

Tuesday - April 6, 1999 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor Edward C. Hay Jr.; Councilman M. Charles Cloninger; Councilman Earl Cobb; Councilwoman Barbara Field; Councilman Thomas G. Sellers; and Councilman O.T. Tomes; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

**CONSENT:**

**Resolution of Intent to Permanently Close a portion of Pond Avenue off Lee Street**

Summary: The consideration of a resolution of intent to permanently close a portion of Pond Avenue off Lee Street and setting a public hearing on May 11, 1999.

A petition has been received from Lucie Mae Ratliff requesting that Pond Avenue from Lee Street to the intersection with the Southern Railway Company right-of-way be permanently closed to public use.

The petition received includes the affidavit of Lucie Mae Ratliff, owner of parcels 9654.05-19-4691 and 4882. Ms. Ratliff owns all of the property with frontage on the unopened street between Lee Street and the Southern Railway right-of-way that has been petitioned to be closed.

This portion of Pond Avenue is a paper street and has never been used as a street. The City has no plans to utilize this street. All utility companies will be contacted, the resolution of intent to close a portion of Pond Avenue off Lee Street will be advertised in a local paper, and the location will be posted with the resolution of intent to close.

The Public Works Department staff recommends the resolution of intent to permanently close Pond Avenue from Lee Street in a easterly direction to the intersection with the Southern Railway right-of-way be adopted.

**Resolution and Budget Amendment relative to Luster Economic Development Grant**

Summary: The consideration of entering into an agreement and appropriating funds as an economic development incentive for Luster Dyeing and Finishing, Inc.

Luster Dyeing and Finishing, Inc. (Luster) is located on Caribou Road in the corporate limits of the City of Asheville. In 1997 representatives of Luster contacted the City of Asheville requesting consideration of economic development incentives as a part of a proposal to expand their operations at the current facility. City staff reviewed the request and determined that based upon their projected investment of \$3.6 million the City contribution would be in an amount not to exceed \$76,950. The City's projected contribution was based upon the property tax revenue over a five (5) year period. Additionally, the development was to create approximately 20 new jobs paying an average wage of \$12.50 per hour. Resolution 97-248 is related to this project and was adopted by Council on December 16, 1997.

Luster has now completed the expansion of their facility. Staff has prepared a revised agreement for consideration by City Council. I would also note that prior to the disbursement of any funds to Luster, they must provide the City with a Letter of Credit in the full amount of the City's -2-

contribution which will allow the City to recoup any funds paid out during the five (5) year period should

Lustar not uphold the terms of the agreement.

Staff is in the process of finalizing and verifying amounts related to the agreement. Additionally, staff has prepared a budget ordinance amendment in the amount of \$76,950 appropriating funds in accordance with prior City Council action.

Staff recommends that the revised agreement and budget ordinance amendment be approved by City Council allowing the disbursement of funds in the amount of \$76,950 to Lustar Dyeing and Finishing, Inc.

### **Summer Food Service Program for Children**

Summary: The City of Asheville wishes to apply for funding through the North Carolina Department of Health and Human Resources, Division of Maternal and Child Health, Child and Adult Care Food Program to provide food service in the Summer Day Camp Program.

The Summer Day Camp Program will provide supervised licensed child care, recreation, enrichment activities, and food service for children in kindergarten through 5th grade, June 7 through August 6, 1999, Monday through Friday, 7:30 a.m. 6 p.m. \$75 per week for city residents, \$85 per week for non-city residents. Sites will be located at Claxton, Hall Fletcher, Jones, Dickson, and Vance Elementary Schools; and Reid Community Center. Breakfast, lunch and snacks will be provided daily at no extra cost. The number of meals and amount of reimbursement will vary based on the total meals actually served each month.

The Parks and Recreation Department recommends the City of Asheville apply for the Summer Food Service Program for Children through the North Carolina Department of Health and Human Resources.

### **MSD Easement in Roger D. Farmer Memorial Park**

Summary: The staff is recommending that the City grant an easement for an upgrade to an existing sewer line which will be upgraded in Roger D. Farmer Memorial Park.

Staff has been working with Martin-McGill, a consultant for the Metropolitan Sewerage District, in coordinating improvements to be made on an existing sanitary sewer line and its permanent easement. The Parks and Recreation staff concurs with the final easement agreement draft, addendum and other provisions which will return the site to its current condition. The existing sewer line improvement and easement will not interfere with the usage of the park.

Staff recommends that the City grant an easement for an upgrade to an existing sewer line to the Metropolitan Sewerage District which will be upgraded in Roger D. Farmer Memorial Park. The language of the easement agreement is subject to the approval of the City Attorney's office.

Mayor Sitnick asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda.

### **STATE GRANT APPLICATION FOR WATER SYSTEM**

Mr. Tom Frederick, Director of Water Resources, said that the Regional Water Authority of Asheville, Buncombe & Henderson has authorized by resolution the application for a \$3 -3-

Million grant from the State of North Carolina under the Critical Needs/Infrastructure Bond Program approved by the voters of North Carolina last November.

The Water Resources Director appointed a task team within the Water Resources Department in October 1998 to develop a comprehensive list of chronic problems within the water system, including locations of

repeated low pressure or repeated repairs. When the \$1 Billion Critical Needs/Infrastructure Bond Referendum was approved statewide by the voters last November, the scope of this task team was amended to include developing a priority list of projects for a State grant or loan application.

To date, the task team has identified over 115 projects to resolve chronic problems, and prepared cost estimates for 73 of these projects totaling \$10.35 million. Further, with the assistance of McGill Associates, 21 of these projects, prioritized based on the State's criteria for the grant/loan program, totaling \$3.3 Million, have been included in a grant application submitted March 31, 1999.

Based on the State rules for the program, Water Resources staff have submitted documentation they believe will qualify us for a grant from the State. The maximum grant in any fiscal year available to a single water system is \$3 million, which is the size of our grant request. The State will make a determination on grant awards by June, 1999. This program is anticipated to be a five year program.

The Regional Water Authority has already adopted a resolution and is the applicant; the information to City Council in this staff report is for information only.

Mr. Frederick answered various questions from Council, some being, but not limited to: when will approved projects be completed, any match required, who makes up the difference if a project is over-budget, does this list of projects address the projects identified in a study conducted in the early 1990's, what criteria was used in prioritizing the list of projects and is this a one-time application.

Mayor Sitnick said that she has discussed with the City Manager a way that the City can be more informative to the public on issues related to the Water Resources Department and the Regional Water Authority.

**ZEALANDIA BRIDGE CONTRACT**

Ms. Suzanne Molloy, Assistant Director of Public Works, said that this is the consideration of the selection of a contractor to stabilize the Zealandia Bridge located on Beaumont Gap.

Due to significant design changes, the City, through the Public Works Department, re-bid the Zealandia Bridge Stabilization project. Two bids proposals were received. The bidders were qualified and listed below:

Company	MB Part	Drug Free	Bond	Bid
Carolina Mountain Construction Co. Inc.	100%	Yes	Yes	\$57,865 <u>Alternate #1</u> \$53,685
Taylor and Murphy	0	Yes	Yes	\$73,000 <u>Alternate #1</u> \$78,000

Please note that Alternate #1 includes "tuck pointing" as opposed to netting the bridge as outlined in the base bid. A budget amendment of \$50,000 was approved by City Council for this project on January 12,

1999. The additional \$3,685 necessary to execute the contract will be covered under the Public Works Departments operational budget.

Staff from the Public Works Department recommends City Council adopt the resolution authorizing the City Manager to enter into contract with Carolina Mountain Construction Co., Inc., in the amount of \$53,685, to stabilize the Zealandia Bridge.

Upon inquiry of Vice-Mayor Hay, Ms. Molloy said that the road will be re-opened at the end of April or early portion of May, 1999.

Mayor Sitnick asked that the record show that City Council has received this information and instructs the City Manager to place this item on the next formal City Council agenda.

### **OTHER MATTERS**

It was the consensus of City Council to hold a workshop on Friday, June 11, 1999, from 8:30 a.m. - 3:30 p.m. in the William F. Wolcott Jr. Building to discuss the information received from the economic development survey sent out and to set up priorities on what the City's priorities should be on economic development. The results from this workshop will be sent to the City Business and Development Commission and ultimately back to City Council for approval. This workshop will be in lieu of City Council's mid-year retreat.

City Council instructed the City Manager to contact a representative from the Waste Reduction And Technology Transfer ("WRATT") Program (which assists businesses with innovative cost saving strategies to improve environmental and energy management) to see if they would be willing to assist the City in providing recommendations with regard to energy and waste reduction assessments.

It was the consensus of City Council to partner with Quality Forward in it's efforts to encourage businesses, organizations, churches, etc., adopting spots throughout the community.

City Attorney Oast updated Council on the posting of private parking lots in downtown.

He also said that he is currently working on a cigarette butt receptacle ordinance and revisions to the noise ordinance.

Mayor Sitnick encouraged City Council's participation in the April 22, 1999, Honk Against Litter event.

### **CLOSED SESSION**

At 4:00 p.m., Councilman Cloninger moved to go into closed session to consult with an attorney employed by the City in order to preserve the attorney-client privilege between the City and its attorney. The parties to the lawsuit about which the Council expects to receive advice are: CC&J Enterprise, the City of Asheville, and the Jackson Park/Woolsey Neighborhood Association - G.S. 143-318.11 (a) (3). This motion was seconded by Councilman Sellers and carried unanimously.

At 4:15 p.m., Councilman Sellers moved to come out of closed session. This motion was seconded by Councilman Cobb and carried unanimously.

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### **WEST ASHEVILLE BRANCH LIBRARY**

Discussion surrounded the West Asheville Branch Library's use of the West Asheville Community Center. The City is planning to move its West Asheville Resource Center & Substation into the space which the

Library had previously occupied, which is City-owned. The City wants to share the community room space with the Library and has offered to make additional space available to them in the Community Center.

City Manager Westbrook was instructed to set up a meeting with Councilman Cobb, Councilman Sellers, Councilwoman Field, the Police Chief, the Parks & Recreation Director, and two or three representatives of the Library to discuss how the City of Asheville can work hand-in-hand with the Library regarding the use of the West Asheville Community Center.

It was also the consensus of Council to have the City Manager provide an informational report to City Council regarding this issue on the April 20, 1999, worksession agenda.

### **CHAMBER OF COMMERCE'S BOARD/LEADERSHIP RETREAT**

It was the consensus of City Council that any Councilmember attending the May 10-11, 1999, Asheville Area Chamber of Commerce's Board/Leadership Retreat which will be held near Cashiers, N.C., at the High Hampton Inn and Country Club, will drive.

### **ADJOURNMENT:**

Mayor Sitnick adjourned the meeting at 5:07 p.m.

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CITY CLERK MAYOR

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