

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:

Renewal of License Agreements with Morris Communications Inc.

Summary: The consideration of a resolution directing the City Clerk to publish notices of intent regarding renewal of License Agreements with Morris Communications, Inc. for antennas at 36 Reservoir Road and Peach Knob Reservoir.

The properties at 36 Reservoir Road (White Fawn) and Peach Knob Reservoir are the sites of telecommunication towers owned by the City of Asheville. The City leases antenna space on the towers and ground space for related equipment.

Morris Communications, Inc., has operated an antenna and related equipment at each of the sites since December, 1996. There are three towers at 36 Reservoir Road and the Morris antenna is located on the tower known as the "U. S. Cellular Tower" which is immediately east of the proposed Sister Cities Park. The proposed License Agreements will enable Morris to continue operating antennas at each site; however, 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 Agreements will be 3 years with 2 renewal periods of 3 years. Morris will pay a License Fee of \$6,300 for the White Fawn site and \$5,100 for the Peach Knob site, the first term with a 10.5% increase at each renewal thereafter. In addition to the License Fee, Morris will pay a Utility Fee of \$150.00 per annum at each site.

Approval of the resolution will authorize the City Clerk to publish notices of intent to renew the License Agreements.

Planning Department staff recommends adoption of the resolution authorizing the City Clerk to publish notices of intent to renew license agreements with Morris Communications Inc.

FAA Grant Agreement

Summary: The consideration of a resolution approving a grant from the Federal Aviation Administration in an amount not to exceed \$366,676.

The Federal Aviation Administration (FAA) has offered a grant agreement to the Asheville Regional Airport. This grant, in an amount not to exceed \$366,676, is for reimbursement of security operational costs as provided under Public Law 107-117.

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Staff recommends adoption of the resolution authorizing the Mayor to execute the grant agreement for Project No. 3-37-0005-26.

Amendment to the Municipal Records Retention & Disposition Schedule

Summary: The consideration of a resolution authorizing the Mayor to sign an amendment to the 1997 Municipal Records Retention & Disposition Schedule.

On September 23, 1997, by Resolution No. 97-158, the City approved the Municipal Records Retention and Disposition Schedule issued August 15, 1997, by the N. C. Department of Cultural Resources, Division of Archives and History.

The N. C. Department of Cultural Resources has now amended said Schedule. The first amendment to Standard 3 (Budget and Fiscal Records) adds Powell Bill records to the schedule and amends Payroll and Payroll Deduction records. The second amendment to Standard 13 replaces the entire Personnel Records schedule.

It is in the best interest of the City of Asheville to promote municipal records management as provided by the N. C. Department of Cultural Resources, Division of Archives and History by adopting these amendments.

Staff recommends City Council authorize the Mayor to execute an amendment dated February 25, 2002, to the Municipal Records Retention and Disposition Schedule.

Mowing Contract

Summary: The consideration of a resolution authorizing the City Manager to enter into a grass mowing contract for the East and West mowing districts.

In an effort to provide mowing services for grass areas throughout the City of Asheville, City staff divided the grass areas into five separate mowing districts and solicited sealed bids from ten Commercial Lawn Mowing Contractors, four of which were minority contractors, to provide mowing services for each and/or all of the five mowing districts. City staff reviewed the bids and concluded that Donna Spratt, d/b/a Donnie Appleseed's Landscaping, was the responsive low bidder for the East and West mowing districts at \$68,000, combined for both districts and recommends acceptance of the bid.

Approved funding is available in the Park and Recreation operating fund account to pay for these mowing services.

The Parks and Recreation Department requests City Council authorize the City Manager to enter into a contract for \$68,000 with Donna Spratt, d/b/a Donnie Appleseed's Landscaping.

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.

UPDATE FROM THE HAW CREEK PEDESTRIAN TASK FORCE

Mr. Chris Pelly, President of the Haw Creek Community Association, briefed Council on the years the Association has been working with the City on pedestrian issues in Haw Creek. He stressed there is only 1/3 of a mile of sidewalks serving the entire Haw Creek valley and the lack of sidewalks is the number one road concern for the residents.

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Mr. Calvin Underwood, Co-Chair of the Haw Creek Pedestrian Task Force, said that in April of 2001, City Council adopted a resolution establishing the Haw Creek Pedestrian Task Force. The criteria in the Pedestrian Thoroughfare Plan for sidewalks include: ½ mile of school, ½ mile of community center, ½ mile of church, commercial or business center, along major corridor, and high use area/pedestrian generator.

Mr. Underwood described the work of the Task Force: (1) met monthly since June 2001; (2) developed short term goal which is to install sidewalk between the library, Park and school; and (3) developed long term goals which are (a) install greenway connections in the valley; (b) develop an educational/awareness program; and (c) sidewalks the length of the valley.

He showed a slide of where there are existing sidewalks in Haw Creek, where there are no sidewalks and proposed sidewalk areas in Haw Creek.

He explained the Avon Road project as follows: (1) design is complete for approximately 1,100 linear feet of sidewalk by City staff; (2) exploring options for funding; (3) preparing easements for sidewalk; (4) contracting for easement acquisition; and (5) estimated cost of \$220,000 which is unfunded.

He explained the Trinity Chapel Road project as follows: (1) design complete for approximately 1,800 linear feet of sidewalk by City staff; (2) exploring options for funding; (3) preparing easements for sidewalk; (4) contracting for easement acquisition; and (5) estimated cost is \$280,000 which is unfunded.

He then explained New Haw Creek Road project from Beverly Road to Arco Road: (1) design complete for approximately 1,700 linear feet of sidewalk by City staff; (2) exploring options for funding; (3) preparing easements for sidewalk; (4) contracting for easement acquisition; (5) State road – qualifies for NC DOT Small Urban Funds – proposed for approval on NC DOT May Board

agenda; and (6) estimated cost of \$300,000 – with potential for \$150,000.

Mr. Underwood explained the New Haw Creek Road project from Arco Road to Tunnel Road: (1) design in progress for approximately \$1,200 linear feet of sidewalk by City staff; (2) exploring options for funding; (3) preparing easements for sidewalk; (4) contracting for easement acquisition; (5) State road – qualifies for NC DOT Small Urban Funds – requested in Fiscal Year 2002-03 budget; and (6) estimated cost of \$400,000 – with potential for \$150,000.

He explained the Task Force's goals: (1) in Fiscal Year 2002-03, the New Haw Creek from Beverly Road to Arco Road Sidewalk Project and the Avon Road Sidewalk Project be completed by any combination of the following: money, labor from Public Works crews to complete the projects, or dedication of “fee in lieu of” construction money for this area; and (2) City support for a TEA 21 grant application to complete sections of the sidewalk due June 28, 2002.

Mr. Underwood explained some new developments in the Haw Creek Valley, which consist of The Village at Haw Creek in December of 2002, and a new 15-lot subdivision on Bell Road – both of which will contribute additional vehicular and pedestrian traffic.

Mr. Underwood requested City Council set aside the \$40,000 in the City's funds from “fee in lieu of” payments be set aside for these two projects in Haw Creek.

Upon inquiry of Councilman Mumpower, Mr. Pelly said that because the State has assured them of a grant in the amount of \$150,000 from the Small Urban Fund for the New Haw Creek Road Project from Beverly Road to Arco Road, he felt if they had to choose between projects, this would be the one they would chose to complete first.

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City Engineer Cathy Ball said that the \$150,000 from the Small Urban Fund is limited only to curb and gutters.

In response to Councilman Mumpower, Mr. Pelly said that the only existing sidewalk in Haw Creek was installed in 1990.

When Councilman Peterson asked about easements, Mr. Pelly said that a majority of owners along Avon Road are willing to give easements to the City for these sidewalks, but want some type of a commitment from the City first.

City Manager Westbrook said that since City Council has adopted a priority needs list for sidewalks, City Council may want to revisit the whole list because neighborhoods near the top of the list expect their sidewalks to be built. Ms. Ball noted that Hendersonville Road sidewalks are number one on that list and the Haw Creek area is number two.

Councilwoman Jones said that during this budget crisis, it's more imperative to leverage the City's money with other funds. The Haw Creek community is an active partner and they have done their part in working with property owners to obtain easements and other community solutions.

It was the consensus of City Council to ask the City Manager to come back with recommendations on how the City can help fund a sidewalk project in Haw Creek.

ORDINANCE NO. 2913 – BUDGET AMENDMENT REGARDING THE ASHEVILLE YOUTH SPORTS PROGRAM

Vice-Mayor Bellamy presented City Council with a letter dated April 11, 2002, from Lamont Bellamy, Commissioner 2002, which read “On Thursday, November 22, 2001, while most of us were enjoying Thanksgiving with our family and friends, Asheville Youth Sports Program suffered a significant loss to our athletic program. The storage facility that housed our organization's sports equipment, which is used by over 160 little league football players and cheerleaders, went up in flames at McCormick Stadium. Asheville Youth Sports Program is known for being a training organization for football players who have played and are playing at Asheville High School, TC Roberson High School, AC Reynolds High School, Erwin High School as well as for the National Football League. Our league has helped to train – Leonard Little, John Avery, Ray Roberts and many others. We were able to provide them with a safe and fun experience, while participating in organized sports. Today we endeavor to continue this practice with all the children who come through our program. Each year, over 160 young boys and girls come to participate in our sports program, many of them have never played or cheered in an organized sport prior to coming to the Asheville Youth Sports Program. While under our supervision, we work on their football and cheering talents; as well as their attitudes. We understand that being a good athletic is only possible if a child has good support from coaches, parents and the community. We need your help in order to continue to provide a safe and fun experience for the youth who desire to participate in our program. We are asking you to act today by making a contribution of \$25,000 to help us replace over \$30,000 worth of equipment we lost. You can send your contribution to: Asheville Youth Sports Program Fire Fund, Asheville Savings Bank, Post Office Box 652, Asheville, NC,

28802. Thank you in advance for your support.”

Vice-Mayor Bellamy urged City Council to support this request. She said that most children come from low-income families and they children have held many fund-raisers. She said the fire that destroyed their equipment was an electrical fire. The insurance covered the building, but not the contents of the building and they had no renter's insurance. She said the Program is asking for a one-time appropriation of \$25,000 to be combined with their \$6,232 contributions to date. A total amount of \$33,795 is needed to replace the items lost in the fire.

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Upon inquiry of Councilman Dunn about the most important items needed, Mr. Bellamy said that uniforms are the most important.

When Mayor Worley asked if any equipment has been donated, Mr. Bellamy replied that approximately 45 should pads have been donated, but they need to be refurbished at a cost of \$20-25 each.

Upon inquiry of Councilman Mumpower, Mr. Bellamy said there is an additional \$15,000 pledge that is outstanding but they have not heard from that person since approximately three months ago. Mr. Bellamy said that time is important because uniforms need to be ordered and there is a deposit required.

At the request of Councilwoman Jones, Mr. Bellamy explained how the Program works in cooperation with education through the youth and parents.

Councilman Dunn suggested sharing some of the equipment, however, Mr. Bellamy said that games are played right behind each other and because of the weight difference and quick dress change, there is little potential for sharing.

City Manager Westbrook said that if Council wishes to appropriate funds for this purpose, the funds would have to come from contingency.

When Councilman Dunn felt this might create a precedent for other teams to request money from the City, Vice-Mayor Bellamy said that in 1999-00, there was an appropriation to the North Asheville Youth League. City Manager Westbrook responded that the 1999-00 appropriation was for the North Asheville Park.

Mr. Jim Drummond, former Commissioner of the North Asheville Sports Program, urged City Council to support this request.

When Councilman Dunn asked if the City could make an interest-free loan to the Program, City Manager Westbrook felt the City of Asheville could not make that type of an investment by law.

All of Council was sympathetic and discussion surrounded the type of support the City could offer, e.g. amount of support, matching support, contingent support, donations, etc.

Councilman Mumpower suggested a \$12,000 match.

Vice-Mayor Bellamy supported a \$15,000 appropriation.

Mayor Worley suggested City staff work with the Program representatives to see what the absolute minimum needs are because we are in a very tight budget year. He felt that the City is being asked to be the insurer of this loss since the Program did not have insurance for their equipment. He felt there is a real need out there and would support of \$12,000 with no match required.

Councilman Peterson supported a \$15,000 appropriation and felt that other City departments might be able to donate their popcorn machine, coffee maker, etc.

Councilman Ellis at first suggested the City postpone action on this to see if the community and foundations will step up to help pay for their loss. Vice-Mayor Bellamy then said that there already has been publicity out there and they only have raised \$6,232. Councilman Ellis then felt that he could support the \$15,000 allocation.

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Vice-Mayor Bellamy moved to waive the rules and take formal action at this meeting. This motion was seconded by Councilman Peterson and carried unanimously.

Councilwoman Jones moved to appropriate a one-time \$15,000 allocation to the Asheville Youth Sports Program. This motion was seconded by Vice-Mayor Bellamy and carried on a 4-3 vote, with Vice-Mayor Bellamy, Councilman Ellis, Councilwoman Jones and Councilman Peterson voting "yes" and Mayor Worley, Councilman Dunn and Councilman Mumpower voting "no."

City Manager Westbrook said that an agreement would be drawn up between the City and the Asheville Youth Sports Program.

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Vice-Mayor Bellamy said that it is important that if a Council member wants to have an issue placed on the agenda, it should be listed on the agenda.

REGIONAL WATER AUTHORITY

City Manager Westbrook announced that today Mayor Worley was appointed as Vice-Chair to the Regional Water Authority of Asheville, Buncombe and Henderson.

At 4:30 p.m., Mayor Worley moved to recess the meeting until 5:00 p.m., in the Council Chamber of the City Hall Building for School Board interviews.

SCHOOL BOARD INTERVIEWS

At 5:00 p.m., City Council began interviewing Allison Jordan, Marsha Bate, Roxie Wynn, Pegi O'Hagan and Keith Thompson for a vacancy on the Asheville School Board.

ADJOURNMENT:

Mayor Worley adjourned the meeting at 7:30 p.m.

CITY CLERK

MAYOR