

**REGULAR MEETING
ASHEBORO CITY COUNCIL
THURSDAY, JULY 5, 2007
7:00 p.m.**

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

David H. Jarrell) – Mayor Presiding

Talmadge Baker)
Linda Carter)
Keith Crisco) – Council Members Present
Nancy Hunter)
Walker Moffitt)
David Smith)

Archie Priest) – Council Member Absent

John N. Ogburn, III, City Manager
Eddie Brown, Code Compliance Inspector
Dumont Bunker, P.E., City Engineer
Holly H. Doerr, City Clerk/Senior Legal Assistant
John Evans, Planner
Wendell Holland, Zoning Administrator
Foster Hughes, Recreation Director
O. Lynn Priest, Community Development Director
Jeffrey C. Sugg, City Attorney
Sanford A. Vuncannon, Jr., Police Captain
Kermit Williamson, Sanitation Superintendent

1. Call to Order.

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

2. Pledge of Allegiance and Invocation.

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance. Mayor Jarrell asked for a moment of silence in observance of the Independence Day Holiday and in preparation for the commencement of the citizens' business.

3. Appearance and recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

4. Presentation of proclamation to Mr. Barron Mills.

Mayor Jarrell read and presented the following proclamation to Mr. Barron Mills in honor of his 80th birthday and for his diligent service to the City of Asheboro.

PROCLAMATION

Whereas, July 14th is the eightieth birthday of

L. Barron Mills, Jr.

Whereas, we wish to recognize him for the contributions he has made to our city and county since he came to Asheboro in 1955 at age 28 and purchased *The Randolph Guide* and as editor/publisher of his newspaper has contributed in many ways to the success of this city and county; and

Whereas, Mr. Mills is a journalism graduate of the University of North Carolina at Chapel Hill and was editor of *The Daily Tar Heel* his senior year, also was editor/advertising manager of *The Alamance News* in Graham, and reporter for *The Winston Salem Journal* before purchasing controlling stock in *The Randolph Guide* ; and

Whereas, Mr. Mills served in the Coast Guard and received a direct commission in the Coast Guard Reserve and served as a commanding officer of the largest Coast Guard Reserve Unit in the United States and retired as a lieutenant commander, and he and Barbara, who he often refers to as "My Beautiful Wife Barbara" were married on New Year's Eve, 1965; and

Whereas, Mr. Mills after selling the Randolph Publishing Company Inc. in 1991 continues to contribute his journalistic skills by doing a weekly column;

NOW, THEREFORE BE IT PROCLAIMED that I, David Jarrell, Mayor of the City of Asheboro extend to Mr. Mills my humble expression of esteem for him in serving the City faithfully and well, and my best wishes for good health, success, and prosperity for many years to come.

This the 5th day of July, 2007.

s/ David H. Jarrell
David H. Jarrell
Mayor

5. Consent Agenda.

Upon motion by Mr. Smith and seconded by Mr. Crisco, Council voted unanimously to approve the following consent agenda items:

- The minutes of a special meeting of the City Council on May 17 and 18, 2007.
- The minutes of a special meeting of the City Council on June 7, 2007.
- The minutes of the regular meeting of the City Council on June 7, 2007.
- The minutes of a special meeting of the City Council on June 20, 2007.
- Findings of fact, conclusions of law, and order in the matter of CUP-07-18.

**Case No. CUP-07-18
City Council
City of Asheboro**

IN THE MATTER OF THE APPLICATION OF SUMMERS RUN, LLC FOR A CONDITIONAL USE PERMIT AUTHORIZING A MULTI-FAMILY DEVELOPMENT WITH A FLOOR AREA RATIO OF UP TO 22%

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE REQUESTED CONDITIONAL USE PERMIT

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council that was held on June 7, 2007. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Summers Run, LLC (hereinafter referred to as the "Applicant") has applied, by and through Tim Schwarz, for a Conditional Use Permit that, if granted, will authorize a modification to the Conditional Use Permit the Council issued to the Applicant under city planning department file number CUP-07-01. The new Conditional Use Permit sought by the Applicant would authorize the same use, a multi-family development with a floor area ratio of up to twenty-two percent (22%), as was authorized by the existing permit issued under CUP-07-01.

2. The new permit is sought for the Applicant's real property at 2159 and 2201 North Fayetteville Street, which consists of approximately 13.69 acres of land, more or less. This parcel of land is more specifically identified by Randolph County Parcel Identification Number 7763033224 and shall be hereinafter referred to as the "Zoning Lot."

3. The Zoning Lot is subject to mixed zoning due to its location in a CU-OA6 and a CU-RA6 zoning district.

4. A multi-family development with a floor area ratio of up to twenty-two percent (22%) is permitted with a Special Use Permit or a Conditional Use District in the underlying OA6 and RA6 zoning districts.

5. The Zoning Lot is located in an area designated on the Growth Strategy Map as a "Primary Growth" area, and this same area is identified as "Urban Residential" on the Proposed Land Development Plan Map.

6. A rental office and apartments already exist on the Zoning Lot, and phase 1 of the project is essentially complete. This Council previously approved the construction of a concrete pool on the Zoning Lot, but the site plan submitted with the most recent application depicts a 620-square foot pool house that was not shown on the site plan approved as part of the Conditional Use Permit issued to the Applicant under CUP-07-01.

7. The addition of the proposed 620-square foot pool house for use by renters and their guests does constitute a modification of the use and site plan previously approved by the Council. Consequently, a new Conditional Use Permit must be properly issued in order for this proposed pool house to be lawfully constructed on the Zoning Lot.

8. Mr. Jonathan Megerian, Esq., who represented the Applicant during this hearing, presented uncontroverted testimony that the amendment of the site plan to reflect the proposed pool house is the sole modification to the previously approved site plan.

9. Mr. Megerian also offered uncontroverted testimony that the proposed revision of the site plan does not undermine the validity of the evidence previously submitted to this Council in support of the issuance of the Conditional Use Permit currently in effect.

10. The proposed pool house is basically a brick building with a couple of bathrooms and storage area where belongings can be stored while individuals utilize the pool.

11. The current application is seeking approval for, functionally speaking, the same land use that was previously authorized under file number CUP-07-01.

12. The Zoning Lot is within the corporate limits of the City of Asheboro, and all city services are available.

13. North Fayetteville Street is a state-maintained major thoroughfare with a 100-foot right-of-way.

14. The land uses surrounding the Zoning Lot consist of manufactured home park uses to the north and west with multi-family residential uses located to the south and east of the Zoning Lot. In short, the Zoning Lot's surrounding land uses can be properly classified as medium to high density residential.

15. There is a 100-year floodplain on the Zoning Lot, but the proposed pool house is to be located outside of any flood plain.

16. Nothing unusually hazardous is associated with the proposed modification of the existing approved land use.

17. The city's planning director provided uncontroverted testimony that the revised site plan has been reviewed by members of the city's planning department staff and found to be in compliance with the regulations of the Asheboro Zoning Ordinance.

18. The city's planning director did offer, during his testimony, one (1) suggested staff condition to be attached to any Conditional Use Permit that might be approved by the Council. The condition suggested by the planning director provides as follows:

All proposed non-required amenities shall be installed or a permitted guarantee received prior to a Certificate of Zoning Compliance being issued for the Final Phase.

19. During his testimony, Mr. Megerian stated that his client had no objection to the condition recommended by the planning director.

20. During the hearing of this matter, no testimony or any other form of evidence was presented in opposition to the Applicant's request for the issuance of a new Conditional Use Permit.

Based on the foregoing findings of fact, the Council makes the following:

CONCLUSIONS OF LAW

1. The Council has concluded that the proposed use, as revised, will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

2. The evidence received during the public hearing established that the proposed use, as revised, continues to meet all of the required conditions and specifications of the Asheboro Zoning Ordinance.

3. The evidence presented during the course of the hearing of this matter established that the proposed use, as revised to add a 620-square foot pool house, would not substantially injure the value of the adjoining or abutting property.

4. The location and character of the Applicant's proposed use, as revised and if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

Summers Run, LLC is hereby issued a Conditional Use Permit authorizing a multi-family development with a floor area ratio of up to twenty-two percent (22%). This Conditional Use Permit shall be valid so long as, and only so long as, the Applicant, and its successors and assigns, conducts the approved land use in compliance with the revised site plan considered and approved by the Council during the hearing of this matter, the provisions of the Asheboro Zoning Ordinance, and the following condition that is attached to this permit:

All proposed amenities, which are not otherwise mandated under a time frame prescribed by the zoning ordinance or any other law, ordinance, or regulation, shall be either installed or a guarantee authorized by the zoning ordinance received prior to the issuance of a Certificate of Zoning Compliance for the final phase of the development.

Adopted by the Asheboro City Council in regular session on the 5th day of July, 2007.

ATTEST:

s/ David H. Jarrell
David H. Jarrell, Mayor

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

- Findings of fact, conclusions of law, and order in the matter of CUP-07-19.

**CUP-07-19
City Council
City of Asheboro**

IN THE MATTER OF THE APPLICATION BY PUGH OIL COMPANY FOR A CONDITIONAL USE PERMIT ALLOWING THE STORAGE OF COMBUSTIBLE/ FLAMMABLE LIQUIDS IN AN AGGREGATE AMOUNT GREATER THAN 100,000 GALLONS

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE REQUESTED CONDITIONAL USE PERMIT

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council that was held on June 7, 2007. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Pugh Oil Company (hereinafter referred to as the "Applicant") properly filed an application with the City of Asheboro Planning Department for a legislative rezoning of certain real property from an I-1 Light Industrial zoning district to a Conditional Use I-2 General Industrial zoning district. Concurrent with the filing of an application for this legislative rezoning, the Applicant also properly filed an application for a Conditional Use Permit that would authorize the development of a land use classified by the Asheboro Zoning Ordinance as the storage of combustible/flammable liquids in an aggregate amount exceeding 100,000 gallons.

2. The Applicant proposes to store these combustible/flammable liquids above ground and on a parcel of land located at 701 McDowell Road. This parcel of land (hereinafter referred to as the "Zoning Lot") is more specifically identified by Randolph County Parcel Identification Number 7659385885 and encompasses approximately 7.24 acres of land. The Applicant owns the Zoning Lot.

3. Prior to formally considering the evidence submitted in support of the requested Conditional Use Permit, the Council followed the recommendation of the Planning Board and placed the Zoning Lot into the requested Conditional Use I-2 General Industrial zoning district.

4. The Applicant already has a wholesale distribution land use located on the Zoning Lot.

5. The Zoning Lot is located outside the corporate limits of the City of Asheboro, but water and sewer services are available to the lot.

6. McDowell Road is a minor thoroughfare.

7. A mixture of institutional, industrial, and commercial land uses surrounds the Zoning Lot.

8. The Growth Strategy Map designates the area in which the Zoning Lot is located as an "Economic Development" area, and the Proposed Land Development Plan identifies the area as "Industrial."

9. An I-2 zoning district is intended to produce areas for intensive manufacturing, warehousing, processing, and assembly uses that are controlled by performance standards to limit the effect of such uses on adjacent districts.

10. Under the Asheboro Zoning Ordinance, the land use identified as the storage of combustible/flammable liquids in an aggregate amount in excess of 100,000 gallons is permitted in an I-2 zoning district with the issuance of a Special Use Permit.

11. Section 102 of the Asheboro Zoning Ordinance provides, in pertinent part, that the issuance of a Conditional Use Permit for a specific land use within a conditional use zoning district "shall preclude any requirement for obtaining a Special Use Permit" for that same use.

12. The Applicant has been in the oil business for three generations and has extensive experience in the field.

13. Under the Asheboro Zoning Ordinance, the proposed use will require a "D" buffer on the southern border of the Zoning Lot.

14. An erosion control permit has been issued for the Zoning Lot.

15. Mr. Ronnie Pugh offered uncontroverted testimony that the combustible/flammable liquids to be stored on the lot are lubricants, and these lubricants are safer to handle and store than other combustible/flammable liquids that could have previously properly passed through the facility.

16. Mr. Pugh also offered uncontroverted testimony that these lubricants will be properly monitored and dikes will contain any potential overflow.

17. The city's planning director offered uncontroverted testimony that, in his professional opinion, the site plan does comply with the regulations prescribed by the Asheboro Zoning Ordinance.

18. No testimony or other form of evidence was submitted to the Council in opposition to the Applicant's request.

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

1. During the hearing of this matter, the evidence submitted to the Council indicated that the proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

2. The proposed use meets all required conditions and specifications of the Asheboro Zoning Ordinance.

3. The Applicant's proposed use will not substantially injure the value of the adjoining or abutting property.

4. The location and character of the use if developed according to the plan as approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

The Applicant, Pugh Oil Company, is hereby issued a Conditional Use Permit that authorizes the development and operation on the Zoning Lot of a facility that can store an aggregated amount of combustible/flammable liquids in excess of 100,000 gallons. This Conditional Use Permit shall remain valid so long as the Applicant, and its successors and assigns, conducts this approved land use in compliance with the site plan reviewed and approved by the Council during the hearing of this matter and in compliance with the provisions of the Asheboro Zoning Ordinance.

Adopted by the Asheboro City Council in regular session on the 5th day of July, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

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

- Findings of fact, conclusions of law, and order in the matter of SUP-07-03.

**Case No. SUP-07-03
City Council
City of Asheboro**

**IN THE MATTER OF THE APPLICATION OF PAUL D. TROLLINGER FOR A SPECIAL USE PERMIT
AUTHORIZING A PUBLIC FACILITY**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE REQUESTED
SPECIAL USE PERMIT**

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council that was held on May 10, 2007. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Paul D. Trollinger (hereinafter referred to as the "Applicant") has properly submitted to the City of Asheboro Planning Department an application for a Special Use Permit authorizing the construction of a sewer pump station on a parcel of land owned by the Applicant. The proposed pump station is to be built in accordance with design specifications established by the City of Asheboro Public Works Division so as to enable the pump station to potentially function as part of the City of Asheboro Sanitary Sewer System.

2. The parcel of land upon which the pump station is to be built (hereinafter referred to as the "Zoning Lot") has been subdivided from a larger parcel of land that is owned by the Applicant and that originally encompassed approximately 12.57 acres of land. Prior to this subdivision, the original parcel of land was identified by Randolph County Parcel Identification Number 7761992469. The Zoning Lot encompasses approximately forty thousand (40,000) square feet of land.

3. While a significant portion of the original parcel of land was located in the zoning jurisdiction of the County of Randolph, the Zoning Lot is located within the city's extraterritorial planning jurisdiction. Under the city's zoning ordinance, the Zoning Lot is in a R40 Low-Density Residential zoning district.

4. Under the Asheboro Zoning Ordinance, a sewer pump station is classified as a Public Facility land use.

5. A Public Facility land use is only permitted in a R40 zoning district with the issuance of a Special Use Permit by the Council.

6. The Zoning Lot is currently vacant, and the area in which it is located is characterized by vacant property, low-density residential land uses, and some commercial and industrial land uses to the south of the Zoning Lot.

7. The Zoning Lot is located beyond the city's corporate limits, and the lot is not currently served by the municipal water system or the municipal sanitary sewer system.

8. The Zoning Lot adjoins Old Cedar Falls Road, and Old Cedar Falls Road is a major thoroughfare with a 60-foot right-of-way.

9. The Growth Strategy Map indicates that the area in which the Zoning Lot is located is an "Economic Development" area, and the Proposed Land Development Plan Map calls for "Urban Residential" development in this area.

10. The Applicant properly submitted a site plan for the proposed use, and the city's Planning Director testified that the site plan does comply with the requirements of the Asheboro Zoning Ordinance.

11. Mr. Mark Trollinger, who offered uncontroverted testimony in support of the application, stated that an environmental impact study has been completed, the proposed sewer pump station has been designed to comply with all regulatory standards, and the necessary non-zoning related permits have been obtained for the proposed sewer pump station.

12. The land surrounding the Zoning Lot does not appear to be suitable for safely supporting or accommodating multiple private septic systems. The proposed sewer pump station is designed to provide service to approximately six hundred (600) acres and will thereby alleviate the need for multiple private septic systems in the area.

13. Mr. Mark Trollinger is an experienced developer, and his testimony indicated that he has observed a positive correlation between the availability of a public sanitary sewer system and an increase in the value of the parcels of land served by the sanitary sewer system. The availability of a sanitary sewer system to provide service to a parcel of land or multiple parcels of land increases the potential for successful development of the property and, consequently, the value of the land increases.

14. No testimony was provided in opposition to the Applicant's request for a Special Use Permit for a Public Facility.

Based on the foregoing findings of fact, the Council makes the following:

CONCLUSIONS OF LAW

1. During the hearing of this matter, the evidence submitted to the Council indicated that the proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

2. The proposed use meets all the required conditions and specifications of the Asheboro Zoning Ordinance.

3. The Applicant's proposed use will not substantially injure the value of adjoining or abutting property.

4. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

Paul D. Trollinger is hereby issued a Special Use Permit that authorizes a sanitary sewer pump station, which is classified under the Asheboro Zoning Ordinance as a Public Facility land use, to be developed on the Zoning Lot. This Special Use Permit shall be valid so long as, and only so long as, Paul D. Trollinger, and his heirs, successors, and assigns, develop and conduct the approved land use in compliance with the site plan submitted to the Council during the hearing of this matter and in compliance with the provisions of the Asheboro Zoning Ordinance.

Adopted by the Asheboro City Council in regular session on the 5th day of July, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

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

- Findings of fact, conclusions of law, and order in the matter of SUP-07-06.

Case No. SUP-07-06
City Council
City of Asheboro

**IN THE MATTER OF THE APPLICATION BY STEVE GRANT FOR A SPECIAL USE PERMIT
AUTHORIZING A RECREATIONAL VEHICLE RESORT**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE REQUESTED
SPECIAL USE PERMIT**

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a special meeting of the Council that was held at 6:00 o'clock p.m. on the 7th day of June, 2007. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Mr. Steve Grant (hereinafter referred to as the "Applicant") has submitted an application for a Special Use Permit that would authorize the development of a Recreational Vehicle Resort on 106.13 acres, more or less, of land currently owned by Ms. Phyllis E. Thomas. The name of the proposed recreational vehicle resort was initially identified during the application process as the Lawson RV Park.
2. The parcel of land owned by Ms. Thomas has a street address of 2513 Old Cedar Falls Road. Randolph County Parcel Identification Number 7772117810 more specifically describes this parcel of land (hereinafter referred to as the "Zoning Lot").
3. The existing land uses on the Zoning Lot are classified as a combination of a residential use and undeveloped land.
4. The Zoning Lot is located in a R40 zoning district.
5. Under the Asheboro Zoning Ordinance, a Recreational Vehicle Resort is permitted in a R40 zoning district if a Special Use Permit is issued for the use.
6. The existing land uses located within the immediate vicinity of the Zoning Lot are agricultural and low density residential uses.
7. The Growth Strategy Map identifies the area in which the Zoning Lot is located as an "Economic Development" area, and the Proposed Land Development Plan Map designates this location as a "Neighborhood Residential" area.
8. The Zoning Lot is located within the corporate limits of the City of Asheboro.
9. Municipal sanitary sewer service is not yet available to the lot, but a pump station is proposed for sewer service to the site.
10. Old Cedar Falls Road is a major thoroughfare.
11. A portion of the proposed Northeast Corridor (Thoroughfare Plan 2001) crosses the northeastern quadrant of the Zoning Lot. However, prior to the Council's consideration of this application, the Applicant was granted a variance from the City of Asheboro Subdivision Ordinance, and he was thereby relieved of the requirement to plat a right-of-way across the lot for the proposed thoroughfare.
11. In terms of the city's Land Development Plan 2020 (hereinafter referred to as the "LDP") conformity issues, the LDP proposes the development of a recreational greenway on the Zoning Lot.
12. The specific use proposed for the Zoning Lot is a Recreational Vehicle Resort with a total of 441 sites with an average lot size of 2,367 square feet.
13. The Applicant has submitted a site plan for the proposed use, and this site plan indicates that buffers, landscaping, and recreational amenities are proposed as part of the development.
14. The site plan indicates that two (2) access points for the development are shown along Old Cedar Falls Road.
15. The city's planning director testified that, with certain staff recommended conditions, the site plan submitted by the Applicant is in compliance with the Asheboro Zoning Ordinance. These staff recommended conditions are as follows:

a. The LDP identifies a future greenway on the Zoning Lot. A 20-foot greenway/recreation easement in the location recommended by the LDP shall be provided at the time of the approval of the first Final Plat. These greenway/recreation easements shall be in a form acceptable to the City Attorney. Upon receipt of approval from the City Attorney, the said easements shall be filed with the Zoning Administrator and recorded with the Register of Deeds for Randolph County prior to the recordation of a Final Plat.

b. Homeowners' documents shall be provided and reviewed for conformance with the pertinent zoning and subdivision ordinance requirements prior to the issuance of a certificate of compliance for a development phase or final plat approval and recordation. The documents shall include, but not be limited to, maintenance responsibilities of the association and a prohibition of on-street parking within the development.

c. All required and non-required amenities, as shown on the submitted and approved site plan, shall be built prior to the issuance of a certificate of compliance for that development phase. Prior to final plat approval and recordation, all required and non-required amenities in Phase 1, as shown on the submitted and approved site plan, shall be built. This requirement pertains to, but is not limited to, kids' play areas, basketball and tennis courts, volleyball courts, pools, picnic areas, and other amenity areas. Such areas shall be properly graded, stabilized, and seeded for the purpose so indicated.

d. All city-maintained sewer lift stations shall properly conveyed to the city in accordance with the City of Asheboro codes and policies.

e. The proposed buffer plantings as shown on the landscaping plan and located along the Donald Henley property shall be installed as part of Phase 1.

f. Parking shall be re-labeled to indicate the correct number of parking spaces and the purpose for each parking area.

g. An engineering study of storm water runoff shall be made. If this study indicates that post development runoff will exceed predevelopment conditions, plans for runoff control shall be designed and certified by a professional engineer. Such controls shall be designed to reduce the runoff during the occurrence of a 10-year storm to predevelopment volumes and rates. Prior to the issuance of a certificate of occupancy, a professional engineer shall provide certification that the storm water controls were built according to the plans. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be the responsibility of the property owner.

h. The Applicant shall re-submit the site plan, reflecting any conditions and changes authorized by the issuance of the Special Use Permit, to the Planning Department for review, approval, and inclusion in the file without further review by the Council. This condition shall only apply to site plan changes related to testimony and conditions presented at the Special Use Permit hearing and not to any other alterations that would otherwise be defined as a permit modification.

16. Mr. Ben Morgan, Esq. represented the Applicant during the hearing of this matter, and he informed the Council of his client's decision to accept and comply with the conditions recommended by the planning department staff.

17. This Council previously issued a Special Use Permit under planning department file number SUP-06-12 for a larger Recreation Vehicle Resort that was to be developed on a zoning lot that encompassed the Zoning Lot at issue with this application plus additional acreage. Mr. Morgan testified that the evidence relied upon by this Council to issue the earlier permit is still valid because the current proposal represents a similar proposal that is simply smaller in scope. In furtherance of this contention, Mr. Morgan testified that Mr. Jim Wright, a certified real estate appraiser, was available to confirm the assertion that Mr. Wright's professional opinion, which was given under oath during the hearing of SUP-06-12, is still valid because the scaled-down proposal, like the larger original proposal, would not substantially injure or impair the value of adjoining or abutting properties.

18. The testimony provided in opposition to the Applicant's request for a Special Use Permit did not challenge the premise that the current proposal simply represents a smaller version of the previously approved Recreational Vehicle Resort land use. In essence, the testimony offered in opposition to the application was limited to re-asserting the general contention urged upon the Council during the earlier hearing for the permit issued under file number SUP-06-12 that a large Recreational Vehicle Resort is bad for the surrounding neighborhood.

19. No testimony was offered during the hearing of this matter to show that any abnormally hazardous activity would be occurring as a consequence of the proposed land use.

Based on the foregoing findings of fact, the Council makes the following:

CONCLUSIONS OF LAW

1. Pursuant to Section 602 of Article 600 of the Asheboro Zoning Ordinance, the Council must find that the Applicant has met four (4) general standards before an application for a Special Use Permit may be approved. The four standards are as follows:

- a. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- b. That the use meets all required conditions and specifications.
- c. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
- d. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

2. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the ordinance requires for the issuance of a Special Use Permit, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra, which are supported by competent, substantial, and material evidence appearing in the record.

3. In this case, the Applicant has properly submitted an application for a Special Use Permit authorizing the development of a Recreational Vehicle Resort on a Zoning Lot located within a R40 zoning district.

4. With the express agreement of the Applicant with certain conditions enumerated in the above-listed findings of fact, the Applicant's site plan for the proposed land use complies with all of the applicable requirements of the Asheboro Zoning Ordinance.

5. On the basis of the evidence presented during the hearing of this matter, the Council has concluded that the proposed use meets the four (4) general standards for the granting of a Special Use Permit. More specifically, the proposed use will not materially endanger the public health or safety, meets all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

6. Given the compliance of the site plan with the requirements of the Asheboro Zoning Ordinance and the totality of the evidence submitted by the Applicant during the hearing of this matter, the Applicant is entitled to the requested Special Use Permit.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

The Applicant, Mr. Steve Grant, is hereby issued a Special Use Permit authorizing the development of a Recreational Vehicle Resort, as defined by the Asheboro Zoning Ordinance, on the Zoning Lot. This Special Use Permit shall be valid so long as, and only so long as, Steve Grant, and his heirs, successors, and assigns, develop and conduct the approved land use in compliance with the approved site plan, the provisions of the Asheboro Zoning Ordinance, and remain in strict compliance with the following conditions:

1. The Land Development Plan 2020 (LDP) identifies a future greenway on these properties. A 20-foot greenway/recreation easement shall be provided in the location recommended by the LDP at the time of approval of the first Final Plat. These greenway/recreation easements shall be in a form acceptable to the City Attorney. Upon receipt of approval from the City Attorney, the said easements shall be filed with the Zoning Administrator and recorded with the Register of Deeds for Randolph County prior to the recordation of a Final Plat.
2. Prior to the issuance of a certificate of compliance for a development phase or final plat approval and recordation, homeowners' association documents shall be provided and reviewed for conformance with pertinent Zoning and Subdivision Ordinance requirements. The documents shall include, but not be limited to, maintenance responsibilities of the association and a prohibition of on-street parking within the development.
3. All required and non-required amenities, as shown on the approved site plan, shall be built prior to the issuance of a certificate of compliance for that development phase. Prior to final plat approval and recordation, all required and non-required amenities in Phase 1, as shown on the approved site plan, shall be built. This requirement pertains to, but is not limited to, kids' play areas, basketball and tennis courts, volleyball courts, pools, picnic areas, and other amenity areas. Such areas shall be properly graded, stabilized, and seeded for the purpose so indicated.
4. All city-maintained sewer lift stations shall be properly conveyed to the city in accordance with the City of Asheboro codes and policies.
5. The proposed buffer plantings as shown on the landscaping plan and located along the Donald Henley property shall be installed as part of Phase #1.

6. Parking areas on the site plan shall be re-labeled to indicate the correct number of parking spaces and the purpose for each parking area.
7. An engineering study of storm water runoff shall be made of the Zoning Lot. If this study indicates that post development runoff will exceed predevelopment conditions, plans for runoff control shall be designed and certified by a professional engineer. Such controls shall be designed to reduce the runoff during the occurrence of a 10-year storm to predevelopment volumes and rates. Prior to the issuance of a certificate of occupancy, a professional engineer shall provide certification that the storm water controls were built according to the plans. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be the responsibility of the property owner.
8. The Applicant shall prepare a revised site plan that reflects the implementation of the above-listed conditions. This revised site plan shall be submitted in a timely manner to the planning department for staff review, approval, and inclusion in the file without further review by the Council. This condition shall only apply to site plan revisions strictly related to effectively implementing the above-listed conditions, and not to revisions that would otherwise be defined as a permit modification.

Adopted by the Asheboro City Council in regular session on the 5th day of July, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

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

- Second reading and final adoption of an ordinance renewing Asheboro Taxi Service's certificate of convenience and necessity.

35 ORD 7-07

TAXICAB FRANCHISE FOR ASHEBORO TAXI SERVICE

WHEREAS, N & W Corporation, Inc. d/b/a Asheboro Taxi Service currently operates a taxicab service within the corporate limits of the City of Asheboro pursuant to an existing Certificate of Convenience and Necessity; and

WHEREAS, the evidence available to city staff members indicates that Asheboro Taxi Service has complied with the terms and conditions of the existing Certificate of Convenience and Necessity as well as all other applicable laws during the preceding year; and

WHEREAS, Mr. Wael Hafez, who is President of N & W Corporation, Inc., has properly submitted to the City of Asheboro the requisite application for a renewal of the existing Certificate of Convenience and Necessity in order to allow Asheboro Taxi Service to continue to operate for another year seven (7) taxicabs out of a facility located at 402 North Fayetteville Street in Asheboro; and

WHEREAS, no negative comments were received during a properly noticed public hearing that was conducted by the City Council on June 7, 2007 on the question of granting the requested franchise to Asheboro Taxi Service.

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

Section 1. Pursuant to and in accordance with Chapter 114 of the Code of Asheboro, Asheboro Taxi Service is hereby granted a renewal of its Certificate of Convenience and Necessity to operate seven (7) taxicabs for hire upon and over the public streets within the corporate limits of the City of Asheboro for a term of one year, expiring on July 12, 2008.

Section 2. Upon adoption of this ordinance after a second reading, this franchise shall be deemed to be effective from and after July 12, 2007.

Adopted after first reading on the 7th day of June, 2007.

Adopted after second reading on the 5th day of July, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

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

- An Ordinance to amend Home Program Fund FY 2007-2008.

36 ORD 7-07

**ORDINANCE TO AMEND
HOME PROGRAM FUND
FY 2007-2008**

WHEREAS, the Redevelopment Commission approved using program income from the HOME Program for repairs on the Battered Women's Shelter operated by the Family Crisis Center, and;

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principals, and;

WHEREAS, the budget as adopted requires amendment to adjustments in revenues and expenditures from the amounts currently shown in the Home Program Fund:

WHEREAS, the City Council desires to amend the budget as required by law;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA that the following budget revisions are approved:

Section 1: The following Revenue line items be increased:

LINE ITEM	DESCRIPTION	AMOUNT
62-360-0100	Repayment- owner occupied Rehab	\$7,000
	Total Increase:	\$7,000

Section 2: The following expenditure line items be increased:

LINE ITEM	DESCRIPTION	AMOUNT
62-820-0000	Family Crisis Center	\$7,000
	Total Increase:	\$7,000

Adopted this 5th day of July 2007.

 s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

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

- Acceptance of the low bid received from Terry's Plumbing & Utilities, Inc. for construction of the Hangar Taxiway/Taxilane, Hangar Access Road and Museum Parking Lot Improvements Project at the Asheboro Regional Airport at the negotiated unit price total amount of \$283,714.25.
- A resolution authorizing the Mayor and the City Clerk to execute an agreement with the Malt-O-Meal Company concerning the construction of industrial track(s) that will serve the Malt-O-Meal facility.

31 RES 7-07

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INDUSTRIAL RAIL TRACK(S) AGREEMENT WITH MALT-O-MEAL COMPANY

WHEREAS, the City of Asheboro is participating in the Community Development Block Grant Program established under the Housing and Community Development Act of 1974 as administered by the North Carolina Department of Commerce; and

WHEREAS, the city, as the applicant for funding of industrial rail track construction that will be used as part of an economic development project, must undertake the actual construction of the industrial track(s) within a public right-of-way granted to the city across property owned by the Malt-O-Meal Company; and

WHEREAS, a copy of the proposed agreement between the city and Malt-O-Meal Company specifying the obligations that each party will have to the other with regard to the procurement of public right-of-way for the construction of industrial rail track(s) has been attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, the City Council has concluded that the terms and conditions of the proposed agreement are acceptable.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the entry of the City of Asheboro into the proposed agreement attached to this resolution as EXHIBIT 1 is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk of the City of Asheboro are hereby authorized and directed to execute on behalf of the City of Asheboro the said agreement so long as the terms and conditions of the instrument actually executed are identical to the attached agreement in all material aspects.

Adopted in regular session on this the 5th day of July, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

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

(Exhibit 1 that is referred to in this resolution is attached to the original resolution on file in the City Clerk's office.)

- A resolution authorizing the Mayor and the City Clerk to execute a Public Facilities Agreement with the Malt-O-Meal Company as part of the application process for a Community Development Block Grant.

32 RES 7-07

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PUBLIC FACILITIES AGREEMENT WITH MALT-O-MEAL COMPANY

WHEREAS, the City of Asheboro is participating in the Community Development Block Grant Program established under the Housing and Community Development Act of 1974 as administered by the North Carolina Department of Commerce; and

WHEREAS, as part of the city's participation in this program, the city must execute a legally binding Public Facilities Agreement with Malt-O-Meal Company in order to successfully pursue the economic development project undertaken by the city in conjunction with Malt-O-Meal Company; and

WHEREAS, a copy of the proposed legally binding commitment with Malt-O-Meal Company has been attached to this resolution as EXHIBIT A and is hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, the City Council has concluded that the terms and conditions of the proposed legally binding commitment are acceptable.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the entry of the City of Asheboro into the proposed legally binding commitment with Malt-O-Meal Company is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk of the City of Asheboro are hereby authorized and directed to execute on behalf of the City of Asheboro the proposed legally binding commitment with Malt-O-Meal Company.

Adopted in regular session on this the 5th day of July, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

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

(Exhibit A that is referred to in this resolution is attached to the original resolution on file in the City Clerk's office.)

- Resolution adopting a procurement plan to be utilized by the City of Asheboro as part of its participation in the Community Development Block Grant Program.

33 RES 7-07

RESOLUTION APPROVING A PROCUREMENT PLAN TO BE UTILIZED BY THE CITY OF ASHEBORO WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the City of Asheboro is participating in the Community Development Block Grant Program established under the Housing and Community Development Act of 1974 as administered through the North Carolina Department of Commerce; and

WHEREAS, the City of Asheboro is required to adopt a procurement policy that is to be utilized for procurements undertaken as part of the city's Community Development Block Grant economic development project with the Malt-O-Meal Company; and

WHEREAS, the proposed procurement policy is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

NOW, THEREFORE, BE IT RESOVLED by the City Council of the City of Asheboro that, in order to successfully accomplish its participation in the above-described program, the attached procurement policy is hereby approved for use throughout the implementation of this Community Development Block Grant project with the Malt-O-Meal Company.

Adopted by the Asheboro City Council during regular session on the 5th day of July, 2007, upon motion made by Councilman David Smith and seconded by Councilman Keith Crisco.

Aye 6 No 0 Absent 1 Abstained 0

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

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

EXHIBIT 1

CITY OF ASHEBORO PROCUREMENT POLICY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

In the procurement of supplies, equipment, or services in the MALT-O-MEAL Community Development Block Grant Program, the following policies shall apply:

1. Small Purchase Procedures. These are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property that cost in the aggregate not more than \$25,000. Under this procurement method, price or rate quotations shall be obtained from an adequate number of qualified sources. Office supplies and equipment may be secured by this method.

2. In competitive sealed bids (formal advertising), sealed bids shall be publicly solicited and a firm, fixed price contract shall be awarded to the responsible bidder whose bid, which must conform with all of the material terms and conditions of the invitation for bids, is lowest in price.

3. In competitive negotiations, proposals shall be requested from a number of sources and the Request for Proposals shall be publicized. All aspects of the competitive negotiations shall be carried out in conformance with 24 CFR Part 85. The general administrative contract, appraisal contract, surveying contract, and all other required services related to program implementation shall be awarded utilizing this method. Under this method, special consideration shall be given to experience technical abilities, and familiarity with the services to be provided. Price shall not be the sole consideration for award of contract.

On all procurement, efforts shall be made to solicit bids from qualified small, female, and minority business firms.

In all cases, procurement under this Policy must conform to the requirements for procurement set forth in 24 CFR Part 85 and the North Carolina General Statutes.

An adequate record of procurement must be maintained to insure that these policies and the requirements of 24 CFR Part 85 and the North Carolina General Statutes have been followed in their entirety.

OLD BUSINESS:

6. Land Use Issues:

- (a) RZ-07-12: Technical Amendments to the Asheboro Zoning Ordinance. Amending Table 200-2 and Notes to Table 200-2 adding "Large Scale Integrated Commercial Developments" as a permitted use, amending Article 300A, Section 317 by adding Section E ("Design Standards for all Large Scale Integrated Districts") and Article 1100 Definitions (adding definition for "Large Scale Integrated Commercial Development") to the Asheboro Zoning Ordinance.

The above-referenced item was deemed withdrawn due to the failure of the applicant, York Development, to pursue the application in a timely manner.

- (b) Subdivision Ordinance Technical Amendment. Adding Article XIII, "Large Scale Integrated Commercial Development" Add Article V Definition for "Large Scale Integrated Commercial Development."

The above-referenced item was deemed withdrawn due to the failure of the applicant, York Development, to pursue the application in a timely manner.

- (c) SUP-07-04: Request for a Special Use Permit for a Planned Unit Development with a Floor Area Ratio not to exceed 22 percent. This zoning request pertains to two (2) parcels of land located along Meadowbrook Road and Eastview Drive. The property of Dorlos Steed consists of approximately 5.11 acres of land and is further described by Randolph County Parcel Identification Number 7761171522. The property of First Assembly of God consists of approximately 0.63 acres of land and is further described by Randolph County Parcel Identification Number 7761173733.

Mayor Jarrell re-opened the public hearing on the following request.

Mr. Evans affirmed his testimony and presented a written request by the Applicant to continue the above-referenced item to the Council's regular August meeting.

Upon motion by Mr. Crisco and seconded by Ms. Carter, Council voted unanimously to continue the above-referenced item to the regular August meeting.

- (d) SUP-07-05: Request for a Special Use Permit for a Public Use Facility. The property of the City of Asheboro is located at 3005 Zoo Parkway and consists of approximately 64.94 acres of land. Randolph County Parcel Identification Number 7669589611 more specifically describes the property.

At the request of City Staff and upon motion by Ms. Carter and seconded by Mr. Crisco, Council voted unanimously to continue the above-referenced item to the Council's regular August meeting.

- (e) CUP-07-22: Request for a Conditional Use Permit for Business Services/Personal Services/Professional Services. The property of Neal G. Branson is located at 564 Cox Avenue and consists of approximately 14,577 square feet of land. Randolph County Parcel Identification Number 7760064470 more specifically describes the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Evans affirmed his testimony and presented the staff's analysis of the proposed site plan and the request by Neal Branson for a Special Use Permit for Business and Professional Services.

Ms. Branson affirmed her testimony and addressed the four standard tests.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing. An audiotape of the testimony presented during this hearing is on file in the City Clerk's office.

Upon motion by Ms. Hunter and seconded by Ms. Carter, Council voted unanimously to approve the requested Special Use Permit to allow Business and Professional Services to be located on the above-described property. The issuance of this Special Use Permit was based on the four standard tests being met.

The formal Findings of Fact, Conclusions of Law, and Order authorizing this Conditional Use Permit will be entered by the Council during regular session on August 9, 2007. This order will reflect certain conditions imposed upon this permit as a consequence of the testimony presented during the hearing of this matter.

SUBDIVISIONS

(f) SUB-07-05: Townhomes on Meadowbrook. Sketch Design Approval.

Due to the previous continuance of the Special Use Permit hearing involving this subdivision, the Council continued the above-referenced item until its regular August meeting.

NEW BUSINESS

7. **Consideration of a petition received from Brim & Craven, LLC and CES Investments, LLC for non-contiguous annexation of 0.93 of an acre of land located at the South end of Holly Drive.**

Mayor Jarrell opened the public hearing on the annexation of 0.93 of an acre of land located at the South end of Holly Drive.

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

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro, North Carolina.

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

Ordinance Number 37 ORD 7-07
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, NORTH CAROLINA
(0.93 of an Acre of Land Located at the South End of Holly Drive)

WHEREAS, pursuant to Section 160A-58.1 of the North Carolina General Statutes, a petition executed by CES Investments, LLC and Brim & Craven, LLC, who are the owners of all of the real property located within the area hereinafter described, was heretofore presented to the City Council of the City of Asheboro, 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 to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition, and a public hearing on the question of this annexation was held in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in the City of Asheboro, North Carolina, during a regular meeting of the City Council that was held on the 5th day of July, 2007 after due notice by publication was given in *The Courier Tribune*, a newspaper having general circulation in the City of Asheboro, Randolph County, North Carolina, on June 21, 2007; and

WHEREAS, the city council finds that the area described within the petition meets the standards of Section 160A-58.1(b) of the North Carolina General Statutes, to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the City of Asheboro; and
- b. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another municipality than to the primary corporate limits of the City of Asheboro; and

- c. The area described is so situated that the City of Asheboro will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits; and
- d. No subdivision, as defined in Section 160A-376 of the North Carolina General Statutes, will be fragmented by this proposed annexation; and
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed twenty percent (20%) of the area within the primary corporate limits of the City of Asheboro; and

WHEREAS, the City Council further finds that the petition has been signed by all of the owners of real property in the area who are required by law to sign; and

WHEREAS, the City Council further finds that the petition is otherwise valid and that the public health, safety, and welfare of the City of Asheboro and the area proposed for annexation will be best served by annexing the area described.

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

Section 1. By virtue of the authority granted in Section 160A-58.2 of the North Carolina General Statutes, the following described non-contiguous territory 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 an existing iron rod set at the northeast corner of the CES Investments, LLC property described in Deed Book 1928, Page 2111, Randolph County Public Registry, the said point is located by means of the North Carolina Coordinate System at the coordinates of North 700,581.584 feet and East 1,762,546.056 feet (NAD 83); thence from said Beginning point South 82 degrees 47 minutes 18 seconds West 174.88 feet along the Samuel Bass property described in Deed Book 1083, Page 353, Randolph County Public Registry to an existing iron rod set in concrete in the eastern margin of the 60-foot right-of-way for Holly Drive (North Carolina Secondary Road Number 2942); thence across the right-of-way for Holly Drive the following courses and distances: South 82 degrees 39 minutes 01 second West 42.39 feet to a nail at an existing iron pipe; thence South 82 degrees 59 minutes 57 seconds West 27.73 feet to an existing iron rod set in the western margin of the right-of-way for Holly Drive; thence along the William Tommy Hancock property described in Deed Book 1144, Page 533, Randolph County Public Registry the following courses and distances: South 38 degrees 26 minutes 35 seconds East 257.45 feet to an existing iron pipe; thence South 38 degrees 26 minutes 35 seconds East 9.50 feet to a point in the centerline of a creek; thence along the Chandler Legacy Family Limited Partnership property described in Deed Book 1849, Page 1035, Randolph County Public Registry the following courses and distances: North 40 degrees 06 minutes 46 seconds East 91.03 feet to a point in the centerline of a creek; thence North 71 degrees 00 minutes 34 seconds East 27.02 feet to a point in the centerline of a creek; thence North 71 degrees 00 minutes 27 seconds East 54.67 feet to a point in the centerline of a creek; thence South 82 degrees 49 minutes 11 seconds East 26.00 feet to a point in the centerline of a creek; thence continuing along the Chandler Legacy Family Limited Partnership property and away from the creek the following courses and distances: North 29 degrees 56 minutes 28 seconds West 5.16 feet to an existing iron rod; thence North 29 degrees 56 minutes 28 seconds West 164.35 feet to the point and place of the BEGINNING, and containing 0.93 of an acre of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "ANNEXATION SURVEY FOR THE CITY OF ASHEBORO" that was drawn under the supervision of Jerry A. King, Professional Land Surveyor with Registration No. L-3373. The said plat of survey was dated May 8, 2007 and was identified as Job # 5070 C 10.

Section 2. Upon and after July 5, 2007, the above-described territory 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 in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly

certified copy of this ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 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 take effect and be in force from and after the date of its adoption.

Adopted by the Asheboro City Council in regular session on the 5th day of July, 2007.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

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

Approved as to form:

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

EXHIBIT 1

Asheboro Township, Randolph County, North Carolina:

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This description is in accordance with a plat of survey entitled "ANNEXATION SURVEY FOR THE CITY OF ASHEBORO" that was drawn under the supervision of Jerry A. King, Professional Land Surveyor with Registration No. L-3373. The said plat of survey was dated May 8, 2007 and was identified as Job # 5070 C 10.

- 8. Consideration of a resolution accepting the low bid received from Terry's Plumbing & Utilities, Inc. for construction of the 16" Water Line along the West Side of U.S. 220 By-Pass from Park Drive to Pineview Street at the unit price total amount of \$1,606,622.00, contingent upon approval by the Public Water Supply Section of the North Carolina Department of Environment and Natural Resources supplying the loan for this project.**

Mr. Bunker presented and recommended adoption, by reference, of a resolution accepting the bid received from Terry's Plumbing & Utilities, Inc. for the construction of the 16" Water Line located along the West of U.S. 220 By-Pass from Park Drive to Pineview Street.

Upon motion by Ms. Carter, and seconded by Mr. Baker, Council voted unanimously to adopt the following resolution by reference.

RESOLUTION AWARDING A WATER SYSTEM IMPROVEMENT PROJECT CONTRACT TO TERRY'S PLUMBING AND UTILITIES, INC.

WHEREAS, the City of Asheboro publicly advertised for bids to be received for the Water System Improvements Park Drive to Pineview Street Project on May 20, 2007; and

WHEREAS, the City of Asheboro has accepted a loan from the North Carolina Department of Environment and Natural Resources, Division of Environmental Health, Public Water Supply Section to cover the cost for the project; and

WHEREAS, the City of Asheboro publicly opened bids on June 26, 2007; and

WHEREAS, Terry's Plumbing and Utilities, Inc. submitted the low responsive unit price bid in the amount of \$1,606,622.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the above-described water system improvement project is conditionally awarded, in accordance with the Engineer's recommendation, to Terry's Plumbing and Utilities, Inc. in the amount of \$1,606,622.00; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that this award is conditioned on and subject to approval by the North Carolina Department of Environment and Natural Resources, Division of Environmental Health, Public Water Supply Section.

Adopted by the Asheboro City Council in regular session on the 5th day of July, 2007, upon motion made by Councilmember Linda Carter and seconded by Councilmember Talmadge Baker.

Aye 6 No 0 Absent 1 Abstained 0

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

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

9. Consideration of a request by John Grey of the Wooten Company for an amendment to the engineering services agreement for the 16" water transmission main from Park Drive to Pineview Street Project to increase the not to exceed contract amount by \$36,000 to \$226,700.

On behalf of the Wooten Company, Mr. John Grey presented a request to increase the contract amount by \$36,000 for additional expenses that have been incurred since the initial design phase of the construction of the 16" water transmission main from Park Drive to Pineview Street.

Mr. Ogburn recommended approval of the requested amendment.

Upon motion by Mr. Crisco and seconded by Ms. Carter, Council voted unanimously to approve the above-referenced request.

10. Public Comment Period.

Mayor Jarrell opened the public comment period and invited members of the public to address the Council.

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

11. Update of the Ten Year Comprehensive Solid Waste Management Plan for the City of Asheboro.

(a) Public Meeting

Mayor Jarrell opened the public meeting and invited the city's Sanitation Department Superintendent as well as members of the public to address the Council as to the city's comprehensive solid waste management plan.

Mr. Kermit Williamson, Sanitation Superintendent, presented the ten-year solid waste management plan for the City of Asheboro. Mr. Williamson specifically addressed the city's plan

to begin a curb-side recycling program. Citizens residing in the city's corporate limits will be able to deposit recyclables into a gray can provided by the city. The first phase of this project is expected to begin in September in the southeastern portion of the city closest to the recycling facility. As city crews identify and resolve unanticipated implementation problems, the program will be expanded until it is city-wide.

(b) Resolution accepting and endorsing the City of Asheboro's 2007 Ten Year Comprehensive Solid Waste Management Plan.

Mr. Williamson presented and recommended adoption, by reference, of a resolution accepting and endorsing the City of Asheboro's 2007 Ten Year Comprehensive Solid Waste Management Plan.

Upon motion by Mr. Smith and seconded by Mr. Crisco, Council voted unanimously to adopt the following resolution by reference.

35 RES 7-07

RESOLUTION ACCEPTING AND ENDORSING THE TEN YEAR SOLID WASTE MANAGEMENT PLAN OF 2007 FOR THE CITY OF ASHEBORO

WHEREAS, it is a priority of this city to protect human health and the environment through the safe and effective management of municipal solid waste; and

WHEREAS, one of this city's goals is to reduce the amount and toxicity of the local waste stream; and

WHEREAS, the equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system; and

WHEREAS, it is a goal of this city to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering; and

WHEREAS, the City of Asheboro recognizes its role in the encouragement of recycling markets by purchasing recycled products; and

WHEREAS, citizen involvement and education is critical to the establishment of an effective local solid waste management program; and

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste; and

WHEREAS, Section 130A-309.09A(b) of the North Carolina General Statutes requires each unit of local government, either individually or in cooperation with other units of local government, to update their Ten Year Comprehensive Solid Waste Management Plan at least every three years; and

WHEREAS, the City of Asheboro Sanitation Department has undertaken and completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City of Asheboro Ten Year Comprehensive Solid Waste Management Plan of 2007 is accepted and endorsed and placed on file in the City Clerk's office.

Adopted by the Asheboro City Council in regular session on the 5th day of July, 2007.

ATTEST:

s/ David H. Jarrell
David H. Jarrell, Mayor

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

(A copy of the City of Asheboro Ten Year Comprehensive Solid Waste Management Plan of 2007 is on file in the City Clerk's office.)

12. Report on results of the Sunset Theatre feasibility study and consideration of authorization to proceed with the next phase(s) of the project.

Mr. Hughes reported on the results of the feasibility study conducted by Clearscapes, PA of Raleigh, North Carolina regarding the renovation and restoration of the Sunset Theatre.

Mr. Hughes and Council members examined and discussed the computer-generated floor plans as proposed by Clearscapes. These floor plans included the two additional buildings that were recently purchased by the City in order to expand the theatre to accommodate the hosting of a variety of performing arts events. The floor plans illustrated space for certain amenities including, but not limited to, storage space, an elevator, dressing rooms, a catering area, and the relocation of restrooms.

The outside appearance of the theatre was also a major concern, specifically the existence and location of a marquee. In general, the Council members liked the creativity of the firm's proposals. However, the Council members had reservations about whether or not the firm's cost projections exceeded market prices in this area.

After substantive discussion and upon motion by Mr. Crisco and seconded by Mr. Walker, Council voted unanimously to accept the report as presented and generally accepted the exterior design, specifically the south façade, as shown. City staff will begin preparing options for Council consideration with regard to the implementation of renovations.

13. Discussion of items not on the agenda.

Captain Vuncannon presented and recommended adoption, by reference, of the Local Governmental Resolution for the North Carolina Governor's Highway Safety Program for the Asheboro Police Department. This resolution implements the Council's continuing participation in a traffic safety funding program that will contribute \$24,372.00 to the city to defray the cost of a traffic safety project.

Upon motion by Mr. Smith and seconded by Mr. Crisco, Council voted unanimously to adopt the above-described resolution by reference.

(The above-described resolution, which is a standardized form from the state, is on file in the City Clerk's office.)

Upcoming Events:

- July 15, 2007 – Summer Concert Series continues.
- July 16, 2007 – Ground Breaking Ceremony for Highway 311/I74 at Pinegrove Baptist Church in Archdale, North Carolina.
- Thursday, July 19, 2007 – Business After Hours at Asheboro Recycling.

There being no further comments, the meeting was adjourned at

Holly H. Doerr, City Clerk

David H. Jarrell, Mayor