

Tuesday – August 9, 2011 - 5:00 p.m.

Regular Meeting

Present: Mayor Terry M. Bellamy, Presiding; Vice-Mayor Brownie W. Newman; Councilman Cecil Bothwell; Councilman Jan B. Davis; Councilman William A. Russell Jr.; Councilman Gordon D. Smith; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burlison

Absent: Councilwoman Esther E. Manheimer (participated during speaker phone during portion of meeting)

PLEDGE OF ALLEGIANCE

Mayor Bellamy led City Council in the Pledge of Allegiance.

MOMENT OF SILENCE FOR FIRE CAPTAIN JEFFREY SCOTT BOWEN

Mayor Bellamy asked for a moment of silence for Captain Jeffrey Scott Bowen who died on July 28, 2011, as a result of injuries sustained fighting a fire at 445 Biltmore Avenue, Asheville, N.C.

Mayor Bellamy read Capt. Bowen's obituary and said that community really suffered a loss on July 28. On behalf of City Council, she thanked the many who helped hold the arms up of the family members and the members of the Asheville Fire Department. She thanked the Public Works Department staff who helped the Asheville Fire Department on the day of the fire. She also thanked the various municipal and volunteer fire departments, Sheriff Departments, etc. across North Carolina who pitched in to support the Asheville Fire Department. Because she was out of town, she thanked Councilman Davis for stepping in and representing City Council during the City Employee Memorial Service for Capt. Bowen. She also expressed her sincere condolences to the Bowen family noting that Capt. Bowen served his community and family well.

Those members of Council who wished expressed their sympathy to the family of Capt. Bowen and also thanked all those who put their lives on the line for us every day.

City Council also expressed their deepest sympathy to the family of Mr. John Mark Crowe, a Metropolitan Sewerage District worker who was killed on duty on August 1, 2011.

INVOCATION

Councilman Bothwell gave the invocation.

I. PROCLAMATIONS:

A. EMPLOYEE RECOGNITIONS

City Manager Jackson recognized (1) Eric Hagen, Facilities Maintenance Division Manager in Building Safety Department. He successfully completed a nine month program at North Carolina State University and awarded an Energy Management Diploma for the University on June 6, 2011; (2) Sara McHone, Safety & ISO Compliance Coordinator - Water Resources Department Re-Certification of ISO 14001 Environmental Management Program; (3) Stephanie Monson, Urban Planner II. Ms. Monson received the American Institute of Certified Planners (AICP) certification in May 2011; (4) Randy Shaw, Recreation Center Director II - 2010 Distinguished Therapeutic Recreation Department; and (5) Wanda Burgess, Jeff Reble, Tim Reimers, Gilbert Domingo, Steven Frey, Joe Robinson, John Kutscher, James Allen, Robert

Clark, Steve Brown and Tony Rathbone – Their work in obtaining the GMIS Best Practices Award.

Mayor Bellamy thanked the employees on what they do on behalf of the City of Asheville and City Council. She was proud of City staff and looked forward to highlighting more accomplishments.

B. INTRODUCTION OF VALLADOLID DELEGATION

Mayor Bellamy introduced Mr. Rick Lutovsky, President of Asheville Sister Cities, and Mr. Russ Martin, Co-Chair of Valladolid Committee. Mr. Martin introduced a member of the Valladolid delegation. He said that Asheville Sister Cities will be planning a trip to Valladolid in November and hoped to have representation from the City of Asheville.

Mayor Bellamy read a proclamation proclaiming August 9, 2011, as “Asheville Sister City/Valladolid Day” in the City of Asheville.

II. CONSENT AGENDA:

Councilman Russell asked for discussion on Consent Agenda Item “G”.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 26, 2011

B. ORDINANCE NO. 3996 - ORDINANCE REDUCING THE SPEED LIMIT ON ARNOLD ROAD IN EAST ASHEVILLE FROM 35 MPH TO 25 MPH

Summary: The consideration of an ordinance to enact and/or change a speed limit on Arnold Road in East Asheville.

According to state law (NCGS # 20-141), the statutory speed limit in North Carolina is 35 mph inside municipal corporate limits for all vehicles and 55 mph outside municipal corporate limits for all vehicles except for school buses and school activity buses.

Furthermore, local authorities may authorize by ordinance higher speeds or lower speeds than the statutory 35 mph speed limit on locally-maintained streets provided that the higher speed limit cannot exceed 55 mph. Speed limits authorized by local authorities are effective when the appropriate signs are erected.

City staff recently completed an engineering and traffic investigation and determined that a 25 mph speed limit would be reasonable and safe on Arnold Road from US 70 (Tunnel Road) to its dead-end. The subject street provides access to about 15 residential properties in an established neighborhood. Daily traffic volumes are less than 200 vehicles per day and the 85th percentile speed is 24.2 mph.

This action complies with the City Council Strategic Operating Plan in the Safety focus area by improving the “street experience” for all users including pedestrians, bicycles, and motorists in a primarily residential corridor.

Pros:

- City staff has been able to respond favorably to a citizen’s request.
- Based on the 85th percentile speed, most drivers would adhere to a 25 mph posted speed limit.

Cons:

- The initial cost to install the appropriate speed limit signs is about \$200.

- Typically, speed limit signs have a serviceable life of five to seven years.

The initial cost to install the appropriate speed limit signs is about \$200 and is included in the current operating budget for the Transportation Department.

City staff recommends that City Council approve an ordinance enacting and/or changing a 25 mph speed limit on Arnold Road from US 70 (Tunnel Road) to its dead-end in East Asheville.

ORDINANCE BOOK NO. 27 – PAGE

C. RESOLUTION NO. 11-150 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAPTURION NETWORK LLC FOR THE INSTALLATION OF NEW SCOREBOARDS AND VIDEO BOARDS IN THE ASHEVILLE CIVIC CENTER ARENA

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Capturion Network, LLC. in the amount of \$ 254,715 for the installation of new scoreboards and video boards in the Asheville Civic Center arena.

The replacement of the existing scoreboards is another integral element of the Civic Center renovation plans. The new scoreboards will allow patrons to have an improved view of the score during sporting events from virtually anywhere within the arena. The addition of Video Screens in the Concourse area will allow patrons to follow the action while they are visiting the concessions areas.

The following bids were received:

Capturion Network LLC, Laurel, MS	\$254,715
Daktronics Inc., Concord, NC	\$293,055
Everbrite, LLC, Pardeeville, WI	\$293,000

The replacement of the scoreboards is part of the overall renovations in preparing to host the Southern Conference Basketball Tournament beginning in March 2012 and through 2015.

This action complies with the City Council Strategic Operating Plan’s Fiscal Responsibility goal of developing strategic partnerships to leverage resources for infrastructure and CIP projects. This action also complies with the Civic Center Commission Master Plan that encourages continuing renovations for the facility, and supports the goal of developing new partnerships. It has been reviewed and recommended by the Civic Center Commission.

Pros:

- Project allows replacement of obsolete scoreboards.
- New scoreboards are much brighter and easier to see for the patrons.
- Project bid is below budget.

Con:

- None noted.

Funding for this contract is included in the Civic Center Capital Fund as part of the budget for the Southern Conference renovations.

City staff recommends City Council adopt a resolution authorizing the City Manager to enter into a contract with Capturion Network LLC for \$ 254,715 for the installation of new scoreboards and video boards in the Asheville Civic Center arena and concourse.

RESOLUTION BOOK NO. 34 – PAGE 90**D. RESOLUTION NO. 11-151 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SPL INTEGRATED SOLUTIONS (AVI-SPL, INC.) FOR THE INSTALLATION OF A NEW SOUND REINFORCEMENT SYSTEM IN THE ASHEVILLE CIVIC CENTER ARENA
RESOLUTION BOOK NO. 34 – PAGE**

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with SPL Integrated Solutions (AVI-SPL, Inc), in the amount of \$ 368,233.71 for the installation of a new Sound Reinforcement System in the Asheville Civic Center arena.

The replacement of the existing sound reinforcement system is another integral element of the Civic Center renovation plans. The new sound system will allow patrons to better hear announcements during sporting events and other events anywhere within the arena. This new system will also allow for better communication to patrons in the event of an emergency.

The following bids were received:

SPL Integrated Solutions, Columbia, MD	\$368,233.71
Musicraft Inc., Roebuck, SC	\$425,675.00
Daktronics Inc., Concord NC	\$497,680.00

The replacement of the sound reinforcement system is part of the overall renovations in preparing to host the Southern Conference Basketball Tournament beginning in March 2012 and through 2015.

This action complies with the City Council Strategic Operating Plan's Fiscal Responsibility goal of developing strategic partnerships to leverage resources for infrastructure and CIP projects. This action also complies with the Civic Center Commission Master Plan that encourages continuing renovations for the facility, and supports the goal of developing new partnerships. It has been reviewed and recommended by the Civic Center Commission.

Pros:

- Project allows replacement of an obsolete sound system.
- New sound system will create a much clearer sound experience during events.
- Project bid is below budget.

Con:

- None noted.

Funding for this contract is included in the Civic Center Capital Fund as part of the budget for the Southern Conference renovations.

City staff recommends City Council adopt a resolution authorizing the City Manager to enter into a contract with SPL Integrated Solutions (AVI-SPL, Inc), for \$ 368,233.71 for the installation of new sound reinforcement system in the Asheville Civic Center arena and concourse.

RESOLUTION BOOK NO. 34 – PAGE 91**E. RESOLUTION NO. 11-152 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION ON A BI-ANNUAL BASIS FOR THE RE-INSPECTION OF BRIDGES ON THE MUNICIPAL STREET SYSTEM**

Summary: The consideration of a resolution authorizing the Mayor to enter into a municipal agreement with the N.C. Dept. of Transportation (NCDOT) on a bi-annual basis for the re-inspection of bridges on the Municipal Street System.

In 1983 the Federal Highway Administration developed the Federal Off-System Bridge Replacement Program. The program is funded 80% through federal funds and 20% through City funds and administered by the NCDOT. To remain eligible for replacement funds and avoid penalties, it is required that all public bridges are inspected every two years. The NCDOT offers three options for meeting the bi-annual inspection requirements – (1) do the inspection with City forces; (2) the City to hire a consultant to do the inspections; (3) the City to allow NCDOT to do the inspections through a qualified private engineering firm.

Since 1983 the City has elected to execute an agreement with NCDOT to accomplish the required inspection thorough their personnel or engineering consultants. This process allows high numbers of bridges to be inspected under one contract or operation, and therefore, results in minimum inspection cost per bridge. It is anticipated the inspections cost to be \$2,600 per bridge for the upcoming inspections. The City has 31 bridges requiring inspection this year, which brings the cost to \$80,600. The City's share of 20% is \$16,120. Funds for the City's share are budgeted in the Public Work's Professional Services budget line.

This action complies with City Council's Strategic Operating Plan in the Focus Areas – Fiscal Responsibility and Safe

Pros:

- Lower cost of bridge inspection due to high volume.
- Use of qualified engineering firms through DOT.
- Fulfills requirement for bi-yearly bridge inspections.
- Indicates areas for repair for PW staff.

Con:

- None identified

The fiscal impact is an expenditure of \$16,120, budgeted in Public Work's Professional Services.

City staff recommends adoption of the resolution authorizing the Mayor to execute a municipal agreement with NCDOT for inspection of bridges.

RESOLUTION BOOK NO. 34 – PAGE 92

F. RESOLUTION NO. 11-153 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A NEW ENTERPRISE LICENSE AGREEMENT WITH ESRI, INC. FOR GEOGRAPHIC INFORMATION SYSTEMS SOFTWARE

Summary: The consideration of a resolution authorizing the City Manager to sign a new Enterprise License Agreement with ESRI, Inc. in the amount of \$150,000 over 3 years payable in \$50,000 yearly installments for Geographic Information Systems (GIS) software.

The City of Asheville has used ESRI GIS software for 13+ years as a keystone software information system. Many internal processes including asset management, code enforcement, public safety dispatch, stormwater utility billing, infrastructure maintenance, sanitation service, development services, etc., rely on GIS expertise and software. Citizens also rely on GIS for Internet information portals such as the mapAsheville applications (Development Mapper, Crime Mapper, and Priority Places, etc). City Council also relies on the City's GIS via planning and development decision visualizations.

The existing contract has held maintenance flat for the past 3 years. Typical increases in such software maintenance contracts average approximately 5% per year. With the execution of another 3 year contract, we will be able to hold our maintenance costs at \$50,000 per year for next 3 years. Annual maintenance payments are required in order to keep software in a reliable and supported state. This contract also means that the City may provide unlimited staff installations as well as server software installation of this software thus saving money on additional licensing fees as a result of expanded services.

Specific City Council Strategic Operating Plan priority areas with goals that are supported by GIS technology include Community Building, Critical Services & Infrastructure, Natural & Built Environment, Economic Development, and Growth, Development & Land Use

Pros:

- Increased support of departmental business requirements via greater options for GIS software licensing.
- Ability to install additional software without additional purchases.
- Hold the line on increasing software maintenance costs.

Con:

- If continued funding for future years is not appropriated, some staff will lose ability to utilize some GIS software.

The first year cost of \$50,000 was included in the adopted FY2011-2012 General Fund budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to sign an Enterprise License Agreement with ESRI, Inc.

RESOLUTION BOOK NO. 34 – PAGE 93

G. RESOLUTION NO. 11-154 - RESOLUTION APPROVING REVISIONS TO THE CITY COUNCIL STRATEGIC OPERATING PLAN

Summary: On June 14, the City Manager provided Mayor Bellamy with a draft of the 2011-2012 Strategic Operating Plan. Upon her review, she identified the need for multiple revisions.

Councilman Russell expressed concern on two of the following revisions: (1) Under Affordable, he personally liked the original wording of “Hold the line on taxes and support tax and fee relief” instead of Mayor Bellamy’s revision to “Hold the line on taxes and minimize fees.”; and (2) Under Job Growth & Community Development, he personally liked the original wording of “Support businesses through reductions in taxes, fees, and regulations” opposed to Mayor Bellamy’s revisions of “Support business through limited taxes, fees, and regulations.”

Mayor Bellamy felt the revised language is more reflective of what is happening.

Vice-Mayor Newman is overall very supportive of these broad goals. We are not going to be able to achieve these goals over the next few years.

Councilman Russell moved to approve the revisions as suggested by Mayor Bellamy, except under Fiscal Responsibility the original language in Goal I, Objective 2 “Sustain at least a 15% Fund Balance” remain the same. This motion was seconded by Vice-Mayor Newman.

Mayor Bellamy supported her revised language to “Increase fund balance towards the 15% threshold” as our Director of Finance & Management said that it would not happen this fiscal year. Councilman Russell responded that it would be Council’s goal to make it happen.

Vice-Mayor Newman said the Strategic Operating Plan is not strictly tied to a fiscal year so theoretically the goals would influence the current budget and next year's budget. He would hope that over the next two budget cycles we can achieve that goal.

Mayor Bellamy has repeatedly said we need to be at the 15% in Fund Balance and was pleased that Council wants to achieve that goal.

Because this item is under the Consent Agenda and a motion has not been made to adopt the entire Consent Agenda at this time, Councilman Russell withdrew his motion.

RESOLUTION BOOK NO. 34 – PAGE 94

H. RESOLUTION NO. 11-155 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT YAPPY HOUR ON AUGUST 11, 2011

RESOLUTION NO. 11-156 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE RANGE ROVER EVOQUE LAUNCH ON AUGUST 25, 2011

RESOLUTION NO. 11-157- RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LEXINGTON AVENUE ARTS & FUN FESTIVAL ON SEPTEMBER 3 AND 4, 2011

RESOLUTION NO. 11-158 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ORGANICFEST ON SEPTEMBER 10, 2011

RESOLUTION NO. 11-159 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE CITIZEN-TIMES HALF MARATHON & 5K ON SEPTEMBER 17, 2011

RESOLUTION NO. 11-160- RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT OKTOBERFEST ON OCTOBER 8, 2011

RESOLUTION NO. 11-161- RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE SYMPHONY IN THE PARK ON SEPTEMBER 5, 2011

Summary: The consideration of a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at Yappy Hour on August 11, 2011; the Range Rover Evoque Launch on August 25, 2011; the Lexington Avenue Arts & Fun Festival on September 3 and September 4, 2011; OrganicFest on September 10, 2011; Asheville Citizen-Times Half Marathon & 5K on September 17, 2011; Oktoberfest on October 8, 2011; and Symphony in the Park on September 5, 2011.

- Asheville Humane Society has requested through the City of Asheville Development Services Center that City Council permit them to serve beer and/or unfortified wine at Yappy Hour and allow for consumption at this event.

Yappy Hour be held Thursday, August 11, 2011, from 6:00 p.m. – 8:00 p.m., within the boundaries of Pack Square Park's Roger McGuire Green as per the event area limits referenced on a site map.

- Jaguar Land Rover Asheville has requested through the City of Asheville Development Services Center that City Council permit them to serve beer and/or unfortified wine at the Range Rover Evoque Launch and allow for consumption at this event.

The Range Rover Evoque Launch will be held on Thursday, August 25, 2011, from 6:00 p.m. to 8:00 p.m. within the boundaries of North Pack Square and Pack Square Park's raised lawn as per the event area limits referenced on a site map.

- Arts2People has requested through the City of Asheville Development Service Center that City Council permit them to serve beer and/or unfortified wine at the Lexington Avenue Arts & Fun Festival and allow for consumption at this event.

The Lexington Avenue Arts & Fun Festival will be held on Saturday, September 3, 2011, from 11:00 a.m. to 11:00 p.m. and Sunday September 4, 2011, from 11:00 a.m. to 9:00 p.m. within the boundaries of Lexington Avenue between the intersections of College Street and the I-240 overpass, Walnut Street between Lexington Avenue and Carolina Lane, as per the event area limits referenced on a site map.

- OrganicAthlete has requested through the City of Asheville Development Service Center that City Council permit them to serve beer and/or unfortified wine at OrganicFest and allow for consumption at this event.

OrganicFest will be held on Saturday, September 10, 2011, from 10:00 a.m. to 8:00 p.m. within the boundaries of Pack Square Park's Roger McGuire Green as per the area limits referenced on a site map.

- Lend-a-Hand Foundation has requested through the City of Asheville Development Services Center that City Council permit them to serve beer and/or unfortified wine at the Asheville Citizen-Times Half Marathon & 5K and allow for consumption at this event.

The Asheville Citizen-Times Half Marathon & 5K will be held on Saturday, September 17, 2011, from 5:30 a.m. to 12:00 p.m. along various streets with alcohol restricted to a portion of Otis Street, as per the event area limits referenced on a site map.

- The Asheville Downtown Association has requested through the City of Asheville Development Service Center that City Council permit them to serve beer and/or unfortified wine at Oktoberfest and allow for consumption at this event.

Oktoberfest will be held on Saturday, October 8, 2011, from 12:00 p.m. to 6:00 p.m. within the boundaries of Wall Street between Otis Street and Battery Park Avenue, additionally extending into one lane of Battery Park Avenue at Wall Street as per the area limits referenced on a site map.

- The Pack Square Conservancy has requested through the City of Asheville Development Service Center that City Council permit them to serve beer and/or unfortified wine at Symphony in the Park and allow for consumption at this event.

Symphony in the Park will be held on Monday, September 5, 2011, from 7:00 p.m. to 9:30 p.m. within the boundaries Pack Square Park's Roger McGuire Green, Reuter Terrace, City-County Parking Lot, and Spruce Street between College Street and Court Plaza as per the area limits referenced on a site map.

These actions have no direct connection with the City of Asheville Strategic Operating Plan.

Pro:

- Allows fundraising opportunities for the Asheville Humane Society, Jaguar Land Rover Asheville, Arts2People, OrganicAthlete, Lend-a-Hand Foundation, Asheville Downtown Association and the Pack Square Conservancy.

Con:

- Potential for public safety issues

There is no fiscal impact.

City staff recommends City Council adopt the resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at Yappy Hour, Range Rover Evoque Launch, Lexington Avenue Arts & Fun Festival, OrganicFest, Asheville Citizen-Times Half Marathon & 5K, Oktoberfest, and Symphony in the Park.

RESOLUTION NO. 11-155 - RESOLUTION BOOK NO. 34 – PAGE 98
RESOLUTION NO. 11-156 - RESOLUTION BOOK NO. 34 – PAGE 101
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RESOLUTION NO. 11-161 - RESOLUTION BOOK NO. 34 – PAGE 116

Mayor Bellamy asked for public comments on any item on the Consent Agenda, but received none.

Mayor Bellamy said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Russell moved for the adoption of the Consent Agenda with an amendment to Consent Agenda Item “G” to reflect under Fiscal Responsibility the original language in Goal I, Objective 2 “Sustain at least a 15% Fund Balance” remain the same. This motion was seconded by Councilman Davis Vice-Mayor Newman and carried unanimously.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR LINAMAR CORPORATION VIA AN INTERLOCAL GOVERNMENT AGREEMENT WITH BUNCOMBE COUNTY

RESOLUTION NO. 11-162 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A \$2,200,000 ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR LINAMAR CORPORATION VIA AN INTERLOCAL GOVERNMENT AGREEMENT WITH BUNCOMBE COUNTY

Mayor Bellamy opened the public hearing at 5:36 p.m.

Economic Development/Civic Center Director Sam Powers said that this is the consideration of a resolution authorizing the City Manager to enter into a \$2,200,000 economic development incentive grant for Linamar Corporation via an interlocal government agreement with Buncombe County. This public hearing was advertised on July 29, 2011.

Linamar Corporation is a world-class designer and diversified manufacturer of precision metallic components and systems for the automotive industry, energy and mobile industrial markets. The company is proposing new, taxable, capital investment of \$125,000,000 for location of a manufacturing facility to be located in the former Volvo facility substantially all of which is located in the City of Asheville. Linamar has requested consideration of a performance based incentive grant under the City of Asheville Economic Development policy. Further, the company has agreed that the incentive should be paid to Buncombe County through an inter-local agreement, to assist the County's purchase the Volvo property for use by Linamar. The City of Asheville is considering offering a performance-based grant totaling \$2,200,000.

The City of Asheville proposes to reimburse Buncombe County for a portion of the County's payments to Linamar. The performance-based grant will be paid over a five (5) year period. Payments begin after the investment is made, taxes are paid and verified, and the County requests payment. The first such payment is anticipated to be made no later than March 1, 2013, with subsequent payments to be made annually through and including 2017, together with a Job Creation payment. The payment schedule is set forth in the Inter-local Agreement. The amount of the annual payment will take into consideration the estimated annual property tax revenue attributable to the capital improvements, and each annual payment is projected to equal no more than approximately 90% of said estimated revenue.

The economic development incentive grant ties into City Council's Strategic Operating Plan as it addresses multiple focus areas of the Plan. Staff believes that the project will improve the economic position of the City and the area.

Pros:

- Performance driven grant that is distributed after job and investment is achieved;
- Supports job creation and capital investment in manufacturing in Asheville;
- Supports development of an identified economic cluster in the City; and,
- Supports regional and state cooperation in the project.

Con:

- Grant is formulated based on use of up to 90% of value of new incremental property tax revenue for a five year period.

The project has a positive fiscal impact on property tax revenues received by the city. Initially (during the grant period), the city will receive approximately 10% of the new incremental property tax revenue from the project. After five years, the City will henceforth receive 100% capture of new taxes.

City staff recommends Council approve the resolution authorizing an economic development incentive grant for Linamar Corporation via Inter-local government agreement with Buncombe County, not to exceed \$2,200,000.

Rev. Lisa Landis felt that government has become corporate and raised several questions regarding whether the company would hire locally or from outside western North Carolina.

Mayor Bellamy said that this will result in 400 new jobs, not the company transferring their current employees to this area. They will be hiring at all levels and they are using A-B Technical Community College to train people to perform some of the tasks. This is a wonderful opportunity for our community to grow.

When City Attorney Oast handed out a missing exhibit from Council's on-line package of agenda materials (the County's agreement with Linamar), Councilman Bothwell was troubled that this information was not available to the citizens to comment on and that Council didn't know ahead of time what they were voting on. He agreed that it's good that our community is getting

new jobs; however, he does not support how communities and states have to compete for corporations to locate in their area. He could not support using our current taxpayer dollars to support a corporation that will be making millions of dollars.

In response to Mayor Bellamy, City Attorney Oast said this is a performance based contract, which means we don't make any economic development incentive payment until the tax revenue to be generated by this investment has been received by the City.

In response to Councilman Bothwell, City Attorney Oast said that the City will be providing the full range of municipal services during the 5-year period.

Vice-Mayor Newman wished we could compete purely on which community has the best schools, best infrastructure, best quality of life, but that is not reality. That is not the way economic development works. For companies that have the ability to locate anywhere in the country, we do have to compete based on many factors. If we are not willing to compete, we will not be able to attract new economic development projects. He felt that Linamar is an outstanding corporation and looked forward to a long partnership between Linamar and the City of Asheville.

Mayor Bellamy said that in the last 3-5 years our community has lost a lot of jobs and this action will add 400 new jobs, allowing some of our unemployed to get off food stamps, have health insurance and a steady income. Our people need jobs and we need to try to make that happen. In addition, the City's partnership with Linamar may lead to other businesses that supply Linamar products to want to locate here.

Mayor Bellamy said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Russell moved for the adoption of Resolution No. 11-162. This motion was seconded by Vice-Mayor Newman and carried on a 5-1 vote, with Councilman Bothwell voting "no."

RESOLUTION BOOK NO. 34 – PAGE 119

B. CONTINUATION OF PUBLIC HEARING TO CONSIDER CLOSING SEVERAL PORTIONS OF UNOPENED RIGHTS-OF-WAY AND CITY STREETS WITHIN THE MONTFORD COMMONS DEVELOPMENT AREA

Mayor Bellamy said that she has received a request from Mr. Kyle Evans, representing Montford Commons, LLC, requesting a continuance until October 11, 2011, as they are still waiting to receive the final funding commitment from HUD required to move the project forward. A representative from Frontier Syndicate explained that HUD continues to ask for information about their project and all arrows indicate that they should be approved soon. Therefore, Councilman Russell moved to continue this public hearing until October 11, 2011. This motion was seconded by Vice-Mayor Newman and carried unanimously

V. UNFINISHED BUSINESS:

A. REVIEW OF PACK SQUARE PARK RATE STRUCTURE

Director of Building Safety Director Robert Griffin said that this is a report on the rental fees for Pack Square Park after one year of operation.

The City of Asheville permits events and festivals with Pack Square Park through the Development Service Center. Coordination with all applicable departments assures the organizer

and the City the event or festival meets the applicable Building Codes and City of Asheville Ordinances that would specifically apply for the event or festival within Pack Square Park.

The first event reserving Pack Square Park was in May 2010 with full access in the summer of 2010. During the fiscal year of July 1, 2010 – June 30, 2011, the Park had 82 events scheduled within the boundaries. July – December had 48 events and January through June had 34 events. Many of these were in one of the three sections of the Park rather than the entire Park. The three sections that can be reserved for an event are the Roger McGuire Green, Reuter Terrace, and the raised lawn in front of the Biltmore Building. Some expansion of these areas can occur through the additional closure of Spruce Street to seamlessly connect the Roger McGuire Green with Reuter Terrace, the closure of North Pack Square to include the Vance Monument median in conjunction with reservation of the raised lawn, and the closure of South Pack Square to utilize the full Park as a continuous event site. At no point can Market Street be closed due to the need for emergency vehicle access for Police and Fire from the Municipal Building to College Street.

The reservation policy for the Park in July 2010 would allow only one event per day to be scheduled within any one section of the Park. This allowed the Park grounds to mature and for staff to assess the Park abilities. In early 2011, the Parks, Recreation, and Culture Arts Department and Building Safety Department reviewed the experiences and agreed to allow multiple events per day, per section of the Park, provided there is sufficient turnaround time for pre and post event logistics between activities. Consideration must also be made based on event type, scale, and impact of simultaneous events within close proximity such as with amplified sound, combined temporary infrastructure and attendance maximums.

The rental fees for Pack Square Park during the period of July 1, 2010, through June 30, 2011, were \$100 for three hours with an additional \$25 per hour for the raised lawn and \$500 for three hours with an additional \$100 per hour for the Reuter Terrace and Roger McGuire Green. The Terrace and Green had to be reserved as one unit. Many events reserved the combination of the Terrace and Green but only utilized one or the other based upon their activity. Many organizers asked that consideration be given to separating these areas for events. The Fees and Charges approved with the fiscal year beginning July 1, 2011, added a fee for Reuter Terrace at \$100 for three hours with an additional \$25 per hour. The rental fee for Roger McGuire Green kept the fee established at \$500 for three hours. Beginning in July 2010 all events by a 501(c)3 non-profit organizations received a 75% reduction in Park fees. During the fiscal year ending June 30, 2011, \$25,368.75 in discounts applied. Another change in the Fees and Charges beginning July 1, 2011, applied to the non-profit discount. After six events within a 12 month period the non-profit would no longer be eligible for the 75% reduction in fees.

In meetings with stakeholders, event organizers, the Downtown Commission, and others the fees for Pack Square Park appear to be appropriate and the process is producing few operating issues or conflicts. Operating issues and conflicts do arise but those are confined to specific issues associated with that event or circumstance rather than be directly related to fees and processes.

This action complies with the City Council Strategic Operating Plan by contributing to fiscal responsibility.

Pro:

- Provides enhanced use of Pack Square Park for events

Con:

- None

There is no fiscal impact with the policies in place and approved by Council.

City staff provides the staff report as information to City Council and requests confirmation or direction if they feel appropriate.

At the request of Councilman Davis, it was the consensus of Council to have City Manager Jackson provide Council with information regarding rental from previous years as a way to benchmark going forward.

At this time, Councilwoman Manheimer was contacted and participated in the following portions of the meeting via speaker phone.

B. RESOLUTION NO. 163 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED CONTRACT WITH CURBSIDE MANAGEMENT TO PROVIDE RECYCLING FOR 95 GALLON RECYCLING CONTAINERS

ORDINANCE NO. 3997 - ORDINANCE AMENDING THE FEES & CHARGES MANUAL TO ESTABLISH THE RECYCLING FEE AT \$3.50

Director of Public Works Cathy Ball said that this is the consideration of (1) a resolution authorizing the City Manager to enter into an amended agreement with Curbside Management, Inc. (CMI) for the provision of recycling collection and related services for City of Asheville residences and facilities; and (2) an ordinance amending the Fees and Charges Manual such that the Recycling Fee will be \$3.50 effective January 1, 2012.

Per Council's approval on May 10, 2011, to proceed with the implementation of a citywide residential single-stream recycling program with 95 gallon roll carts, an amendment to the current curbside residential recycling contract with CMI was drafted. The amended agreement allows for the provision of 95 gallon roll carts by the City of Asheville and requires CMI to service the roll carts, ensuring contents are recycled. The contract is at the same cost that we are paying now with a CPI index for a 10-year period of time. The contract also allows for the expansion of recyclable materials to include: additional plastic containers (e.g., yogurt containers, margarine tubs, clam shells, lids, etc.), gable top containers (e.g., juice and milk cartons), and aseptic containers (e.g., juice boxes). The collection frequency will remain unchanged with residential recyclables collected every other week. Staff estimates that the increase in materials recycled from the single-stream program will lead to an estimated disposal savings of \$105,000 per year.

If approved, CMI will need six months to procure the necessary equipment to collect the roll carts and be ready to implement single-stream recycling. During those six months, the city would procure roll carts and all necessary equipment, implement a community education initiative, and deliver roll carts citywide.

Staff has evaluated entering into a contract with RecycleBank and is recommending that we delay any action on this item for a two year period. After recent efforts to benchmark with communities that have implemented RecycleBank, they have shared the difficulty in determining the impact the RecycleBank program has when it is implemented in conjunction with other changes such as the 95 gallon contain, single stream recycling and increased material collection.

Staff is recommending a fee increase from \$2.95 per month to \$3.50 per month effective January 1, 2012. The additional \$0.55 would be used to cover cost outlined in the table below.

Item	Description	Annual Cost	Monthly Cost per customer
1	Cost of debt service for 95 gallon recycling cart	\$200K - \$105 K (savings in tipping fee) = net \$95K	\$0.29
2	Increase in CMI's Contract effective July 1, 2011 (per the current contract terms)	\$16,500	\$0.05

3	Increase in CMI's contract effective July 1, 2012 (CPI)(3.5% estimated)	\$33,000	\$0.10
4	Education/Outreach	\$20,000	\$0.06
5	Cart Maintenance	\$17,000	\$0.05
	TOTAL	\$181,500	\$0.55

This action promotes the City's strategic priorities to be a leader in environmental sustainability initiatives by reducing waste and encouraging recycling.

Pros:

- Reduction of land filled solid waste
- Increased awareness of recycled material for residents
- Supports Council's sustainability goals

Cons:

- City pays the cost of roll carts and their maintenance (\$217 K/year).
- CMI may pass to City fuel cost expenses in excess of \$5.50 per gallon for fuel used for the collection of recycling material.

CMI's cost per household went up \$0.05 July 1, 2011, per the current contract. Per the proposed contract, they would get a CPI adjustment every year for the length of the contract. We have conservatively estimated the CPI for FY 12 to be 3.5% and included that amount in the proposed rate increase. The total annual cost to the city for the CMI contract is \$955,000 with pricing subject to adjustment based on the Consumer Price Index each year on July 1st. The term of the contract is for ten years. The fiscal impact of purchasing and maintaining the 95 gallon recycling carts and the education and outreach, along with the reduction in tipping fee expenses, is summarized in the chart above.

City staff recommends City Council adopt (1) a resolution authorizing the City Manager to enter into a contract amendment with Curbside Management, Inc. to provide curbside recycling collection programs and related services at an annual estimated cost of \$955,000 for residential and City facility collections, as amended; and (2) an ordinance amending the Fees and Charges Manual such that the Recycling Fee will be \$3.50 effective January 1, 2012.

Rev. Christopher Chiaronmonte spoke against the recycling fee.

Councilman Davis was glad we were delaying action on the rewards program. He acknowledged it is difficult to raise the fee; however, the more recyclables we can take out of the waste stream going to the landfill will reduce our tipping fees.

In response to Councilman Davis, Ms. Ball explained that we need at least six months to get the equipment and begin the educational program. They hoped to have a March implementation date

In response to Mayor Bellamy, Ms. Ball said that people can keep the smaller green cans or they can be placed inside the blue 95-gallon containers to be recycled. She said that as part of Curbside Management's contract, they provided the small Curbie recycle containers. When the City asked Curbside Management for a price on them providing the 95-gallon containers, we were able to do it a lot cheaper than for them to include that as part of their package.

When Mayor Bellamy confirmed that Curbside Management provided the smaller Curbie containers as part of their contract, but now we have to pay 100% of the new containers for them to pick up our recyclables. Ms. Ball said that they are allowing residents to keep the smaller Curbie containers. When staff evaluated this, there was no cost increase in costs, other than

provisions for a 10-year contract and a cost of living adjustment. They will be ordering new trucks and revamping and changing their system in order to accommodate the 95-gallon containers. Initially, if they had to do that and purchase the containers, there was going to be more of an increase in costs than us just providing the 95-gallon containers ourselves.

When Mayor Bellamy asked questions about how long it took the City to pay off the 95-gallon green containers, Ms. Ball said that the program began in 1998 and was phased in over a 3-4 period of time. The debt has been paid off. There were some areas served initially first and then we would add onto the fleet because we didn't buy all the automated trucks at the same time. By the time the program was fully implemented, it was probably 2001-02. Those green containers are the City's and we budget each year a certain amount of money for replacement and maintenance.

Mayor Bellamy could not support these actions as she felt this is not a good time to increase fees especially since we already have 80% of our residents already recycling. While 55-cents a month per bill does not seem a lot, but that is on top of an increased water rate and other changes to the water bill.

When Mayor Bellamy asked if we could add another recycle bin instead of going with the 95-gallon container at no cost to the City, Ms. Ball said we probably could, but staff didn't explore that option. Staff's concern when they originally had discussions about it was that it takes 7 of the smaller containers to fit into one 95-gallon container and at what point would you have issues of trash blowing off, etc. If someone calls and requests an extra bin, we do provide that to them now. We did not look at what impact it would be if we provided it City-wide.

Mayor Bellamy said that members of Council have been previously furnished with copies of the resolution and ordinance and they would not be read.

Councilman Bothwell moved for the adoption of Resolution No. 11-163. This motion was seconded by Councilman Russell and carried on a 6-1 vote, with Mayor Bellamy voting "no" (with Councilwoman Manheimer participating via speaker phone).

RESOLUTION BOOK NO. 34 – PAGE 127

Vice-Mayor Newman moved for the adoption of Ordinance No. 3997. This motion was seconded by Councilman Bothwell and carried on a 6-1 vote, with Mayor Bellamy voting "no" (with Councilwoman Manheimer participating via speaker phone).

ORDINANCE BOOK NO. 27 – PAGE

C. DETERMINATION OF INTERVIEWS FOR PLANNING & ZONING COMMISSION

The following individuals have applied for vacancies on the Planning & Zoning Commission and submitted required written responses: Joseph Minicozzi, Kenneth Fulford, Mark Mathews, Bruce Greene, David Mosrie, Jeremy Goldstein, Dustin Pulliam, Jane Gianvito Mathews, Kristy Carter, Jeff McGahee, Pete Hildebrand, Terry Meek, Abigail Emison, Ellen Nutter and Steve Rasmussen.

Vice-Mayor Newman said that the Planning & Zoning Commission is one of the City's most important citizen volunteer boards that we work with. They play a very important role in making recommendations to City Council on land use policies, as well as rezonings and major project. We had 15 great candidates who applied for the three vacancies. He reviewed the process leading up to this point, which included all candidates responding to written questions developed by City Council. City Council was very impressed by the outstanding and thoughtful answers that all candidates submitted. City Council asked the Boards & Commissions

Committee (Committee) to come up with recommendations of 5-6 candidates to be interviewed for 20 minutes in an open, televised session. The Committee asked each member of Council to identify the five candidates they would most like to interview. The Committee recommended interviewing 6 candidates, 5 of which are the candidates that received the largest number of votes requested by Council to be interviewed. The Committee recommended Abigail Emison, Jane Mathews, Jeremy Goldstein, Mark Mathews, Bruce Green and Kristy Carter be interviewed. Any two members of City Council can add any other applicants to the interview list.

Mayor Bellamy felt this process, which was agreed upon by City Council on November 9, 2010, was supposed to be similar to the School Board process, being all Council members state their names at this formal meeting and the City Clerk would tabulate them to find the highest scorers for interviews. She questioned if her candidates would not be considered since she did not identify her five candidates prior to this meeting.

After a short discussion about the process, Vice-Mayor Newman said the intent on the process asking for the five top names prior to this formal meeting was due to the large number of applicants each receiving 20 minutes for interviews. The process was also that whatever recommendation comes from the Committee is still open to full deliberation by City Council. It is up to City Council on whether to accept their recommendation. He asked Mayor Bellamy for her five candidates which would be added to the existing list of candidates to determine the top 5.

Mayor Bellamy was not supportive of this process, whether it was decided in the Boards & Commissions Committee and discussed at the July City Council meeting as this process is contrary to any process used before. Traditionally we have put our names forward at the formal meeting, the names are tabulated and the top candidates move forward. Her top interview choices were Abigail Emison, Terry Meek, Joe Minicozzi, David Mosrie and Ellen Nutter.

Vice-Mayor Newman moved that Council interview Abigail Emison, Jane Mathews, Jeremy Goldstein, Mark Mathews, Bruce Green, Kristy Carter, Joe Minicozzi and Davis Mosrie. This motion was seconded by Councilman Smith.

Mayor Bellamy read into the minutes from the November 9, 2010, meeting the following updated process for appointing members to the Planning & Zoning Commission: "Vice-Mayor Newman, Chairman of the Boards & Commissions Committee, said that the Committee recommended City Council adopt an updated process for appointing members to the Planning & Zoning Commission, similar to the process used for School Board appointments, with interviews in Council Chamber, televised. Councilman Smith moved to use an appointment process, similar to the School Board appointments, for the appointments to the Planning & Zoning Commission. This motion was seconded by Councilwoman Manheimer and carried unanimously." That process included the City Clerk to send all applications and responses to City Council on August 5; City Council to determine who to interview on August 9; City Clerk to call and arrange interviews on August 10; and interviews and appointment made on August 23. After that unanimously agreed upon process, it changed. She was under the impression that City Council was following that process and would determine who to interview at this meeting.

When Vice-Mayor Newman felt the November 2010 meeting was not the last time this process was discussed, Mayor Bellamy read an excerpt of the June 14, 2011, minutes which read: "At the request of the majority of Council, City Clerk Burleson would provide City Council with all questions received on July 22, noting that the Boards & Commissions Committee would narrow them down to five at their July 26 meeting. At the formal meeting on July 26, the Committee will provide Council with their five recommended questions." In addition, she read from the July 26 Committee meeting as follows: "Clerk to e-mail all Council on Friday, August 5 all Planning & Zoning Commission candidates and ask them to e-mail me by 5:00 p.m. on Monday, August 8, their top five people they would like to interview in order of their preference. Those names will be compiled by the Clerk and will be used as information by the Boards & Commissions Committee to narrow the interview down to five, for Council consideration at the

formal meeting on August 9.” She noted that she was not present at the July 26 Council meeting and was operating under original process.

Mayor Bellamy was puzzled on why we needed two Council members to add another person to the interview list. She didn’t mind sitting in the interviews for 3-4 hours listening to people talk about the future of our City and how it’s going to grow. Vice-Mayor Newman said this was different in that we are allowing so much more time with each candidate.

Councilman Smith also felt that there should be some minimum of support for any candidate moving forward so that we don’t want to have them go through the interview process needlessly if it’s clear they would not be able to gain support of the majority of Council.

The motion made by Vice-Mayor Newman and seconded by Councilman Smith carried unanimously.

At the request of Councilman Bothwell, with the support of Mayor Bellamy, Steve Rasmussen was added to the interview list.

Vice-Mayor Newman said that all interviews will take place on the afternoon of August 23, 2011, with final appointments being made at the formal meeting later that evening.

At this time, Councilman Smith moved to recuse Councilwoman Manheimer from participating in the remainder of the meeting. This motion was seconded by Councilman Davis and carried unanimously. Councilwoman Manheimer hung up on the speaker phone.

VI. NEW BUSINESS:

A. RESOLUTION NO. 11-164 - RESOLUTION TO NAME THE NEW COMMUNITY CENTER AT LIVINGSTON AND DEPOT STREET AS DR. WESLEY GRANT SR. SOUTHSIDE CENTER

Assistant Parks & Recreation Director Debbie Ivester said that this is the consideration of a resolution to name the new community center at Livingston and Depot Street as Southside Community Center dedicated to Reverend Dr. Wesley Grant, Sr.

The City of Asheville is nearing the completion of the new community center located at the corner of Livingston and Depot Street, which is expected to be complete in late summer with a grand opening in the fall 2011. As part of the construction and preparation to open the new center, the Recreation Advisory Board appointed the Blue Ribbon Panel to lead the public process to name the new center. Panel members included Wanda Hawthorne and Wayne Wheeler of the Recreation Advisory Board; and Dee Robertson and Sherman Williams of the Reid Center Advisory Board.

The public was invited to submit suggestions of potential center names during May 1-June 20, 2011, via an online survey, phone hotline and mail. The purpose of public input was to gauge the general public’s interest in the center’s name. She provided the Council with a list of center names acquired in the public process.

On June 29, 2011, the Blue Ribbon Panel convened to select its recommendation for the center name. The Panel’s intent was to recommend a name that has the most significant meaning for the greatest number of people in Asheville, and take into consideration names submitted via public input. The Panel made the following recommendations to the Recreation Advisory Board:

1. Southside Community Center
2. Livingston Street Community Center

The Recreation Advisory Board considered the Panel's recommendation at its meeting on July 11, 2011. After review of the Panel's recommendation, review of all names submitted via public input, the Board chose to preserve the Southside name, and recognize Reverend Dr. Wesley Grant, Sr.'s contribution to Asheville and the African American community. The Board recommends naming the new center the Southside Community Center dedicated to Reverend Dr. Wesley Grant, Sr.

Pros

- This action complies with the City of Asheville's parks and recreation facility naming policy.
- The Southside name recognizes a significant part of Asheville's history and its African American community, and has meaning for a large segment of people who live in Asheville and their families.
- Dedicating the facility to Reverend Dr. Wesley Grant, Sr. honors a significant and well-respected community leader who greatly affected the African American community and Asheville.

Con:

- None

The Recreation Advisory Board recommends City Council to adopt a resolution naming the new community center at Livingston and Depot Street as Southside Community Center dedicated to Reverend Dr. Wesley Grant, Sr.

Councilman Bothwell moved to name the new community center "Southside Community Center." This motion died for lack of a second.

Councilman Russell moved to name the new community center "Southside Community Center dedicated to Reverend Dr. Wesley Grant, Sr." This motion was seconded by Vice-Mayor Newman.

Mayor Bellamy asked for a friendly amendment to name the new community center "The Reverend Dr. Wesley Grant Sr. Community Center dedicated to the Southside Community." Councilman Russell did not accept the friendly amendment because we create Boards & Commissions to hash through the different issues and come to a recommendation.

The following individuals spoke in support of naming the new community center more significantly for Dr. Wesley Grant Sr. (suggestion of Wesley Grant Center) because he was a significant and well-respected community leader who greatly affected the African American community as well as the entire City of Asheville; and also due to the number of votes cast from a survey in favor of naming the new center after him:

Rev. Louis Grant, son of Dr. Wesley Grant Sr.
 Rev. Christopher Chiaromonte
 Rev. L.C. Ray
 Dr. John H. Grant
 Rev. Lisa Landis
 Ms. Priscilla Ndiaye
 Ms. Mildred Nance-Carson, Southside resident, member of the Recreation Board & Chair
 of the W.C. Reid Advisory Board
 Mr. Fred English, east Asheville resident
 Ms. Belinda Grant
 Dr. Milton Byrd
 Mr. Roy Harris
 Rev. Otis Ware

Ms. Teresa Rogerson agreed for a name to be attached to the new community center, but we still live in a world where we have to receive funding. The name of the center needs to be something that can get the most funding so the center can service its constituents. She felt that perhaps if it was named "Grant Center" it would not be able to get as much funding.

When Councilman Russell asked Councilman Bothwell for his input since he is liaison to the Recreation Board, Councilman Bothwell felt the Recreation Board process was not open and fair, stressing he means no ill will towards Dr. Grant. He felt the survey was more of a concerted campaign and not a community poll. He felt if it's going to be a community naming, then it should be put on a ballot this fall and let people vote. He was given a list of 36 names of other prominent people in the community that deserve recognition as well. He stressed that he is not opposed to naming it for Dr. Grant, but he is opposed to the process used.

Councilman Russell is a believer in a good, fair process and as such, withdrew his motion.

Councilman Davis said building the new center was a long process and fairly high cost and was discouraged to see the community divided over naming it.

Councilman Davis moved to name the new community center the "Dr. Wesley Grant Sr. Community Center dedicated to the Southside Community." This motion was seconded by Councilman Smith.

Councilman Russell asked for a friendly amendment to name the new center the "Dr. Wesley Grant Sr. Southside Community Center." Councilman Davis and Councilman Smith accepted the friendly amendment.

In response to Mayor Bellamy, Ms. Ivester explained the process used, noting that they didn't expect people to solicit a specific name, but to allow the opportunity for the community to submit names.

Mayor Bellamy said that when we put Blue Ribbon Committees in place, they make recommendations only. The process was opened up for input and it was received. If we ask for community input, then we need to pay attention to it. It seems to her that there is a large volume of people supporting the name of Dr. Wesley Grant and she supported that name. If the community also wants the Southside community included in the name, she would support that as well.

Councilman Bothwell said the Blue Ribbon Committee also recommended that the main hall of the new community center have a hall of fame of the many who contributed to the Southside area. He felt that was a great idea and supported naming the new center after Dr. Grant, as the motion was stated.

Rev. Ware felt the new center did not need to include any reference to the Southside just because it happens to be in that part of the City. He used the example of the existing W.C. Reid Center, named after Mr. Reid who was not from the Southside area and who focused most of his attention in the Hillcrest area.

Pastor Spencer Hardaway supported the name, but expressed concerns with the process.

Rev. L.C. Ray thanked City Council for naming the community center for Dr. Grant as it means a lot to the community.

The amended motion made by Councilman Davis and seconded by Councilman Smith to name the new community center the "Dr. Wesley Grant Sr. Southside Community Center" carried unanimously.

Councilman Davis said that it was his intention to name the new community center "Dr. Wesley Grant Sr. Southside Center". Therefore, he moved to amend his original motion to name the new community center the "Dr. Wesley Grant Sr. Southside Center." This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 34 – PAGE 128

B. BOARDS & COMMISSIONS

Regarding the Asheville-Buncombe Crime-Stoppers Board of Directors, the following individual applied for the vacancy: Princess Adams, Lynda Bell Haynes, Karl Katterjohn, Allen Brailsford and Daniel Ater. At the recommendation from the Boards & Commissions Committee, Vice-Mayor Newman moved to interview Princess Adams and Karl Katterjohn. This motion was seconded by Councilman Bothwell and carried unanimously.

Regarding the Recreation Board, the following individuals have applied for the vacancy: Barry Mundt, Richard Warren, John Parrish, Robert Pierce and John Broadbooks. At the recommendation of the Boards & Commissions Committee, Vice-Mayor Newman moved to interview John Parrish, Barry Mundt and Robert Pierce. This motion was seconded by Councilman Bothwell and carried unanimously.

Regarding the Buncombe County Tourism Development Authority, the following individuals have applied for the vacancy: John W. Ellis, Cesar A. Romero, Ruth T. Summers and Chris Bubenik. At the recommendation from the Boards & Commissions Committee, Vice-Mayor Newman moved to interview John W. Ellis, Ruth T. Summers and Chris Bubenik. This motion was seconded by Councilman Bothwell. Mayor Bellamy spoke in support of the work by Ms. Summers with the Grove Arcade and moved to appoint Ms. Summers. This motion was seconded by Councilman Davis. Because Councilman Russell felt this was a very important board and was interested in interviewing the three candidates, Mayor Bellamy withdrew her motion. It was the consensus of Council to interview the three candidates recommended by the Boards & Commissions Committee.

RESOLUTION NO. 11-165 - RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Vice-Mayor Newman, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Affordable Housing Advisory Committee.

On June 14, 2011, City Council established the Affordable Housing Advisory Committee.

The following individuals have applied for vacancies: Allison Bond, Anthony Goodson Jr., William Irby, David Dills, M. Mae Creadick, Brian K. Alexander, Richard Warren, Barber Melton, Scott Dedman, Lindsey Simerly and Paul Reeves.

He said the Council has identified several groups who have housing experience that they would like to appoint to this new Committee. The Boards & Commissions Committee recommended appointing Scott Dedman, William Irby, Allison Bond, Brian Alexander, Barber Melton, Lindsey Simerly and Anthony Goodson Jr. They also recommended Council interview Paul Reeves, M. Mae Creadick, David Dills and Richard Warren.

Councilman Bothwell felt that Mr. Dedman is certainly an expert in the non-profit affordable housing area; however, he indicated on his application that he had no conflict of

interest. He felt there would be an obvious conflict of interest, since Mountain Housing Opportunities is the largest recipient of City funding for affordable housing, and he would have to recuse himself from voting on matters affecting his employer.

Vice-Mayor Newman said that the Boards & Commissions Committee discussed the conflict of interest issue. He said this is a new committee and how they end up spending their time and what issues they focus on is to be determined. Council has given them a broad charge, but how they choose to prioritize their time will be up to them to decide. It is our general intent that the group will focus on broad policy recommendations to City Council as it relates to affordable housing needs in Asheville, opposed to more specific recommendations on allocation of Community Development Block Grant funding or Housing Trust Fund dollars. There is nothing in the current mission charge for them that strictly precludes them from that; however, that will be discussed at a future Housing & Community Development Committee meeting to perhaps let them know that is not what we are looking for them to do. It would be more broad policy recommendations. Certainly if there was a recommendation regarding funding, any member of the Committee would have to recuse themselves with a disclosed conflict of interest.

Councilman Davis said that the conflict of interest issue can be raised by Brian Alexander, with Homeward Bound, as well. We will have to clarify the mission and role of the Committee.

Councilman Russell moved to support the recommendation of the Boards & Commissions Committee and (1) appoint Scott Dedman, William Irby, Allison Bond, Brian Alexander, Barber Melton, Lindsey Simerly and Anthony Goodson Jr. to each serve a three-year term, or an initial two-year term respectively, until their successors have been appointed; and (2) interview Paul Reeves, M. Mae Creadick, David Dills and Richard Warren. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 34 – PAGE 129

RESOLUTION NO. 11-166 - RESOLUTION APPOINTING A MEMBER TO THE POLICE OFFICERS AND FIREFIGHTERS DISABILITY REVIEW BOARD

Vice-Mayor Newman, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Police Officers and Firefighters Disability Review Board.

Mr. James Lewis has resigned from the Police Officers and Firefighters Disability Review Board, thus leaving an unexpired term until July 19, 2012.

The following individual has applied for this vacancy: Christopher James Bradford.

The Boards & Commissions Commission recommended appointing City Clerk Magdalen Burleson.

Vice-Mayor Newman moved to appoint Magdalen Burleson to serve the unexpired term of Mr. Lewis, term to expire July 19, 2012, or until her successor has been appointed. This motion was seconded by Councilman Davis and carried unanimously.

RESOLUTION BOOK NO. 34 – PAGE 130

RESOLUTION NO. 11-167 - RESOLUTION APPOINTING A MEMBER TO THE RIVER DISTRICT DESIGN REVIEW COMMITTEE

Vice-Mayor Newman, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the River District Design Review Committee.

The term of Mark Allison will expire on September 1, 2011.

The following individuals have applied for the vacancy: Darren Green, Chase Brugh, Philip Ellis, Jay Marino, Laurie K. Miller, Tadd Clarkson, Stuart Smith, Michael McDonough and Leslie McCormick.

The Boards & Commissions Commission recommended reappointing Mr. Mark Allison.

Vice-Mayor Newman moved to reappoint Mark Allison to serve an additional three-year term, term to expire September 1, 2014, or until his successor has been appointed. This motion was seconded by Councilman Davis and carried unanimously.

RESOLUTION BOOK NO. 34 – PAGE 131

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Jim MacKenzie suggested working with the City on trying to get tourists to volunteer one or two days with a non-profit. Under direction from Council, City Manager Jackson said that he would contact Mr. MacKenzie and have him contact the City's Neighborhood/Volunteer Coordinator.

Rev. Christopher Chiaronmonte spoke about the homeless issue in Asheville.

Rev. Lisa Landis spoke about the shutting down of URTV and why no one will tell her why they were denied funding.

Mr. Chris Oaks was opposed to street preachers using amplification in the downtown area. Mayor Bellamy noted that City Attorney Oast is researching that issue.

Mr. Fred English thanked Vice-Mayor Newman for his service with the City of Asheville.

Lawsuits

A civil action has been commenced in Superior Court on July 13, 2011, regarding Marc Tickle vs. City of Asheville and Randall S. Rhodes. The nature of the proceeding is a complaint for negligence. This matter will be handled by an attorney outside the City Attorney's Office.

The City was served with a Complaint on August 1, 2011, from Fannie Bishi vs. City of Asheville and Ivan Petrovich Dariy. The Complaint is for negligence. This matter will be handled by an attorney outside the City Attorney's Office.

Closed Session

At 8:08 p.m., Councilman Smith 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); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including a lawsuit involving the following parties: City of Asheville; J. Jerome Jensen, et al (Biltmore Lake Annexation). The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a) (3); and (3) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the

information privileged and confidential is N.C.G.S. 143-318.10(e). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1). This motion was seconded by Councilman Russell and carried unanimously. This motion was seconded by Councilman Davis and carried unanimously.

At 8:34 p.m., Councilman Russell moved to come out of closed session. This motion was seconded by Councilman Davis and carried unanimously.

VIII. ADJOURNMENT:

Mayor Bellamy adjourned the meeting at 8:34 p.m.

CITY CLERK

MAYOR