

Tuesday – June 5, 2001 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger (left meeting at 4:52 p.m.); Councilwoman Terry Bellamy; Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilman Charles R. Worley

Mayor Sitnick congratulated Councilwoman Bellamy and members of the Asheville Fire Department on winning First Place (for the second year in a row) in the Mayor's Cup Raft Race.

**CONSENT:**

Councilwoman Bellamy requested the four items dealing with possession of alcoholic beverages and/or unfortified wine at festivals be voted on separately at the next formal meeting.

Mayor Sitnick requested the establishment of the Clean Air Community Trust be voted on separately at the next formal meeting.

**Possession of Alcoholic Beverages and/or Unfortified Wine at the Bele Chere Festival**

Summary: The consideration of a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 2001 Bele Chere Festival on July 27-28, 2001.

For many years, the Bele Chere Board in cooperation with the Asheville Parks and Recreation Department has produced Bele Chere to bring both the public and visitors to the downtown area. The Bele Chere Board and Asheville Parks and Recreation has requested permission to allow possession and consumption of beer and wine during this event as they have been allowed in the past.

The Asheville Parks and Recreation Department recommends approval of this request as stated in the resolution.

**Possession of Alcoholic Beverages and/or Unfortified Wine at the Goombay Festival**

Summary: The consideration of a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 2001 Goombay Festival on August 24-26, 2001.

The Asheville Goombay Festival is a unique celebration of African heritage and traditions. The 2001 Goombay Festival has requested permission to allow possession and consumption of beer and wine during this event as they have been allowed in the past. This event is co-sponsored by the Asheville Parks and Recreation Department.

The Asheville Parks and Recreation Department recommends approval of this request as stated in the resolution.

**Possession of Alcoholic Beverages and/or Unfortified Wine at the Brewgrass Festival**

Summary: The consideration of a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 5<sup>th</sup> Annual Brewgrass Festival on September 15, 2001.

For several years, the Annual Brewgrass Festival has served as a unique celebration of the art of brewing beer in the spirit of Oktoberfest with a Smokey Mountain twist. The 5<sup>th</sup> Annual Brewgrass Festival has requested permission to allow possession and consumption of beer and wine during this event as they have been allowed in the past.

The Asheville Parks and Recreation Department recommends approval of this request as stated in the resolution.

### **Possession of Alcoholic Beverages and/or Unfortified Wine at the Greek Festival**

Summary: The consideration of a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 2001 Greek Festival on September 28-30, 2001.

The Asheville Greek Festival is a unique celebration of Greek heritage and traditions at City County Plaza, September 28-30, 2001. The 2001 Greek Festival has requested permission to allow possession and consumption of beer and wine during these events as they have been allowed in the past.

The Asheville Parks and Recreation Department recommends approval of this request as stated in the resolution.

### **Advertise for Upset Bids on 125 Iris Drive**

Summary: The consideration of a resolution authorizing the City Clerk to advertise an offer of purchase for upset bids for a vacant lot at 125 Iris Drive.

A bid from Brian K. Perry, in the amount of \$12,200, has been received for the purchase of a vacant lot at 125 Iris Drive. The bid is not less than the tax value of \$12,200.

The property is a single family residential RS 8 zoned lot on Iris Drive comprising approximately 0.28 acre of land. The property has a rectangular shape and is fairly level elevated about 3' - 4' above street level. It has approximately 100 front feet on Iris Drive. There is no current or contemplated use for the property by the City. Mr. Perry plans to build a single family residence on the site for his own home.

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

Planning staff recommends adoption of the resolution.

### **Contract for Regional Hazardous Materials Response**

Summary: The consideration of a resolution authorizing the City Manager to renew an agreement with the N. C. Dept. of Public Safety and Crime Control for provision of regional hazardous materials emergency response.

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North Carolina is divided into six geographical regions for the purpose of hazardous material emergency response. The North Carolina Department of Crime Control and Public Safety contracts with municipalities across North Carolina to respond into the geographical regions and provide technician level hazardous materials emergency response.

The region six area covers from Cleveland County west to the Tennessee Border. Twenty-two counties comprise the response region. The State of North Carolina provides the hazardous materials response truck, all response equipment and provides for administrative costs of operating the team. In addition, the state funds extensive training for members of the Asheville Fire and Rescue Department to enable us to competently handle hazardous materials emergencies.

The City of Asheville has full use of the truck and all specialty equipment within the City of Asheville. Without the state hazardous materials contract, Asheville taxpayers would need to provide much of resources necessary to properly respond to emergencies within Asheville. With the contract, we have the advantage of the equipment and resources being funded at the state level, rather than at the local level.

During the seven years that we have provided regional hazardous materials response services, we have not experienced difficulties or disadvantages with the program. This program is also consistent with the City's Mission Statement.

City staff recommends City council authorize the City Manager to renew the Regional Hazardous Materials Contract with the North Carolina Department of Public Safety and Crime Control for Region 6.

### **Contract for Confined Space Emergency Response**

Summary: The consideration of a resolution authorizing the City Manager to renew a contract with Rockwell Automation Dodge to provide technical rescue - confined space rescue services to the Rockwell Facility.

Rockwell Automation Dodge, located at 70 Reems Creek Road, Weaverville, North Carolina, is a manufacturing facility whose operation necessitates entry of their staff into confined spaces. State and Federal OSHA requirements necessitate that the facility provide for the emergency rescue of persons who may become trapped within confined spaces at their facility.

The City of Asheville is authorized to provide these type services pursuant to North Carolina General Statute sec. 160A-293. The City Of Asheville is capable of providing certain standby and rescue response services in connection with the use and maintenance of these confined spaces.

In consideration of the services rendered and available, Rockwell Automation Dodge agrees to pay the City of Asheville \$5,000.00 annually. Rockwell Automation Dodge provides funding that fully supports the operational costs of the services.

During the time that we have provided technical rescue services to Rockwell (since Fiscal Year 1999-2000), the City has not experienced difficulties or disadvantages with the program. This program is also consistent with the City's Mission Statement.

City staff recommends City Council authorize the City Manager to renew the Technical Rescue – Confined Space Rescue agreement with Rockwell Automation Dodge.

### **Amendment to Water 35 Fund**

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Summary: This is the consideration of a budget amendment to the 35 Fund (Water Major Capital Improvements Fund) to reflect the transfer of grant funding for Critical Needs Phase II to the 29 Fund (Water Bond Capital Improvements Fund), to decrease future funding for N. C. Dept. of Transportation (NCDOT) projects that are being funded in the 29 Fund, and to reflect a transfer to capital from the Fiscal Year 2001-02 Water Fund Budget.

By Resolution 82-25 dated October 5, 1982, the Authority authorized and budgeted for various capital projects to be funded by Investment Earnings, Contributions From Other Funds, and Appropriated Fund Balance in the 35 Fund. By Resolution 92-17 dated May 19, 1992, the Authority authorized and budgeted for various capital projects to be funded by City Water Bond Proceeds in the 29 Fund.

**Transfer Grant Funding For Critical Needs Phase II - On August 15, 2000, the Authority approved an amendment to Capital Project Ordinance 82-25 (35 Fund – Water Major Capital Improvements Fund) to reflect funding from the \$2 Million High Unit Cost Grant received from the State for Critical Needs Phase II. On December 19, 2000, the Authority also approved a \$1 million increase in the 29 Fund (Water Bond Capital Projects Fund) for Critical Needs Phase II to be funded with a portion of \$13.3 million 2001 Revenue Bond Issue. The Asheville City Council also approved both of these amendments.**

Staff is recommending transferring the grant funds of \$2 million from the 35 Fund to the 29 Fund, so that the total funding for the Critical Needs Phase II projects in the amount of \$3 million can be managed in one fund. This change to the 35 Fund will become effective upon the date of adoption of this budget amendment.

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