session, there were no action items to be discussed. The city manager did note, in response to an inquiry raised at a previous council meeting, that the employee swim period at the city pool had been converted to a senior adult swim period.

There being no further business, the meeting was adjourned at 8:31 p.m.

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

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