

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, SEPTEMBER 9, 2004
7:00 PM**

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

David Jarrell) – Mayor Presiding

Talmadge Baker)
Linda Carter)
Keith Crisco)
Nancy Hunter) – Council Members Present
John McGlohon)
Archie Priest)
David Smith)

John N. Ogburn, City Manager
Carol J. Cole, CMC, City Clerk
Dumont Bunker, P. E., City Engineer
Debbie Juberg, Finance Director
Reynolds Neely, Planning Director
Lynn Priest, CD Director
Wendell Holland, Zoning Administrator
Trevor Nuttall, Planner
Gary Mason, Police Chief
Jeff Sugg, City Attorney

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

1. Pledge of Allegiance and Invocation.

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. Reverend Mark Jordan, pastor of Grace New Union United Methodist Church, gave the invocation.

2. Presentation of Proclamation to Randolph Community College Foundation.

Mayor Jarrell read and presented a proclamation to Mr. Robin Johnston, vice president for development for Randolph Community College, proclaiming October 2004, as “Randolph Community College Foundation Month.” The City of Asheboro is designating the month of October as a time to celebrate the contributions of the RCC Foundation to the education, betterment, and welfare of our citizens.

3. Presentation by Mr. Dave Harris of Piedmont Triad Council of Governments.

(a) Proposed Amendment to Chapter 117 (Cable Communications) of Asheboro City Code

Mr. Dave Harris reported that the City of Asheboro has contracted with the Piedmont Triad Council of Governments to provide assistance in the renewal of a cable television franchise agreement with Time Warner Cable. After examination of the city’s current Cable Communications Ordinance, the PTCOG staff has recommended that the city amend Chapter 117: Cable Communications of the Asheboro City Code. The PTCOG staff has drafted such an amendment that establishes the rules for conducting cable television “business” within the city. The proposed amendment also addresses the complex and rapidly changing technology associated with cable television, provides for cable service to the maximum number of city residents and provides for a cable system that will be capable of accommodating both the present and reasonably foreseeable future state-of-the-art cable communications needs of the city.

After Mr. Harris reviewed the proposed amendment to Chapter 117 of the Asheboro City Code, he recommended its adoption.

Mr. McGlohon questioned the wording of a sentence on page 14 of the proposed amendment.

Upon motion by Mrs. Carter and seconded by Mr. Baker, council voted unanimously to adopt the ordinance amending Chapter 117 of the Asheboro City Code with the noted typo corrections.

(The aforementioned ordinance is on file in the city clerk's office and will be referenced as Ordinance No. 29 ORD 9-04.)

(b) Public Hearing on the Renewal of the Franchise Agreement Between the City of Asheboro and Time Warner Cable

Mayor Jarrell opened the public hearing on the aforementioned.

Mr. Dave Harris stated that the purpose of this public hearing is to get guidance from the city council and input from the public in order to draft a new Franchise Agreement between the City of Asheboro and Time Warner Cable that will be considered at a later date. The new Franchise Agreement will have to be read and adopted at two (2) separate council meetings.

Mr. Buck Yarborough with Time Warner Cable was also present to answer questions.

Council asked questions concerning Cable TV rates, franchise fees, program selections, etc. Mr. Harris replied that Cable TV rates are regulated by federal and state laws. The franchise fee is five percent (5%) of gross revenues and is established by statute. Time Warner selects the programming.

Mr. Charles Willard, an interested citizen, stated that the city should be able to have a public access channel. Mr. Harris responded that Asheboro has a Cable TV channel (Channel 8) on which it can list upcoming events, announcements, etc.

Another citizen asked about the current channel capacity. Mr. Yarborough replied that Time Warner offers 250 channels and is operating at full capacity.

There being no further comments, Mayor Jarrell closed the public hearing.

4. Appearance and Recognition of Guests and Citizens.

Mayor Jarrell welcome everyone in attendance.

5. Consent Agenda.

Mayor Jarrell asked council if it wished to discuss any of the Consent Agenda items individually or to vote on the items collectively.

Upon motion by Mr. Crisco and seconded by Mrs. Carter, council voted unanimously to collectively adopt the following Consent Agenda items:

(1) Approval of Minutes of Previous Meetings

The minutes of the special meeting and closed session of August 2, 2004, and the regular meeting of August 5, 2004 were approved as presented.

(2) Resolution Authorizing the City Manager to Enter Into a Grant Agreement Between the NC Department of Transportation and the City of Asheboro for the City to Receive a Federal Vision 100 Grant in the Amount of \$150,000 for a New T-Hangar Taxilane at the Asheboro Municipal Airport

40 RES 9-04

Resolution

WHEREAS, a Grant in the amount of \$150,000 has been approved by the Department based on total estimated cost of \$166,667; and

WHEREAS, an amount equal to or greater than ten percent (10 %) of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW THEREFORE, BE AND IT IS RESOLVED THAT THE City Manager of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

Adopted this the 9th day of September, 2004.

S/ Carol J. Cole
Carol J. Cole, City Clerk

- (3) Ordinance Authorizing Stop Signs to be Installed to Stop Traffic on Recently Completed Streets in the Edgewood and Forest Ridge Subdivisions

30 ORD 9-04

An Ordinance Authorizing Stop Signs to be Installed to Stop Traffic on Recently Completed Streets in the Edgewood and Forest Ridge Subdivisions

BE IT ORDAINED by the City Council of the City of Asheboro:

Pursuant to Chapter 70, Section 70.29 of the Code of the City of Asheboro, the City Manager is hereby ordered to cause the installation of stop signs as described below on streets that lie within the corporate boundaries of the City of Asheboro:

- Stop traffic on Mark Avenue entering Pepperidge Road
- Stop traffic on Edge Court entering Pepperidge Road
- Stop traffic on East Chamberlin Drive (north end) entering Chamberlin Drive
- Stop traffic on Mandover Court entering East Chamberlin Drive
- Stop traffic on Ashford Court entering East Chamberlin Drive

Adopted in Regular Meeting held on September 9, 2004.

S/ David H. Jarrell
Mayor

ATTEST:

S/ Carol J. Cole
City Clerk

- (4) Ordinance Establishing a No Parking Zone Along a Certain Portion of the West Side of South Church Street at Freedom Drive

31 ORD 9-04

ORDINANCE PROHIBITING PARKING ALONG A CERTAIN PORTION OF THE WEST SIDE OF SOUTH CHURCH STREET

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Section 71.01(A)(1) of the Code of Asheboro provides as follows:

Pursuant to instructions given to him by the City Council from time to time and entered in the council minute book, the City Manager shall [c]ause all streets and parts of streets where parking shall be prohibited at all times to be posted accordingly, or cause the curbs thereof to be painted yellow. He shall then notify the City Clerk, who shall enter the description of such streets or parts of streets in Schedule 1 of § 72.02; and

WHEREAS, the certain portion of South Church Street described in the following paragraph is located within the corporate limits of the City of Asheboro; and

WHEREAS, on the basis of testimony received from a citizen during a regularly scheduled meeting of the City Council on August 5, 2004, the City Council has concluded that, in addition to the existing prohibition of on-street parking on the west side of South Church Street at Freedom Drive, on-street parking should be prohibited at all times along the portion of the west side of South Church Street that extends from a point located fifty-four (54) feet south from the centerline of West Academy Street to a point that is located one hundred seventy-nine (179) feet south from the centerline of West Academy Street.

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

Section 1. In accordance with Section 71.01(A)(1) of the Code of Asheboro, on-street parking is hereby prohibited at all times along the portion of the west side of South Church Street that extends from a point located fifty-four (54) feet south from the centerline of West Academy Street to a point that is located one hundred seventy-nine (179) feet south from the centerline of West Academy Street.

Section 2. The City Manager is hereby authorized and directed to cause the above-described portion of the west side of South Church Street to be posted and/or painted in accordance with provisions of Section 71.01(A)(1) of the Code of Asheboro and in accordance with the provisions of Section 1 of this ordinance.

Section 3. The City Manager is hereby directed to notify the City Clerk of the above-stated description of the affected portion of South Church Street for recordation in Schedule 1 of Section 72.02 of the Code of Asheboro.

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

Section 5. This ordinance shall become effective upon adoption.

Adopted in regular session this 9th day of September, 2004.

S/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole
Carol J. Cole, CMC, City Clerk

6. Rezoning.

Mayor Jarrell opened the public hearing on the following request:

- (a) Amend Conditional Use Permit for Townhouse Development (CUP-04-23): The property of Triangle Park Associates located at 3140 Zoo Parkway totaling 7.75 acres, more specifically identified by Randolph County Parcel ID Numbers 7669369567, 7669369567, 7669463340, 7669463311, 7669462371, 7669462322, 7669461384, 7669461356, 7669461338, 7669460483, 7669460466, 7669460459, 7669460532, 7669369419, 7669368488, 7669368456, 7669368425, 7669367597, 7669368529, 7669368529, 7669368651, 7669368682, 7669369635, 7669369667, 7669369699, 7669460720, 7669461609, 7669461626, 7669461633, 7669461650.

Mr. Neely was sworn in and presented the site plan. He stated that this request is to modify the design of the units, increasing the total square footage of the units to approximately 2,183 sq. ft. (including garage) and reducing the total number of lots in the development from 40 to 35. Council had previously approved 40 units in February of 2000. The property was annexed into the city in 2000 and city services are available. Zoo Parkway is a major thoroughfare. Phase 1 of the development has been constructed and consists of 12 townhouses. Council approved a CUP (CUP-01-02) to allow a FAR of up to .22 in 2000. According to submitted plans, the FAR (entire development) will be approximately .215. Although this area is identified as a conservation area that encourages very low-density residential development, Phase 1 of the development has already been constructed. This request to modify the design of the units and reduce the overall density of the development is more consistent with the goals of the LDP.

Mr. Glenn King, applicant, was sworn in and stated that the only change in what has already been approved is to make the units larger and reduce the number of units from 40 to 35. Mr. King addressed the four standard tests as follows: (1) The use will not endanger the public health or safety, as the request is for the same use. The FAR is slightly above requirements, and the roads are paved, curbed and guttered. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance, as shown on the site plan

submitted. (3) The use will not injure the value of adjoining or abutting property, as the use has not changed. (4) The use is in harmony with the area in which it is to be located; the use has not changed.

Mr. Neely stated the recommended conditions for council's consideration if it finds in favor of the request.

There being no further comments nor opposition, Mayor Jarrell closed the public hearing.

Mr. Smith asked Mr. King if the development has room for overflow parking such as boats, motor homes, etc. Mr. King stated that the Homeowners' Association would address this. Recreational Vehicles (RVs) are not allowed.

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to approve the request with the conditions as stated by Mr. Neely, based on the four standard tests being met per testimony by Mr. King. (Mr. King accepted the conditions as stated.)

The conditions will be further detailed in the city attorney's Findings of Fact, Conclusion of Law and Order to Amend the Conditional Use Permit to be approved by council at its October meeting.

Mayor Jarrell opened the public hearing on the following request:

- (b) From B-2 Commercial to CU-I-2 Industrial & Issuance of a Conditional Use Permit (RZ/CUP-04-24): The property of Larry Vernon Wright located at 1339 East Salisbury Street, totaling approximately 1.48 acres, more specifically identified by Randolph County Parcel ID Number 7761427896.

Mr. Neely was sworn in and presented the site and elevation plans. He stated that East Salisbury Street is a major thoroughfare. The property is located outside the city limits and is not served by city services. The area is characterized by a mix of office, institutional, commercial, and residential uses. A structure is located on the site. The LDP states (page 107) that "Limited, local-scale, office and institutional uses are designated along East Salisbury Street." The applicant is applying for a Conditional Use Permit to allow a motor vehicle repair business – major.

The planning board recommended denial of the rezoning, as the request does not comply with the goals and policies and map of the Land Development Plan.

Mr. Neely reported that all site plan revisions suggested by the staff have been made, and the site plan complies with the ordinance. Mr. Neely stated some suggested conditions for council's consideration if it finds in favor of the request.

Mr. Ben Morgan, attorney, and Mr. Joseph Shuping, applicant, were sworn in. Mr. Morgan stated that his client, Mr. Shuping, wishes to construct an 8,000 sq. ft. auto body repair shop on the subject property. Mr. Morgan feels that the proposed use, with stringent conditions as a part of the Conditional Use Permit, would allow the property to be a benefit to the community. He presented a list of proposed conditions to be applied to the CUP and addressed the four standard tests. (1) The use will not endanger the public health or safety. (2) The use meets all required conditions and specifications of the Asheboro Zoning Ordinance. (3) The use will not injure the value of adjoining or abutting property if it is built according to the site plan submitted and with the proposed conditions. (4) The use will be in harmony with the area, as the Salisbury Street corridor has changed from residential to more of a business nature. Also, the current zoning allows for a 24-hour convenience store, a car dealership, and other businesses. Mr. Morgan showed photos of what the proposed building will look like.

Mr. Joseph Shuping answered questions that council had.

Ms. Carol Burrow with the Real Estate Shoppe was sworn in and stated that as an owner of a business, she feels that the proposed use will be better than what is currently on the property.

Mr. Larry Wright, owner of the subject property, was sworn in and stated that the site has been cleaned up and is in a safer condition. The gas tanks have been removed.

Ms. Elizabeth Ruffin was sworn in and stated that she owns property on Patton Avenue, and the back of the proposed auto repair shop will be facing the back of her property. She feels that the proposed use will not enhance the site and will be an eyesore. Ms. Ruffin said that the nature of the business is unsightly, and she does not want to have to look at it every day. She also stated that the proposed business will be noisy and trashy.

Mr. Morgan replied that the proposed screening listed in the submitted conditions will keep Mrs. Ruffin from seeing the business.

There being no further comments, Mayor Jarrell closed the public hearing.

Mr. Baker moved that the district rezoning be denied. Due to the lack of a second, the motion died.

Upon motion by Mr. Crisco and seconded by Mr. Priest, council ordained to approve the district rezoning. Mr. Baker voted against the motion.

Council discussed both the conditions that Mr. Neely stated and the conditions that Mr. Morgan proposed. After making a few amendments to the conditions, Mayor Jarrell asked the applicant if they were acceptable to him. Mr. Shuping agreed to the conditions.

Upon motion by Mr. Smith and seconded by Mr. Crisco, council voted unanimously to approve the Conditional Use Permit with the amended conditions, based on the four standard tests being met per testimony by Mr. Morgan and Mr. Shuping.

The conditions will be further detailed in the city attorney's Findings of Fact, Conclusion of Law and Order Granting the Conditional Use Permit to be approved by council at its October meeting.

7. Subdivisions.

(a) Final Plat Certification of Edgewood Subdivision (SUB-03-07)

Mr. Neely presented and reviewed the final plat of Edgewood Subdivision, which is located at the south end of Pepperidge Road. He stated that the planning board recommended approval, subject to staff approval of outstanding checklist items. As of this date, all checklist items have been completed, and a Standby Letter of Credit for maintenance and defects guarantee has been received.

The engineer for the development was present to answer any questions.

Upon motion by Mr. Baker and seconded by Mr. Priest, council voted unanimously to approve the final plat for certification.

(b) Final Plat Certification of Forest Ridge Subdivision (SUB-02-01)

Mr. Neely presented and reviewed the final plat of Forest Ridge Subdivision, which is located on Old Lexington Road. He stated that the planning board recommended approval, subject to staff approval of outstanding checklist items. All items have been corrected.

Upon motion by Mr. McGlohon and seconded by Mr. Priest, council voted unanimously to approve the final plat for certification.

(c) Revised Preliminary Plat Approval of Windcrest Acres Subdivision (SUB-95-06)

Mr. Neely presented and reviewed the revised preliminary plat of Windcrest Acres Subdivision, which is located on the south side of Central Falls Road. The planning board recommended approval, subject to staff approval of outstanding checklist items. All items have been completed.

Upon motion by Mr. Crisco and seconded by Mr. Smith, council voted unanimously to approve the revised preliminary plat.

(d) Preliminary Plat Approval of Robin's Nest Subdivision (SUB-04-04)

Mr. Neely presented and reviewed the preliminary plat of Robin's Nest Subdivision, which is located at the corner of Gold Hill Road and Allred Street. The planning board recommended approval, subject to staff approval of outstanding items. Mr. Neely reported that the map has been corrected, and an annexation petition and survey plat are required prior to connection to water and sewer.

Upon motion by Mr. Smith and seconded by Mrs. Carter, council voted unanimously to approve the preliminary plat.

8. Public Hearing on Consideration of a Petition From Mallory D. Goldston Requesting Contiguous Annexation of 0.162 Acre at 520 Glovinia Street.

Mr. Bunker reported that subject public hearing has been advertised as provided for by law, and this date has been set for a public hearing to consider contiguous annexation of 0.162 acre of land at 520 Glovinia Street.

Mayor Jarrell opened the public hearing on the aforementioned.

There were no comments nor opposition from the public. Mayor Jarrell closed the public hearing.

Mr. Bunker presented and recommended adoption of an ordinance to extend the corporate limits of the City of Asheboro.

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to adopt the following ordinance by reference:

Ordinance Number 32 ORD 9-04
ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO
(0.162 of an Acre of Land Located at 520 Glovinia Street)

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition signed by the owner of all of the real property located within the area hereinafter described was heretofore presented to the City Council, by which petition a request was made that said area be annexed to the City of Asheboro; and

WHEREAS, the City Council has by resolution directed the City Clerk of the City of Asheboro to investigate the sufficiency of the petition, and the City Clerk has certified the sufficiency of said petition; and

WHEREAS, the City Council did publish notice to the public on the 11th day of August, 2004 in the Randolph Guide, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held at 7:00 o'clock p.m. on the 9th day of September, 2004, at the City of Asheboro Municipal Building to consider the adoption of an ordinance annexing said area to the City of Asheboro; and

WHEREAS, during said public hearing that was in fact held on the 9th day of September, 2004, no person owning property within the area to be annexed alleged an error in the petition, and no resident of the municipality questioned the necessity of annexation; and

WHEREAS, the City Council has determined that the petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

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

Section 1. By virtue of the authority granted in the North Carolina General Statutes, Chapter 160A, Article 4A, Part 1, the following area is annexed and attached to, and hereby becomes a part of the City of Asheboro, and is described as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a control corner that is set with an existing iron pipe at the northeastern corner of the Mallory D. Goldston property described in Deed Book 1565, Page 66, Randolph County Registry and that is identified as Lot # 218 on a plat of survey recorded in Plat Book 1, Page 199, Randolph County Registry, said control corner is located South 78 degrees 05 minutes 20 seconds East 3053.22 feet from City of Asheboro Monument # 103 which is itself located by means of the North Carolina Coordinate System at the coordinates of North 715,918.921 feet and East 1,760,603.013 feet (NAD 27); thence from said Beginning point South 02 degrees 03 minutes 57 seconds West 50.63 feet along the Mallory Goldston property described in Deed Book 1722, Page 1377, Randolph County Registry to a control corner set with an existing iron pipe; thence South 83 degrees 38 minutes 57 seconds West 124.00 feet along the Mt. Olive Fire Baptized Holiness Church of God property described in Deed Book 1854, Page 1029, Randolph

County Registry to a point not found on the eastern line of the 40 foot right-of-way for Glovinia Street; thence South 83 degrees 38 minutes 57 seconds West 8.28 feet to a point not set within the right-of-way for Glovinia Street and on the existing corporate limits line for the City of Asheboro; thence along the existing corporate limits line for the City of Asheboro the following course and distance: North 19 degrees 00 minutes 40 seconds West 50.62 feet to a point not set; thence North 83 degrees 19 minutes 57 seconds East 10.11 feet to a point not found on the eastern line of the 40-foot wide right-of-way for Glovinia Street; thence North 83 degrees 19 minutes 57 seconds East 115.72 feet along the Richard C. and Mildred Shaw property described in Deed Book 1666, Page 1442, Randolph County Registry to an existing iron pipe; thence North 83 degrees 39 minutes 11 seconds East 24.97 feet to the point and place of the BEGINNING, and containing 0.162 of an acre, more or less.

This above-listed description is in accordance with a plat of survey entitled "Annexation Plat Prepared For City of Asheboro, Property of Mallory Desmond Goldston." This plat of survey was drawn by the City of Asheboro Engineering Department under the supervision of Philip M. Henley, Professional Land Surveyor with Registration Number L-1494, from an actual survey made under his supervision by the City of Asheboro Engineering Department. Said plat of survey is dated July 14, 2004.

Section 2. The territory annexed and its citizens and property 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. Said territory 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, and in the Office of the Secretary of State at 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 163-288.1 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 from the 9th day of September, 2004.

Adopted in regular session this 9th day of September, 2004.

S/ David H. Jarrell
David H. Jarrell
Mayor of the City of Asheboro

ATTEST:

S/ Carol J. Cole
Carol J. Cole, CMC
City Clerk of the City of Asheboro

Approved as to form:

S/ Jeffrey C. Sugg
Jeffrey C. Sugg
City Attorney of the City of Asheboro

9. Consideration of Petition Received From Michael and Heidi Lambert and Steven D. and Cheryl S. Redding Requesting Contiguous Annexation of 1.071 Acres Along the South Side of East Mine Street.

Mr. Bunker presented and recommended adoption of a resolution directing the city clerk to investigate said annexation petition.

Upon motion by Mr. Priest and seconded by Mrs. Carter, council voted unanimously to adopt the following resolution by reference:

41 RES 9-04

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
ANNEXATION PETITION
(1.071 Acres of Land Located along the South Side of East Mine Street)**

WHEREAS, a petition requesting annexation of an area described in said petition as approximately 1.071 acres of land located along the south side of East Mine Street has been received by the City Council 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, the City Council of the City of Asheboro deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina, on this 9th day of September, 2004, that the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as practicable to the City Council the results of her investigation.

S/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole
Carol J. Cole, CMC, City Clerk

**CERTIFICATE OF SUFFICIENCY
(1.071 Acres of Land Located along the South Side of East Mine Street)**

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

I, Carol J. Cole, 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 said petition is signed by all owners of real property lying in the area described therein, 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 on this 9th day of September, 2004.

(SEAL)

S/ Carol J. Cole
Carol J. Cole, CMC, City Clerk

After the city clerk certified as to the sufficiency of the annexation petition, Mr. Bunker presented and recommended the adoption of a resolution fixing the date for a public hearing on the question of annexation.

Upon motion by Mr. McGlohon and seconded by Mrs. Carter, council voted unanimously to adopt the following resolution by reference:

42 RES 9-04

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA
GENERAL STATUTES
(1.071 Acres of Land Located along the South Side of East Mine Street)**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Asheboro, North Carolina has, by resolution, directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina, on this 9th day of September, 2004, as follows:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, at 7:00 o'clock p.m. on the 7th day of October, 2004; and

Section 2. The area proposed for annexation is described on the attached sheet, which is identified as Exhibit 1 and incorporated by reference as if copied fully herein; and

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

S/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

S/ Carol J. Cole
Carol J. Cole, CMC, City Clerk

Exhibit 1

Asheboro Township, Randolph County, North Carolina:

BEGINNING at an existing iron pipe that sets on both the current corporate limits line for the City of Asheboro and on the southern right-of-way line of the 60-foot right-of-way for East Mine Street, said existing iron pipe is located South 87 degrees 05 minutes 18 seconds East 171.90 feet from a concrete monument which is itself located by means of the North Carolina Coordinate System at the coordinates of North 702,541.194 feet and East 1,752,045.087 feet (NAD 27); thence from said Beginning point along the current corporate limits line for the City of Asheboro and the southern right-of-way line for East Mine Street the following course and distance: South 87 degrees 05 minutes 18 seconds East 99.49 feet to a new iron pipe; thence South 05 degrees 08 minutes 05 seconds West 465.40 feet to a new iron pipe; thence South 88 degrees 04 minutes 01 second West 99.59 feet along the Carl T. and Juanita C. Stout property described in Deed Book 850, Page 295 and in Plat Book 9, Page 54 of the Randolph County Registry to a new iron pipe;

thence North 04 degrees 57 minutes 37 seconds East 58.16 feet to an existing iron pipe; thence North 04 degrees 57 minutes 37 seconds East 181.83 feet along the Nicholas L. Adkins and Sandra L. Clay property described in Deed Book 1649, Page 935, Randolph County Registry to an existing iron pipe; thence along the Fred R. and Carolyn S. Wicker property described in Deed Book 1101, Page 925, Randolph County Registry the following courses and distances: North 05 degrees 10 minutes 20 seconds East 181.05 feet to an existing iron pipe; thence North 05 degrees 10 minutes 20 seconds East 52.77 feet to the point and place of the BEGINNING, and containing 1.071 acres, more or less.

This above-listed description is in accordance with a plat of survey entitled "ANNEXATION PLAT PREPARED FOR CITY OF ASHEBORO, PROPERTY OF W.T. LAMBERT." This plat of survey was drawn under the supervision of Glenn L. Brown, Professional Land Surveyor with Registration Number L-3663, from an actual survey made under his supervision. Said plat of survey is dated August 27, 2004.

10. Report From Asheboro Police Department Concerning Speed on Shamrock Road.

Police Chief Gary Mason reported that his department observed traffic on Shamrock Road to check for speeding violations, as instructed by council. The current speed limit is 35 MPH. During the months of June and August, officers observed traffic on five different days of the week and for five-hour intervals. The officers reported that out of 2,623 vehicles that traveled Shamrock Road during this time, only 195 vehicles went over the 35 MPH speed limit. Chief Mason further stated that he reviewed the accident reports showing the number of accidents that have occurred on Shamrock Road since the year 2000. He reported that two accidents occurred in 2000; six in 2001; two in 2002; four in 2003; and no accidents on Shamrock Road have been reported so far this year.

After discussion, the staff was instructed to continue its research on the Shamrock Road traffic/speeding situation.

11. Motion to Go Into Closed Session.

Mayor Jarrell entertained a motion to go into closed session in order to consult with the city attorney about an issue that is not a general policy matter and that falls within the attorney-client privilege pursuant to the statutory provisions found in Section 143-318.11(a)(3) of the North Carolina General Statutes.

Upon motion by Mr. Baker and seconded by Mr. Smith, council voted unanimously to go into closed session.

Mayor Jarrell called the regular session back to order.

12. Announcement of Upcoming Events.

Mayor Jarrell announced the upcoming events:

- Watermelon seed-spitting contest, Saturday, September 18th, 9:00 AM, at the site of the Farmers Market. (city council and county commissioners)
- City council/planning board workshop on Thursday, September 23rd, 7:00 PM.
- 2004 Elected Officials Picnic, Wednesday, September 29th, from 6:00 PM until 8:00 PM at Lake Lucas. The City of Asheboro is the host for this event.
- North Carolina League of Municipalities Annual Conference, October 24-26, in Raleigh, NC. Conference registration needs to be in city manager's office by September 15th.

13. Public Works and Finance & Public Safety Matters.

No official meetings were held.

There being no further business, the meeting was adjourned at 10:25 PM.

