

Tuesday – April 9, 2013- 5:00 p.m.

Regular Meeting

Present: Mayor Terry M. Bellamy, Presiding; Vice-Mayor Esther E. Manheimer; Councilman Cecil Bothwell; Councilman Jan B. Davis (left meeting at 6:39 p.m.); Councilman Marc W. Hunt; Councilman Christopher A. Pelly; Councilman Gordon D. Smith; City Manager Gary W. Jackson; Deputy City Manager Jeffrey Richardson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Bellamy led City Council in the Pledge of Allegiance.

INVOCATION

Councilman Pelly gave the invocation.

I. PROCLAMATIONS:

A. SOUTHERN CONFERENCE

On behalf of City Council, Mayor Bellamy recognized the following individuals from various organizations for their invaluable service another successful Southern Conference in Asheville: Ben Van Camp, Adrian Vassallo, Allison Moore, Austin Tyler, Bruce Peterson, Carol Peterson, Chris Corl, Dan Dover, Dan Hawk, Desiree Monstrola, Dianna Jackson Pierce, Dodie Stephens, Gary Jackson, Greg Duff, Councilman Jan Davis, Janet Cone, Janet Lampkin, Tim Lampkin, Jeff Richardson, John Pierce, Jon Creighton, Jon Yarbrough, K. Ray Bailey, Lauren Cooper McDevitt, Lou Bissette, Lyn Gleasure, Mary Helen Letterle, Mike Burke, Ron Storto, Sam Powers, Jonathan Bailey, and Nancy Righi.

B. EMPLOYEE RECOGNITIONS

Deputy City Manager Richardson recognized Mr. David D. Bailey, President and CEO of the United Way of Asheville and Buncombe County, who recognized Fire Chief Scott Burnett and campaign coordinators: Lt. Mike Yelton, Janet Lampkin, Brad Stein, David Carr, Pam Kelly, Jessica Bernstein, Alina Law, Lora Morgan, Ron Kerns, Christy Bass and Scott Barnwell. The team of departmental coordinators deserve this recognition for inspiring their colleagues to participate in this year's United Way campaign. The City of Asheville's contributions were 3% higher than last year. An even better measure of our success is that for the first time in 6 years, we have increased our giving! The City of Asheville also has received the Spirit of North Carolina Award from the United Way in the category of City/County Municipality of 1001 - 1500 Employees. This award program is an important statewide initiative that recognizes companies and employees for their outstanding support of the community by demonstrating excellence in their United Way campaign. Fire Chief Scott Burnett was recognized for the exceptional manner with which he led our campaign and improved the Asheville Fire Department participation. Ken Putnam, who led a departmental team, won in the chili cook off contest and later collected \$500 in donations just for wearing UNC-Chapel Hill Carolina Blue clothing. Mr. Putnam also received individual recognition from the United Way. Most of our department directors submitted themselves for a dunk tank fundraiser at an employee picnic on a cold day last fall.

Mayor Bellamy thanked the employees on what they do on behalf of the City of Asheville and City Council. She was proud of City staff and looked forward to highlighting more accomplishments.

C. PROCLAMATION PROCLAIMING APRIL 2012 AS "CHILD ABUSE AWARENESS MONTH"

Mayor Bellamy read the proclamation proclaiming April, 2012, as "Child Abuse Awareness Month" in the City of Asheville. She presented the proclamation to Mr. Bill McGuire, Director/CEO of Child Abuse Prevention Services Inc., who briefed City Council on some activities taking place during the month.

D. PROCLAMATION PROCLAIMING APRIL 2012 AS "AUTISM AWARENESS MONTH"

Mayor Bellamy read the proclamation proclaiming April, 2012, as "Autism Awareness Month" in the City of Asheville. She presented the proclamation to Mr. Joe Yurchak, representing the Autism Society of North Carolina, who briefed City Council on some activities taking place during the month.

E. PROCLAMATION PROCLAIMING APRIL 21-27, 2013, AS "NATIONAL VOLUNTEER WEEK"

Mayor Bellamy read the proclamation proclaiming April 21-27, 2013, as "National Volunteer Week" in the City of Asheville. She presented the proclamation to Mr. Charles Lee, Program Manager of Hands On Asheville, our local clearing house for non-profit volunteer opportunities, who briefed City Council on some activities taking place during the week.

II. CONSENT AGENDA:

At the request of City staff, a resolution authorizing the Mayor to accept the grant award offer from the US Economic Development Administration for the Craven Streets Improvement Project was added to the Consent Agenda.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 26, 2013

B. RESOLUTION NO. 13-61- RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH COOPER CONSTRUCTION COMPANY INC. FOR THE GROVEMONT & SCENIC VIEW NEIGHBORHOOD WATER LINE REPLACEMENTS

ORDINANCE NO. 4175 - BUDGET AMENDMENT FOR THE GROVEMONT & SCENIC VIEW NEIGHBORHOOD WATER LINE REPLACEMENTS

Summary: The consideration of a resolution authorizing the City Manager to enter into a construction agreement with Cooper Construction Company, Inc., for the bid amount of \$2,475,027.50 plus a contingency amount of \$371,254.13 for a total project amount of \$2,846,281.63 for the Grovemont & Scenic View Neighborhood Water Line Replacements; and a budget amendment in the amount of \$1,752,337.00 from savings in other capital projects that were completed under budget.

This project consists of the construction and installation of: approximately 40,000 linear feet of 8-inch & 6-inch ductile iron pipe, a limited amount of 2-inch copper pipe, and all necessary accessories and appurtenances to replace the existing water mains, including valves, hydrants, service connections; abandonment of existing water mains and appurtenances; and other

miscellaneous work in order to provide fire protection and domestic water service to the Grovemont Neighborhood. The Water Resources Department (WRD) issued an Advertisement For Bids for the construction project. In response to the Advertisement for Bids, the WRD received four (4) proposals.

Companies responding were:

1. Buchanan and Sons, Inc – Whittier, NC
2. Buckeye Construction Company, Inc. –Canton, NC
3. Cooper Construction Company, Inc. – Hendersonville, NC
4. T&K Utilities, Inc.– Asheville, NC

The bids were reviewed by City Staff and Michael Baker Engineering, Inc. and Cooper Construction Company, Inc. was selected as the lowest responsible bidder at a bid of \$2,475,027.50. A contingency amount of \$371,254.13 has been added for a project amount of \$2,846,281.63.

This project is part of City Council's strategic plans to improve city infrastructure and provide local companies with labor opportunities, while operating the system in a responsible fiscal manner.

Pros:

- This project will replace existing waterlines, which are undersized for adequate fire protection and due to age, have a high risk of failure causing costly repairs for the City and Water Resources Department and frequent outages for the customers, with a durable, reliable, sustainable water system for the Grovemont Neighborhood.
- This project is aligned with the City and Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.
- Approval of the construction contract to the lowest responsible bidder will invest City funds in the local economy.

Con:

- Failure to award a construction contract would prevent the completion of this important waterline system improvement.

The Water Resources Department currently has \$1,093,945.00 budgeted for this project. The remaining funds of \$1,752,337.00 needed for the contract will be transferred from the General Projects capital project that accumulates remaining funds from all of Water Resources completed, inactive capital projects. In order to use the funds in General Projects, a budget amendment is necessary.

Amount in Project Budget	\$1,093,945.00
<u>Budget Amendment Needed for Construction Contract</u>	<u>\$1,752,337.00</u>
Total Amount for Project	\$2,846,282.00

The amount remaining in General Projects will be reallocated to other capital projects as the need arises. Staff will seek Council approval on any future reallocation of these funds.

City staff recommends City Council (1) authorize the City Manager to enter into an agreement with Cooper Construction Company, Inc., for the bid amount of \$2,475,027.50. plus a reserved contingency amount of \$371,254.13 be identified for this project for a total project amount of \$2,846,281.63 for the Grovemont & Scenic View Neighborhood Water Line Replacements; and (2) approve a budget amendment in the amount of \$1,752,337.00 to transfer adequate funds from the Water General Projects capital fund to meet the financial requirements of this project.

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**C. RESOLUTION NO. 13-62 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO EXECUTE A CONTRACT WITH BREKFORD FOR PARKING
CITATION MANAGEMENT SERVICES IN THE CITY'S PARKING SERVICES
DIVISION FROM MAY 2013, THROUGH JUNE 30, 2016**

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Brekford for parking citation management services in the City's Parking Services Division from May 1, 2013 thru June 30, 2016.

Parking Services Division administers parking citations issued by the Asheville Police Department, Asheville Airport Police, Asheville Fire and Rescue Department, volunteers in the Volunteer Handicap Parking Enforcement Program, and its internal parking enforcement officers. Total citations written annually range from 35,000 – 40,000. Approximately 5% are hand written with the remaining 95% generated by handheld computers.

The current parking citation management system, a component of HTE, dates from 2004, is outdated, expensive to maintain, and is being phased out by the City's Information Technology Department. The current handheld computers, Auto Cite S3, also date from July 2004 and are expensive to maintain as well. This system is inefficient whereas thousands of offenders must be identified in North Carolina Department of Motor Vehicles databases and hand entered, by City staffers, into the HTE system. The City contracts with private firms to identify out-of-state offenders whom City staff also hand enter into HTE. These actions often delay notification to citizens of late fees assessed for unpaid citations. In addition, the current system is not customer friendly as most actions have to be done with paper without an on-line option, especially appeals.

Parking Services is one of the last divisions to phase out of HTE. The resident parking citation management system, provided by Tyler as part of the City's MUNIS conversion, did not meet the City's needs or provide better customer service to our citizens. The City issued a Request for Proposal, in December 2012, to interested firms to replace the current system. Seven firms responded and four were invited to provide demonstrations of their systems on March 14, 2012 to the selection committee. Each firm was then requested to provide their best and final offer as to price per ticket. The selection committee, consisting of members from Information Technology, Treasury Services, Parking Services, and Transportation Department selected Brekford as the best over all value for the City.

Proposed system is hosted by the vendor, and all based on per ticket charge including handheld computerized ticket writers, and associated hardware, that was heretofore purchased separately. It also provides better visibility of citations, appeals, and decisions by citizens. Proposed handheld devices have built in cameras that make citation documentation much easier as well. Citizens will be able to review the pictures while determining to appeal the citation.

This action complies with the City Council Strategic Operating Plan in that it provides safe facilities for residents and visitors to park in the most cost effective manner and provides better customer service

Pros:

- Replaces current HTE model as it is being phased out.
- Hosted system, with all-inclusive-per-ticket-pricing, will not require capital outlay for expanded server infrastructure or new mobile units.
- Faster identification, and therefore notification, of registered vehicle owners owing unpaid citations.
- On-line appeals process for citations.

- Proposed handheld devices will work with most existing pay-by-phone meter payment systems thereby increasing efficiency of parking enforcement officers.
- Provide greater visibility and transparency to citizens when reviewing citations issued to their vehicles.
- Improves efficiency within the Parking Services Division.
- Automated identification of scofflaws eligible to be immobilized.

Con:

- Additional annual expense of approximately \$60,000 per year.

The necessary funds are already budgeted in the Parking Services Fund's Operating Budget for FY 2012-13 and will be included in budget recommendations for fiscal years FY 14 and 15. .

City staff recommends that City Council adopt a resolution authorizing the City Manager to sign a three year two month contract with Brekford in the amount of \$200,000.00 not to exceed \$60,000 per fiscal year.

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D. RESOLUTION NO. 13-63 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER FOR A CONTRACT WITH ASHEVILLE STAFFING INC. FOR TEMPORARY SERVICES IN THE CITY'S PARKING GARAGES AND SURFACE PARKING LOTS THROUGH JUNE 30, 2013

Summary: The consideration of a resolution authorizing the City Manager to execute a change order for a contract with Asheville Staffing, Inc for temporary services in the City's parking garages and surface parking lots through June 30, 2013.

The City of Asheville, through the Parking Services Division, currently operates four parking garages and several monthly parking and pay-by-space surface parking lots downtown. Parking Services Division uses a combination of City employees and contract temporary workers to provide service and customer assistance in these facilities and lots. Generally, City employees work during the business day and early evenings while contract temporary services are used for fill-ins, special events, and to extend garage hours during late evenings, weekends, and holidays. Use of temporary workers allows the greatest flexibility as needs vary greatly depending on time of year and events booked at the U.S. Cellular Center, outside special events, and other large venues downtown.

Estimating the needs for fill-ins and special event staffing 15 months in advance is at best an educated guess. This current fiscal year has presented Parking Services with unexpected employee turn over as well as new staffing for the Biltmore Avenue Garage. In addition, special events staffing demand has been stronger than expected as well. These actions translate into higher than projected revenues coming in for the garages; especially in transitory and special event parking where temporary staffing is mostly utilized. And, we still have some large special events scheduled such as Bob Dylan and the circus that should sell well. The current contract with Asheville Staffing is not to exceed \$89,000. Staff is requesting authorization to execute a change order to make the contract not to exceed \$130,000.

This action complies with the City Council Strategic Operating Plan in that it provides safe facilities for residents and visitors to park in the most cost effective manner and provides better customer service

Pros:

- Provides safe and convenient facilities for residents and visitors parking.

- Using temporary service employees is the most cost effective and flexible manner to augment the Parking Services Division's staffing requirements.
- Allows parking Services to capitalize on extended weekend/nights/holiday hours to bring in additional revenue.

Con:

- Additional \$41,000 expenditure.

The necessary funds are already budgeted in the Parking Services' Operating Budget for FY 2012-13.

City staff recommends that City Council adopt a resolution authorizing the City Manager to sign a change order in the contract with Asheville Staffing to increase the contract amount to not exceed \$130,000.

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E. RESOLUTION NO. 13-64 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE EARTH DAY ON APRIL 20, 2013

RESOLUTION NO. 13-65 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BIG LOVE FEST ON MAY 5, 2013

RESOLUTION NO. 13-66 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER FIVE EVENTS ON MAY 17, JUNE 21, JULY 19, AUGUST 16 AND SEPTEMBER 20, 2013

RESOLUTION NO. 13-67 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL ON JUNE 1, 2013

RESOLUTION NO. 13-68 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SAFARI EVENT ON JUNE 8, 2013

RESOLUTION NO. 13-69 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE FRENCH BROAD CYCLING CLASSIC ON JULY 21, 2013

RESOLUTION NO. 13-70 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP EVENT ON SEPTEMBER 1, 2013

Summary: The consideration of resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at Asheville Earth Day on April 20, 2013; The Big Love Fest on May 5, 2013; Downtown After 5 on May 17, June 21, July 19, August 16, September 20, 2013; Beer City Festival on June 1, 2013; Mountain Safari on June 8, 2013; French Broad Cycling Classic on July 21, 2013; and the Beer City Cup on September 1, 2013.

- Lake Eden Arts Festival has requested through the City of Asheville Development Services Department that City Council permit the sale of beer and/or unfortified wine at Asheville Earth Day and allow for consumption at this event.

Asheville Earth Day will be held on Saturday, April 20, 2013, from 12:00 p.m. – 10:00 p.m. on Lexington Avenue between the intersections of Hiwassee and the I-240 underpass, extending within the metered parking lot located at the I-240 underpass, as per the event area limits referenced on the accompanying site map.

- The Asheville City Schools Foundation has requested through the City of Asheville Development Services Department that City Council permit the sale of beer and/or unfortified wine at The Big Love Fest and allow for consumption at this event.

The Big Love Fest will be held on Sunday, May 5, 2013, from 12:00 p.m. – 8:00 p.m. within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot as per the area limits referenced on the accompanying site map.

- The Asheville Downtown Association has requested through the City of Asheville Development Service Department that City Council permit them to serve beer and/or unfortified wine at Downtown After 5 and allow for consumption at this event.

Downtown After 5 will be held on Fridays, May 17, June 21, July 19, August 16 and September 20, 2013 from 5:00 p.m. – 9:00 p.m. on Lexington Avenue between the intersections of Hiwassee and the I-240 underpass, extending within the metered parking lot located at the I-240 underpass, as per the event area limits referenced on the accompanying site map.

- Big Brothers Big Sisters of WNC has requested through the City of Asheville Development Service Department that City Council permit them to serve beer and/or unfortified wine at the Beer City Festival and allow for consumption at this event.

The Beer City Festival will be held on Saturday, June 1, 2013 from 12:00 p.m. to 6:00 p.m. within the boundaries of Pack Square Park's Roger McGuire Green, Spruce Street between the intersections of South Pack Square & College Street, and within the City Hall/Courthouse Parking Lot as per the area limits referenced on accompanying site map.

- Friends of the WNC Nature Center has requested through the City of Asheville Development Service Department that City Council permit them to serve beer and/or unfortified wine at Mountain Safari and allow for consumption at this event.

Mountain Safari will be held on Saturday, June 8, 2013 from 5:30 p.m. to 9:30 p.m. within the boundaries of the WNC Nature Center as per the area limits referenced on accompanying site map.

- Asheville Bicycle Racing Club has requested through the City of Asheville Development Service Department that City Council permit them to serve beer and/or unfortified wine at the French Broad Cycling Classic and allow for consumption at this event.

The French Broad Cycling Classic will be held on Sunday, July 21, 2013 from 8:00 a.m. to 6:00 p.m. within designated segments of Thetford Street, Town Square Boulevard, Schenck Parkway, Dearborn Street, and Schenck Crescent as per the area limits referenced on accompanying site map.

- The Western North Carolina Soccer Foundation has requested through the City of Asheville Development Service Department that City Council permit them to serve beer and/or unfortified wine at the Beer City Cup and allow for consumption at this event.

The Beer City Cup will be held on Sunday, September 1, 2013 from 9:00 a.m. to 11:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on accompanying site map.

These actions have no direct connection with the City of Asheville Strategic Operating Plan.

Pro:

- Allows fundraising opportunities for Lake Eden Arts Festival, the Asheville City Schools Foundation, the Asheville Downtown Association, Big Brothers Big Sisters of WNC, Friends of the WNC Nature Center, Asheville Bicycle Racing Club, and the Western North Carolina Soccer Foundation.

Con:

- Potential for public safety issues

City staff recommends City Council adopt resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at Asheville Earth Day, The Big Love Fest, Downtown After 5, the Beer City Festival, the Mountain Safari, the French Broad Cycling Classic, and the Beer City Cup.

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F. ORDINANCE NO. 4176 - BUDGET AMENDMENT FOR 2013 BOJANGLES EASTER EGGSTRAVAGANZA

Summary: The consideration of a budget amendment, in the amount of \$4,000, for the 2013 Bojangles' Easter Eggstravaganza from a sponsorship from Bojangles' Famous Chicken and Biscuits.

Bojangles' Famous Chicken and Biscuits is the naming sponsor for the city's annual Easter event at Carrier Park, Bojangles' Easter Eggstravaganza. Sponsorship funds are used to support event operating cost including but not limited to the purchase of supplies and materials for activities such as face painting, goody bags and Easter egg hunt; and to rent inflatable play structures.

This action complies with the Parks, Recreation, Cultural Arts & Greenways Master Plan in that it strengthens partnerships with funding partners, and increases revenue opportunities through sponsorships.

Pro:

- Provides funding to support production cost of the annual Bojangles' Easter Eggstravaganza.

Con:

- None

The budget amendment will increase the operating budget in the Parks, Recreation and Cultural Arts Department for supplies and rents by \$4,000 to fund the 2013 Bojangles' Easter Eggstravaganza.

Staff recommends City Council to approve the budget amendment authorizing the City Manager to increase the budget in the amount of \$4,000 for the 2013 Bojangles' Easter Eggstravaganza.

ORDINANCE BOOK NO. 28 - PAGE

G. RESOLUTION NO. 13-71 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CDM-SMITH TO PERFORM ENGINEERING AND DESIGN SERVICES FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with CDM-Smith to perform engineering and design services for the RADTIP, and to conduct other necessary pre-development activities for a project budget not to exceed \$100,000.

The City of Asheville recently completed a federally approved environmental document and preliminary designs for a multi-modal transportation project known as the RADTIP. The RADTIP will construct roadway improvements, sidewalks, bike lanes and greenways along Lyman Street and part of Riverside Drive. The City's consultant, CDM-Smith led an extensive process which included public involvement, design, and technical documentation of environmental impacts to bring the project design to a level of 30% complete.

The next step toward implementing the RADTIP involves engineering and design services to advance the RADTIP construction design toward the 75% complete level. This will put the City in a position to begin acquiring right-of-way and seeking funding for construction.

The development of construction plans for the RADTIP is one of the deliverables of the East of the Riverway Sustainable Multi-Modal Neighborhood Program, supported by a TIGER II Planning Grant awarded to the City of Asheville by the US Department of Transportation. The TIGER II funds allocated to the RADTIP totals \$100,000, supported by a City cash and in-kind match of \$20,000 (20% of grant funds).

Staff followed the municipal and required Federal Transportation Administration "Request for Qualifications" procurement processes to seek qualified, professional firms to perform engineering and design services. After thorough review and evaluation, a review panel recommended CDM Smith as the most qualified to perform this next phase of engineering and design services for the RADTIP.

The final scope of services for this phase of the RADTIP is still being refined. The current available funding will only cover a portion of the necessary design and engineering for the RADTIP. One of the goals for this phase of engineering is to include an analysis of the Craven Street intersection and the Norfolk Southern railroad bridge in order to continue to explore ways to accommodate truck traffic associated with New Belgium.

This project supports the City of Asheville's Strategic Operating Plan under the goals of Multi-Modal Transportation, and Job Growth and Community Development. In addition the project supports implementation of numerous master plans including the Wilma Dykeman Riverway Plan, Sustainable Economic Development Plan, Greenway Master Plan, and the 2025 City Development Plan.

Pro:

- City Council has identified implementation of the RADTIP as a key strategic goal for the city. Continued development of construction designs for the RADTIP will advance this goal.

Cons:

- Once complete, the project will require additional maintenance resources.
- As project development moves forward, the RADTIP will require an increased commitment of city resources in the CIP budget and of staff resources to administer the project.

This project is funded with budgeted sources, with local funds leveraging federal funding. The \$100,000 to support the contract is budgeted via HUD TIGER II Grant. The City in-kind staff hours, are more than sufficient to meet the match required by the grant; such amounts have been approved by Council.

City staff recommends City Council adopt a resolution authorizing the City Manager to enter into a contract with CDM Smith to perform engineering and design services for the RADTIP for an amount not to exceed \$100,000.

RESOLUTION BOOK NO. 35 - PAGE 243

H. RESOLUTION NO. 13-72 - RESOLUTION AUTHORIZING THE STANDARDIZATION PURCHASE OF NCAA COMPETITION BASKETBALL COURT AT THE U.S. CELLULAR CENTER FROM PRATERS FLOORING

Summary: The consideration of a resolution authorizing the Civic Center d/b/a U.S. Cellular Center Asheville to purchase a NCAA competition basketball court from Praters Flooring.

The U.S. Cellular Center has capital funds available for the procurement of one basketball floor and a set of goals, padding and related equipment. The procurement of these items will provide groups such as the Southern Conference, Harlem Globetrotters and potential other clients such as NBA teams and High School basketball tournaments with a higher quality competition court. The current floor has numerous 'dead spots' and due to age and deterioration and involves nearly sixty (60) additional man hours to set up and tear down than and court in better shape.

Praters Floors is the exclusive floor provider for the NCAA men's and Women's basketball championships. Each year, courts used at various Regional and Final Four locations are sold to venues and universities at a 'used' rate. According to staff research, Praters Floors is the only provider of 'one time use' courts that have an approximate shelf life of twenty to thirty years dependant on number of times sanded; approximately ten years per sanding. Purchase of this 'one time use' court provides the U.S Cellular Center and its clients with essentially a brand new court for roughly \$65,000 less than a brand new basketball court for only approximately \$20,000 more than a used court with half of the shelf life.

The current court used by clients at the U.S. Cellular Center was purchased used from Kansas State University in 2001 in preparation for the addition of Asheville's former NBADL team. This court has reached the end of its shelf life having been sanded and repainted two (2) times while in the City's possession and numerous times prior.

Electing to purchase our basketball floor through Praters Flooring is consistent with Councils goal for innovative financing with public/private partnerships. Purchase of a new baseball court is required in order to receive full grant monies awarded by the Buncombe County TDA. This is also consistent with Council's goal of fiscal responsibility, ensuring that we are

purchasing a 'one time use' court and not taking a chance on purchasing a court with significant wear and tear.

Pros:

- Professional grade court for professional grade clients
- Reduced or eliminated 'dead spots'
- Professional 'look' for television broadcasts.

Con:

- None

The exception to bid will have no long term fiscal impact. The estimated cost of the floor and the related items is \$180,000. Payment for this purchase will be made from capital funds already budgeted for the renovations currently occurring at the U.S. Cellular Center. Staff will pursue sale of the current court and goals after purchase and delivery of new court and goals.

City staff recommends City Council adopt resolution authorizing the Civic Center d/b/a U.S. Cellular Center to purchase a new floor and goals from Praters Flooring from currently approved capital budget lines.

RESOLUTION BOOK NO. 35 - PAGE 244

I. RESOLUTION NO. 13-76 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH BRANTLEY CONSTRUCTION CO. LLC AND TO AMEND THE PROFESSIONAL SERVICES CONTRACT WITH BETSCH ASSOCIATES/CLARK NEXEN FOR RENOVATIONS TO THE U.S. CELLULAR CENTER

ORDINANCE NO. 4177 - BUDGET AMENDMENT FOR RENOVATIONS TO THE U.S. CELLULAR CENTER FOR SOUTHERN CONFERENCE

Summary: The consideration of (1) a resolution authorizing the City Manager to execute a change order with Brantley Construction Co., LLC to add the alternate bid items (listed below) to the contract awarded on February 15, 2013; and to amend the Professional Services contract with Betsch Associates/Clark Nexen by \$55,600 for the design of the Mezzanine level improvements; and (2) a budget amendment in the amount of \$839,917 from TDA and US Cellular sponsorship revenue to provide sufficient budget authorization for all contracts and expenses that are anticipated prior to June 30, 2013.

City Council previously approved a contract with Brantley Construction on February 15, 2013, in the amount of \$1,876,000 for the next phase of renovations at the U.S. Cellular Center. The construction contract currently is \$1,876,000 and these alternates will increase the contract to the amount of \$2,378,107 plus a 10% contingency for the purpose of continuing the current phase of U.S. Cellular Center renovations. At the time the contract was approved the City did not have the necessary funding to include certain alternates. On March 22, 2013, the U.S. Cellular Center received a TPDF Grant from the Buncombe County Tourism Development Authority, allowing us to fund the alternates and include them in the contract with Brantley Construction. The contractor agreed to hold the pricing of those alternates beyond the typical 30 day time period so as to allow the City the opportunity to secure funding. Staff is seeking Council approval of a change order to this contract that will incorporate the alternates listed below that were included in the original bid package dated December 13, 2012:

- Alternate #4: General renovations to the Concourse and Arena level restrooms
- Alternate #5: Replacing tile flooring in the Concourse and Arena level restrooms
- Alternate #6: Replacing lavatory faucets in the Concourse and Arena level restrooms

Alternate #8: Renovations to the South Concourse concession stand
Alternate #9: Replacement of all Arena level Exit doors
Alternate #10: Replace Urinals, lavatory's and flush valves in the Concourse and Arena level restrooms.

A standard procedure in construction contracts is to provide a contingency to cover potential routine project change order requests for unforeseen construction components related to the overall renovation. Staff is seeking approval to add an additional 10% contingency and to authorize the City Manager to execute change orders for the contract up to the amended contract amount above not to exceed \$237,810.70. While staff does not expect change orders to rise to the amount of \$237,810.70, there are some unknown factors that could increase the original contract scope.

Approval of the resolution to amend the contract with Betsch Associates/Clark Nexen allows staff to proceed with the design of the Mezzanine level improvements. This part of the renovations is currently in the design phase and will potentially be added by future change order to the current contract with Brantley Construction in the upcoming fiscal year.

In order to fund the contract change orders with Betsch Associates/Clark Nexen and Brantley Construction and all other anticipated contracts and expenses prior to June 30, 2013, staff is requesting approval of a budget amendment in the amount of \$839,917 utilizing funding received from the Tourism Development Authority and the US Cellular sponsorship agreement. Additional budget authorization for the renovations project will be included in the FY 2013-14 budget ordinance that staff brings forward for Council approval in June.

This action complies with the City Council Strategic Operating Plan's Fiscal Responsibility goal of developing strategic partnerships to leverage resources for infrastructure and CIP projects. This action also complies with the Civic Center Commission Master Plan that encourages continuing renovations for the facility, and supports the goal of developing new partnerships. In addition, this supports Council's strategic plan allowing for timely renovations to the U.S. Cellular Center.

This has been reviewed and recommended by the Civic Center Commission.

Pros:

- Allows for continued and timely renovations to the U.S. Cellular Center
- Assures that the project will stay within the specified budget, including change orders.
- Allows the U.S. Cellular Center to provide additional amenities to the patrons and allows for additional revenue potential through renovation of additional usable Mezzanine spaces.
- Allows the City to continue working with a design team that has the most knowledge of the facility and it's needs
- Provides the means for the City and U.S. Cellular Center to effectively and efficiently utilize the funding that has been granted and to create greater usability of the facility over an extended period of time.

Con:

- None.

The budget amendment in the amount of \$839,917 reflects funding from the Tourism Development Authority and revenue from the US Cellular sponsorship agreement. There are no additional City funds being budgeted as this time. It is anticipated that \$100,000 in City pay-go funding will be included in the FY 2013-14 CIP for this project.

Staff recommends approval of 1) a resolution authorizing the City Manager to execute a change order with Brantley Construction Co., LLC to add the alternate bid items (described

above) to the contract awarded on February 15, 2013 up to the amount of \$2,378,107 plus a 10% contingency for the purpose of continuing the current phase of U.S. Cellular Center renovations; and 2) a resolution to amend the Professional Services contract with Betsch Associates by \$55,600 for the planning and design of the Mezzanine level improvements; and 3) a budget amendment in the amount of \$839,917 from TDA and US Cellular sponsorship revenue to provide sufficient budget authorization for all contracts and expenses that are anticipated prior to June 30, 2013.

**RESOLUTION BOOK NO. 35 - PAGE 249
ORDINANCE BOOK NO. 28 -- PAGE**

- J. RESOLUTION NO. 13-74 - RESOLUTION TO MAINTAIN AND SUPPORT THE CURRENT INTEGRITY AND FUNDING FOR THE PARKS AND RECREATION TRUST FUND**

RESOLUTION BOOK NO. 35 - PAGE 246

- K. RESOLUTION NO. 13-73 - RESOLUTION AMENDING THE 2013 CITY COUNCIL MEETING SCHEDULE TO (1) ADD A BUDGET WORKSESSION ON APRIL 23, 2013, AT 3:00 P.M. IN THE FIRST FLOOR NORTH CONFERENCE ROOM OF CITY HALL; (2) CANCEL THE SPECIAL MEETING TO RECEIVE THE CHARLOTTE STREET COMPREHENSIVE TRAFFIC STUDY REPORT; (3) CANCEL THE APRIL 30, 2013, COMMUNITY MEETING; AND (4) ADD A COMMUNITY BUDGET MEETING IN SOUTH ASHEVILLE ON APRIL 18, 2013, AT 6:00 P.M.**

Councilman Pelly moved to amend Resolution No. 13-73 to add a community budget meeting in south Asheville on Thursday, April 18, 2013, at 6:00 p.m. This motion was seconded by Councilman Smith and carried unanimously.

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- L. RESOLUTION NO. 13-75 - RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE GRANT AWARD OFFER FROM THE US ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE CRAVEN STREETS IMPROVEMENT PROJECT**

Summary: The consideration of a resolution authorizing the Mayor to accept a US Economic Development Administration grant award in the amount of \$1,122,401 for the Craven Streets Improvement Project, and to authorize the City Manager to sign any additional documents required to execute the grant.

On April 5, 2012, New Belgium Brewing announced they would build an east coast expansion brewery in Asheville. On June 12, 2012, Council authorized the City Manager to executive an economic development incentive agreement, and to sign a Memorandum of Understanding (MOU) with New Belgium Brewing. The MOU summarizes the commitment of the City to perform or partner on performing infrastructure improvements that support the construction and operation of New Belgium's manufacturing and distribution facility. A funding sources and uses table included as Exhibit C of that MOU outlined the City's request for funding from the US Economic Development Administration's Public Works Assistance program for up to fifty percent of the total infrastructure improvements costs.

On March 28, 2013, the EDA issued a grant award offer of \$1,122, 401 to the City of Asheville. These funds can be used for eligible components of the City's Craven Streets Improvement Project, the name for the public infrastructure investments the City is currently

designing and will construct in coordination with New Belgium Brewing's \$175,000,000 private Craven Street investment.

In summary, the funds will enable the City to more cost effectively perform the following work:

- Almost 3000 linear feet of multimodal roadway improvements, including widening, resurfacing, bike lanes, sidewalk, and regional stormwater management on Craven Street
- Re-engineering of turning radius at five points intersection at Lyman Street and Roberts to accommodate commercial truck traffic
- Safety and flow improvements at Hazel Mill and Craven Street via road realignment and rebuild
- Low impact development style public parking lot that supports operation of the tasting room, and provides wayfinding, parking, and access to the northern end of the French Broad River Greenway Connector
- Creation of riverfront greenway connector to support further multimodal efforts and support the implementation of the City's master plans and policies.
- Upgrade of almost 3000 linear feet of inadequate water line.

The acceptance of this award directly addresses objective one under goal two of the Fiscal Responsibility section in the Strategic Operating Plan: Leverage internal and external partnerships for pursuing capital improvements and infrastructure projects.

It also supports the following Council goals: Green and Sustainable - Asheville as the southeastern leader in clean energy and environmental sustainability (by implementing LID technologies and inducing private investment by industry leaders in sustainability); Job Growth and Community Development - by promoting sustainable, high density infill growth, and supporting the riverfront redevelopment partnership; and Multimodal Transportation- by creating a partnership for investments in greenway and sidewalk infrastructure, including cost sharing options.

Pros:

- Accepting this award will reduce the amount of funds needed to implement these improvements by over a million dollars.
- Accepting this award will cement an active partnership with the US EDA on the development of jobs in the Asheville area.

Cons:

- Accepting this award requires the City to perform additional reporting and administrative functions in order to comply with federal grant requirements.

Staff is not requesting that Council take action on a budget amendment at this time. Staff will come back to Council at a later date with a budget amendment that packages all outside funding offered as part of this project, which is expected to include funds from US EDA, RiverLink via the Clean Water Trust Fund, and North Carolina's Golden Leaf Foundation, as well as City of Asheville funding.

City staff recommends City Council adopt the resolution to authorize the Mayor to sign and accept the award offer from the US EDA.

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Mayor Bellamy asked for public comments on any item on the Consent Agenda, but received none.

Mayor Bellamy said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Bothwell moved for the adoption of the Consent Agenda, as amended. This motion was seconded by Councilman Davis and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION UPDATE

Ms. Pattiy Torno, Chair of the Asheville Area Riverfront Redevelopment Commission, briefed Council on their activities of the past year and goals for the upcoming year.

On behalf of City Council, Mayor Bellamy thanked Ms. Torno for her leadership and the entire Commission for their dedication.

Fire Chief Scott Burnette updated City Council on four arsons in the last few days and urged the community to come forward with any information they may have concerning these fires.

B. LEGISLATIVE & WATER UPDATE

RESOLUTION NO. 13-77 - RESOLUTION OPPOSING HOUSE BILL 488 REQUIRING TRANSFERS OF CERTAIN WATER SYSTEMS

Deputy City Manager Jeff Richardson highlighted for Council some legislative issues of interest as follows: House Bill 488 - Regionalization of Public Utilities; House Bill 252 - Asheville Transfers; House Bill 224 - Asheville Extraterritorial Jurisdiction and Annexation (Asheville only); Senate Bill 363 - Business Tax Reduction and Reform; Senate Bill 394 - Lower Tax Rates for a Stronger North Carolina Economy; House Bill 418 - Park Authority; and Senate Bill 612 - Regulatory Reform Act of 2013.

City Attorney Oast presented Council with a proposed resolution opposing House Bill 488 regarding transfers of certain water systems.

City Manager Jackson reported on his trip to Raleigh earlier that day in which he heard House Bill 488. He was allotted 6 minutes to make remarks, which he emphasized that we have put business and citizens first in managing the water system. We have managed the water system since 2005 like a business and put \$70 Million into the system to upgrade the infrastructure, plants and lines in order to provide a high high quality water supply. We have made significant consistent and efficiency improvements to our system. This proposal would not create productivity and efficiency savings for our ratepayers. We are running a top rate system that is meeting our customers' needs. The outcome of the vote was 18-10 (largely along partisan lines) - it goes to the House tomorrow. His comments were also cause for the committee to task the bill drafting staff to revisit the way the bill is written to be a general bill and to prepare potential amendments and revisions on the floor. City Manager Jackson also noted that House Bill 488 allows for privatization of the administration of a water system.

Regarding Senate Bill 612, Mayor Bellamy noted that we still need to look at federal legislation because the reason we have a stormwater utility today is because it was an unfunded mandate. Mr. Richardson agreed and said that we are continuing to monitor a total of 16 bills.

Mayor Bellamy did not support House Bill 488 offered up for consideration in the House. She agreed with the concerns expressed by other members of the Committee from Wake County about state-wide impacts, noting this is not best management practices nor is it a good bill.

In response to Councilman Smith, City Manager Jackson said that if the impact of the state bills are reduced from \$6 Million to a lower number we will adjust accordingly. The point is

to hear from citizens, weigh options and then when we have the April 23 budget worksession, staff will be looking for specific direction so we can finalize the recommended budget.

Councilman Hunt moved the adoption of Resolution No. 13-77. This motion was seconded by Councilman Bothwell and carried unanimously.

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IV. PUBLIC HEARINGS:

A. CONTINUATION OF CONSIDERATION OF AN AMENDMENT TO THE CONDITIONAL ZONING FOR WEIRBRIDGE VILLAGE LOCATED ON HENDERSONVILLE ROAD, LEGACY OAKS PLACE AND RACQUET CLUB ROAD TO ALLOW FOR THE INSTALLATION OF MENU BOARDS ON A COMMERCIAL OUTPARCEL

ORDINANCE NO. 4177 - ORDINANCE TO AMEND THE CONDITIONAL ZONING FOR WEIRBRIDGE VILLAGE LOCATED AT HENDERSONVILLE ROAD, LEGACY OAKS PLACE AND RACQUET CLUB ROAD TO ALLOW FOR THE INSTALLATION OF MENU BOARDS ON A COMMERCIAL OUTPARCEL

Mayor Bellamy said that the public hearing on this matter was held on March 26, 2013, and continued to this date in order to have a full Council present.

Councilman Bothwell said that we need to enforce the sign ordinance and felt it was bad policy to continually grant variances. If Council feels that it would be better to have two menu boards for drive throughs in the future, Council should consider that amendment. He felt that the applicant should abide by the current rules in place. Again, we need consistency in enforcement.

In response to Councilman Hunt, Urban Planner Julia Fields said that when the sign ordinance was adopted over 15 years ago, the prototype for drive through restaurants was a single ordering station. In the last 2-3 years, that prototype has changed and people have been updating their drive throughs or building new ones. Again, at the time the sign ordinance was adopted, having two ordering stations was not anticipated. There is an interest in amending the ordinance recognizing that prototypes have changed and staff will bring that amendment forward to Council. It is her understanding that there have been two instances where the Board of Adjustment has granted variances for the use two menu boards on a parcel.

Councilman Hunt noted that the decision about whether or not there should be a drive through restaurant on this site was made in 2006. He was not a fan of sprawl development or fast food drive throughs and did not wish to see a proliferation of high traffic across the City, but in terms of equity and fairness and history, he could support the second menu board.

When Councilman Pelly asked if public comment would be allowed, Mayor Bellamy noted that the public hearing was held and is normally only opened up for new information, but would leave it up to Council on whether they would be interested in hearing more public comment.

Mr. Mack Cox, former president of Crowfields for 2005-06, said that Crowfield's complaint back in 2006 was density. At this time their problem is traffic. Mr. Pulliam did offer and continues to offer the access. Crowfields did not accept that access back in 2006 because of liability concerns - they do not want anyone to get hurt in their development. There are two lakes and several streams on Crowfields property and the Pulliam development has no age limit on who accesses their property (including children). They are pleased with that is currently on the developer's property. He asked for Council to give Crowfield residents consideration as they

want to continue their lifestyle. City staff will be meeting with Crowfield residents regarding their traffic concerns.

Mayor Bellamy stated that she has read the minutes of the public hearing and it seems that the concern of Crowfields centered around access for Crowfields to safely leave their facility. She understood that the residents of Crowfields will be voting as a body on whether or not to accept the access to the traffic signal offered by Mr. Pulliam. She agreed that we need to amend our sign ordinance.

Councilman Pelly said that since Crowfields opened in 1972, long-time residents have seen the scale and volume of traffic along Hendersonville Road increase. The immediate issue is about the sign ordinance; however, the Crowfield residents believe the cumulative effect of development surrounding their neighborhood is impacting their quality of life. When issues come before Council, that is one way they can make that point known. To the residents, he felt we need to find a long-term solution. He was glad that City staff will be meeting with the residents to hopefully provide them with safe egress for residents leaving Crowfields. He was also hopeful that there will be a reconsideration of the access offer extended by Mr. Pulliam.

When Councilman Pelly felt that Crowfields has not been treated fairly over the years, Mayor Bellamy disagreed. One issue that Crowfields has expressed concern with was stormwater and the City spent a lot of money dealing with that issue for them. We felt the access offered in 2006 would address their concerns regarding access. The City has responded to the issues which they have control over. The City cannot be held accountable if Crowfields chooses not to accept an easement that will make their egress easier.

Mayor Bellamy said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Hunt found that the request is reasonable based on information provided in the staff report and as stated in the staff recommendation, and that it is consistent with the master plan and other plans adopted by the City, and moved for the adoption of Ordinance No. 4177 to amend the conditional zoning for Weirbridge Village to allow for the installation of menu boards on a commercial outparcel. This motion was seconded by Councilman Davis and carried on a 5-2 vote with Councilman Bothwell and Councilman Pelly voting "no".

ORDINANCE BOOK NO. 28 - PAGE

B. PUBLIC HEARING TO CONSIDER THE REZONING OF 10 OLD SHOALS ROAD FROM HIGHWAY BUSINESS DISTRICT TO COMMERCIAL INDUSTRIAL DISTRICT

Due to an error in legal advertising, this public hearing will be held on April 23, 2013.

C. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE APPROVED CONDITIONAL ZONING MASTER PLAN FOR HUNT HILL APARTMENTS, LOCATED AT 56 HUNT HILL PLACE

Due to an error in legal advertising, this public hearing will be held on April 23, 2013.

D. PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE ASHEVILLE MARKET, LOCATED AT 4 SOUTH TUNNEL ROAD TO REDEVELOP AN EXISTING RETAIL CENTER AND CONSTRUCTION OF A NEW BUILDING, AND A MODIFICATION REQUEST TO LANDSCAPE REQUIREMENTS

Due to an error in legal advertising, this public hearing will be held on April 23, 2013.

V. UNFINISHED BUSINESS:

A. ASHEVILLE DOWNTOWN IMPROVEMENT DISTRICT INC.

At the BID Board's request, this item has been pulled from consideration at this time.

B. RESOLUTION ADOPTING A LIVING WAGE FOR FULL- AND PART-TIME CITY EMPLOYEES AND GENERAL SERVICE CONTRACTS \$30,000 AND ABOVE

At City staff request, it was the consensus of Council to postpone this item until May 14, 2013.

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Greater Asheville Regional Airport Authority, the following individuals applied for the vacancy: Albert Anderson, Bradley Cain, Julian Jones, Aixa Wilson, Ken Hawkins, Charles Larrick, John Hayler, George Lycan and Grant Osborne. In addition, two late applications received were from Douglas Tate and Phillip Kelley. It was the consensus of City Council to interview Grant Osborne, Douglas Tate, Phillip Kelley, Albert Anderson, John Hayler and George Lycan.

Regarding the Citizens-Police Advisory Committee, the following individuals have applied for the vacancy: Karl Katterjohn, Fred Cooke, Scott Steele and Grant Osborne. Because the vacancy is for a south representative and only one applicant from the south applied, it was the consensus of Council to re-advertise.

Regarding the Neighborhood Advisory Committee, the following individuals with the 28803 or 28704 zip code have applied for the vacancy: Teddy Jordan, Aixa Wilson Spencer Hardaway, Neil Barrett, Amy Evans and Grant Osborne. It was the consensus of City Council to interview Amy Evans and Spencer Hardaway.

Multimodal Transportation Commission

Executive Director of Public Works and Multimodal Transportation Cathy Ball updated Council on the possible creation of a Multimodal Transportation Committee which will eliminate the formal Council appointed Greenway Commission and Transit Commission.

At the February 2013 Boards and Commissions meeting, staff presented a model for combining/augmenting various transportation and neighborhood related boards by forming a Multimodal Transportation Commission.

Since then staff and/or Council members have met with the various boards and commissions and have tweaked the initial recommendations. After additional discussions, and after the Boards & Commissions Committee meeting on April 9, it was the consensus of staff and the Boards & Commissions Committee that the membership of the Multimodal Transportation Commission be as follows: 3 members of the Transit Commission (which will now be the Transit subcommittee), 3 members of the Greenway Commission (which will now be the Greenway subcommittee) and 3 members of the Bike and Pedestrian Task Force, with 1 ex-officio non-voting member from the Planning & Zoning Commission, 1 ex-officio non-voting member from the Neighborhood Advisory Committee and 1 ex-officio non-voting member from the Sustainable Advisory Committee on Energy & the Environment. Those names will be provided to City Clerk

Burleson to include in the resolution appointing members, noting that City Council will have the ultimate authority to endorse those members.

The Transit Commission and the Greenway Commission discussed the roles of the sub-committees. While the subcommittees will receive technical support and staff attendance at meetings, they would not staff the meetings in terms of taking minutes, preparing the agendas, etc. The Greenway Commission has requested that Council consider that they have dual relationships with the Parks and Recreation Advisory Board and the Multimodal Transportation Commission. They requested a relationship with the Parks and Recreation Advisory Board for the purpose of making recommendations on the aesthetics of greenways, such as benches and lighting.

In meeting with the Transit Commission and the Greenway Commission, there were some strong suggestions about the process for appointments on the sub-committees and the Multimodal Transportation Commission. The current members of these commissions had concerns over having a balanced sub-committee if there was no structure. Staff recommendations address their concerns.

This action would comply with one of Council's Strategic Goals by supporting multimodal transportation planning.

Pros:

- Compliments the organizational alignment of the organization.
- Reduces the number of Council Appointed Commissions by one.

Con:

- None.

Because this is an update only, staff recommended that (1) an ordinance establishing the Multimodal Transportation Commission be placed on the May 14 agenda; (2) ordinances repealing the Transit Commission and the Greenway Commission be placed on the June 11 agenda; and (3) a resolution appointing members to the Multimodal Transportation Commission be placed on the June 11 agenda with an effective date of July 1, 2013.

Councilman Hunt understood that once the ordinance creating the Multimodal Transportation Commission is adopted, the Greenway Commission and the Transit Commission ordinances would then be repealed. He felt that when the Multimodal Transportation Commission is created the Greenway subcommittee and Transit subcommittee may not have traction to remain in existence. He totally supported the initial recommendations by the Greenway Commission, Transit Commission and Bike & Pedestrian Task Force; however, was uncertain about having to rely on the then-subcommittees to make a recommendation for a vacancy is troubling. He felt that was too much reliance on the existence of subcommittees. He supported flexibility and less structure by allowing the Multimodal Transportation Commission the flexibility to create subcommittees that they feel are important. He suggested language in the ordinance that states that the Multimodal Transportation Commission has the authority to designate subcommittees that they feel are important.

Ms. Ball said that she has met with the Chairs and members of the Transit Commission, Greenway Commission and Bike & Pedestrian Task Force to address the issue of making sure that the subcommittees exist and do provide meaningful input to the City in making decisions. For example, if the City has a Transit subcommittee, there are several federal requirements that must be met in order for the City to receive funding.

Ms. Ball further explained that after the first year as positions become vacant on the subcommittees (with the exception of the Bike and Pedestrian Task Force), the Transit and Greenway subcommittee members would be appointed by the Multimodal Transportation

Commission with applicants submitting their applications to the Multimodal Transportation Commission. The Multimodal Transportation Commission would then appoint the members to the subcommittees so we continue to make sure those groups are balanced. Some concern expressed was that if people are not appointed to a subcommittee, they don't tend to regularly show up or give as good of input. When the ordinance is drafted, staff will try to include that structure so that people feel comfortable that that role is not being diminished.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Closed Session

At 6:49 p.m., Councilman Pelly moved to go into closed session for the following reasons: (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 potential litigation. The statutory authorization is contained in G.S. 143-318.11(a)(3); and (2) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(e). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1). This motion was seconded by Councilman Smith and carried unanimously.

At 7:38 p.m., Councilman Bothwell moved to come out of closed session. This motion was seconded by Councilman Pelly and carried unanimously.

VIII. ADJOURNMENT:

Mayor Bellamy adjourned the meeting at 7:38 p.m.

CITY CLERK

MAYOR