

Tuesday - February 1, 2000 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger; Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilwoman Terry M. Whitmire

CITY COUNCIL GOALS AND OBJECTIVES

Mayor Sitnick announced that due to the weather, the City Council goals and objectives portion of the City Council retreat held on January 28, 2000, was rescheduled to this meeting. However, due to absence of Councilwoman Whitmire, that portion of the meeting will need to be rescheduled again. Councilman Worley moved to reschedule the City Council goals and objectives portion of the City Council retreat to Sunday, February 6, 2000, at 3:00 p.m. in the City Hall Building. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

CONSENT:

Grant Application to the Pigeon River Fund for the Broadway Greenway

Summary: The consideration of a resolution to apply for grant funds through the Pigeon River Fund to assist with the clean up of private property along Reed Creek for a donation of approximately 0.5 acre of land, which will be used for the Broadway Greenway.

The Broadway Greenway represents one of the City of Asheville's top greenway priorities in greenway development along Broadway. Funds are available through the Pigeon River Fund to assist with the development of greenways that make a significant impact on water quality. The grant will be used to clean up and restore approximately 540 feet of streambank along Reed Creek located in the Montford neighborhood. The City will retain the corridor amounting to 0.5 acre for use for the Broadway Greenway. The funds will be used to remove overgrowth of kudzu, remove debris, and restore the streambank, which is highly scoured and degraded. The streambank will be replanted with native riparian trees and shrubs.

The Parks and Recreation Department is requesting \$19,940 in grant funds from the Pigeon River Fund. The grant does not require matching funds but strongly encourages a cash or in-kind match. The in-kind match of project management is valued at 25% of the request, and is available in the Parks Division operating budget.

The Parks and Recreation Department recommends the City of Asheville apply for and enter into an agreement for the grant funds through the Pigeon River Fund to assist with the clean up of private property for an easement for the Broadway Greenway.

Grant Application to the Community Foundation of WNC for the Youth Employment Program

Summary: The consideration of a resolution to apply for and enter into an agreement with the Community Foundation of Western North Carolina in the New Horizon Grant Program to assist with the expansion of the Youth Employment Program currently managed by the Parks and Recreation Department.

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The Youth Employment Program represents the City of Asheville's commitment to provide youth with

valuable opportunities that have significant impact in their development preparation to be employable members in our community. The expansion of the Youth Employment Program is a result of a recent collaboration between the City of Asheville, the Community Foundation, Job Link, the Asheville Housing Authority, and the Chamber of Commerce. The Parks and Recreation Department is requesting \$7,500 in grant funds from the Community Foundation. The grant does not require matching funds.

The Parks and Recreation Department recommends the City of Asheville to apply for and enter into an agreement for the grant funds through the Community Foundation of Western North Carolina to assist with expanding the Youth Employment Program.

Grant Applications for Public Art and Heritage Trails Program

Summary: The consideration of a resolution applying for funds Funds are available through the North Carolina Arts Council,; the Community Foundation of Western North Carolina, ; and AdvantageWest North Carolina to assist with programs that support the arts and provide for tourist related economic development. The City of Asheville wishes to apply for these grant funds to accomplish two objectives: to assist with the development of a Public Art Master Plan and to promote the Asheville Urban Trail as part of its Public Art and Heritage Trails Program.

The City of Asheville wishes to apply for grant funds to accomplish two objectives: to assist with the development of a Public Art Master Plan and to promote the Asheville Urban Trail as part of its Public Art and Heritage Trails Program.

The first request is to establish a Master Plan for Public Art that will include a five year strategy on how best to provide art in public places. This will include selection criteria, a capital budget, funding sources, and a process for gaining community input. The Plan would be submitted to City Council for approval and be used to guide the activities of the Public Art Board. The plan itself will be prepared by staff and members of the Public Art Board.

The second request reflects the fact that the Asheville Urban Trail is nearing completion and requires additional promotional materials to enable visitors and residents to use the Trail.

Requested grant funds are primarily to assist with the cost of printing and distribution of promotional materials for the Urban Trail and the Master Plan for Public Art, and to obtain community input on and support for the Public Art and Heritage Trails Program .

The Parks and Recreation Department is requesting \$6,000 in grant funds from the North Carolina Arts Council which requires a 50% cash and/or in-kind match. It is anticipated that the \$3,000 required for the cash match will come from proposed project funds (percent-for-art) for the public art program. The in-kind match is available in the Park Maintenance Operational budget. The Parks and Recreation Department also requests \$6,000 from the Community Foundation of Western North Carolina; and \$5,000 from AdvantageWest North Carolina. It is anticipated that the \$3,000 required for the cash match will come from proposed project funds (percent-for-art) for the public art program. The in-kind match is available in the Parks Division budget.

s: The Parks and Recreation Department recommends the City of Asheville apply for and enter into an agreement for grant funds through the North Carolina Arts Council, Community Foundation of Western North Carolina, and AdvantageWest North Carolina to assist with the development the Public Art and Heritage Trails Program.

Budget Amendment to Amend Water Capital Project Ordinance - 29 Fund

Summary: The consideration of a budget amendment to amend Capital Project Ordinance 92-17 (29 Fund -

Water Bond Capital Improvements Fund) to fund current and expected change orders associated with the Mills River Project.

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By Resolution 92-17 dated May 19, 1992, the Authority authorized and budgeted for various capital projects to be funded by City Water Bond proceeds. In October 1999, the Authority approved a change order with CDM to extend full-time on-site construction management services for the Mills River Water Treatment Plant from August 29, 1999, to November 15, 1999 (79 day delay). This was approved in the amount not to exceed \$104,549. Since that time, there has been an additional 39 day delay, but the amount has been negotiated to remain at \$104,549. In addition, a change order has been negotiated in the amount of \$71,483.05 for necessary additional work required to complete the contract with Metric. There is sufficient funding of \$236,307 in the Mills River Project Contingency for these change orders.

In addition to these change orders, there are the following anticipated change orders: approximately \$20,000 for a change order with Hays and Lunsford (the electrical contractor) for the Mills River Project and \$86,790 with NC DOT for the Mills River Transmission Main. Further, the Director recommends \$81,378.61 be set aside to use any part as necessary for legal and engineering services pertaining to the issue of liquidated damages.

There is not enough Mills River Contingency to fund all of these changes, so staff is requesting the transfer of \$49,760 from the Brevard Rd/Sand Hill Bridges line item. This was targeted for design and engineering for Sand Hill and Brevard Road Bridges that will have to be postponed until additional funding is available from pay-as-you-go CIP or from a bond issue in Fiscal Year 2000-01. A Budget Amendment will transfer \$49,760 from the Brevard Rd/Sand Hill Bridges to Mills River Contingency.

The Water Authority approved an amendment to Capital Project Ordinance 92-17 at the January 18, 2000, meeting to fund current and expected change orders associated with the Mills River Project.

The Regional Water Authority recommends approval of a budget amendment for Capital Project Ordinance 92-17 to reprogram funds to increase the Mills River Contingency in order to fund current and expected change orders associated with the Mills River Project.

Budget Amendment to Accept Grant for Police Department

Summary: The consideration of a budget ordinance amendment, in the amount of \$6,500, to appropriate funds to offset expenditures from the Police Department (safety equipment) budget.

In July of 1999, with the approval of the City Manager, the Police Department applied for partial reimbursement for bullet proof vests through the Bureau of Justice Assistance. Total funds expended were approximately \$12,000. On October 13, 1999, the Police Department was notified that 50% of the funds it expended for bullet proof vests (\$6,537.13) was awarded to them through the Bulletproof Vest Partnership Grant Act of 1998.

Staff recommends adoption of a budget ordinance amendment appropriating \$6,500 to the Police Department budget.

Adoption of the Fiscal Year 2000-01 Budget Schedule

Summary: The consideration of a motion approving the Fiscal Year 2000/2001 budget schedule.

The proposed Fiscal Year 2000/2001 budget schedule identifies key dates for completion of all phases of the budget process leading to adoption. Certain administrative phases of the budget process including the

distribution of budget materials and instructions have already begun -4-

or have been previously approved by City Council (i.e. City Council Retreat). Other key phases include submission of departmental requests, presentation of the proposed budget to City Council, a public hearing and formal adoption. Adoption of the Fiscal Year 2000/2001 budget is scheduled for June 2, 2000.

City staff recommends City Council adopt the Fiscal Year 2000/2001 budget schedule.

Annual Asphalt & Concrete Repair Contract

Summary: The consideration of a resolution confirming the contract award by the Regional Water Authority for a new annual asphalt and concrete repair contract by APAC Carolina Inc. which is an average 5% less than the current contract with APAC.

Bids for unit prices for contracted asphalt and concrete replacement work resulting from utility repair excavations have been received by the City's Engineering Department. The bids were advertised twice and only one bid was received, from APAC Carolina Inc. The bid has been evaluated and is responsive to the Minority Business Plan. Unit prices are on average about 5% lower than the current contract.

The contract establishes the unit prices for all work performed by APAC but does not guarantee any minimum quantity. Generally, the contractor under this agreement has provided asphalt and concrete work on State highways and in the unincorporated areas of the County.

The alternate bid includes unit prices for after hours and weekend work and those prices will only be paid when the work is specifically authorized by the Water Resources Department under an after-hour requirement. Immediate asphalt repair is required by the N. C. Dept. of Transportation on major thoroughfares such as US 19/23, US 25, US 70, etc.

In addition to this contract, the City repairs some utility cuts with in-house crews. In past years, the City of Asheville Street Division has provided the work on City streets, but under a re-engineering proposal, based on a Memorandum of Understanding, the Water Resources Department took direct control over the City crews for utility cut repair on October 1, 1999. The Water Resources Operations Manager will oversee this contract and the City repair crews and will evaluate what repairs are more cost-effective to contract and what repairs are more cost-effective to perform with our crews.

Staff recommends that the City Council approve the execution of a contract with APAC Carolina Inc. for the annual asphalt and concrete repair, which was awarded by the Regional Water Authority on January 18, 2000.

Approval of Engineering Services Contract for Critical Needs State Grant - Phase II

Summary: The consideration of a resolution confirming the contract award of engineering services contracts to McGill Associates and Cavanaugh & Associates, contingent upon the Water Authority receiving selection for a State grant based on an application submitted by the Water Authority on November 23, 1999.

On Friday, January 7, 2000, six proposals were received from consulting engineering firms for engineering services for Contracts 1-4 defined under an application dated November 23, 1999, by the Authority for a \$3.0 Million State grant. On Thursday, January 13, 2000, a selection committee approved by the Water Authority's Policies & Priorities Committee and consisting of Ms. Leslie Thornton, Mr. Mike Brookshire, and Mr. Tom Frederick met after reviewing the proposals. The selection committee ranked the proposals based on the following -5-

criteria set out in the Request for Proposals (RFP): firm's demonstrated qualifications, ability to meet the

design schedule, project approach, financial standing of firm, and the firm's minority business plan. Based on these criteria, the committee selected McGill Associates and Cavanaugh & Associates for this work.

Following the evaluation based on RFP criteria, the committee also reviewed fees for these two firms. The Director was authorized by the Selection Committee to conduct further negotiations with the selected firms and the fees recommended in the resolution are very competitive and within the budget prepared in the grant application.

Other firms submitting proposals include W. K. Dickson, William G. Lapsley & Associates, Mattern & Craig, and Vaughn & Melton.

The staff expects to receive word from the State of North Carolina on grant selections about February 1, 2000. With the adoption of the resolution, staff will complete the final contracts for execution by the engineering firms, but the Chairman will not execute the contracts until a grant award is made by the State. The State requires final engineering design be completed and permitted within 120 days of award to confirm the grant offer, therefore, engineering work must start immediately after an award is confirmed.

On January 18, 2000, the Regional Water Authority unanimously approved the staff recommendation.

Staff recommends the City Council approve the execution of engineering contracts with McGill Associates for \$122,500 and with Cavanaugh & Associates for \$83,000 contingent upon the Authority's November 23, 1999 application being selected by the State of North Carolina for a grant.

Budget Amendment for the 1999 Senior Center Appropriation

Summary: The consideration of a budget amendment, in the amount of \$12,658, for an appropriation from the State of North Carolina, Department of Health and Human Services, Division on Aging to implement facility improvements and purchase equipment for the Senior Opportunity Center and Harvest House.

The City of Asheville applied for funds in January 2000 for the 1999 Senior Center Allocation from the State of North Carolina, Department of Health and Human Services, Division on Aging. The allocation was recently awarded in the amount of \$12,658 and designated for facility improvements and purchasing equipment at Senior Opportunity Center and Harvest House.

The Parks and Recreation Department is responsible for the management and operation of two senior centers. The annual allocation from the State of North Carolina will assist the department in implementing facility improvements and purchasing equipment and supplies.

The Parks and Recreation Department recommends City Council approve the budget amendment, in the amount of \$12,658, to establish a budget for the next phase of improvements at Senior Opportunity Center and Harvest House.

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.

UPDATE BY THE FILM BOARD

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Film Board Chairman Pam Turner updated City Council on accomplishments that have been made since the Film Board was created.

The Asheville Film Board was created in September 1998 for the purpose of encouraging film production in

the Asheville area. Since this time, the Film Board has accomplished several goals toward this end. An internet web site has been created and education workshops are being developed to educate the community about the film industry.

She said that their mission as established by the Council is to: "Act as liaison to film crews that come to Asheville and to act as ambassadors on behalf of the City to that industry."

They also established an additional mission statement, which is: "To enhance the economic potential of Asheville by providing educational and promotional opportunities towards the growth of the film, TV and print industries."

Six tasks accomplished include:

- Marketing of City of Asheville to the film industry - This past fall after several months of planning we established our own web site (Ashevillefilmboard.com.)
- Do a more aggressive job of recruiting films the City of Asheville - Because we have no official status with the State Film Commission or The WNC Film Commission under the auspices of Advantage West, we have not been able to directly engage in any activities to aggressively recruit films to Asheville other than our website. We will be going to the Location 2000 Trade fair in Los Angeles, California, in March working with Advantage West and thank the City for providing these funds. This is the first step in making the industry aware of our existence and marketing Asheville. Because the Western North Carolina Film Commission represents 23 counties equally and according to Mary Nell Webb, the philosophy of the Commission is to "take it as it comes" we feel it is vitally important that Asheville take the a leading role in recruiting films to this area. In this industry's climate we cannot wait for them to come knocking on our door.
- Help entice a private developer establish a film studio and postproduction facility in our community - At this time we all realize that to make Asheville a film industry center, the City needs to make this a priority. This is a clean industry that can provide jobs for our young people. This is an industry where youth or age is not a disadvantage. We need to make a joint effort with the Advantage West, The Chamber and the City to make this a reality.
- Create a resource guide - The Film Board is very interested in moving ahead with this project. We will need money for printing and mailings as well personnel to compile an up to date guide that would require periodic updates. In the meantime we are collecting areas guides from other to determine what it would take to produce our own.
- Lure a television series here. - Though not an impossibility, we feel at this time without a fulltime paid film recruiter and /or studio the chances are very remote.
- Establish workshops and training - We are proud to announce that on Tuesday, March 28 and March 30 from 7 p.m. to 9 p.m. we will offer two-community education programs at A/B Tech. The first will deal with information for members of the general public interested in becoming involved in the movies. Some of the topics covered will be: Casting (actors and extras), Locations, History of film in Asheville, How to find work. The second night will be devoted to businesses and professionals that want to have access to work when films are located here. -7-

We have discussed with A/B Tech the need for them to create a film curriculum similar to the one at Trident Community College in South Carolina. It's the chicken and egg syndrome. (Slides of Trident curriculum) Until there are jobs for their graduates, they don't want to offer a course. Until we have a trained work force, it is difficult to attract a studio and post-production facility.

The Asheville Film Board is experiencing a level of frustration because there is so much that could be done but there are limited resources with which we can work. If the City wants to attract more films to this area, it needs to hire a full time professional, and we do mean professional, film commissioner, to aggressively recruit new projects, work with them before and while they are here and attract a film studio. Currently there is no one who has the expertise or time to devote to an industry that already is contributing millions to the local economy.

We also would like to request that a budget be established for the Film Board so that we increase our effectiveness. We know that most boards help to establish policy but we feel that we are more of an arm of Economic Development and as such need promotional materials and assistance not normally given to a board.

This is a group of very devoted volunteers who feel that there are great opportunities to increase the film industry in Asheville if the necessary resources are committed to it. This is an investment that will benefit the citizens of the Asheville area with jobs and an enhanced economy.

Ms. Turner answered various questions from Council regarding their status as a board vs. a commission.

Vice-Mayor Cloninger, as did the entire Council, spoke in support of the Film Board and their accomplishments to date. He felt that the Film Board is an extension of economic development and should be considered during the budget deliberations.

It was the consensus of City Council to have the Film Board look into the possibility of creating more of an official status.

Upon inquiry of Mayor Sitnick, Ms. Turner said that the Board is working on a "film friendly policy".

Councilman Peterson wondered if the Board was reorganized into something like the "Asheville-Buncombe Film Commission" if the Buncombe County Commissioners and/or the Tourism Development Authority would be interested in helping fund some of the needs.

TRAFFIC CALMING POLICY

City Traffic Engineer Michael Moule said that this is the consideration of a resolution adopting the Traffic Calming Policy for the City of Asheville.

Citizens have previously expressed concerns about speeding traffic in Asheville neighborhoods. The City Council has shown their commitment to traffic calming by including a budget for traffic calming measures in the 1999-2000 budget. With input from other City departments and the general public, the Engineering Department has drafted a Neighborhood Traffic Calming Policy. This policy is intended to guide city staff and inform residents about the processes and procedures for implementing traffic calming on residential streets. Under the policy, the Traffic Engineering Division will work with residents to identify traffic problems in their neighborhoods and seek appropriate solutions.

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Staff recommends that City Council adopt the Neighborhood Traffic Calming Policy in order to provide the methodology for implementing traffic calming on residential streets in the City.

Mr. Moule then reviewed the purpose of the policy, what streets are addressed by the policy, the process (in steps 1-11) which will be followed in the policy, along with the rating criteria.

Mr. Moule and City Engineer Cathy Ball responded to several questions and comments from Council; some

being, but are not limited to: how is this policy different from an earlier City policy; what is the average cost of instituting traffic calming on a street; what kind of data will the crash history contain; and is the percentage too high for the necessary petition support and what areas are included for that percentage.

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.

BUDGET AMENDMENT REGARDING ANIMAL CONTROL SERVICES

Mr. Alan Hyder, Support Services Manager for the Police Department, said that this is the consideration of a budget ordinance amendment, in the amount of \$34,000, to appropriate funds to the Police Department budget to fund the Fiscal Year 1999 - 2000 animal control contract for animal control services within the City.

The City contracts with Buncombe County Friends for Animals (BCFFA) for the provision of animal control services. The Fiscal Year 1999/2000 contract is in the amount of \$135,000. This is \$34,000 over what was budgeted. An appropriation from the City contingency fund, 110-0601-414-5097, to the Police Department budget, 110-3503-421-3010, Professional Services, in the amount of \$34,000 is requested.

The increase is necessary because the initial contract for animal control services was underfunded to provide the required services. The \$135,000 more closely matches the required funding for the services received. This information was not brought to the City's attention at a time when it could have been included in the Fiscal Year 2000 budget proposal.

Staff recommends adoption of a budget ordinance amendment appropriating \$34,000 to the Police Department budget.

Upon inquiry of Vice-Mayor Cloninger, Mr. Hyder explained that if the City were to resume handling animal control in-house, their estimate for start-up for the first year would be \$308,000. The second and subsequent years would be approximately \$190,000 annually.

Mr. Hyder responded to questions from Council regarding from the number of animal control officers BCFFA employs, how officers are professional trained, and how many officers are assigned to the City.

Upon inquiry of Councilwoman Field, City Attorney Oast said that in our animal control ordinance certain laws are required to be complied with.

The Executive Director of BCFFA explained some of the services City residents receive. In addition, he summarized a letter from Buncombe County Commissioner Chairman Tom Sobol which stated that the County performed an audit for Fiscal Year 1998-99 and found that BCFFA's financial records demonstrate that they have administered public funds in compliance with their -9-

contract. He suggested that the City might want to investigate changing the civil penalties from \$10 to perhaps \$50 for the first offense and language that would allow them to intervene at an earlier stage with regard to cruelty to animals.

City Attorney Oast was instructed to look into strengthening the civil penalties and other provisions that would allow early intervention under the current law.

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.

NEXT COMMUNITY MEETING

It was the consensus of City Council to hold it's next community meeting at the Shiloh Community Center area on Tuesday, February 29, 2000, beginning at 7:00 p.m.

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.

RECYCLING INITIATIVES

Ms. Karen Rankin, Waste Management Coordinator, reviewed with Council several options to improve recycling participation and increase recovery rates. Options and benefits reviewed were (1) weekly curbside recycling program; (2) biweekly collection with the addition of mixed paper; (3) weekly collection with the addition of mixed paper; and (4) remain at current levels.

It was the consensus of City Council instruct the City Manager to bring back the appropriate paperwork at the February 22, 2000, meeting to begin implementation as soon as possible of biweekly collection, with the addition of mixed paper to the collection stream (at a proposed price of \$2.06 per household per month).

OTHER BUSINESS

Vice-Mayor Cloninger updated City Council on a meeting he had with the League of Women Voters regarding the public access channel.

It was the consensus of City Council to have the City Attorney prepare the proper paperwork to increase the membership on the Public Access Channel Commission from five to nine members.

Due to a National League of Cities Congressional Conference, it was the consensus of City Council to reschedule the Tuesday, March 14, 2000, City Council formal meeting until Wednesday, March 15, 2000, beginning at 5:00 p.m. in the Council Chamber, City Hall Building.

Mayor Sitnick made the following liaison appointments: (1) Terry Whitmire to the Educational Access Channel Commission; and (2) Vice-Mayor Cloninger (along with Councilman Peterson) to the Public Access Channel Commission.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 6:15 p.m.

CITY CLERK MAYOR
