

Tuesday - September 5, 2000 - 3:00 p.m.

Worksession

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

Absent: Vice-Mayor M. Charles Cloninger

CONSENT:

Statewide Emergency Management Mutual Aid Agreement

Summary: The consideration of a resolution authorizing the City Manager to sign a statewide emergency management mutual aid agreement with the North Carolina Department of Crime Control and Public Safety, and its Division of Emergency Management.

As a result of Hurricane Fran in 1996, Governor Hunt commissioned a Task Force to address the State's recovery effort. The Task Force made 84 recommendations that would enhance communication, coordination and recovery efforts, and help provide the resources needed to respond and recover from a disaster. One of the recommendations was for the League of Municipalities and the North Carolina Association of County Commissioners to draft a statewide mutual aid agreement. North Carolina Emergency Management serves as the repository for this statewide mutual aid agreement. This voluntary agreement means that the City may request assistance during a disaster, or Asheville may be asked to provide assistance to another city or town. The needs of Asheville residents are the first priority and the City may decline to provide assistance when the resources are needed in the City of Asheville. The multi-purpose agreement provides efficient and effective assistance among governments, faster reimbursement from the Federal Emergency Management Agency and covers liability and insurance concerns.

The Interim Fire Chief recommends City Council authorize the City Manager to sign a statewide emergency management mutual aid agreement with the North Carolina Department of Crime Control and Public Safety, and its Division of Emergency Management.

Public Auction

Summary: The consideration of a resolution authorizing the Purchasing Director to dispose of City-owned personal property by public auction on Saturday, October 7, 2000, at 10:00 a.m. in the Public Works Complex located at 161 S. Charlotte Street.

The resolution authorizes the City's Purchasing Division to hold a public auction to dispose of motor vehicles, off-road equipment, and other miscellaneous property declared as surplus by various City departments. The auction is scheduled to be held Saturday, October 7, 2000, at 10:00 a.m. in the Public Works Complex, 161 S. Charlotte Street.

City staff requests City Council's approval of the resolution.

Budget Amendment re: \$2 Million High Unit Cost Grant

Summary: The consideration of a budget amendment to amend Capital Project Ordinance 82-25 (35 Fund) to reflect the increase in revenue from the \$2 Million High Unit Cost Grant and the increase to the Critical Needs Phase II appropriation.

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By Resolution 82-25 dated October 5, 1982, the Regional Water Authority authorized and budgeted for various capital projects to be funded by Contribution From Other Funds and Appropriated Fund Balance.

In September 1999 the Regional Water Authority applied for a second grant with the N.C. Dept. of Environment and Natural Resources (DENR) to continue improvements to the regional water distribution system. The Authority had already been awarded a \$3 million grant from DENR in July 1999 from an earlier round of applications. Areas of the water system were prioritized according to the State's criteria for grant points, including areas where water pressures to customers were low and areas where water leak repairs were frequent.

On March 15, 2000, the Water Resources Department was notified that DENR had selected the Authority for a \$2 Million grant from the September application, conditioned on the design being completed and approved by DENR by July 7, 2000. This was completed on July 5, 2000.

Pursuant to the Water Agreement, the City of Asheville and Buncombe County formally accepted the grant in early August.

The Regional Water Authority approved an amendment to Capital Project Ordinance 82-25 at the August 15, 2000, meeting to reflect the increase in revenue from the \$2 Million High Unit Cost Grant and the increase to the Critical Needs Phase II appropriation.

The Regional Water Authority recommends approval of a budget amendment for Capital Project Ordinance 82-25 to reflect the increase in revenue from the \$2 Million High Unit Cost Grant and the increase to the Critical Needs Phase II appropriation.

FAA Grant Offer

Summary: The consideration of a resolution approving a grant from the Federal Aviation Administration in an amount not to exceed \$500,000.

The Federal Aviation Administration (FAA) has offered a grant agreement to the Asheville Regional Airport. This grant, in an amount not to exceed \$500,000, consists of the following projects: Rehabilitate Runway 16/34 Lights (HIRLS); and Improve Runway 16/34 Runway Safety Area and Taxiway Safety Area.

Staff recommends adoption of the resolution and authorize the Mayor to execute the grant agreement for Project No. 3-37-0005-24.

Offer to Purchase Disposal Parcel 76 in the East End/Valley Street Community Improvement Area

Summary: The consideration of a resolution establishing minimum price and authorizing the City Clerk to advertise an offer to purchase Disposal Parcel 76 in the East End/Valley Street Community for the tax value of \$300.

Disposal Parcel 76 is a fragment lot located on the east side of Martin Luther King Jr. Drive at the intersection with South Beaumont Street comprising 566 square feet. The lot is irregular in shape and mostly flat about street level. The bid from Dorothy Dean includes the proposal to combine the property with adjoining property currently owned by Ms. Dean on South Beaumont Street. No construction is planned.

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Approval of the resolution will establish the tax value of \$300 as the minimum price and initiate the sale of the property through the upset bid process as provided in N. C. Gen. Stat. sec. 160A-269.

Community Development staff recommends adoption of the resolution.

Provisions for Possession and Consumption of Alcoholic Beverages at 2000 Greek Festival

Summary: The consideration of a resolution to allow alcoholic beverages on October 6-8, 2000 at the 2000 Greek Festival.

N. C. Gen. Stat. sec. 18B-300 (c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and/or unfortified wine on public streets, and on property owned, occupied or controlled by the City of Asheville. The City Council has adopted an ordinance pursuant to that statutory authority. Section 11-11 of the Code of Ordinances provides that City Council may adopt a resolution making other provisions at a special event or community festival.

The Parks and Recreation Department recommends City Council adopt a resolution allowing the possession and consumption of malt beverages and/or unfortified wine at the 2000 Greek Festival to include the areas as described in the resolution.

Provisions for Possession and Consumption of Alcoholic Beverages at 4th Annual Brewgrass Festival

Summary: The consideration of a resolution to allow alcoholic beverages on September 16, 2000 at the 4th Annual Brewgrass Festival.

N. C. Gen. Stat. sec. 18B-300 (c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and/or unfortified wine on public streets, and on property owned, occupied or controlled by the City of Asheville. The City Council has adopted an ordinance pursuant to that statutory authority. Section 11-11 of the Code of Ordinances provides that City Council may adopt a resolution making other provisions at a special event or community festival.

The Parks and Recreation Department recommends City Council adopt a resolution allowing the possession and consumption of malt beverages and/or unfortified wine at the 4th Annual Brewgrass Festival to include the areas as described in the resolution.

Declaration of Withdrawal for Portion of Sunset Terrace

Summary: The consideration of a resolution finding that a portion of the right-of-way known as Sunset Terrace is not part of an adopted street plan.

According to N. C. Gen. Stat. sec. 136-96, if a right-of-way is not utilized within 15 years of dedication, it can be abandoned through a recording of a Declaration of Withdrawal.

To proceed with this process, Claxton Law Firm, on behalf of Peter and Jasmin Gentling, has conducted an extensive title research and determined that they are the rightful persons to claim under the dedicator and to make and record a declaration of withdrawal pursuant to North Carolina General Statute sec. 136-96 and has requested that the City of Asheville verify if the

specific rights-of-way are or are not part of the City's adopted street plan. The statute requires

that the City adopt a resolution stating whether the right-of-way to be abandoned is or is not part of a proposed street plan.

Public Works Department staff has determined that a portion of the right-of-way known as Sunset Terrace, beginning at the southeast corner of PIN No. 9649-08-88-3098, and ending at the southwest corner of PIN No. 9649-08-87-4827 as shown on Plat Book 14, Page 70, is not part of an adopted street plan and is not a City maintained right-of-way.

City staff recommends City Council adopt the resolution finding that a portion of the right-of-way known as Sunset Terrace is not part of an adopted street plan.

Budget Amendment for Pritchard Park

Summary: The consideration of a budget amendment, in the amount of \$38,312.53, to appropriate funds received from reimbursement by the Transportation Advisory Committee for the Downtown Traffic Evaluation Plan for Pritchard Park.
