

**NOTICE OF A SPECIAL MEETING OF THE  
ASHEBORO CITY COUNCIL**

**Tuesday, October 28, 2008**

**8:00 a.m.**

Notice of a special meeting of the City Council of the City of Asheboro, North Carolina is hereby given. This meeting will be held on Tuesday, the 28<sup>th</sup> day of October 2008 at 8:00 a.m. in the conference room of the City of Asheboro Public Works Facility located at 1312 N. Fayetteville Street in Asheboro.

This special meeting of the Asheboro City Council has been called for the purpose of allowing the mayor and members of the Asheboro City Council to take action on certain items and to participate in a planning session. From approximately 8:00 a.m. to noon, the following items will be addressed:

1. Action Items:
  - (a) Consideration of a resolution authorizing Mayor Jarrell to execute grant and performance agreements from the One NC Fund in furtherance of the Kennametal economic development project.
  - (b) Consideration of a proposal from Springstead Associates in association with the NC League of Municipalities to provide a long-term financial planning model for the city.
  - (c) Consideration of a resolution exempting the city from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes in order to contract for geotechnical engineering services needed for the E. Presnell Street/Old Cedar Falls Road development project.
  
2. Planning Session Items:
  - (a) Update on parks and recreation department projects.
  - (b) Update on utilities extensions and annexation issues.
  - (c) Discussion of the Asheboro Zoning Ordinance, specifically including the possible amendment of the list of permitted land uses in a B2 zoning district in order to remove certain land uses from this zoning district and place the displaced land uses in newly created zoning districts.

This notice is issued on the 24<sup>th</sup> day of October 2008 in accordance with the laws and ordinances of the State of North Carolina and the City of Asheboro.

s/ David H. Jarrell  
David H. Jarrell, Mayor  
City of Asheboro, North Carolina

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**SPECIAL MEETING  
ASHEBORO CITY COUNCIL  
CITY OF ASHEBORO PUBLIC WORKS CONFERENCE ROOM  
TUESDAY, OCTOBER 28, 2008  
8:00 a.m.**

This being the time and place for a special meeting of the Asheboro City Council, a meeting was held in the conference room of the City of Asheboro Public Works Facility located at 1312 North Fayetteville Street, Asheboro, North Carolina with the following members and officials present:

- David H. Jarrell           ) – Mayor Presiding
  
- Talmadge S. Baker       )
- Edward J. Burks         )
- Linda H. Carter         )
- J. Keith Crisco         ) – Council Members Present
- Walker B. Moffitt       )
- Archie B. Priest, Sr.     )
- David H. Smith         )

John N. Ogburn, III, City Manager  
Dumont Bunker, P.E., City Engineer  
Holly H. Doerr, City Clerk/Senior Legal Assistant

John L. Evans, Planner  
R. Foster Hughes, Parks and Recreation Director  
R. Reynolds Neely, Jr., Planning Director  
O. Lynn Priest, Community Development Director  
Deborah P. Reaves, Finance Director  
Jeffrey C. Sugg, City Attorney

**1. Call to Order.**

Mayor Jarrell called the meeting to order for the transaction of business, and business was transacted as follows.

**2. Items for Council action.**

**(a) Consideration of a resolution authorizing Mayor Jarrell to execute grant and performance agreements from the One NC Fund in furtherance of the Kennametal economic development project.**

Mr. Sugg presented and recommended adoption, by reference, of the aforementioned resolution.

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

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ONE NORTH CAROLINA FUND AGREEMENTS AS PART OF THE KENNAMETAL ECONOMIC DEVELOPMENT PROJECT**

**WHEREAS**, the North Carolina General Assembly has created the One North Carolina Fund to make funding available to assist in securing "commitments for the recruitment, expansion, or retention of new or existing businesses;" and

**WHEREAS**, the city has applied for funds from the One North Carolina Fund as part of an economic development project designed to retain existing jobs and promote the expansion of Kennametal, Inc.'s Asheboro facility ; and

**WHEREAS**, Kennametal's One North Carolina Fund application committed to an expansion of the manufacture of tungsten carbide metal cutting products in or around Asheboro with the goal of retaining four hundred twenty-two (422) existing jobs and creating at least seventy (70) new jobs along with new investment in Asheboro of approximately fourteen million and no/100 dollars (\$14,000,000.00); and

**WHEREAS**, in order to enable Kennametal, Inc. to receive assistance under the One North Carolina Fund program that is administered by the North Carolina Department of Commerce, the City of Asheboro must participate in this program by executing a Local Government Grant Agreement with the North Carolina Department of Commerce and a Company Performance Agreement with Kennametal, Inc. (the said agreements are hereinafter collectively referred to as the "Agreements"); and

**WHEREAS**, copies of the Agreements are attached to this resolution as "EXHIBIT 1" and are hereby incorporated into this resolution by reference as if copied fully herein; and

**WHEREAS**, contingent on compliance with the terms of the funding program, the North Carolina Department of Commerce has approved a One North Carolina Fund grant award in the amount of two hundred fifty thousand and no/100 dollars (\$250,000.00); and

**WHEREAS**, the Asheboro City Council has determined that the terms and conditions of the Agreements are acceptable and that the city's entry into the Agreements is consistent with the best interests of the municipal corporation and its citizens.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that the Agreements attached hereto as EXHIBIT 1 are hereby approved; and

**BE IT FURTHER RESOLVED** that the Mayor of the City of Asheboro is hereby authorized and directed to execute on behalf of the City of Asheboro any and all applications, agreements, certifications, and/or other instruments deemed necessary to properly consummate and comply with the approved Agreements.

This resolution was adopted by the Asheboro City Council in special session on the 28<sup>th</sup> day of October 2008.

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

ATTEST:

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

[A copy of Exhibit 1 is on file in the City Clerk's office.]

**(b) Consideration of a proposal from Springsted Associates in association with the NC League of Municipalities to provide a long-term financial planning model for the city.**

Mr. Ed Burchins, Vice President and Client Representative, of Springsted Incorporated presented a proposal to provide a long term financial planning model for the city.

After discussion and upon motion by Mr. Crisco and seconded by Ms. Carter, Council voted unanimously to refer this matter to the council's Finance Committee for further review.

**(c) Consideration of a resolution exempting the city from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes in order to contract for geotechnical engineering services needed for the E. Presnell Street/Old Cedar Falls Road development project.**

Mr. Bunker presented and recommended adoption, by reference, of the aforementioned resolution.

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

**RESOLUTION EXEMPTING A PROJECT FROM THE PROVISIONS OF ARTICLE 3D OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES**

**(Geotechnical Services for the East Presnell Street/Old Cedar Falls Road Development Project)**

**WHEREAS**, Section 143-64.31 of Chapter 143, Article 3D of the North Carolina General Statutes provides in pertinent part as follows:

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof . . . to announce all requirements for architectural, engineering, surveying, and construction management at risk services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm; and

**WHEREAS**, Section 143-64.32 of the North Carolina General Statutes provides in pertinent part as follows:

Units of local government . . . may in writing exempt particular projects from the provisions of this Article (Article 3D) in the case of:

- (a) Proposed projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000), or
- (b) Other particular projects exempted in the sole discretion of . . . the unit of local government, stating the reasons therefore and the circumstances attendant thereto; and

**WHEREAS**, the City of Asheboro has undertaken a development project in the East Presnell Street/Old Cedar Falls Road area in order to facilitate development and growth in this portion of the greater Asheboro area; and

**WHEREAS**, in order to successfully implement and complete this project, the city will have to procure geotechnical engineering services that can be utilized to facilitate the proper construction of a sanitary sewer pump station; and

**WHEREAS**, Unifour Engineering & Testing Laboratories, PC of Hickory, North Carolina has the capability to provide the engineering services needed to conduct geotechnical quality control testing for the city during the construction of the above-referenced pump station; and

**WHEREAS**, Unifour Engineering & Testing Laboratories, PC has proposed to provide the needed geotechnical engineering services for the East Presnell Street/Old Cedar Falls Road development project in consideration of an estimated professional fee that is not to exceed Three Thousand Five Hundred and No/100 dollars (\$3,500.00); and

**WHEREAS**, on the basis of the estimated professional fee for this project, the City Manager and the City Engineer have concluded that Unifour Engineering & Testing Laboratories, PC should be utilized to provide the geotechnical engineering services needed to successfully implement and complete this construction project.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that the East Presnell Street/Old Cedar Falls Road development project is hereby exempted from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes on the basis of the fact that the estimated professional fee for the needed geotechnical engineering services is less than Thirty Thousand and No/100 dollars (\$30,000.00); and

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute, in accordance with the applicable laws and the city's standard contracting policies, a contract with Unifour Engineering & Testing Laboratories, PC for the provision of the engineering services described above.

Adopted by the Asheboro City Council in special session on the 28<sup>th</sup> day of October 2008.

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

ATTEST:

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

### **3. Update on parks and recreation department projects.**

#### **Zoo City Park**

Mr. Hughes presented an update on the Zoo City Park project. During his presentation, Mr. Hughes reported that McGill Associates had submitted a cost estimate of approximately \$6,500,000.00 for the construction of the park. Of that cost, approximately \$4,000,000.00 is associated with the infrastructure, and \$2,500,000.00 is associated with the park's amenities. (A copy of the estimate submitted by McGill Associates is on file in the City Clerk's office.)

Initially, the goal for this project was for city crews to perform some of the construction such as the following:

- Playground, basketball court, bocce, sand volleyball and horseshoe court installation
- Shelter construction
- Amphitheatre construction
- Certain signage
- Pavement of walking trails

To assist with this process, Mr. Ogburn asked for and received an exclusion from the General Assembly for city crews to perform up to \$300,000.00 worth of work on the project. Based on the cost estimate and given the scale of the project, the local act was not adequate for in-house work to be done by city crews. Instead, the construction of Zoo City Park would need to be subject to the formal bidding procedures as a single project.

Mr. Hughes further reported that, due to the current economic situation, and a letter from the North Carolina State Treasurer's Office advising against non-essential borrowing, the city has refrained from undertaking any additional financial obligations related to the Zoo City Park until further notice. Mr. Hughes reminded the Council that the city had received a grant from the Parks and Recreation Trust Fund to assist with the construction of the park, and that the project must be completed by July 2010. If the project is not going to be completed by the deadline, then the city must immediately request an extension from the Parks and Recreation Trust Fund.

Additionally, Mr. Hughes presented some financing options as provided by Ms. Reaves, Finance Director. As suggested by Ms. Reaves, a 2.5% tax increase would be needed to pay for debt service if the project was financed. (A copy of these financing options is on file in the City Clerk's office.)

Throughout discussion, Mr. Ogburn offered, as a suggestion, that a possible Parks and Recreation bond campaign to be voted upon by the citizens may be a possible financing option for the construction of Zoo City Park.

After discussion and upon motion by Mr. Crisco and seconded by Mr. Priest, Council voted unanimously to proceed with completing the bid documents in regards to the construction of Zoo City Park. The completed bid documents will not be advertised until the above-described funding issues are resolved.

Upon motion by Mr. Smith and seconded by Mr. Moffitt, Council unanimously directed Mr. Hughes to contact the Parks and Recreation Trust Fund in order to explore the possibility of obtaining an extension of time for the project due to the impact of the current national financial crisis on the city's project. The city's plans for resolving the situation are to be included in this request.

#### **Sunset Theatre**

Mr. Hughes stated that the new marquee for the Sunset Theatre was installed in August of 2008. The new roof is currently being installed and should be completed in the next few weeks.

Mr. Hughes further reported that Mr. David Winslow, Fundraising Consultant of Winston-Salem was hired to do a feasibility study on raising funds for the theater. The study should be completed by the first of December. The goal is to raise approximately \$1,000,000.00 to improve the façade, restrooms, lights, and heating.

On May 2, 2008, a "Smoke and Ashes Bar-B-Que Championship" fundraiser for the Sunset Theatre has tentatively been scheduled at Bicentennial Park.

#### **4. Update on utilities extensions and annexation issues.**

Mr. Bunker reported that work is progressing on the East Presnell Street/Old Cedar Falls Road development project. The project is estimated to be completed in approximately six (6) months.

##### **Proposed Annexation of Brookwood Drive, Twain Drive, Snowdon Court, and North Shore Subdivision Area**

Mr. Bunker reported that the water and sewer construction along Brookwood Drive and Twain Drive is approximately 95% complete. The proposed effective date for this annexation is June 30, 2010.

##### **Proposed Annexation of the Daves Mountain Area**

Mr. Bunker presented a proposed annexation map of the Daves Mountain area. The proposed map depicted that the project could be divided into phases. Cedar Creek, as phase 1, would be annexed by legislative action in the Spring of 2009. Phase 2 would include the area along Old Lexington Road contiguous with the city limits, including areas along Westmont Drive. Phase 3 would include the infrastructure into Daves Mountain. Phase 4 would include the western end of Viewmont Drive. Phase 5 would include the eastern end of Viewmont Drive, Greenmont Drive, Gumtree Road, and Laura Court. Phase 6 would include Northmont Drive, Berkley Lane, and Mountain Lake Drive area, and Phase 7 would include the Heather Glenn area.

Additionally, Mr. Bunker presented a map depicting a proposed water line along U.S. Highway 64 East from the Stuart Bowman auto dealership area to Blue Mist Restaurant. The Public Works committee will discuss this matter along with the above-referenced annexation issues and report its findings to Council at a later date.

#### **5. Discussion of potential solutions to problems encountered with the Asheboro Zoning Ordinance's B-2 zoning district.**

Mr. Neely initiated a discussion in regards to Table 200-2 of the Asheboro Zoning Ordinance. More specifically, Council members used this opportunity to provide planning department staff members with comments concerning the principles that should guide the staff's efforts to create a zoning district or districts complimentary to the B-2 zoning district. No formal action was taken, and this discussion will be continued at a later date.

