

Tuesday - March 7, 2000 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger (participated by speaker phone); Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; Councilwoman Terry M. Whitmire; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burlison

Absent: None

CONSENT:

Grant Application with Community Foundation of WNC for Summer Outdoor Adventure Program

Summary: The consideration of a resolution to apply for and enter into an agreement with the Community Foundation of Western North Carolina for a grant to implement outdoor adventure activities for youth in conjunction with the Summer Playground Program.

Outdoor adventure is designed to provide outdoor recreation activities for youth ages 8-11 during the summer in conjunction with the Summer Playground Program. The program will serve up to 100 youth with outdoor activities including overnight camping and whitewater rafting.

The Parks and Recreation Department is requesting \$1,995 in grant funds. The grant does not require matching funds.

The Parks and Recreation Department recommends the approval of the application for the grant funds through the Community Foundation of Western North Carolina through the Summertime Kids 2000 program.

Grant Application with Asheville Merchants Association for First Night

Summary: The consideration of a resolution to apply for and enter into an agreement with the Asheville Merchants Foundation to assist with funding the Cultural Program Plan for First Night Asheville 2000.

First Night Asheville is an alcohol-free New Year's Eve celebration of the arts that specifically targets families. First Night's mission is to broaden and deepen the public's appreciation of visual and performing arts through an innovative, diverse, and high quality New Year's Eve program which offers the community a shared cultural experience accessible and affordable to all. The Cultural Program Plan encompasses all of the cultural programming that will be presented at First Night including cultural performers, visual and demonstration artists and traveling exhibits, and production cost and supplies.

The Parks and Recreation Department is requesting \$20,000 in grant funds from the Asheville Merchants Foundation. The grant does not require matching funds.

The Parks and Recreation Department recommends the City of Asheville apply for and enter into an agreement for the grant funds through the Asheville Merchants Foundation to assist with funding the Cultural Program Plan for First Night Asheville 2000.

Budget Amendment to the 35 Fund - Water Bond Capital Improvements Fund

-2-

Summary: The consideration of a budget amendment to amend Capital Project Ordinance 82-25 (35 Fund - Water Bond Capital Improvements Fund) to reprogram funds and set up funding for the Fiscal Year 1999/00 Water Distribution System Improvements in order to fund various projects.

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

There are excess funds of \$53,911 available in the following projects: Annexation I - Blackberry, CDM Mills Master Plan, North Fork/Bee Tree Dams, Reservoir Tunnel Repairs and NC DOT Projects for Haw Creek US 70/74. There are also funds of \$99,998 available in the Fiscal Year 1998/99 Distribution System Improvements as a result of transferring this project to the 30 Fund to be completed by our newly formed construction crew.

By reprogramming these funds and transferring the contribution to capital from the 30 Fund of \$568,081, the funding for the following projects can be increased or set up: additional engineering costs associated with the Bee Tree Dam Renovations; additional funding for NC DOT Projects including the second payment for the US 70/74 Haw Creek Project, the first payment for the Sweeten Creek Phase I Project, and an allotment for engineering charges associated with future NC DOT Projects; additional matching funds for the Critical Needs Projects; and the addition of the Fiscal Year 1999/00 Distribution System Improvements to include the Bond Administration and Feasibility Study and Water Line Oversizing Projects.

The Regional Water Authority approved an amendment to Capital Project Ordinance 82-25 at the February 15, 2000, meeting to reprogram funds and reflect the transfer from the 30 Fund (Operating Budget) to fund the following: Bee Tree Dam Renovations Project, the NC DOT Projects, the Critical Needs Contracts to include Matching Funds, and the Fiscal Year 1999/2000 Distribution System Improvements.

The Regional Water Authority recommends approval of a budget amendment for Capital Project Ordinance 82-25 to reprogram funds and set up funding for the Fiscal Year 1999/00 Water Distribution System Improvements in order to fund the various projects described above.

Non-Warranty Deed for Strip of Land at 1 Park Avenue North

Summary: The consideration of a resolution authorizing the execution of a non-warranty deed to Mr. Whit Rylee for property located at 1 Park Avenue North, Asheville, N.C.

A request was received from Mr. Whit Rylee on October 6, 1999, requesting that the City execute a non-warranty deed to him, quit claiming all government interest in the portion of his property that encroaches onto City right-of-way. According to the Buncombe County tax records, the building built on PIN No. 9638-08-98-8871 is a one story block and frame building that was constructed in 1949. The building encroaches into the right-of-way approximately two feet. The date of the dedication of the right-of-way in this area is undetermined.

The Public Works Department staff recommends City Council execute a non-warranty deed, quit claiming all government interest in the portion of the property where the encroachment lies.

At the request of Councilman Worley, City Attorney Oast said that he would make sure that the deed gives them just enough right-of-way to get the building off the public right-of-away.

-3-

NC DOT Agreement for Bruce Road Railroad Crossing

Summary: The consideration of a resolution authorizing the Mayor to enter into a Supplemental Municipal

Agreement with the North Carolina Department of Transportation (NCDOT) for the installation of a railroad-crossing signal at Bruce Road and associated budget amendment, in the amount of \$10,460, for the City's portion of the cost of the installation of the railroad crossing signal.

Each year the NCDOT reviews railroad crossings to determine their safety. The Federal Government funds these projects in priority order determined by NCDOT. The funding is a 90%: 10% match, with the Federal Government paying 90% of the costs and the City paying 10% of the costs.

In 1997, NCDOT recommended that a railroad-crossing signal be placed at the Bruce Road railroad crossing for safety reasons. A municipal agreement was approved by City Council on November 11, 1997, related to this project. Following the completion of the design, it was determined that it would be necessary to relocate the railroad crossing stop bars, repaint railroad advance warning pavement markings, install/replace railroad advance warning signs, add fill in the northeast quadrant and add fill and extend pipe in the southwest quadrant. Due to these changes the cost has increased from approximately \$90,000 to \$104,600. The increased cost for the City of Asheville will be from \$9,000 to \$10,460.

Additionally, the City will need to acquire a construction easement for the property off the right-of-way. City staff will be required to perform the work off of the right-of-way. This work will consist of installing a pipe and adding fill. This work will be performed by the Public Works Department.

In addition to the \$10,460 required for the installation of the railroad-crossing signal, the City will be required to pay half of the maintenance of the railroad crossing each year. The City's portion of the maintenance cost is approximately \$1,300 per year. This cost will be budgeted as a part of the Engineering Department's operating budget.

Staff recommends that City Council authorize (1) the Mayor to sign a Supplemental Municipal Agreement with NCDOT to allow a railroad-crossing signal on Bruce Road; and (2) a budget amendment, in the amount of \$10,460, for the cost of the installation of the railroad-crossing signal.

Financing Purchase of Ice Floor Equipment for Civic Center

Summary: The consideration of a resolution authorizing the installment financing of an ice floor and related hockey and ice skating equipment for the Civic Center.

By Resolution No. 99-143 dated September 14, 1999, the City Council previously approved the purchase, from Asheville Professional Hockey Ltd., of the ice floor and related hockey and ice skating equipment for the Civic Center.

The Finance Department has sought proposals from 16 firms to finance the purchase of the equipment. Five proposals were received, the best of which was submitted by Banc One Leasing Corporation - - 5.4192% for four years.

The proposed resolution authorizes an installment purchase contract between the City of Asheville and Banc One Leasing Corporation for the purchase and authorizes the City Manager, Finance Director and City Clerk to execute and deliver any and all necessary documents.

-4-

Council adopt the resolution and enabling budget amendment.

Setting a public hearing on March 28, 2000, to consider an Ordinance Designating the Patton/Parker House located at 95 Charlotte Street as a Local Historic Landmark

Fees & Charges Manual Amendment to Allow a \$2.50/Month Fee for One Additional Roll-Out Container

Summary: The consideration of a resolution amending the Fees and Charges Manual to reflect the addition of an automated container fee for citizens/businesses who request one additional automated roll out container.

The Sanitation Division will be implementing the Automated Side Loader Pilot Program on April 3, 2000.

Automated collection equipment must use proprietary containers for maximum efficiency. Also, non-standard containers may be damaged or unserviceable by the equipment with subsequent liability to the City. As a part of the pilot program, citizens will be supplied one (1) 96-gallon roll-out container (at a cost to the City of \$40 each) which is equivalent to three (3) standard sized garbage cans. Only City authorized containers will be serviced.

In cases where a resident or business requests more than one (1) container, the City proposes to supply up to one (1) additional container at a cost to the resident of \$2.50 per month. Billing can be processed through the customers bi-monthly water bill.

Staff will encourage utilization of the recycling program to reduce refuse volumes. One (1) 96-gallon container will be one-half of the current limit of six (6) standard garbage containers; however, forthcoming proposed changes to Chapter 15 of the Code of Ordinances will reflect recycling and changes in service volumes (standard of 1 rollout, limit of 2 per household plus rental fee).

The proposed fee of \$2.50 per month will cover capital costs of supplying the container plus additional operational costs. The Sanitation Division will handle container requests and administration.

Staff recommends approval of the resolution to amend the fees and charges manual to allow a monthly fee of \$2.50 per month for one (1) additional 96-gallon roll-out container as requested by citizens with said fees to be added to customer water bills.

Upon inquiry of Vice-Mayor Cloninger, Mr. Richard Grant, Solid Waste Manager, explained the reasoning of charging \$2.50 per month indefinitely for the one additional container. He said that the one container (supplied to residents at no cost) will be sufficient for most customers and they are trying to encourage people to recycle. He also said that there are operational costs included in adding a second container. He did state that the program will be monitored and if adjustments are needed, they will bring those back to City Council.

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.

DRAFT PLAN FOR SERVICES

Planning & Development Director Scott Shuford said that this is the consideration of approving the City of Asheville Plan for Services report for areas proposed for annexation.

-5-

On February 22, 2000, City Council adopted six resolutions of intent beginning the annexation process. Due to an error made by the consultant regarding dates, the resolutions of intent will need to be brought back to City Council again at their formal meeting on March 15, 2000, for adoption. The Plan of Services required by state statutes has been prepared by our consultant and a copy has been provided to City Council. Upon review and approval by City Council, the Plan will be made available for public review. The following steps

will complete the process:

Approval of Resolutions of Intent March 15, 2000

Approval of Plan of Services March 15, 2000

Public Information Meeting May 2, 2000

Public Hearing(s) May 23, 2000

Adoption of Annexation Ordinances June 13, 2000

Effective Date of Annexations June 30, 2001

Staff recommends the Plan of Services be approved and made available for public inspection.

Mr. F. Richard Flowe, President of Benchmark, Inc., passed out a revised Plan of Services. He then reviewed the following sections with Council: annexation area data; statutory standard requirements for each of the six areas proposed for annexation; plan for extension of services into annexed areas: (1) police protection, (2) fire protection, (3) solid waste collection, (4) street maintenance services, (5) water distribution, (6) sewer collection, (7) street lighting services, (8) recreation facilities and services, and (9) administration and miscellaneous services; financing plan for annexation areas: (1) revenue estimates, (2) revenue/expenditure analysis; (3) capital expenditures; and (4) methods of financing; and statement of impact for annexation areas: (1) financial impact on rural fire departments; (2) impact on fire protection; and (3) impact on insurance rates. He stated that the following items are also included in the Plan: (1) statutory standards statement data and contiguity test maps; (2) 1990 census tract information; (3) property owner listing; (4) property inventories for each area; (5) project schedule; (6) General Statutes governing annexation for cities of 5,000 persons or more; and (7) annexation agreement. He stated that land use pattern maps for each area is located in the Plan as well.

Mr. Flowe responded to several questions and comments from City Council, some being, but are not limited to: making sure that the highest level of service is provided to the newly annexed areas and what provisions are being made to areas that are not currently being served by sewer lines.

With regard to the on-site septic system maintenance and repair service for the parcels that are not being served by sewer lines, Councilwoman Field stated that she would not vote for an annexation that does not provide full services. City Manager Westbrook said that he would be happy to meet with Councilwoman Field and explain the sewer issue, noting that the septic maintenance and repair service is proactive and environmental safe.

Councilman Hay was assured by Mr. Flowe that what Council will be asked to adopt at it's formal meeting on March 15, 2000, is the Plan for Services in order that it be made available for public inspection, with the understanding that City Council is not satisfied with the Plan and can make changes to it after public comment and prior to the adoption of the annexation ordinances on June 13, 2000.

Councilwoman Whitmire asked for a report on the cost analysis of the septic system maintenance and repair service vs. Metropolitan Sewerage District placing sewer lines in those areas.

-6-

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.

SUMMER YOUTH EMPLOYMENT

Parks & Recreation Director Irby Brinson said that this is the consideration of a budget amendment, in the amount of \$100,000, to fund the YES! 2000 (formerly the Summer Youth Employment Program).

The YES! 2000 represents the City of Asheville's ongoing commitment to provide youth with valuable summer employment opportunities that have significant impact in their development and preparation to be employable members in our community. The Parks and Recreation Department is working in collaboration with the Community Foundation of Western North Carolina (Community Foundation), Job Link, Chamber of Commerce, Housing Authority, and community volunteers to provide employment and training opportunities for 50 youth, ages 14 to 19, during June-August 2000. The Parks and Recreation Department hopes to expand the program to serve 25 additional youth pending participation by the private sector, and a grant from the Community Foundation.

Staff has been working in conjunction with the above agencies since September 1999 to work collectively to enhance the program for 2000. The collaboration has resulted in a new focus for the program to provide necessary life experiences for youth as they prepare to face future responsibility and pressure. It is the desire of the group to use a portion of the City's contribution, and the Community Foundation grant for program administration, with additional resources for job placement coming from the private sector.

The Parks and Recreation Department is responsible for the management and operation of the program. Each year City Council has generously funded the program's operating budget.

The Parks and Recreation Department recommends City Council appropriate \$100,000 to establish an operating budget for Youth Employment Services 2000.

Upon inquiry of Councilman Peterson, City Manager Westbrook said this \$100,000 will come from the unappropriated fund balance.

Mayor Sitnick hoped that private business owners will see this program as an opportunity to invest in our City and give young people the feeling of self-worth and self-investment, which will prevent some of the social despair that comes later.

Upon inquiry of Councilwoman Whitmire, Mr. Brinson said that approximately 98% of the \$100,000 budget goes to pay the young people and that he would provide her with a breakdown of the costs for last year's program.

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.

UPDATE OF ENVIRONMENTAL SUSTAINABILITY PROJECT

Ms. Karen Rankin, Waste Management Coordinator, and Mr. Terry Albrecht, representing the Land-of-Sky Regional Council, said that over the past several months, the City of Asheville partnered with the Land-of-Sky Regional Council's Waste Reduction Partners (WRP) and the NC Division of Pollution Prevention and Environmental Assistance (DPPEA) to

-7-

conduct environmental assessments of several city facilities which assessments have revealed several opportunity areas with the potential to improve efficiency and reduce waste in internal operations.

The Waste Reduction Partners team has conducted four assessments of city facilities: the City Hall building,

the Print Shop, Fleet Management, and the North Fork Reservoir. These assessments included analysis of such things as the facilities' water use, energy efficiency, and waste production. The North Fork reservoir report has not yet been received by the City.

Based on the results of the efficiency assessments, staff has undertaken the following actions:

- Added a dumpster for cardboard recycling at the Fleet Management facility;
- Provided new recycling receptacles for white and mixed paper in the Print Shop;
- Replaced one parts washer in Fleet Management to extend the life of the solvent used in the cleaning process;
- Began replacing existing light fixtures with ones that use electronic ballasts and T-8 light tubes.

The reports highlighted some needs that will require additional funding in order to implement. Funding for the following recommendations will be included in departmental budget requests for FY 2000/01:

- Purchase of an antifreeze-recycling unit for Fleet Management;
- Purchase of three additional parts washers and large washing cabinet to improve solvent management in Fleet Management;
- Replacement of the work bay lighting in Fleet Management;
- Replacement of light fixtures in City facilities.

In addition, staff is currently collecting additional information on the following recommendations:

- Attempting to locate a vendor to recycle used oil filters;
- Developing an employee suggestion and education program;
- Determining costs and vendors for use of pump bottles instead of aerosol cans in Fleet Management;
- Developing a pilot project to test the use of bypass oil filters in some City vehicles;
- Developing a multi-agency team in cooperation with Land-of-Sky Regional Council to investigate the use of alternatively fueled vehicles;
- Investigating soy based ink options and higher recycled content paper products for use in the City Print Shop.

Further investigation and implementation of these and other assessment findings will continue over the next several months.

Mayor Sitnick suggested that this report be presented at a formal meeting in order to show the public that the City of Asheville is improving efficiency and reducing waste in it's internal operations.

This report is being presented for informational purposes only and no Council action is required.

-8-

UPDATE ON THE WNC REGIONAL AIR POLLUTION CONTROL BOARD

Ms. Nelda Holder, Chair of the WNC Regional Air Pollution Control Board ("Board"), and Mr. Arlis Queen, City's appointee on the Board, said that since that Haywood County has withdrawn from the organization, they urged City Council to work with Buncombe County to draw up a new agreement and not to dissolve the

agency. Ms. Holder passed out information showing the advantages of continuing the agency vs. allowing the State's Division of Air Quality to assume responsibility. She stated that an agreement needs to be approved by July 1, 2000, by the Environmental Management Commission.

Vice-Mayor Cloninger hoped that the City will do everything they can to support the Board in order that they remain in existence. He felt the State does not have adequate resources to cover our area.

Mr. Paul Muller, Regional Supervisor of the NC Division of Air Quality, said that there will be no change in monitoring. He also passed out some information on his Asheville office staff as well as 1999 activity information on the Asheville Regional Office.

Mayor Sitnick said that City Manager Westbrook is discussing this issue with the County Manager.

Discussion surrounded why Haywood County pulled out of the agreement, what happens to the assets of the agency if it is disbanded, what sub-committees have been established and what are their missions, can the City of Asheville operate the agency itself, is it possible for the City to discuss including other municipalities within Buncombe County in the agreement, what is the status of the audit of the Board, does the State have a citizens advisory group that they work with, and does the local agency supply City Council with their meeting minutes.

Mayor Sitnick stressed that the City Council's first concern is public health.

Mayor Sitnick then appointed a fact finding committee of herself, Vice-Mayor Cloninger, Councilwoman Whitmire and Councilman Peterson to meet with representatives of the Land-of-Sky Regional Council, Buncombe County, NC Division of Air Quality, the City's appointees to the WNC Regional Air Pollution Control Board, the City Manager, the City Attorney and others as appropriate to review the entire issue and report back to City Council. Some information which will be requested will be a response from the State to the information passed out by Ms. Holder regarding the advantages of keeping the local agency, a list of staff and their positions for the local agency, a list of the local agency's 1999 activities, and a list of members of the local agency's new advisory council.

City Manager Westbrook said that he would put the information requested by City Council in writing to Ms. Holder and Mr. Muller.
