

Tuesday - March 2, 1999 - 3:00 p.m.

Worksession

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

Absent: None

**CONSENT:**

**Engineering Contract - Brevard Road Water Main Extension**

Summary: The consideration of a resolution concurring with the Regional Water Authority's action on February 16, 1999, to approve the award of an engineering services contract to Mattern & Craig, not to exceed \$30,000, for engineering to complete a 24" water main extension along Brevard Road.

On December 15, 1998, the Water Authority adopted a budget resolution amending the 29 Fund to allow available contingencies for the Mills River Water Treatment Plant to be transferred for engineering expenses to extend an existing 24" water line in Brevard Road. This extension will be part of a future major transmission loop as recommended in the long-term Master Plan adopted by the Water Authority in 1995. This particular section of work will start in front of Biltmore Square Mall, extend under I-26 with a cased bore under the highway, and tie into an existing 6" main near Jim Barkley Toyota. The project will also include removal of a failed 6" pipe hanging under the Brevard Road bridge over I-26.

Eventually, a 24" transmission main will be extended along Brevard Road from I-240 to near Long Shoals Road, and will become part of a major transmission corridor from Henderson County as the Mills River Water Treatment Plant expands. The short section described above is needed now to restore a loop severed when the pipe on the bridge over I-26 failed due to age. By extending a 24" pipe now, we eliminate the need for a second costly bore under I-26 later.

Mattern & Craig has previously worked for the Water Authority in this area after the pipe failed on the bridge, and is very familiar with the work required. A favorable fee not to exceed \$30,000 has been negotiated with Mattern & Craig which will provide engineering services through the completion of construction.

City staff recommends City Council's concurrence with the Regional Water Authority's action on February 16, 1999, to approve the award of an engineering services contract to Mattern & Craig, not to exceed \$30,000, for engineering to complete a 24" water main extension along Brevard Road.

**Amendment to Fees & Charges Manual regarding Recreation Center Rental Fee & Park Permit Fee**

Summary: The consideration of a resolution revising the Fees and Charges Manual to amend the community center rental fees and temporarily waive park permit fees.

On January 19<sup>th</sup>, the City's Fees & Charges Committee held a public meeting to discuss revising the City's community center rental fee and park permit fee.

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The City currently charges a minimum rental fee of \$150 to various groups and organizations for private use

of community centers during non-operating hours. This fee provides for three hours of usage, with an additional fee of \$25 for each hour thereafter. Staff was asked by City Council to re-examine the current fee to determine how it compared with community center rental fees in other North Carolina cities. Based on survey data collected by Parks & Recreation staff, the Fees & Charges Committee is recommending that City Council revise its current community center rental fee to \$50 per hour with no minimum fee. Usage that is less than a full hour will be prorated and charged in 30 minute increments.

The City also charges a \$25 park permit fee to individuals or groups requesting the use of a park facility for a private function or event. This fee is set to defray the cost of additional maintenance and clean-up that the City incurs when a private function or event is held in a City park. *Food Not Bombs*, a non-profit organization, recently requested that due to the humanitarian nature of their service, they be allowed to use the City/County Plaza facility to serve food to homeless persons without paying the \$25 park permit fee. Under current City policy, waivers of park permit fees are not granted for any individual or organization that uses a park facility for a private event, regardless of the nature of that event. In addition, it should be noted that services to the homeless are already being provided and supported in Asheville through various homeless shelters and programs. In light of *Food Not Bombs'* request, however, the Fees & Charges Committee is recommending waiving the park permit fee for 90 days to allow *Food Not Bombs* time to identify a funding source in which to pay the park permit fee in the future. Upon the conclusion of the 90 day waiver, *Food Not Bombs* will be required to pay the park permit fee for any future events held at Asheville park facilities as is required of all other individuals and organizations.

City staff recommends City Council approve the recommendations of the Fees & Charges Committee.

### **Offer to Purchase Two Vacant Lots on Sara Street**

Summary: The consideration of a resolution authorizing the City Clerk to advertise an offer to purchase two vacant lots on Sara Street.

A bid from MGS, LLC, in the amount of \$10,700.00, is not less than the established minimum prices for the property on Sara Street.

The two lots comprising 10,400 square feet are zoned residential and located in the Montford community. The topography is gently sloping down from street grade.

Approval of the resolution will initiate the sale of the Sara Street lots through the upset bid process as provided in N. C. Gen. Stat. sec. 160A-269.

Planning staff recommends adoption of the resolution authorizing the City Clerk to advertise an offer to purchase two vacant lots on Sara Street.

### **Budget Amendment re: Public Information Officer**

Summary: Over the past three to four months we have been trying to make staffing changes to accomplish a higher level of effort with regard to the Public Information Officer (PIO). The incumbent in that position (Community and Public Involvement) has assumed additional duties over the past several years. Those duties include cable television, Community Oriented Government, special projects involving media/advertising related matters, and others. It has -3-

become evident over that period of time as a result of the additional work, especially cable television, that we are not meeting the Council's or the organization's expectations of providing quality PIO services. I anticipate cable television becoming even more involved in the future. As you know, we want to expand the programming on the governmental channel. In addition we are working with Council to provide the framework for the educational and public channels. In order to provide a full range of PIO services to the City,

I would like to add a position whose responsibility would entirely be the PIO function. I have discussed this with each of you over the past several weeks and feel that Council's expectations, and that of the organization, are greater than the service level we are currently providing. Since this is a mid-year addition to the budget, it would require a budget appropriation of \$12,541. This appropriation is for one and a half month's salary, personal computer and related specialized software, and other items necessary to start a new employee in this type of job. We anticipate the recruiting, selection, and hiring process to take approximately ten weeks; therefore, our target date for having someone in the position is May 15, 1999.

Staff recommends Council appropriate \$12,541 in order to fund the Public Information Officer position.

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

### **EDUCATIONAL ACCESS CHANNEL COMMISSION**

Councilman Cobb said that the cable franchise agreement adopted by City Council designates three initial access channels to be used for public, educational and/or governmental programming. In November, 1998, City Council discussed several possible ways to organize the creation of the educational and public access channels. This presentation will address the formation of an educational access commission.

Notices were sent to Asheville City Schools, Buncombe County Schools, University of North Carolina at Asheville (UNC-A), Asheville-Buncombe Technical College (A-B Tech), the Asheville branch of Shaw University, the Council of Asheville Independent Parochial Schools, the local representative of North Carolina Home School Educators, and the Francine Delany Charter School. State and local officials were contacted to ensure that the accurate contacts were identified. Notices were also printed in the Asheville Citizen-Times and in CityWorks.

The first meeting was held on December 14, 1998. Representatives from Asheville City Schools, Buncombe County Schools, UNC-A, A-B Tech, and Citizens for Media Literacy were in attendance. A second meeting was held on January 14, 1999. The same members attended as well as Bob Brummond. All those on the original mailing list received notices of both meetings. The following recommendations were made concerning the ordinance establishing the Education Access Channel Commission.

### **Recommendations from the education community**

- A 9 person Commission with membership as follows:

2 members representing Asheville City Schools

2 members representing UNCA

2 members representing AB-Tech

1 member representing Buncombe County Schools

2 members at-large representing the public and organizations such as private schools, charter schools, home schools, MAHEC, The Health Adventure, etc.

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- Delete the requirement of at least 60% educational programming and no more than 40% athletic programming. The programming mix, which includes athletics, should be determined by the Commission.

- The Commission members should serve four year staggered terms.
- The Commission should solicit wide-spread community input.

### **Recommendations from others interested in the Educational Access Channel Commission**

- An 11 person Commission with membership as follows:

2 members representing Asheville City Schools

2 members representing UNCA

2 members representing AB Tech

1 member representing Buncombe County Schools

4 members at-large representing the public and organizations such as private schools, charter schools, home schools, MAHEC, The Health Adventure, etc.

- The programming mix, which includes athletics, should be determined by the Commission. This mix should be of substantial educational interest.
- The Commission members should serve four year staggered terms.
- The Commission should solicit widespread community input.

Councilman Cobb said that he, Councilman Tomes and the City Manager request that a compromise including expanding the Buncombe County representation to a two and the at-large representation to three be considered. Given the fact that Charter has purchased InterMedia in this area, it is feasible that the educational access channel could become county-wide. If this occurs, having two members from Buncombe County Schools will be invaluable.

He said they also request that the Commission establish operating guidelines for the channel that will be reviewed and approved by City Council. This will maintain the integrity of the channel while allowing the educational community to work together to provide the best programming possible.

Ms. Robin Westbrook, Public and Community Information Coordinator, pointed out the following change to the proposed ordinance: The Commission shall serve four year staggered terms, with six of the first appointees serving four year terms and five of the first appointees serving two year terms so that the terms may be staggered.

Upon inquiry of Councilwoman Field, Ms. Westbrook talked about what kind of programming will be aired on this channel. Ms. Carolyn Moore from the Asheville City Schools also said the possibilities were unlimited, including using already prepared programs and also programs that they will have the opportunity to create. A representative from UNC-A talked about how they would be able to utilize this channel as well.

Ms. Westbrook responded to various questions from Council, some being, but not limited to: when will the educational channel go on the air; and will the Commission have access to the kind of material that is educational in nature, like on the Discovery Channel.

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Mayor Sitnick said that she would like to see as much student produced material as possible.

Councilman Cobb hoped that in the future we can have live programming from the classrooms.

Councilwoman Field said that since there is a possibility of the educational access channel becoming regional or county-wide, she felt it would be good for the commission to look at how that would happen and how funding would be proportioned. Ms. Westbrook responded that there has already been some discussion in the group about that.

A representative from UNC-A said that UNC-A and A-B Tech do not have cable drops and requested the City ask InterMedia for those drops. City Manager Westbrook responded that they will work with InterMedia on that request.

Upon inquiry of Councilman Cloninger, Mr. Joe Haight, General Manager of InterMedia, said that all the free Internet cable drops are in except for four locations.

City Manager Westbrook responded to the question raised by Ms. Katherine Southerland about the progress of the public access channel.

Mr. Wally Bowen, representative of the Citizens for Media Literacy, was concerned about the following items relative to the public access channel: (1) the origination sites not at UNC-Asheville and A-B Tech, (2) how the money will be divided up amongst the educational, public and government channels; (3) the lack of progress on the public access portion; and (4) the rationale behind developing the Request for Proposals first and then appointing a commission. He hoped that Council will consider some collaboration between education and public access channels.

Mr. Talmadge Neece, representing the League of Women Voters, read a statement which urges City Council to consult with the Buncombe County Commissioners and the authorities governing other municipalities in the County with a view, first, to conforming the principles and conditions for public use of cable television channels in the county. The consultation should aim at a compact for the operation of common public television facilities for governments and the public of the entire county. The League is prepared to offer its guidance and oversight in working towards the accomplishment of this public vision. The League stands ready to submit a proposal which would strive for maximum public input into, public use of, and public benefit from, these dedicated channels.

Vice-Mayor Hay and Councilman Cloninger agreed that Council felt the best way to facilitate this was to develop our system as fully as we could and then invite others to join in. The City didn't want to put their system on hold until everyone was ready to join in.

Mr. Haight said the management and operational changes with Charter would not happen until the 3rd or 4th quarter of this year and he agreed that the educational access channel should be county-wide. He also said that he would be happy to work with A-B Tech and UNC-Asheville about the Internet drops.

Mayor Sitnick said that our responsibility to the educational access channel is clear and vivid and City Council is committed and dedicated in keeping the educational channel for education. Regarding the combination of the public access and education channels, she felt that there may be a possibility to combine operations and equipment as a cost savings device, however, City Council is committed to making sure that each channel serves their specific purpose in the community. -6-

Mr. Jack Fobes spoke in opposition of the separation of the public access and education channels.

Ms. Gay Fox, representing the Vice-Mayor of Black Mountain Sara Marshall Rafter, urged City Council to wait and get the total input from all the communities before proceeding with the public access channel. In response, Mayor Sitnick said that every two months she and the City Manager meet with the other Mayors

and City Managers in Buncombe County. She asked the City Manager to add to their topics of discussion cable and PEG cooperation.

Ms. Rebecca Campbell suggested City Council tour other cities that have successful public access channels.

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

### **CHANNEL 20 UPDATE**

Ms. Robin Westbrook, Public and Community Information Coordinator, updated City Council on what is being aired on the Government Channel (20). Some items aired are the City Council meetings, Open Net on Tuesday and Thursday nights, the community bulletin board, a program about the pedestrian thoroughfare plan, and other programs provided to them on a 3/4 inch format. She stressed that they are limited on the programs they can show because they do have to be on a 3/4 inch format.

Ms. Westbrook introduced Mr. Jeff Reble, the new Cable Access Coordinator for the City, who discussed ways to expand the channel, if the City had more equipment.

Vice-Mayor Hay suggested that the times the City Council meetings will be aired should be included in CityWorks as well as on the City's Home Page.

Vice-Mayor Hay wondered if it was possible, during the airing of the City Council meeting, that the agenda be shown to let the public know exactly what topic they are discussing if they happen to tune in to the show during the middle of the meeting. City Manager Westbrook responded that the equipment to do those specialized features is expensive, however, Ms. Westbrook is working on a partnership that will allow us to borrow some of that equipment so we will have the capability of providing some of those specialized features.

Mayor Sitnick suggested that during the taping of the City Council meetings, that the camera stationed near the front of the room be moved a little more to focus on the speaker or the audience.

Councilwoman Field felt that the interview session of Ms. Westbrook relative to the water situation that was aired on the Government Channel was very informative. Ms. Westbrook responded that we did have to pay for the production time, however, it was at a minimal cost and considering the number of time it ran, it was an excellent way of getting the information to the community.

Mayor Sitnick suggested Ms. Westbrook contact Karen Rankin and other people on the Litter Committee to develop a program that focuses on the upcoming Asheville-Buncombe Clean-Up Campaign being kicked off on March 25. Mayor Sitnick also suggested the possibility of other boards, like the Planning & Zoning Commission, Board of Adjustment and the Tree/Greenway Commission, being taped for viewing on the Government Channel.

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After a brief discussion regarding the taping of the City Council meetings once the renovation work was completed in the Council Chamber, it was the consensus of Council to have staff explore the ways of having City Council meetings be shown live and still have the capability of showing them more than once.

### **SKATEBOARD PARK PRESENTATION**

Mr. Irby Brinson, Director of Parks and Recreation, said that the Parks and Recreation Department is seeking City Council's approval to proceed with the development of a Skateboard Park at the corner of Flint and

## Cherry Streets.

For almost two years, the Skateboard Task Force has been working toward the development of a permanent skateboard park. The criteria that was established early on specified a need to find a location that was close to the downtown area in order to assist in solving the problems with skateboarders in the downtown business area. City Council authorized staff to develop a temporary site located at the top of the Civic Center Parking Deck. This temporary site has been open since August of 1998 and has been a tremendous success. The park averages 40 - 50 participants during good weather and has virtually stopped complaints received by the Police Department and downtown merchants concerning skateboarders. Staff has met with representatives from the N. C. Department of Transportation and discussed preparation of an encroachment agreement which would allow the City to use this property to develop the park. Staff has also contacted Bell South who currently uses the area for parking and solicited their approval to this proposal if additional parking can be found for them at other locations. Staff is proposing that the gravel lot located on the west side of Flint and Cherry Streets be enhanced and expanded to include additional parking spaces not only for Bell South employees but also for overflow parking for the Civic Center. The Task Force has presented a conceptual design for the Skateboard Park to the Montford Community Club and has received overwhelming support from them for this location. It is anticipated that the cost for the park will

be approximately \$150,000 - \$200,000 with additional funding needed for parking improvements to the parking area on the west side of Flint and Cherry Streets. Staff is soliciting private donations to assist in the funding for this project.

The Skateboard Task Force is soliciting City Council support to (1) proceed with the development of the Skateboard Park at the corner of Flint and Cherry Streets; (2) authorize the City Manager to enter into any agreements with the North Carolina Department of Transportation for the use and development of this property; and (3) keep the temporary site located at the top of the Civic Center Parking Deck open until a permanent site is built.

Upon inquiry of Councilman Cobb relative to charging a fee for use of the new Skateboard Park, Mr. Brinson said that the Task Force is debating that issue. Councilwoman Field felt that there may be other ways to offset the expense of the Park other than to charge the children that use it.

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

## **LAKE CRAIG/JOHN MOYER PROPERTY**

Mr. Irby Brinson, Director of Parks & Recreation, said that this is the consideration of a resolution to proceed with investigating the purchase of properties known as the Lake Craig and John Moyer properties.

Mr. Brinson said that for several years, the Parks and Recreation Department has been working towards the purchase of 68 acres in East Asheville known as the Lake Craig property. -8-

The property is located near the Swannanoa River adjacent to the Recreation Park operated by Buncombe County Recreation Services. The Lake Craig Task Force was formed in 1996 and is made up of RiverLink, Western North Carolina Soccer Foundation, Western North Carolina Youth Sports Complex, and the City of Asheville. The intended use for this property would be to develop soccer fields and other facilities on this site. The Parks, Recreation and Greenway Bond has earmarked \$2 Million for the Lake Craig property. There are still some outstanding issues, for example, property surveys have to be obtained and there is a need for a feasibility study, and soil compaction and tests.

In addition, approximately 1 year ago, the Public Works Department approached Parks and Recreation

Department with regard to developing a partnership to expand this project to include the purchase of property owned by John Moyer.

Ms. Suzanne Molloy, Assistant Director of Public Works, and Ms. Karen Rankin, Solid Waste Coordinator, explained that after working with a charter team and evaluating our customers' needs, the Public Works Department has decided to develop a Natural Resource Facility to provide a central location for a composting/mulching facility, a small educational eco-park to showcase the usage of recycled materials and backyard composting demo-sites, and to utilize a site for beneficial fill activities for long-term park development needs. The 78-acre tract will help in the proper management of the City's organic resources and inert debris that can be re-used and recycled. The current methods for managing these materials is not sustainable. White Fawn Reservoir is closing due to its reaching its capacity.. Henson's is relocating and the City's passive leaf composting site on Broadway is too small. Should the city not develop a facility, a transfer station would have to be sited to transfer all of these materials to the Buncombe County Landfill at an estimated annual cost of \$700,000 a year. The Moyer property is a logical alternative due to it's central location, prior land usage and potential for park develop. Benefits of site include: located within the city; convenient access for crews and residents; Swannanoa River Greenway link; potential for long-term use; cost savings over current operations; and revenue opportunities.

Ms. Molloy explained the following site development requirements which must be addressed: infrastructure development (roads, bridges); Blue Ridge Parkway Viewshed; composting and mulching must be allowed at parks facilities (UDO); and stormwater management/wetland remediation.

Mr. Brinson said that the next steps would be: surveys and appraisals; community input from public input sessions, informational material, and on-site open house; engineering and planning studies; and phased site construction.

The Parks and Recreation Department and the Public Works Department request City Council's approval to proceed with investigating the purchase of both the Lake Craig Property and the John Moyer Property. In addition, both departments are requesting City Council's approval to work with adjacent property owners and other interested parties in discussing plans for the property and to solicit their input prior to bringing this back to City Council for formal adoption.

City Council spoke in support of this project noting it was an excellent example of a public/private partnership, parks and recreation is the highest and best use for the property, and the location will be ideal for out of town travelers since it is close to hotels, motels and eating establishments right off of I-40.

Upon inquiry of Councilwoman Field about traffic concerns on Azalea Road, Mr. Brinson said that they will address that in their feasibility study.

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

At 5:20 p.m., Mayor Sitnick announced a short break.

Councilman Tomes moved to change the agenda and add the I-26 Connector Project discussion at this time. This motion was seconded by Councilwoman Field and carried unanimously.

### **I-26 CONNECTOR PROJECT DISCUSSION**

Mayor Sitnick said that at no point has she ever asked the N.C. Department of Transportation ("NC DOT") or any member of the NC DOT to halt or delay the I-26 Connector Project. It is clear that the I-26 Corridor is



almost complete, that we cannot be building a road to nowhere and we must accommodate whatever flow of traffic occurs on the I-26 Corridor when it comes to the Asheville area. She did not appreciate the fact that she has been told that because questions have been asked by herself and other members of City Council that we have halted the project by expressing concern and asking for answers that have been asked of us by our constituents. Most of the phone calls she has been getting are from members of the business and residential community thanking City Council for asking the questions we have been asking. They have been unsatisfied by the information they have received at the public hearing and at the National Guard Armory many months ago and wanted us to satisfy their concerns and, that's what we did. When the NC DOT representative came to the worksession, we asked questions relating to air pollution, noise, construction dirt, the transporting of hazardous waste and nuclear materials through our City, the increase in drug trafficking when highways go through cities, the increase of accidents involving large trucks, and the increase of litter. The citizens have also asked why are we building this road through the City for trucks that really want to just get to the other side of the City. She said that it appears that an elected body who chooses to ask questions of a state agency is somewhat punished by being told that they have delayed a very important project. We have never asked for a delay or for the project to be halted. City Council simply wanted to be responsive and accountable to the taxpayers and citizens of Asheville.

Councilman Cobb said that he was never opposed to the I-26 connector, however, they did not think the route should be through the City of Asheville. He asked that if it is true that City Council's questioning of the project did delay the project, he wanted a letter from the State stating that was the reason for the delay. He felt that if the I-26 connector route is the appropriate route, it should stand up for scrutiny and questions.

Councilwoman Field explained what she understood was the reasoning for the delay of the I-26 connector project. She said that the Asheville Connector is funded separately and is on a different tract from other NC DOT projects. The bond money appropriated for all connector projects was to be spent by a certain date within two years. The Asheville Connector was originally scheduled to be funded in the first year. After the NC DOT meeting in West Asheville, they discovered they had to do an environmental justice impact process so that delayed the project eight months and knocked the project out of the first year funding. When the NC DOT representative came to the City Council worksession and Council asked them to look at the possibility of going to 6 lanes instead of 8 lanes, they said that they would need to research traffic studies, etc. and that slowed them down. As a result of our request, that knocked us out of the second year funding. We are now in the third year of funding. She was upset that NC DOT did not point out at the time the request was made for them to look at the 6 lanes vs. 8 lanes that the research would knock them into the third year funding. She said that even though we may not agree on where the connector should go, or whether to widen from 6 or 8 lanes, she felt the entire Council agreed that the project should continue and perhaps a resolution in support of the timely completion of the project would be appropriate. -10-

Mayor Sitnick said that since Asheville is topographically challenged, concerns about truck traffic are legitimate. She also said that since the original plan was to go to 6 lanes, she didn't understand why they had to go back to the drawing board to research the Council's request.

Mayor Sitnick noted that we still have received no response to the questions raised at the worksession from NC DOT. She suggested City Council write individual letters to Secretary Tolsen to let him know how you feel about this project and the timely completion of it. She also suggested a formal stand be made and that Council consider adopting a resolution stating that the City Council is committed to support the timely completion of the I-26 Connector Project.

Councilman Tomes said that regardless of route is ultimately decided upon, that the environmental justice issues be embedded in the construction.

Upon inquiry of Councilman Cobb, Councilwoman Field said that the reason why they chose this route through the City was that it was the least expensive, the shortest distance, had the least impact on the

community, and solved a lot of other problems.

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

### **COUNCIL CHAMBER RENOVATION**

Mr. Lyle Willis, Construction Manager, said that this is the consideration of a resolution authorizing the City Manager to enter into construction renovation and media equipment contracts for renovation of the City Hall Council Chamber.

City staff, upon direction from City Council, has developed construction renovation drawings and design specifications through Electronic Interiors Inc. and Mathews & Glazer Architects to renovate the City Hall Council Chamber. The City of Asheville solicited sealed bids from general contractors to renovate the Council Chamber. City staff along with the Office of Minority Affairs reviewed all bids and have determined the lowest responsible bidder to be A&B Construction & Development, Inc., including a base bid amount of \$179,403 plus bids for Add Alternate #1 at \$17,300 and Add Alternate #3 at \$9,723.

Alternate 1 consists of the stand alone electronic presentation kiosk, housing a 37" monitor, rear screen projector, camera port, video-camera recorder and computer tower. Alternate 3 consists of a moveable wheelchair lift.

City staff have estimated costs for the electronic media presentation equipment to be installed once the construction renovations are complete and have broken-down the costs into two separate phases. The first phase includes the basic media equipment needed and the second phase includes the electronic presentation equipment needed. This would allow for the equipment to be purchased and installed over two separate funding years. City staff will solicit sealed bids for the Phase I media equipment separately and award a contract to the lowest responsible bidder when funding as been approved by City Council.

Mr. Willis reviewed the total costs of the two separate phases. The first phase would include the construction renovations, contingency, miscellaneous furniture and the basic media equipment for \$289,803. The second phase would include Add Alternates #1 and #3 and the electronic presentation equipment for an additional \$134,023.

Funding has not been approved and City Council will need to appropriate funding for the project prior to contracts being awarded. -11-

The Parks and Recreation Department staff requests City Council: (1) direct the City Manager to appropriate funding for Phase 1 for \$289,803; (2) enter into a general contract with A&B Construction & Development Inc. for the base bid amount of \$179,403; and (3) direct the City Manager to solicit bids for the basic media equipment and enter into a contract with the lowest qualified bidder for the media equipment.

Discussion surrounded the construction portion of the amount being driven by the Asheville-Buncombe Historic Resources Commission ("HRC") in that they did not want mounting of electronic hardware in the historic furniture currently located in the Council Chamber.

Mr. Jeff Reble, Cable Access Coordinator for the City, explained what the basic media equipment would include, noting that if Council wanted to have the capability of having City Council meetings be shown live and still have the capability of showing them more than once, additional equipment would need to be purchased, in an approximate amount of \$20,000.

Councilman Cloninger expressed concern about the amount of money the renovation will cost. He noted that the Chamber has served the public through the years and that we just need to improve the acoustics; make

exhibits more visible for the public and City Council; and be able to televise the City Council meetings. He was concerned that approximately \$100,000 would have to be spent because of HRC's decision. He also questioned why HRC would want the City to remove the historic furniture out of the Council Chamber just to be stored and not be able to use it in the historic Council Chamber.

Upon inquiry of Councilwoman Field if the desks in the Council Chamber are indeed the original desks, Mr. Willis said that City Council has established an ordinance which established the Council Chamber as historic along with its contents.

Mayor Sitnick said that this renovation work is in part getting ready for a paperless City Council package. She agreed with Councilman Cloninger in that we want to provide the best coverage for the public, however, the question is how much do we need to spend on it. She basically wanted everyone to hear, see the exhibits, and having the meeting aired on television frequently.

Upon inquiry of Councilwoman Field, City Manager Westbrook said that this appropriation would be coming out of Fund Balance. He noted that the City currently spends \$25-30,000 annually for the City Council meetings to be televised.

When Mayor Sitnick asked if we can cut some of this cost anywhere, Mr. Willis responded that this is the tightest package that will work getting this production to television.

Upon learning that the contractor's bid bond would expire on March 14, 1999, it was the consensus of City Council to have the City Attorney write a letter to the contractor asking if the City can obtain a 30 day extension on their bid bond.

It was the consensus of City Council to have Councilwoman Field and Councilmen Cloninger and Tomes meet with the HRC Chair or other members of HRC to discuss the HRC's decision and other options available.

### **PROPERTY MANAGEMENT FOR COMMUNICATION FACILITIES**

Mr. Gerald Green, Senior Planner, said that this is the consideration of a resolution authorizing the City Manager to enter into a management agreement with MetroSite Management, LLC, for the marketing and management of City properties for the location of communications facilities. -12-

In late 1998, the City of Asheville solicited proposals for the marketing and

management of City properties for the location of communications facilities. Two qualified proposals were submitted; one by CityScape Siting and Management, Inc. and one by MetroSite Management, LLC. After reviewing the proposals, comparing the merits of each, and assessing the ability of each firm to achieve the objectives identified by the City, staff is recommending that an agreement be entered into with MetroSite Management for the marketing and management of City properties for the location of communications facilities. Staff's recommendation is based on the following factors:

- MetroSite conducts an audit of City property to identify the appropriateness of each property for the location of communications facilities. CityScape requires that City staff identify the properties which are to be marketed;
- Based upon the information submitted in the proposal, MetroSite conducts more aggressive marketing of City property for communications facilities;
- MetroSite's plan of action is more comprehensive and meets more of the objectives established by the City for this effort; and

- MetroSite provides for the input and approval of the City on lease negotiations and agreements while CityScape reserves the exclusive right to enter into lease agreements.

Although MetroSite's management fee is higher than CityScape's (33.3% of gross lease revenue versus 25%), it is felt that the higher fee is offset by the audit of City property conducted by MetroSite and the firm's aggressive marketing campaign. As part of our recommendation, staff requests that MetroSite's plan of action either be included as part of the final management agreement or referenced by the management agreement.

Staff recommends that a management agreement be developed and entered into with MetroSite Management, LLC for the marketing and management of City properties for the location of communications facilities. The plan of action prepared by MetroSite and submitted as part of their proposal should be either included as part of the final management agreement or referenced by the management agreement.

Councilman Cloninger wanted to make sure that that the consultant studies our current telecommunications facilities ordinance in order to help further the City Council's goals with regard to telecommunication facilities.

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

## **REPORTS ON BOARDS/COMMISSIONS**

### **OTHER BUSINESS**

Councilman Cloninger recognized Councilman O.T. Tomes as being recognized by the Land-of-Sky Regional Council as the Outstanding Person of the Year. He received the award for his outstanding contributions to improved human relations and human services with area impact on the entire region. His was a key role in establishing the ABCCM Doctors Medical Clinic, the Minority Infant Mortality Reduction Project, the Positive African American Males (Males Mentoring) Project and "Building Bridges." When told some of these concepts would not work, he persisted and built consensus. These programs have brought medical care to unserved persons, mentored young males, eliminated increases in infant mortality and brought community healing. He has extended his commitment to dialogue and consensus to service on the Asheville City Council and the Regional Council. His nomination says "Rev. Tomes speaks the truth in love. He motivates others towards effective change. He promotes greater -13-

understanding through communication. He builds consensus .... He is not afraid to confront tough issues, expose painful areas, and brings about healing."

### **ADJOURNMENT:**

Mayor Sitnick adjourned the meeting at 7:10 p.m.

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CITY CLERK MAYOR

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