

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:

Application for National Pollutant Discharge Elimination System – Phase II Stormwater Permit

Summary: The consideration of a resolution authorizing the City Manager to sign the National Pollutant Discharge Elimination System (NPDES) Phase II Permit Application and any other paperwork necessary to comply with the Environmental Protection Agency (EPA) Federal Non-Funded Mandate.

In 1998, EPA adopted a rule called the NPDES Stormwater – Phase II rule. This rule applies to all municipalities with a population less than 100,000 that own or operate a Municipal Separate Storm Sewer System. The rule specifies that these units of government must develop a program for managing stormwater runoff, particularly pollutants associated with stormwater runoff. The application must be submitted to the State on or before March 2003.

The program must describe how the City will attempt to meet six minimum requirements: (1) Public Education/Outreach; (2) Public Participation/Involvement; (3) Illegal/Illicit Discharge Detection and Elimination; (4) Construction Site Runoff Control; (5) Post-Construction Runoff Control; and (6) Pollution Prevention/Good Housekeeping Measures.

In 2002, the City purchased a software program from the League of Municipalities as a guide to develop the permit. The permit will apply for a five-year period following the issuance of the permit from the State. The first year of the program will consist of developing plans and coordinating activities between various agencies. For example, the City of Asheville hopes to develop a Public Education/Outreach Program in conjunction with the other municipalities in the County.

One official deadline for the five-year program is that an ordinance controlling post-construction runoff must be adopted by City Council by March 10, 2005.

The cost of this program averages approximately \$250,000 per year over the five-year period. At the 2002 City Council Retreat, Council approved City staff exploring the feasibility of developing a Stormwater Utility to fund the stormwater program. Staff is still in the process of evaluating this recommendation.

City staff requests that City Council authorize the City Manager to sign the National Pollutant Discharge Elimination System (NPDES) Phase II Permit Application and any other paperwork necessary to comply with the EPA Federal Non-Funded Mandate.

Upon inquiry of Vice-Mayor Bellamy, City Engineer Cathy Ball said she would try to incorporate the Water Resources Department's educational outreach program into this program.

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Acceptance of New Street Name – East End Place

Summary: The consideration of a resolution accepting the new proposed street name "East End Place."

Asheville Area Habitat, owner of lots off of Martin Luther King Drive, has petitioned the City of Asheville to accept the street name "East End Place."

The new street will begin at Martin Luther King Drive and end at cul-de-sac on East End Place.

City staff recommends adoption of the resolution.

Agreement with WNC Soccer Association and Budget Amendment for Azalea Road Park

Summary: The consideration of a budget amendment, in the amount of \$474,000, to continue the construction of Phase I of the Azalea Road Park project and consideration of a resolution authorizing the City Manager to enter into an agreement with the Western North Carolina Soccer Foundation for administering future funds collected for this project.

- In 2001, City Council approved the Master Plan for the development of the Azalea Road Park. The development of the 155 acres will occur in a number of phases. The first phase includes the construction of two soccer fields, restroom/concession stand, picnic shelter, playground, parking and other infrastructure needs. The Department, in association with the WNC Soccer Association, has worked extremely hard in the past several months to secure funding for this project. First and foremost, a grant was secured from the Tourism Development Authority for funds totaling \$400,000. This was the first grant awarded by this group for the development of the facilities that will increase the economic vitality of our community. In addition, we have secured \$50,000 (which we will receive in \$10,000 installments over five years) from Pepsi Cola Bottling Company through the generosity of John Teeter to go towards the development of the park. An additional \$24,000 was secured from the sale of a small portion of the property. These funds will be used in conjunction with other funds already received to help meet our overall goal to complete Phase I.

- In addition, an agreement with the WNC Soccer Foundation is required to outline the roles and responsibilities for both the WNC Soccer Foundation and the City of Asheville in securing future funds for this project.

- The Parks and Recreation Department, in conjunction with the WNC Soccer Foundation, requests City Council approve the budget amendment to go towards the capital improvement budget for the Azalea Road Park construction and to authorize the agreement with the WNC Soccer Foundation for administering funds collected for this project.

Planning & Development Director Irby Brinson responded to various questions from Councilman Peterson and Councilman Dunn.

Contract Amendment with Carl Walker for Parking Garage in Battery Park Area

Summary: The consideration of a resolution authorizing the City Manager to amend the contract with Carl Walker, Inc. to include an additional \$391,113 for the design/development drawings and the construction documents for the parking garage in the Battery Park area.

In 2000, the City of Asheville went through a formal process to select Carl Walker, Inc. to design the parking garage in the Battery Park area. The original contract was for a parking structure on the existing surface lot of the BellSouth lot. The original cost of the project was

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\$510,000. Since that time several changes have been made in the scope of the work. These changes include:

- The location of the site has moved, causing the design cost of the project to increase because of the geometry of the site;
- The Engineering fees of the Consultant have gone up annually since 2000;
- The Consultant was requested to complete design/development drawings for the private development component of the project.

All of the additional costs for the contract amendment will be recovered with bond proceeds. This amendment brings the total cost of the project to \$901,113.

Staff requests that City Council authorize the City Manager to amend the contract with Carl Walker, Inc. to include an additional \$391,113 for the design of the parking garage in the Battery Park area.

Upon inquiry of Councilman Dunn, City Engineer Cathy Ball explained the reasons for the consultant fee increases.

Ms. Ball responded to several questions/comments from City Council.

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 ON STATUS OF AIR QUALITY IN SOUTHEAST

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Mr. Bob Camby, Director of the WNC Air Quality Agency, and Dr. Clay Ballantine, member on the WNC Regional Air Quality Agency, updated City Council on the status of air quality in the southeast.

Upon inquiry of Councilwoman Jones, City Attorney Oast said he has contacted the Attorney General's staff about joining the lawsuit to stop Environmental Protection Agency from weakening the Clean Air Act and he would report back to Council next week.

LIST OF EVENTS FOR CO-SPONSORSHIP STATUS WITH CITY FOR 2003-2004

- Parks & Recreation Director Irby Brinson said that this is the consideration of a motion approving the list of events requesting co-sponsorship status with the City of Asheville.

The Parks and Recreation Department has developed criteria to determine the minimum requirements for an event to be considered for co-sponsorship. In 2002, the City co-sponsored 35 events and this year the City is requesting co-sponsorship for 41 events. The cost of City services is estimated at 90,000.

The following are the minimum criteria for co-sponsorships with the City of Asheville:

1. The requesting applicant must represent a non-profit organization as defined by state or federal tax law.
2. The requesting applicant/organization does not discriminate on the basis of race, color, creed, sex, sexual orientation, age, political or religious affiliation, ethnicity, national origin or economic standing.
3. The proposed event is community focused and recreational in nature.
4. The proposed event is open to the general public.

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5. The proposed event has been planned to facilitate a positive impact to the community.
6. Eligibility for co-sponsorship status is based on successful completion and submittal of application, agreements, letters of petition and/or contracts within the specified period of time.

The list of groups all meet the minimum requirements for co-sponsorship and have requested through the Asheville Parks and Recreation Department that City Council grant them co-sponsorship status in 2003.

The Asheville Parks and Recreation Department recommends City Council accept the list for co-sponsored events in 2003.

Upon inquiry of Councilman Mumpower, Mr. Brinson said that the Fees & Charges Committee would be looking at some cost-sharing measures.

Mr. Brinson responded to questions from Councilman Dunn about the types of different events the City co-sponsors and the possibility of limiting co-sponsorship events in the future.

Councilman Mumpower suggested that the criteria might be tightened a little more in the future.

Councilman Ellis said the events help the economic vitality of our community.

- Mayor Worley 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.

REPORT FROM THE CITY COUNCIL SUBCOMMITTEE ON CAMPAIGN FINANCE CHANGES

Mayor Worley announced that this matter would be postponed until the March 4, 2003, worksession.

BOARDS/COMMISSIONS

- It was the consensus of City Council to have the City Clerk arrange for interviews for the following persons for a vacancy on the Recreation Board: Dr. Gregory Motley, Mr. Samuel Camp and Mr. Jim Lewis.

CLOSED SESSION

- At 4:25 p.m., Councilman Mumpower moved to go into closed session for the following reasons: (1) To discuss matters

relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered in negotiations, provided that any action authorizing the payment of economic development incentives will occur in open session. The statutory authority is contained in G.S. 143-318.11(a)(4); and (2) To prevent disclosure of information that is privileged or confidential pursuant to the laws of North Carolina or the United States, or not considered a public record within the meaning of Chapter 132 of the North Carolina General Statutes. The law that provides that the information to be considered is not a public record is N.C.G.S. 132-1.7. This motion was seconded by Councilman Dunn and carried unanimously.

At 5:00 p.m., Vice-Mayor Bellamy moved to come out of closed session. This motion was seconded by Councilman Dunn and carried unanimously.

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SCHOOL BOARD INTERVIEWS

At 5:00 p.m., City Council interviewed Marsha Bate, Thomas Hunnicutt, Tom Knoebber, Marianne Reinert, and Ann Von Brock for two vacancies on the Asheville School Board. Ms. Dolly Jenkins-Mullen was unavailable to come in for this interview due to inclement weather. Therefore, it was the consensus of City Council to interview Ms. Jenkins-Mullen on February 25, 2003.

ADJOURNMENT:

Mayor Worley adjourned the meeting at 8:00 p.m.

CITY CLERK

MAYOR