

Tuesday – December 11, 2001 - 3:00 p.m.

Worksession

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

Absent: None

CONSENT:

Appointment to the Minority Business Commission

Summary: The consideration of a resolution confirming the appointment of one member of the Minority Business Commission.

On May 26, 1998, City Council adopted Resolution No. 98-63 adopting a City-County Minority Business Plan (subsequent amendments to the Minority Business Plan were adopted by City Council in November 1998 and December 1999).

The composition of the Minority Business Commission consists of 13 members, 10 of whom are nominated by various groups and three of whom are minority business owners nominated by the Minority Business Commission. All nominees are considered and appointed by both the City Council and County Commission.

Mr. Marvin Vierra has been named by the Asheville Business Development Center to represent them on the Minority Business Commission. Mr. Vierra has been nominated to fill the position left vacant by Mr. Ronnie Blythe and his term will run through August, 2002.

City staff recommends City Council adopt a resolution confirming the appointment of one member of the Minority Business Commission.

Vice-Mayor Bellamy wanted to thank Ronald Blythe for his many years of service on the Commission.

Minority Business Commission Annual Report

Summary: Presentation of the Minority Business Program Annual Report for Fiscal Year 2000 - 2001.

In May of 1998, City Council adopted the Asheville-Buncombe Minority Business Plan. The Plan was subsequently amended in November 1998 and December 1999, to clarify provisions of the Plan and to expand participation in the Mentor-Protégé Program.

The Plan requires the Office of Minority Affairs to present to the City Council and County Commissioners an Annual Report on the effectiveness of implementation of the Plan. The Report shall include, but not be limited to: the number of minority businesses; percentage of minority businesses contracting with the County and City either as a prime contractor or as a subcontractor; percentage of overall reported contracts awarded to minority businesses; percentage of contractors complying with good faith efforts; percentage of goals achieved and goals waived. The City of Asheville improved by 170% from last year's 1.4% to 3.8% this year.

The Annual Report for Fiscal Year 2000 – 2001 has been reviewed by the Minority Business Commission and approved at its meeting on October 19, 2001.

No formal action is required.

Revisions to the Minority Business Plan

Summary: The consideration of a resolution to amend the Minority Business Plan in order to further enhance and clarify provisions of the Plan.

In May of 1998, City Council adopted the Asheville-Buncombe Minority Business Plan. The Plan was subsequently amended in November 1998, to expand participation in the Mentor-Protégé Program; and again in December 1999 to clarify the provisions of the Plan.

At their meeting on August 16, 2001, the Minority Business Commission recommended that the Plan be amended to further enhance and clarify provisions of the Plan. (A copy of the Plan with recommended changes shown in blue is attached hereto.) The most significant change is the requirement of certification renewal every two years instead of annually (page 13). In addition, the options to meet the annual training requirement have been expanded and the complete list is now included in the Plan.

The resolution amends the Plan as recommended by the Minority Business Commission. The recommended revision to the Plan will also be presented to the Buncombe County Commission for their consideration and adoption.

Intent to Enter into License Agreement with Circle Net Inc.

Summary: The consideration of a resolution directing the City Clerk to publish a Notice of Intent regarding a proposed License Agreement with Circle Net, Inc. for antennas at 36 Reservoir Road.

The property at 36 Reservoir Road is the site of telecommunication towers owned by the City of Asheville. The City leases antenna space on the towers and ground space for related equipment.

Circle Net, Inc. has offered to enter into a license agreement for space on the tower known as the "U. S. Cellular Tower". The proposed License Agreement will enable Circle Net to operate antennas and related equipment at the site. There is a provision which allows either the Licensor or the Licensee to terminate the agreement upon 180 days notice. The term of the License Agreement will be 3 years with 2 renewal periods of 3 years. Circle Net will pay a License Fee of \$7,800 for the first term with a 5% increase annually thereafter. In addition to the License Fee, Circle Net will pay a Utility Fee of \$150.00 per annum.

Planning Department staff recommends adoption of the resolution.

Mr. Ed Vess, Field Services Coordinator, responded to questions from Council regarding how the license fee and utility fees were determined.

Budget Amendment re: Grant for Van for Senior Citizen Program

Summary: The consideration of a budget amendment, in the amount of \$19,000, from the annual appropriation from the State of North Carolina, Department of Health and Human Services, Division on Aging, and private donations via the Asheville Parks and Greenway

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Foundation to establish a budget for the purchase of a 15-passenger van for Parks and Recreation's Senior

Citizen Program.

The City of Asheville received approval for \$11,364 in October 2001 for the 2001 Senior Center General Purpose Funding from the State of North Carolina, Department of Health and Human Services, Division on Aging. Donations totaling \$7,636 is available via the Asheville Parks and Greenway Foundation. The funds will be used to purchase a 15-passenger van to transport senior citizens to five senior centers and community centers to participate in nutrition programs and recreation activities. The van will serve 30% more seniors, thus allowing them to benefit from the senior citizen services of Parks and Recreation.

The Parks and Recreation Department recommends City Council approve the budget amendment to establish a budget for the purchase of a 15-passenger van.

NC Local Government Debt Setoff Program

Summary: The consideration of a resolution authorizing the Mayor and the City Manager to execute documents and agreements necessary to participate in the NC Local Government Debt Setoff Program and designating both William L. Schaefer, Jr., Finance Director, and Cynthia A. Miller, Finance Operations Manager, and their successors as the persons to conduct necessary proceedings.

During the 1997 General Assembly session, the North Carolina Association of County Commissioners (NCACC) and the North Carolina League of Municipalities (NCLM) were successful in having enacted a legislative goal enabling counties and cities to participate in the state's income tax debt setoff program. The program permits counties and cities to submit any outstanding delinquent debt (\$50 or more) through a local government clearinghouse to the NC Department of Revenue, to attempt to match these debts against individual income tax refunds. The local government clearinghouse is also charged with disbursing offset funds back to the receiving county and/or city. NCACC and NCLM have organized a joint NC Local Government Debt Setoff Clearinghouse to make this program available to all North Carolina counties and cities. N. C. Gen. Stat. sec. 105A authorizes county and city participation in the debt setoff program through a clearinghouse function, and limits clearinghouse participation to only counties and cities.

Delinquent debt is a sum that is at least \$50 owed to a county or city (claimant agency) that has accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for the sum. A full 60 days must lapse after a local government labels the debt as delinquent before the debt can be submitted to the clearinghouse. The county or city must furnish the full name and social security number of each debtor. Costs of participation will be \$15 for each successful match of debt against an individual debtor's tax refund. No charges will accrue unless a successful tax refund setoff is made. The \$15 cannot be charged to the debtor but must be paid by the participating agency. Procedures are in place to notify a debtor of a proposed setoff, to allow a debtor who decides to contest a proposed setoff to receive a hearing with the designated hearing officer and, further, to file a petition with the Courts if desired. No debt can be submitted to the clearinghouse until the entire notification and appeals process is completed for that debt.

NCACC and NCLM have contracted with Five Star Computing, Inc. of Columbia, S.C., to administer the program. Five Star has managed the South Carolina Association of Counties debt setoff program since its inception five years ago.

City staff recommends City Council adopt the resolution.

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Agreement with NC DOT for Reimbursement of Light Transit Vehicles

Summary: The consideration of a resolution authorizing the Mayor to enter into an agreement with the N. C.

Dept. of Transportation (NC DOT) for funding the three light transit vehicles recently purchased by the Transit Services Department.

The NC DOT requires an agreement between the City and the NC DOT for reimbursement of up to \$26,250.00 for purchase of three Light Transit Vehicles and associated equipment. The state will reimburse the City up to 10% of the total expended amount. All funds must be expended by June 30, 2003. Most, but not all, funds have been expended and the remainder will be expended for radios and tires by June 30, 2002.

City staff recommends adoption of the resolution.

Adoption of Budget Schedule

Summary: The consideration of a motion approving the Fiscal Year 2002/2003 budget schedule.

The proposed Fiscal Year 2002/2003 budget schedule identifies key dates for completion of all phases of the budget process leading to adoption. Certain administrative phases of the budget process including the distribution of budget materials and instructions have already begun or have been previously approved by City Council (i.e., City Council Retreat). Other key phases include submission of departmental requests, presentation of the proposed budget to City Council, a public hearing and formal adoption. Adoption of the Fiscal Year 2002/2003 budget is scheduled for June 25, 2002.

City staff recommends City Council to adopt the Fiscal Year 2002/2003 budget schedule.

Budget Amendment re: Transit State and Federal Grant Funds

Summary: The consideration of a budget amendment, in the amount of \$633,062, to reflect additional and appropriated revenue and offsetting expenses in the Transit Services Department.

The City of Asheville expects to receive \$317,447 in additional state grant funds during the current fiscal year which are earmarked for transit operations in Fiscal Year 2001-2002. Additionally, the Transit Services Department is requesting the re-appropriation of unspent federal and state grant funds from Fiscal Year 2000-2001 in the amount of \$315,615. These are funds earmarked for operations and capital project funds. Staff is requesting that these funds be appropriated in the current fiscal year to further enhance transit service.

Transit Service Enhancements include:

- the revision of service delivery to address scheduling and capacity problems,
- an increase in marketing capability
- an increased ability to implement the capital portions of the Transit Improvement Plan, including
- Radios and tires for new Light Transit Vehicles
- Insulation of wash tunnel
- the purchase and installation of additional shelters
- budget for additional Cross Walks on city streets
- security enhancements
- other capital projects

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City staff recommends City Council adopt a budget amendment to reflect additional revenue and offsetting expenses in the Transit Services Department.

Budget Amendment for Outdoor Recreation Program

Summary: The consideration of a budget amendment, in the amount of \$6,774.00, to allow the Outdoor Recreation Program to collect fees and expend these fees to pay for a weekend snow skiing trip to Snowshoe, West Virginia.

The Outdoor Recreation Program of the Parks and Recreation Department offers a variety of opportunities for all ages and abilities to enjoy the outdoors. Attached to this staff report is a partial listing of these opportunities. One of the most successful activities offered through this program is the learn-to-ski snow skiing instructional program offered each winter in conjunction with the French Swiss Ski College at Appalachian ski Mountain. This learn-to-ski program is celebrating its 30th year in 2002. During the past 30 years, the program has offered participants from time to time an opportunity to travel to a more advanced skiing destination. This year, participants have requested that staff organize a trip to Snowshoe, West Virginia. The cost of the activity, including charter bus transportation, lodging, lift tickets and taxes/fees will be paid by the participants. It is estimated that the total cost of this activity is \$6,774.00, which is based on a minimum of 30 participants. Revenue from the participants will cover the expenses of the trip with no cost to the City of Asheville.

City staff recommends City Council adopt the budget amendment.

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

TRANSPORTATION PRIORITY NEEDS LIST

Mr. Dan Baechtold, Metropolitan Planning Organization Coordinator, said that this is a presentation to City Council on the Transportation Priority Needs List for the 2004-2010 Transportation Improvement Program.
