

Tuesday – February 5, 2002 - 3:00 p.m.

Worksession

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor Terry M. Bellamy; Councilman Joseph C. Dunn; Councilman James E. Ellis; Councilwoman Diana Hollis Jones; Councilman R. Carl Mumpower; and Councilman Brian L. Peterson (arrived in meeting at 3:15 p.m.); City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT:

Driveway Easement Across Youngs Cove Reservoir

Summary: The consideration of a resolution authorizing the Mayor to convey a driveway easement over a portion of the Youngs Cove Reservoir property to Bruce O'Connell.

Youngs Cove Reservoir is located on Mountain Drive, a private road off Youngs Cove Road in the Candler community. Mr. O'Connell owns land on the mountain behind Youngs Cove Reservoir and accesses his property via a driveway that crosses the Youngs Cove Reservoir property. Mr. O'Connell has requested an easement to establish his right to use the driveway across the Reservoir property. The Water Resources Department has indicated that the driveway easement would not interfere with the City's anticipated use of the Reservoir property.

The driveway easement would be 12 feet wide and 202 feet long comprising 2,424 square feet. The easement would run outside the chain link fence, which encloses the above ground tank, crossing the property along and near the northeast property boundary and running in a northwesterly direction from the entrance to the Reservoir property at Mountain Drive.

The Reservoir property contains 35,000 square feet and has a current tax value of \$20,800.00. The impact of the easement is that the land within the easement area could not be developed. Generally the value of development rights would be 50% of the value of the portion of the property affected by the relinquishment of those rights. A value for the easement was calculated by applying the per square foot value of the whole to the area of the easement and reducing it by 50%. The calculated value of the easement area is \$715.00

Planning Department staff recommends City Council adopt the resolution authorizing conveyance of the driveway easement to Bruce O'Connell for the amount of \$715.00.

Contract for Urban Trail Decorative Crosswalks

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with Young and McQueen Grading Company Inc. to install imprinted decorative crosswalks located along the Urban Trail in downtown Asheville.

The City is in need of a contractor to imprinted crosswalk installation services for crosswalks along the Urban Trail. In accordance with N.C. Gen. Stat. sec. 143-131, informal bids for crosswalk installation services were solicited and three responses were received. The bidders are listed below:

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| Company | MB Part | Drug Free | Bond | Bid |
|--------------------------------------|---------|-----------|------|-------------|
| Young & McQueen Grading Company, Inc | 0% | Yes | Yes | \$69,000.00 |
| Tarheel Paving, Inc. | 0% | Yes | Yes | \$92,006.25 |
| Dee Williams & Co. Inc. | 100% | Yes | No | \$91,062.40 |

As part of a TEA 21 Grant, 80% of the project funding is reimbursable from the N. C. Dept. of Transportation. The City's 20% match has already been allocated in the Public Works Department's Capital Improvement Project budget.

The Public Works Department staff recommends City Council adopt the resolution to install decorative crosswalks along the Urban Trail.

Mr. David Foster, Project Coordinator, answered various questions from Council with regard to the cost of the decorative crosswalks vs. standard crosswalks.

Lighting System at Roger Farmer Park

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Wise Electric for the installation of ballfield lights at the upper field at Roger Farmer Park.

The City of Asheville Parks and Recreation is continuing to upgrade parks throughout the City of Asheville. One of the parks to be renovated is the Roger Farmer Park in West Asheville where the West Asheville Little League Association conducts practices and games throughout the year. The segment of the renovation of Roger Farmer Park is the installation of new ballfield lights at the upper field of the complex. In order to complete this portion of the project, staff has put out to bid the installation of a turn-key ballfield lighting system. This project is funded by the 1-cent tax appropriation for Parks and Recreation. The lighting system was put out to bid and the lowest responsible bidder was Wise Electric at a cost of \$44,500. Wise Electric has complied with all the necessary requirements outlined in the Minority Business Plan.

The Parks and Recreation Department recommends that authorization be given to the City Manager to enter into a contract with Wise Electric to furnish and install the lighting system for the upper field at Roger Farmer Park.

Street Acceptance of St. Davids Court

Summary: The consideration of a resolution accepting St. Davids Court as a public right-of-way and City maintained street.

Section 7-15-1(f)-4.a requires that streets dedicated for public uses be accepted by resolution of City Council.

St. Davids Court is a newly constructed street servicing building sites for residential structures. The street has been constructed and inspected in accordance with the City of Asheville Standard Specifications and Details Manual. The street is a dead end street that is approximately 500 feet long and has an average width of 21 feet.

Following City Council's approval of this resolution, St. Davids Court will be added to the official Powell Bill list.

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Staff request City Council accept St. Davids Court as a public right-of-way and City maintained street.

Financing Purchase of Sanitation Trucks, Roll Carts & Radio Equipment

Summary: The consideration of a resolution authorizing the installment financing of two sanitation trucks, 8,000 roll carts and 150 radios with accessories.

The City of Asheville Capital Improvement Plan 2001/02 to 2006/07 includes authorization in Fiscal Year 2001/02 for the installment purchase of two automated side-loader sanitation trucks, 8,000 roll carts (trash cans compatible with the side-loader trucks) and the replacement of aging public safety radios that are no longer maintainable due to obsolete technology and the fact that repair parts are no longer manufactured.

The Finance Department sought proposals from 16 firms to finance the purchase of the above listed equipment purchases. Proposals were received from ten firms, the best of which was submitted by SunTrust Leasing Corporation - - 3.748% interest for four and one half years.

The proposed resolution authorizes an installment purchase contract between the City of Asheville and SunTrust Leasing Corporation for the purchase of the two sanitation trucks, roll carts and public safety radios and authorizes the City Manager, City Attorney, Finance Director and City Clerk to execute and deliver any and all necessary documents.

City staff recommends City Council adopt the resolution.

Finance Director Bill Schaefer answered questions regarding the financing from Councilwoman Jones.

Agreement with the N. C. Dept. of Transportation for Re-Inspection of Bridges

Summary: The consideration of a resolution authorizing the Mayor to enter into a municipal agreement with the N.C. Dept. of Transportation on a bi-annual basis for the reinspection of bridges on the Municipal Street System.

In 1983 the Federal Highway Administration developed the Federal Off-System Bridge Replacement Program. Since the establishment of the program, the City has replaced 18 bridges through the program. The program is funded 80% through federal

funds and 20% through City funds and administered by the N. C. Dept of Transportation (NCDOT). To remain eligible for replacement funds and avoid penalties, it is required that all public bridges are inspected every two years. The NCDOT offers three options for meeting the bi-annual inspection requirements – (1) do the inspection with City forces; (2) the City to hire a consultant to do the inspections; and (3) the City to allow NCDOT to do the inspections through a qualified private engineering firm.

Since 1983, the City has elected to execute an agreement with NCDOT to accomplish the required inspection through their personnel or engineering consultants. This process allows high numbers of bridges to be inspected under one contract or operation, and therefore, results in minimum inspection cost per bridge. The NCDOT representatives anticipate the inspection costs to be \$2,400 per bridge for the upcoming inspection. The City has 25 bridges in need of inspection this year, which would bring the cost to \$60,000. The City's share of 20% is \$12,000. Funds for the City's share are budgeted in the Public Work's Bridge Maintenance line item.

The Public Works Department, Bridge Maintenance Division staff, recommends adoption of the resolution authorizing the Mayor to execute a municipal agreement with the NCDOT for inspection of bridges.

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Mr. David Foster, Project Coordinator, answered various questions from Council with regard to bridge inspections.

Mayor Worley 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.

RESTRUCTURE AND INCREASE PENALTIES FOR ANIMAL CONTROL VIOLATIONS

Police Administrative Services Manager Alan Hyder said that this is the consideration of an ordinance to restructure and increase penalties for animal control violations.

The current penalty for animal control violations is \$10.00 for the first offense; \$20.00 for the second offense within 12 months of the first; and succeeding offenses within 12 months of a prior offense result in increased penalties in \$10.00 increments per offense. Penalties of these amounts have proven ineffective in promoting voluntary compliance with animal control regulations. In addition, collection of penalties is a problem because of the costs of collecting delinquent penalties exceeds the value of the revenue.

It is proposed that the penalties be increased as follows:

- First offense -----\$50.00
- Second offense within 12 months -----\$100.00
- Third offense within 12 months-----\$150.00
- Succeeding offenses within 12 months result in increased penalties in \$50.00 increments per offense. (For example the third offense within 12 months would carry a \$200.00 penalty; the fourth would carry a \$250.00 penalty, and so on.)
- Unpaid penalties would be declared delinquent after the 15th day from the issuance of the citation and thereafter for each additional seven-day period of delinquency.
- Delinquency fee-----\$50.00.

It is believed this structure will increase the collection of penalties and, in the long run, promote citizen voluntary compliance with animal control regulations.

City staff recommends Council adopt the ordinance.

Several Council members expressed concern that the delinquency periods were too short, and it was the consensus of Council to declare unpaid penalties delinquent after 30 days from the issuance of the citation and thereafter for each additional 30-day period of delinquency.

Upon inquiry of Vice-Mayor Bellamy, Mr. Hyder explained the some different kind of violations of this ordinance.

Mr. Hyder explained that there are approximately 150 unpaid citations now and if Council increases these violations, it will make staff's efforts to collect the fines worthwhile.

Mr. Hyder explained the violation process as requested by Councilman Mumpower and explained that there is an Animal Control Appeals Board.

When Councilman Mumpower asked about a ceiling of the delinquency fee, Mr. Hyder said that there is a cap of \$500 and the ordinance would be amended to reflect that amount.

Councilwoman Jones suggested that the first offense be either a \$50 fine or a document stating that the dog has been spayed or neutered. City Attorney Oast said that is something staff can look at, but felt it may be difficult administratively to enforce.

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There was a brief discussion on how the citizens would be notified of this change and ways in which City residents can be notified that a license is required for dog owners in the City.

Upon inquiry of Councilman Dunn about where the additional revenue would go, City Manager Westbrook explained that the City has a contract with the Asheville Humane Society which is a non-profit organization.

It was the consensus of City Council to send this issue back to staff to address the concerns and issues raised by Council at this meeting and to bring it back to another worksession.

REQUEST TO RENAME PORTION OF I-26 "MORRIS L. MCGOUGH FREEWAY"

Mr. Dan Baechtold, Metropolitan Planning Organization Coordinator, said that this is the consideration of a resolution supporting the designation of a section of I-26 in Buncombe County as the "Morris L. (Mac) McGough Freeway."

The Western North Carolina Highway Corridors Association would like to name a portion of future I-26 in Buncombe County in honor of Mac McGough. The designation would cover the portion of US 19-23 (future I-26) from the Madison County line to I-240 in Asheville. The N. C. Dept. of Transportation Division 13 Office is coordinating the effort to make the designation. The Division 13 Office is asking local governments along the path of future I-26 for resolutions in support of the designation.

Mr. McGough has earned the title of "Father of Community Development in Western North Carolina" and has been active in community development issues for over 50 years. He was instrumental in organizing groups to advocate for construction of I-26 in Buncombe and Madison Counties.

The resolution supports the designation requested by WNC Highway Corridors Association. Similar resolutions have been adopted by the Buncombe County Board of Commissioners, the Town of Woodfin, and the Town of Weaverville. These local governments, along with the City of Asheville are all along the path of future I-26 in Buncombe County.

The Division 13 Office will forward the resolutions to the Board of Transportation, the Secretary of the Department of Transportation, and the Governor's Office for appropriate action in making the designation.

City staff recommends City Council adopt the resolution.

Mayor Worley 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.

CRIMINAL JUSTICE INFORMATION SYSTEM INTERLOCAL AGREEMENT

Finance Director Bill Schaefer said that this is the consideration of a resolution authorizing the City Manager to execute an interlocal agreement between the City of Asheville and the County of Buncombe for the acquisition and operation of a multi-jurisdictional Criminal Justice Information System (CJIS).

In 1995, the City and County entered into the original CJIS Interlocal Agreement to *develop* and operate the initial multi-jurisdictional criminal justice information system. Due to the challenges of *developing* unique capabilities that proved beyond the capabilities of the contractor on the initial CJIS, not all of the originally envisioned system capabilities were achieved.

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However, the portions that were successfully fielded are in operation today supporting such functions as: mug shots, master name index, law enforcement records, warrants & arrest, computer aided dispatch and jail management. The initial CJIS, as with virtually all seven-year-old computer systems, has grown obsolete and unsupportable and should be replaced with a more functional and efficient state-of-the-art system.

Over the past two years, City and County staff have jointly worked to define the needed capabilities and select a source for the successor CJIS system. Among the guiding criteria for the acquisition was that the system *not require a development* effort and that it currently be in operation in a multi-jurisdictional environment - -an off-the-shelf, field-proven system. After evaluation of several vendor's products, Open Software Solutions Inc (OSS) has been selected to provide the system. Buncombe County anticipates entering into a contract with OSS to provide CJIS for both the City and County as soon as the supporting CJIS Interlocal Agreement is approved by City Council and the County Commission. The terms of the contract with OSS will define capabilities, cost and implementation schedule for CJIS and be used as the benchmark for assessment of the program.

Terms of the proposed CJIS Interlocal Agreement include:

- a. Effective Date/Duration: Effective upon approval by City Council and County Commission for five years with provisions for automatic one-year extensions unless either party gives notice of their intent to terminate (Buncombe County Commissioners approved the Agreement on October 9, 2001);
- b. Management: Day-to-day program management by the CJIS Project Manager – a County staff member – under the supervision of the County Information Technology Director. The City contact will be the Finance Director. Any issues that cannot be resolved by the County Information Technology Director and City Finance Director will be forwarded to the City and County Managers for resolution.
- c. Implementation Schedule: Over the next two years as provided in the OSSI contract.
- d. Users Group: Key users of CJIS and program management staff from the City and County will be included in a users group to ensure that the system is successfully implemented and goals of the program are achieved. City members of the users group are the Police Chief, Fire Chief and Finance Director.
- e. Funding: The City will reimburse Buncombe County quarterly for 45% of the cost of: CJIS debt service; CJIS direct operating costs; and Central Data Entry direct operating costs. Both the City and County will seek any potential grant funding for CJIS. Grants received by either party will offset costs for both in the ratio of overall cost sharing (55% County/45% City).

City staff recommends City Council adopt the resolution which authorizes the City Manager to execute the CJIS Interlocal Agreement.

Lieutenant David Rutledge said that CJIS is comprised of the Buncombe County Sheriff's Department, Buncombe County Emergency Operations, Asheville Police Department, Asheville Fire Department, 28th Judicial District Magistrate's Court, 28th Judicial District Attorney's Office and the City-County Identification Bureau.

Lieutenant Rutledge said that CJIS has existed since 1979. This selection process involves the fourth generation of CJIS application and software. The level of cooperation among the CJIS members is unlike any we have found nationwide. Most software is not written to take advantage of the information sharing and inter-agency cooperation that is CJIS's strength.

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He then explained the search process in that CJIS staff and user agencies developed a detailed Request for Information that was sent to a number of vendors. Then CJIS users attended product demonstrations and question sessions presented by vendors and conducted in-dept product interviews. Based on this review, OSSI, far more than any other vendor, met most of the CJIS requirements.

He provided the following information on OSSI (1) they are North Carolina based (home offices in Greensboro) with 101 public safety customers; and (2) 53 of the 101 public safety customers are in North Carolina and they represent a wide mix of agency sizes. He said some of their North Carolina customer base includes Burlington Police, Chapel Hill Police, Wilmington Police, Winston-Salem Police, Cumberland County Sheriff, Guilford County EMS, High Point Police and Fire, New Hanover County Sheriff and Salisbury Police and Fire. He said after contacting OSSI customer references they found that OSSI's references were almost uniformly favorable and users stated that OSSI has a "a solid, proven product."

Mr. Schaefer and Lieutenant Rutledge then answered various questions from Council, some being, but are not limited to: how was the cost-sharing arrived at, does the City anticipate any problems with follow-through on the delivery of services, how is the City going to pay for CJIS, how does the operational cost of the new system compare to the old system, does the system allow access to the NC Division of Criminal Information and also the National Crime Information Center maintained by the FBI, are there are additional hardware costs, are there plans to interface with other City departments, how does the system actually work and will be City be looking for any more grants.

Mayor Worley 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.

MISCELLANEOUS ITEMS

At the suggestion of City Manager Westbrook, it was the consensus of City Council to move the formal meeting of Tuesday, March 12, 2002, to Wednesday, March 13, 2002, due to a number of City Council members attending the National League of Cities

conference in Washington, D.C.

At the request of Vice-Mayor Bellamy, it was the consensus of City Council to make the following board appointments on February 26, 2002, due to the anticipated length of the February 12, 2002, formal meeting: Board of Adjustment, Community Relations Council, Fair Housing Commission, and Transit Commission.

At the suggestion of Councilman Peterson, it was the consensus of City Council to put on an upcoming worksession agenda the possibility of appointing a citizen committee to look at the reform of City elections, e.g. campaign finance reform, City partial funding, terms of the election to avoid the situation which arose on December 4, 2002, when a Council member was elected Mayor and City Council had to appoint a 7th member, etc.. Councilman Peterson suggested each Council member have two names of people they wish to be on this committee. At the worksession, Council can discuss the scope of the committee.

Councilman Mumpower said that report from Heery International on the Civic Center will not be presented to City Council until March 19, 2002. Therefore, at the suggestion of Councilman Mumpower it was the consensus of City Council to hear an update from City staff on events at the Civic Center (especially basketball and hockey) since we are half-way through the season. Items to be included in said update might consist of attendance at the events, revenues, expenditures, foreseeable problems, concession sales, etc.

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At 4:55 p.m., Vice-Mayor Bellamy moved to go into closed session (1) to consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including proceedings involving the following parties: Dennis Morgan and the City of Asheville - G.S. 143-318.11(a)(3); (2) to prevent the disclosure of information that is confidential pursuant to G.S. 160A-168, the Personnel Privacy Act - G.S. 143-318.11(a)(2); and (3) to establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease - G.S. 143-318.11(a)(5). This motion was seconded by Councilman Mumpower and carried unanimously. At 5:34 p.m., Councilman Ellis moved to go out of closed session. This motion was seconded by Councilman Dunn and carried unanimously.

ADJOURNMENT:

Mayor Worley adjourned the meeting at 5:34 p.m.

CITY CLERK MAYOR

