

Tuesday – May 14, 2013- 5:00 p.m.

Regular Meeting

Present: Mayor Terry M. Bellamy, Presiding; Vice-Mayor Esther E. Manheimer; Councilman Cecil Bothwell; Councilman Jan B. Davis; Councilman Marc W. Hunt; Councilman Christopher A. Pelly; Councilman Gordon D. Smith; City Manager Gary W. Jackson/Deputy City Manager Jeffrey B. Richardson; Assistant City Attorney Martha McGlohon; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Bellamy led City Council in the Pledge of Allegiance.

INVOCATION

Vice-Mayor Manheimer gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MAY 19-25, 2013, AS "NATIONAL PUBLIC WORKS WEEK"

Mayor Bellamy read the proclamation proclaiming May 19-25, 2013, as "National Public Works Week" in the City of Asheville. She presented the proclamation to various individuals from the different divisions in the Public Works Department.

B. PROCLAMATION PROCLAIMING MAY 19, 2013, AS "JOYRIDE FOR LIVESTRONG DAY"

Mayor Bellamy read the proclamation proclaiming May 19, 2013, as "JOYride for Livestrong Day" in the City of Asheville. She presented the proclamation to Ms. Laurie Masterson, who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

At the request of Vice-Mayor Manheimer Consent Agenda Item "P" was removed from the Consent Agenda due to a conflict of interest.

A. APPROVAL OF THE MINUTES OF THE COMMUNITY BUDGET MEETING HELD ON APRIL 18, 2013, THE REGULAR MEETING HELD ON APRIL 23, 2013; AND THE SPECIAL MEETING HELD ON MAY 7, 2013

B. RESOLUTION NO. 13-89 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY REAL PROPERTY ON (1) SHORT STREET TO WILLIAM OMARK AND CHERYL HARRIS; (2) S. BEAUMONT STREET TO JEFFREY BLACK; AND (3) ON HANSEL AVENUE TO TRACY BRITT PLEMMONS

Summary: The consideration of a resolution declaring the high bidders for the sealed bid sale and authorizing the conveyance of three parcels of City owned property, known as the Short Street lot, S. Beaumont Lot, and Hansel Avenue lot.

The City of Asheville owns three properties that are currently designated as surplus, residential, vacant lots – the Short Street lot (0.12 acres, PIN 9649-11-8703-00000), S. Beaumont lot (0.204 acre, PIN 9648-69-7439-00000) and Hansel Avenue lot (0.69 acres, – PINs 9638-49-6279-00000 and 9638-49-6460-00000). On March 26, 2013, Council authorized staff to proceed in marketing the properties for sale under the sealed bid process. In the 30 day period that followed, the properties were posted for sale, listed on the local Multiple Listing Service (MLS), and advertised online. Staff received several inquiries for each parcel.

On May 3, 2013, the bid opening was held and the results are as follows:

- (1) Short Street – Of the three bids received, the highest bidder was William Omark and Cheryl Harris at \$75,747.
- (2) S. Beaumont Street – Of the four bids received, the highest bidder was Jeffrey Black at \$41,000.
- (3) Hansel Avenue – One bid was received, therefore the highest bidder was Tracy Britt Plemmons at \$22,000. (Hansel Avenue was the only property to receive a sole bid. This is likely due to the fact that a sewer line constraints most of the buildable area of the property.)

For each property, the highest bid is consistent with the estimated fair market value. At this time, staff is recommending that Council authorize the sale of each property to the highest bidder as listed above.

This action complies with the City Council Strategic Operating Plan by supporting Fiscal Responsibility, through disposition of real property at market value.

Pros:

- The sale will be at fair market value as established by the sealed bid process.
- It will return property not needed for public use to the tax rolls.
- It will transfer responsibility for maintenance to the private sector.

Con:

- There is no negative impact.

The proceeds from the sale of the S. Beaumont and Short Street parcels will benefit the Community Development Block Grant fund. The sale of the Hansel Avenue parcel will benefit the General Fund and will be designated for future economic and community development projects.

Economic Development staff recommends adoption of the resolution authorizing the conveyance of three parcels of City owned property, known as (1) Short Street lot, (2) S. Beaumont Lot, and (3) Hansel Avenue lot.

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C. RESOLUTION NO. 13-90 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH BUCHANAN AND SONS INC. FOR THE SPRING 2013 WATER SYSTEM NEIGHBORHOOD ENHANCEMENT PROJECTS

ORDINANCE NO. 4183 - BUDGET AMENDMENT FOR THE 2013 WATER SYSTEM NEIGHBORHOOD ENHANCEMENT PROJECTS

Summary: The consideration of a resolution authorizing the City Manager to enter into a construction agreement with Buchanan and Sons, Inc. for the bid amount of \$770,712.50 plus a

contingency amount of \$115,606.50 for a total project amount of \$886,319.00 for the Spring 2013 Water System Neighborhood Enhancement Projects; and a budget amendment in the amount of \$728,819.00 from savings in other capital projects that were completed under budget and from combining three capital projects into one.

This project will consist of three separate job sites: (1) Chatham Road which is approximately 1380 LF of 6-inch ductile iron pipe; (2) Courtland Avenue which is approximately 1900 LF of 6-inch ductile iron pipe and approximately 200 LF of 8-inch ductile iron pipe; and (3) Long Street / Woodvale Avenue which will consist of the installation of approximately 1980 LF of 6-inch ductile iron pipe with related appurtenances and materials required in order to complete the work. The Water Resources Department (WRD) issued an Advertisement For Bids for the construction project. In response to the Advertisement For Bids, the WRD received five (5) proposals. Companies responding were:

1. Buchanan and Sons, Inc – Whittier, NC
2. Buckeye Construction Company, Inc. –Canton, NC
3. Carolina Specialties Construction, LLC – Hendersonville, NC
4. Huntley Construction Company, Inc. – Asheville, NC
5. T&K Utilities, Inc.– Asheville, NC

A review team comprised of City Staff reviewed these bids and selected Buchanan and Sons, Inc., as the lowest responsible bidder at a bid of \$770,712.50. A contingency amount of \$115,606.50 has been added for a total project amount of \$886,319.00.

This project is part of City Council's strategic plans to improve city infrastructure and provide local (WNC) companies with labor opportunities.

Pros:

- This project will replace existing waterlines with a durable and sustainable water system for the associated neighborhoods. The existing waterlines are undersized for adequate fire protection and due to age, have a high failure rate causing costly repairs for the City and Water Resources Department and frequent outages for the customers.
- This project is aligned with the City and Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.
- Approval of the construction contract to the lowest responsible bidder will invest City funds in the local regional economy.

Con:

- Failure to award a construction contract would prevent the completion of these important waterline system improvements.

The Water Resources Department currently has \$352,500.00 budgeted for the overall project, but these funds are currently split into three separate projects and need to be combined into one. The remaining funds of \$533,819.00 needed for the contract will be transferred from other Water Resources capital projects that are completed and under budget. In order to use the funds from the other project budgets, a budget amendment is necessary.

Amount in Chatham Road WL Project	\$125,000.00
Amount in Long Street WL Project	\$ 70,000.00
Amount in Courtland Avenue WL Project (to be renamed Spring 2013 NEP)	\$157,500.00
<u>Amount in Completed Projects (Capital Reserves)</u>	<u>\$533,819.00</u>
Total Amount Needed for Project, including	
Contingency	\$886,319.00

The amount remaining in Water Capital Reserves will be reallocated to other capital projects as the need arises. Staff will seek Council approval on any future reallocation of these funds.

City staff recommends City Council approval of the City Manager to enter into a construction agreement with Buchanan and Sons, Inc. for the bid amount of \$770,712.50 plus a contingency amount of \$115,606.50 for a total project amount of \$886,319.00 for the Spring 2013 Water System Neighborhood Enhancement Projects; and a budget amendment in the amount of \$728,819.00 from savings in other capital projects that were completed under budget and from combining three capital projects into one.

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D. ORDINANCE NO. 4184 - ORDINANCE AMENDING THE FEES & CHARGES MANUAL SO THAT STREET CUT FEES CAN BE USED TO RECOVER THE FULL COST OF THE SERVICES PROVIDED

Summary: The consideration of an ordinance amending the Fees and Charges Manual such that the Street Cut Permit fees can be used to recover the full cost of services provided.

The City of Asheville requires utility companies and contractors when placing or repairing utilities, to obtain a permit prior to cutting into any of its streets, sidewalks, alleys, squares or other public right-of-ways. Each application for a cut permit shall be accompanied by the required permit fee as set forth in the City's fees and charges manual. If the cut work extends beyond ten working days, a penalty shall be assessed in addition to the regular permit fee. In addition, any person who cuts into a public right-of-way without first obtaining the cut permit required shall be charged a penalty.

Demand for street cut permits is expected to increase during fiscal year 2013-2014, due to an increase in planned permitted work to be performed by the Metropolitan Sewerage District of Buncombe County. The increase in demand will require the use of additional resources including an additional full time construction inspector. The operational costs involved in issuing this permit include administration of the permit application and on site inspection of the repaired cut. The on site inspection typically takes 30 minutes, but is dependent on the size of the cut.

Staff has evaluated the costs involved with delivering the services associated with this fee, and recommends a fee increase to allow for full cost recovery.

This action complies with the City Council Strategic Operating Plan goal of Fiscal Responsibility by operating the City of Asheville to the highest levels of fiscal responsibility. This action also promotes Job Growth & Community Development by creating a more collaborative and effective working partnership between the City of Asheville and the Metropolitan Sewerage District of Buncombe County.

Pros:

- The Street Cut enterprise fund will be able to fully recover costs involved with the service
- Strengthens the City's partnership with MSD by working collaboratively to develop a plan for service which meets both organizations needs
- Supports diversified job growth and business development by the creation of a new position

Con:

- Increased expense for local contractors and utilities.

An increase in revenue would occur for the Street Cut enterprise fund. This additional revenue will allow for additional resources to better serve the customers of the program. The additional revenue generated will also help to ensure that the enterprise fund is not subsidized by the general fund.

City staff recommends City Council adopt an ordinance to amend the Fees and Charges Manual.

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E. RESOLUTION NO. 13-91 - RESOLUTION AUTHORIZING CITY STAFF TO SUBMIT A GRANT APPLICATION TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION TO PREPARE A COMPREHENSIVE MULTIMODAL TRANSPORTATION PLAN FOR THE CITY OF ASHEVILLE

Summary: The consideration of a resolution authorizing staff to submit a grant application to the French Broad River Metropolitan Planning Organization, requesting \$200,000 in federal funds to prepare a comprehensive multi-modal transportation plan for the City of Asheville.

City staff proposes the development of a comprehensive multi-modal transportation plan in the next fiscal year. Over the years the City of Asheville has developed transportation plans for individual modes of transportation. The City currently has an adopted pedestrian plan, bicycle plan, greenways plan, transit master plan, and a complete streets policy. Now the city has a need to integrate these plans into a comprehensive multi-modal transportation plan that will include these modes of transportation, plus consider automobile and freight traffic.

The French Broad River Metropolitan Planning Organization has released a call for applications for transportation planning studies, and will award grant amounts up to \$200,000. The required minimum match is 20%. Staff anticipates that the total cost of the multi-modal transportation plan will be \$250,000. Therefore the city is requesting \$200,000 in MPO funds. The city match is projected to be \$50,000. Staff will include funding for the City match in the FY 2013-14 Proposed Budget.

This plan will draw from existing transportation plans, but will also involve gathering new information through data collection and public involvement. The resulting plan will identify key destinations throughout the city, and determine the best connections between these destinations, identify specific corridor improvements, and prioritize these corridors. The planning process will develop a hierarchy of projects with estimated costs that covers all modes of transportation. This will allow the city to prioritize and implement multi-modal connections and complete streets.

This project supports the City of Asheville's Strategic Operating Plan under the goals of Multi-Modal Transportation, and Job Growth and Community Development. In addition the project supports the integration of numerous city plans including the greenways master plan, the transit master plan, the pedestrian plan, and the comprehensive bicycle plan.

Pros:

- City Council has identified Multi-Modal Transportation as a key strategic goal of the city.
- Existing planning documents will be integrated into one multi-modal plan.
- There is an opportunity to fund the planning project with 80% federal funds.

Con:

- The project requires a minimum of 20% matching funds.

The initial grant application does not have a direct fiscal impact. If awarded, the projected fiscal impact to the City of Asheville will be \$50,000. As noted above, staff will include funding for the City match in the FY 2013-14 Proposed Budget. If the City does not receive the grant, the match will be held in contingency and not spent.

City staff recommends City Council adopt a resolution authorizing staff to submit a grant application to the French Broad River Metropolitan Planning Organization, requesting \$200,000 in federal funds to prepare a comprehensive multi-modal transportation plan for the City of Asheville.

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F. RESOLUTION NO. 13-92 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT JOY RIDE ON MAY 19, 2013

RESOLUTION NO. 13-93 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL ON MAY 24, 25 AND 26, 2013

RESOLUTION NO. 13-94 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT RIVERFEST ON AUGUST 10, 2013

RESOLUTION NO. 13-95 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE AVL CX EVENT ON SEPTEMBER 21, 2013

RESOLUTION NO. 13-96 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE ON OCTOBER 5, 2013

RESOLUTION NO. 13-108 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE VENTURE ASHEVILLE EVENT ON MAY 20, 2013

Summary: The consideration of a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at Joy Ride on May 19, 2013; Mountain Sports Festival on May 24, 25 and 26, 2013; Riverfest on August 10, 2013; AVL CX on September 21, 2013; Blue Ridge Pride on October 5, 2013; and Venture Asheville on May 20, 2013.

Review:

- YMCA of Western North Carolina has requested through the City of Asheville Development Services Department that City Council permit the sale of beer and/or unfortified wine at Joy Ride and allow for consumption at this event.

Joy Ride will be held on Sunday, May 19, 2013, from 1:00 p.m. – 6:00 p.m. at Carrier Park.

- Mountain Sports Festival has requested through the City of Asheville Development Services Department that City Council permit the sale of beer and/or unfortified wine at Mountain Sports Festival and allow for consumption at this event.

Mountain Sports Festival will be held on Friday, May 24 from 4:00 p.m. – 10:00 p.m., Saturday, May 25 from 10:00 a.m. – 10:00 p.m. and Sunday, May 26 from 12:00 p.m. –

6:00 p.m. within the boundaries of Carrier Park, as per the area limits referenced on a site map.

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

Riverfest will be held on Saturday, August 10, 2013 from 1:00 p.m. – 7:00 p.m. within the boundaries of French Broad River Park, as per the area limits referenced on a site map.

- WNC Trips for Kids has requested through the City of Asheville Development Service Department that City Council permit them to serve beer and/or unfortified wine at AVL CX and allow for consumption at this event.

AVL CX will be held on Saturday, September 21, 2013 from 3:00 p.m. to 8:00 p.m. within the boundaries of Carrier Park, as per the area limits referenced a site map.

- Blue Ridge Pride, Inc. has requested through the City of Asheville Development Services Center that City Council permit them to serve beer and/or unfortified wine at Blue Ridge Pride and allow for consumption at this event.

Blue Ridge Pride will be held on Saturday, October 5, 2013 from 12:00 p.m. to 6:00 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.

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

Venture Asheville will be held on Monday, May 20, 2013 from 11:00 a.m. to 6:00 p.m. within the boundaries Pack Square Park's Raised Lawn, Vance Median and North Pack Square 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 YMCA of Western North Carolina, Mountain Sports Festival, Riverlink, WNC Trips for Kids, and Blue Ridge Pride, Inc.

Con:

- Potential for public safety issues

City staff recommends City Council adopt resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at Joy Ride, Mountain Sports Festival, Riverfest, AVL CX, Blue Ridge Pride and Venture Asheville.

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RESOLUTION NO. 13-96 - RESOLUTION BOOK NO. 35 - PAGE 288
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G. RESOLUTION NO. 13-97 - RESOLUTION OF INTENT TO CLOSE AN UNOPENED RIGHT-OF-WAY BETWEEN TARPON AND CRAGGY AVENUES AND SETTING A PUBLIC HEARING ON JUNE 11, 2013

Summary: The consideration of a resolution of intent to permanently close an unopened right-of-way between Tarpon and Craggy Avenues and to set the public hearing on June 11, 2013.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owners, Bob and Caryn Hanna, Jody Guokas, Isaac Savage, Jim and Nancy Herrig, James and Martha Roberson, and Michael Kohnle and Deidre Duffy have requested the City of Asheville to permanently close the unopened right-of-way between Tarpon and Craggy Avenues

The Greenway Commission met on May 9, 2013. They voted to approve the right-of-way closure.

This closure allows maximum land use potential for further development complying with the Asheville City Development Plan, Land Use. The Strategic Plan Goals most closely aligned with this closure request is the Job Growth and Community Development Goal in that it will provide infill growth to make efficient use of existing resources.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close several portions of unopened rights of way and City streets within the Montford Commons area and to set the public hearing for June 11, 2013.

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H. RESOLUTION NO. 13-98 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TROTT COMMUNICATIONS GROUP FOR SERVICES SURROUNDING THE CITY OF ASHEVILLE'S PLANNED PUBLIC SAFETY RADIO SYSTEM UPDATE

ORDINANCE NO. 4185 - BUDGET AMENDMENT FOR THE CITY'S PUBLIC SAFETY RADIO SYSTEM UPDATE

Summary: The consideration of (1) a resolution authorizing the City Manager to execute a contract with Trott Communications Group for services surrounding the City of Asheville's planned public safety radio system update; and (2) a project budget amendment for the cost of the contract in the amount of \$142,600 from debt proceeds.

The City of Asheville's Motorola radio system will soon be reaching the end of its lifecycle. This means that parts will be difficult to obtain, and that system failure could create unacceptable communication gaps for public safety.

Because of the importance and expense of this key public safety radio infrastructure update project, Trott will be assisting the City of Asheville's IT Services, Police Department, and Fire Department with the following services:

- Extending the lifecycle of the current Motorola radio system as much as possible
- Refining vendor budgetary estimates so that staff and City Council can better understand budgetary impact of system replacement
- Building a competitive RFP for the system update that will seek best value for maximum public safety service
- Assisting with vendor negotiations based on deep experience with radio vendor negotiations with other municipalities with significant buyer power
- Analysis of regional radio partnership efforts, assistance in creating a practical game plan which could save budget dollars in the short- and long-term, as well as boost interoperability between agencies

Although it is easy to look at technology as an optional expense, it is important to remember that radio communications are essential to not only providing public safety services to our community, but also allowing first responders to transmit emergency communications when they are in imminent danger and need resources quickly, sometimes in a period of seconds, where traditional telephone communications would introduce dangerous delay. During times where the systems are impaired, public safety agencies would be impaired in response. For example, AFD may be able to provide defensive operations only, meaning command staff could not commit firefighters or police officers into hostile situations. One chief has recently said that on a scale of 1-10, during a system outage, agency readiness drops from a 10 to a 3.

To choose the appropriate service firm, the City of Asheville ran an exhaustive selection process, which involved the Chief's designees from Asheville Fire Department and Asheville Police Department, as well as representatives from our key public safety partner, Buncombe County. Firms were evaluated in their responsiveness to an RFQ on criteria including adherence to RFQ specifications; prior service experience with projects of similar scale, technology type, and complexity; demonstrated understanding of FCC and other regulatory requirements; professional qualification of individuals assigned to the project; and history of effective budget and schedule. After an initial screening, shortlist candidates were further evaluated through interview, reference checks, and relevant follow up.

This action complies with City Council's strategic plan, as it seeks to improve the public's safety through maintaining a sustainable emergency responder communications system ("Safe" priority), while doing so in a strategic, competitive manner ("Affordable" and "Fiscal Responsibility" priorities).

Pros:

- Ability to move forward on a key project with an experienced service provider
- Service provider has excellent public safety references, which document a proven ability to handle specialized tasks such as planning in-building coverage, mountainous terrain coverage, and working to obtain 800 and 700 Mhz licensing from the FCC
- Service provider has worked with many similar projects in a recent time frame, giving them a unique perspective on market pricing of radio systems
- Moving forward on a planned expert assessment, competitive RFP, and implementation is a more fiscally sound and responsible methodology of updating the system, versus sole-source upgrade of a system and radio coverage maps that were specified well over 15 years ago.

Cons:

- Expense of services

- Staff time utilized during assessment process

Staff is requesting that City Council adopt a budget amendment in the amount of \$142,600 to establish a project budget for the contract. The funding for the contract with Trott Communications Group will come from savings in prior year projects that were funded with debt proceeds. The total anticipated cost for the public safety radio system update is expected to be approximately \$6.0 million. The full budget for the update will be included in the City's FY 2013-14 Proposed Capital Improvement Program that is scheduled to be presented to City Council on May 28. The City plans to borrow \$6.0 million in FY 2013-14 to fund the radio system update. Debt service payments would begin in FY 2014-15, with first year payments estimated to be approximately \$765,000.

City staff recommends that City Council adopt: 1) a resolution authorizing the City Manager to sign a contract with Trott Communications Group in an amount not to exceed \$142,600, and 2) a project budget amendment for the cost of the contract in the amount of \$142,600 from debt proceeds.

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I. ORDINANCE NO. 4186 - ORDINANCE AMENDING THE CIVIL PENALTIES IN APPENDIX B OF THE CODE OF ORDINANCES FOR HANDICAPPED PARKING VIOLATIONS, FIRE LANE PARKING VIOLATIONS AND CLASS D FIRE CODE VIOLATIONS

Summary: The consideration of an ordinance amending the civil penalties in Appendix B of the Code of Ordinances for handicapped parking violations from \$100 to \$250, fire lane parking violations from \$35 to \$50, and Class D fire code violations (obstructing fire apparatus roads and fire hydrants) from \$35 to \$50.

North Carolina General Statute # 20-37.6 authorizes municipalities in North Carolina to enforce the state statute pertaining to handicapped parking in the same manner as other parking offenses are enforced within the municipality. Parking violations within the City of Asheville are enforced by the assessment of civil penalties. Under NCGS # 20-37.6, a violation of the statute is an infraction which carries a penalty of at least \$100 but not more than \$250.

The City of Asheville issues about 850 handicapped parking citations during a typical year which equates to \$85,000. Most of the handicapped parking citations are issued for infractions in parking areas for commercial businesses (for example, Ingles, Wal-Mart, Asheville Mall, etc.) by a group of volunteers who are trained by the city for this specific purpose. Staff believes the subject action would help decrease the number of infractions at handicapped parking spaces.

Prior to February 1996, the City of Asheville had three fee amounts for fire lane parking violations. The Parking Services Division issued fire lane parking violations in the amount of \$10, the Asheville Police Department issued fire lane parking violations in the amount of \$25, and the Asheville Fire Department issued fire lane parking violations in the amount of \$35. Ordinance # 2264, which was approved on February 27, 1996, amended Appendix B of the City Code of Ordinances to make all fire lane parking violations consistent in the amount of \$35.

The City of Asheville issues about 200 +/- fire lane parking violations during a typical year and staff believes the subject action would emphasize the seriousness of the offense and hopefully decrease the number of violations.

Appendix B includes civil penalties for Class D fire code violations that are currently set at \$35. Class D fire code violations include obstructing fire apparatus roads and fire hydrants. Staff

believes that by raising the penalty to \$50 it would emphasize the seriousness of the offense and hopefully decrease the number of violations.

This action complies with the City Council Strategic Operating Plan in the safe focus area by encouraging citizens to comply with existing policies and ordinances.

This item has been reviewed by the Council's Public Safety Committee and it received the Committee's endorsement on April 22, 2013 (Class D fire code violations including obstructing fire apparatus roads and fire hydrants were not specifically discussed at the meeting).

Pros:

- Encourages citizens to comply with existing policies and ordinances.
- Decreases the number of offenders (citations).
- Aids in improving response times (fire code violations).
- Aids in keeping handicapped parking spaces available for the citizens that need them.

Con:

- Increases financial liability to offenders.

There would be no negative fiscal impact to the Parking Enterprise Fund or the General Fund with the subject action. Staff believes and is hopeful that the subject action will decrease the number of citations written and as a result, it would probably be revenue neutral.

Staff recommends that City Council approve an ordinance amending the civil penalties in Appendix B of the Code of Ordinances for handicapped parking violations from \$100 to \$250, fire lane parking violations from \$35 to \$50, and Class D fire code violations (obstructing fire apparatus roads and fire hydrants) from \$35 to \$50.

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J. RESOLUTION NO. 13-99 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ARMEN CONSTRUCTION LLC FOR THE PROJECT KNOWN AS VANCE CRESCENT STREET - OLNEY ROAD SIDEWALK IMPROVEMENT PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract in the amount of \$159,647 plus a contingency of 20% (\$32,000) with Armen Construction, LLC. for the project known as Vance Crescent Street – Olney Road Sidewalk Improvements, City of Asheville Project # ENG-11-12-010.

The sidewalks on Vance Crescent St. and Olney Rd. are in such poor condition that they are a liability to the City of Asheville. Trip hazards of an extreme nature proliferate the project site due to invasive tree roots. City staff has held numerous meetings with homeowners in the neighborhood to determine what the best, most agreeable solution would be to correct the problems while limiting any tree removal. Part of the solution was to move a portion of the walk into the edge of the street and make the street One-Way. The Fire, Sanitation and Transportation Departments have approved of the change. The project was advertised and on March 27, 2013, bids were opened with Armen Construction, LLC of Charlotte, NC, being the lowest responsible bidder with a bid of \$159,647. This was in line with the Engineer's Estimate of \$161,782. A 20% contingency (\$32,000) has been added to allow payment for any unforeseen costs that typically arise during construction. The work produced from contract would help protect the City from claims arising from falls due to the poor condition of the sidewalks and make for safer passage for pedestrians in the neighborhood.

This action complies with the City Council Strategic Operating Plan in that it will continue construction and maintenance of pedestrian and bicycle infrastructure.

Pros:

- Will repair approximately 1,800 linear feet of sidewalk within the Asheville City limits.
- Improves pedestrian safety.
- Encourages walking, thereby reducing carbon emissions.
- Reduces the City's liability in regards to claims from trips and falls.

Cons:

- The project will cost the City approximately \$159,647.
- Project management and contract administration will consume staff time.

This project will cost approximately \$159,647. The budget of \$192,000 for this project is already included in the City's adopted FY 2012-13 sidewalk maintenance budget.

City staff recommends City Council adopt a resolution awarding the contract to Armen Construction, LL. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$159,647 plus a contingency of 20% (\$32,000) with Armen Construction, LLC for the project known as Vance Crescent Street –Olney Road Sidewalk Improvements, City of Asheville Project # ENG-11-12-010.

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K. RESOLUTION NO. 13-100 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MULTI-YEAR AGREEMENT AND ISSUE PURCHASE ORDERS FOR THE EQUIPMENT LEASE, INSTALLATION, MAINTENANCE, AND PRODUCT PURCHASE OF LIQUID OXYGEN FROM AIR PRODUCTS & CHEMICAL FOR USE AT THE MILLS RIVER WATER TREATMENT PLANT

Summary: The consideration of a resolution by City Council authorizing the City to enter into a multi-year agreement and issue Purchase Orders for a period of five years with three possible one year contract extensions, contingent upon funding, for the equipment lease, installation, maintenance, and product purchase of Liquid Oxygen from Air Products & Chemical for use at the Mills River Water Treatment Plant.

The water treatment plant process at the Mills River Water Treatment Plant is more complex than at the North Fork and William DeBruhl facilities; it includes ozone treatment for disinfection. Liquid Oxygen is needed in order to produce ozone needed for the treatment process at the Mills River facility. For many years, the City has contracted with Praxair, Inc., for the liquid oxygen product and lease of the equipment. Although the product and service from Praxair have been acceptable, the contract originated with the Regional Water Authority. To comply with the City's current contracting policies and remain competitive, staff solicited bids.

City Council previously authorized the City to enter into a five (5) year contract with up to three (3) one (1) year extensions due to the expense and complexity of the equipment. The City is requesting that those same conditions apply to the new contract. The new contract will include the product, equipment lease, installation, and maintenance.

The Water Resources Department issued a Request for Proposals (RFP) for Liquid Oxygen Procurement. In response to that RFP, the department received three (3) proposals. Companies responding and their associated five year costs were:

1. Praxair, Inc. – Danbury, Connecticut; \$313,224.00
2. Air Liquide – Countryside, Illinois; \$464,200.00
3. Air Products & Chemicals – Allentown, Pennsylvania; \$284,250.00

A review team, comprised of staff from the City of Asheville Water Resources and Purchasing Departments reviewed these proposals and selected Air Products & Chemicals as the lowest responsive, responsible vendor. The agreement with Air Products & Chemicals will automatically renew for three (3) successive one (1) year terms unless either party gives a 12-month notice to terminate.

This project is part of City Council's strategic plan to maintain city infrastructure and to operate the City of Asheville to the highest levels of fiscal responsibility.

Pros:

- This project will continue to supply Liquid Oxygen to the Mills River Water Treatment Plant for the production and distribution of water to customers served by the plant.
- The agreement for the supply of Liquid Oxygen will be brought up-to-date with the City's current contracting policies.

Con:

- While the old equipment is being removed and the new equipment installed, Mills River will use an alternate form of treating the water without using ozonization.

The estimated cost is \$56,850.00 annually or \$284,250.00 for the 5-year initial term. These costs are currently budgeted for in the Water Resources Department / Water Production Division Chemical Operations Line Item. The department does not expect to realize any cost savings in the first year due to the cost of removing the old Liquid Oxygen tanks and equipment. Cost savings may be realized over the course of the 5-year initial term.

City staff recommends City Council authorize the City to enter into a multi-year agreement and issue Purchase Orders for a period of five years with three possible one year contract extensions, contingent upon funding, for the equipment lease, installation, maintenance, and product purchase of Liquid Oxygen from Air Products & Chemical for use at the Mills River Water Treatment Plant.

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L. RESOLUTION NO. 13-101 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER FOR THE FAIRVIEW SERVICE AREA WATER SYSTEM IMPROVEMENTS PHASE I PROJECT

Summary: The consideration of a resolution by City Council authorizing the City Manager to enter into a professional services agreement with Hazen and Sawyer for the proposed amount of \$95,700.00 plus a 10% contingency amount of \$9,570.00 for a total project amount of \$105,270.00 for the Fairview Service Area Water System Improvements Phase I.

The southeastern portion of the City of Asheville's water system, referenced as the Fairview service area, is currently serviced with a high capacity pumping station and two major ground storage reservoirs. The South Buncombe Reservoir (5 MG) supplies suction to the South Buncombe booster pumping station, which discharges into the Concord Road reservoir (1 MG) creating the Concord Tank pressure zone. The Concord Tank reservoir pressure is reduced through a pressure reducing valve to create the Mine Hole Gap pressure zone. Formerly, the Mine Hole Gap pressure zone was supplied by its own pumping station and reservoir. There are also several small pressure zones served by localized pump stations and ground storage tanks within these two major pressure zones.

Over time, increased growth and changes to the water system have made it more difficult to meet water capacity demands in this service area. It is the City of Asheville's desire to improve capacity and delivery methods for the service area. Also, lower areas within these pressure zones, particularly along the Cane Creek Road corridor, experience operating pressures far in excess of what is required or desirable. Investigating options for pressure reduction strategies in the Fairview Service area will be another component of this study.

The Water Resources Department issued a Request for Qualifications (RFQ) for Engineering Services related to the project. In response to that RFQ, the department received ten (10) proposals. Companies responding were:

4. Hazen and Sawyer – Charlotte, NC
5. Brown and Caldwell – Charlotte, NC
6. Vaughn & Melton – Asheville, NC
7. W.K. Dickson – Charlotte, NC
8. Lamm Engineering Associates, PLLC – Raleigh, NC
9. McGill Associates – Asheville, NC
10. Willis Engineers – Charlotte, NC
11. Brown Consultants, PA – Asheville, NC
12. Weston & Sampson – Charleston, SC
13. Richard Brady & Associates – Matthews, NC

A review team, comprised of staff from the City of Asheville Water Resources Department reviewed these proposals and selected the firm Hazen and Sawyer. Subsequent to this selection, Water Resources met with Hazen and Sawyer and negotiated an Engineering Services Contract in the amount of \$95,700.00. A contingency amount of \$9,570.00 has been added for a total project amount of \$105,270.00.

This project is part of City Council's strategic plan to maintain city infrastructure and to operate the City of Asheville to the highest levels of fiscal responsibility.

Pros:

- This project will improve water capacity and delivery methods for the Fairview Service Area.
- This project will also lead to strategies to reduce extremely high water pressure in the service area.

Con:

- If this project is not implemented water delivery and service problems will continue in this area.

The Water Resources Department currently has allocated the funds needed for this professional services agreement in the Capital Projects Fund.

City staff recommends City Council approval of the City Manager to enter into a professional services agreement with Hazen and Sawyer for the proposed amount of \$95,700.00 plus a 10% contingency amount of \$9,570.00 for a total project amount of \$105,270.00 for the Fairview Service Area Water System Improvements Phase I.

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- M. RESOLUTION NO. 13-102 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE CONSTRUCTION OF A LEFT TURN LANE AND THE INSTALLATION OF A NEW TRAFFIC SIGNAL ON NC**

81 (SWANNANOA RIVER ROAD) AT THE INTERSECTION WITH AZALEA ROAD

ORDINANCE NO. 4187 - BUDGET AMENDMENT FOR THE CITY'S SHARE OF THE CONSTRUCTION AGREEMENT

Summary: The consideration of (1) a resolution by City Council authorizing the city manager to enter into a construction agreement with the N.C. Dept. of Transportation (NCDOT) for the construction of a left turn lane and the installation of a new traffic signal on NC 81 (Swannanoa River Road) at the intersection with Azalea Road; and (2) a budget amendment in the amount of \$75,000 from unspent capital reserve funds for the City's share of the cost of the construction agreement.

The City of Asheville is currently designing improvements along Azalea Road as part of the Lake Craig/Azalea Road Project. The project including roadway improvements, provides pedestrian connections, bike lanes, a much needed water line extension to the soccer complex, and removal of fill material within the flood plain.

The City of Asheville has held three public meeting concerning the Lake Craig/Azalea Road Project. At these public meetings, the City received concerns about the need for safety improvements at the intersection of NC 81 and Azalea Road. The City of Asheville approached the NCDOT and asked that they review the intersection to determine if this intersection meets warrants for a traffic signal. The NCDOT reviewed this intersection and found a traffic signal was warranted at this location.

The NCDOT will construct the left turn lane and install the traffic signal this construction season. The NCDOT will be responsible for the maintenance of both the traffic signal and the turn lane.

The project meets City Council Strategic Operating Plan by being fiscally responsible by seeking to partner with NCDOT. The total cost of this project is estimated to be \$150,000, and the City will be responsible for 50% of the cost.

Pros:

- Provide safety improvements along NC 81 and Azalea Road
- Provides opportunity to partner with NCDOT for these safety improvements.

Con:

- Requires an appropriation from unspent capital reserve funds.

The existing project budget for the Lake Craig/Azalea Road project is approximately \$4.2 million, with funding coming from a combination of Senate Bill 7 State Grant monies and Sullivan Act proceeds. The City's share of the cost for constructing the left turn lane and installing the new traffic signal on NC 81 are not part of the existing budget and cannot be funded with either Senate Bill 7 State Grant monies or Sullivan Act proceeds. Therefore, the construction agreement requires that the City amend the budget and appropriate \$75,000 from unspent capital reserve funds. There is currently \$205,000 in unexpended capital reserve funds. After this \$75,000 appropriation, there will be a remaining balance of \$130,000. Staff anticipates appropriating a portion of this remaining balance for the FY 2013-14 CIP.

City staff recommends City Council adopt (1) a resolution authorizing the City Manager to enter into a construction agreement on behalf of the City of Asheville with the N.C. Dept. of Transportation for a project estimated to cost \$150,000, of which the total cash match from the City of Asheville will be half the construction cost estimated to be \$75,000, and the City Manager is further authorized to execute any change orders to said agreement or documents which may arise during construction of said project up to the budgeted amount; and (2) a budget amendment

in the amount of \$75,000 from unspent capital reserve funds for the City's share of the cost of the construction agreement.

**RESOLUTION BOOK NO. 35 - PAGE 296
ORDINANCE BOOK NO. 28 - PAGE**

N. ORDINANCE NO. 4188 - BUDGET AMENDMENT TO PAY WORKERS' COMPENSATION CLAIMS EXPENSES THAT HAVE EXCEEDED THE APPROVED BUDGET AMOUNT

Summary: The consideration of a budget amendment, in the amount of \$500,000, from insurance program reserves to pay workers' compensation claims expenses that have exceeded the approved budget amount.

The City's Fiscal Year 2012-13 adopted budget for the workers' compensation fund totaled \$1,157,774. The budget is established each year to pay premiums, administrative costs, and regular, routine claims. For Fiscal Year 2012-13, claim costs related to a catastrophic accident in the current fiscal year are projected to exceed the City's \$550,000 self-insured retention limit and are greatly impacting the budgeted claims amount in the fund. As a result, staff is requesting a budget amendment in the amount of \$500,000. Budget authorization for this increase will be allocated from reserves set aside in the City's self insured insurance program.

This action complies with the City Council Strategic Operating Plan goal of "Operate the City of Asheville to the highest levels of fiscal responsibility."

Pro:

- Provides budget authorization to fully fund expected workers' compensation claims expenses in the current fiscal year.

Con:

- Requires appropriation from insurance program reserves.

This budget amendment will not impact the General Fund or any of the other operating funds. The budget amendment provides authorization to appropriate \$500,000 from insurance program reserves. The current reserve within the insurance program is adequate to cover FY 2012-13 program expenses. Staff is in the process of developing a reserve policy for both the workers' compensation and general liability funds, and will be bringing this policy to the City's Finance Committee and eventually City Council later this year.

City staff recommends City Council approve the budget amendment appropriating \$500,000 from insurance program reserves to pay workers' compensation claims expenses that have exceeded the approved budget amount.

ORDINANCE BOOK NO. 28 - PAGE

O. ORDINANCE NO. 4189 - BUDGET AMENDMENT FOR A PART-TIME TEMPORARY INTERN IN THE OFFICE OF SUSTAINABILITY

Summary: The consideration of a budget amendment, in the amount of \$ 1,800, from Warren Wilson College, to appropriate revenue and budget expenditure accounts associated with the payment for a part time temporary intern.

The City of Asheville and Warren Wilson College (WWC) formed a strategic partnership in June 2007 to collaborate in our efforts to reduce green house gas emissions. A valuable part of this partnership is to provide professional development opportunity to WWC students. Warren

Wilson College will provide the funds for payment to this intern upon approval of this budget amendment request.

The Sustainability Education Intern will support energy efficiency outreach efforts in the Office of Sustainability.

This action complies with the City Council Strategic Operating Plan in the following ways: (1) Seek efficiencies in master plan implementation by identifying plan interdependencies, funding sources and key partnerships; (2) Expand partnerships with institutions to achieve common goals; (3) Identify strategies and costs for increasing the city's annual energy reduction goal to 4%.

Pro:

- Internship supports the City Office of Sustainability efforts to reduce carbon footprint of city operations

Con:

- None identified.

The \$1,800 for the intern's stipend will be funded through Warren Wilson College to be paid through the City of Asheville.

City staff recommends City Council adopt the budget amendment to appropriate revenue and budget expenditures associated with payment of the intern's stipend.

ORDINANCE BOOK NO. 28 - PAGE

P. RESOLUTION AUTHORIZING THE EXECUTION OF A \$1,150,000 INSTALLMENT FINANCING CONTRACT WITH TD BANK FOR THE PURCHASE OF VEHICLES AND COMPUTER EQUIPMENT

This item was pulled from the Consent Agenda due to a conflict of interest by Vice-Mayor Manheimer.

Q. RESOLUTION NO. 13-104 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE WATER RESOURCES DEPARTMENT TO PARTNER WITH THE MILLS RIVER PARTNERSHIP TO IDENTIFY PROJECTS DIRECTLY RELATED TO WATER QUALITY PROTECTION OR IMPROVEMENT IN THE MILLS RIVER WATERSHED WITH THE UNDERSTANDING THAT ANY FUTURE ALLOCATIONS AND EXECUTED CONTRACT WOULD NEED CITY COUNCIL APPROVAL

Summary: The City of Asheville Water Resources Department and the City of Hendersonville contracted with McGill Associates to review the 2002 Mills River Watershed Management Strategy document and provide an assessment based on changes in the status of the watershed and supporting information. The Mills River Partnership (MRP) has secured funding from the City of Hendersonville and outside sources to implement steps aimed at Mills River watershed protection. The City of Asheville has been asked to consider a level of financial support for the MRP activities.

The North Carolina Clean Water Management Trust Fund awarded a grant to the MRP in August 1999. In addition to several projects targeted to improve water quality in the Mills River watershed, the management strategy document ("The Mills River Watershed Management Strategy") was funded. In 2002, the MRP Planning Committee and the Land-of-Sky Regional Council released the study. This report covered a description of the watershed area and the activities in the watershed, the results of water quality assessments, and a compilation of management strategies.

The funding for projects within the watershed, and to some extent the MRP, declined after several years following the 2002 report. The MRP regrouped about three (3) years ago and began seeking funding to perform some of the tasks identified in the 2002 document. The Partnership approached the City of Asheville, the City of Hendersonville, and the Town of Mills River requesting funding for a variety of projects and administrative costs.

The City of Asheville and the City of Hendersonville decided to review the 2002 Mills River Watershed Management Strategy in light of changes in the watershed over the past 10 years. The intent of this review was to assess the conditions within the watershed, identify any agencies dealing with regulatory or financial support, review the available water quality data, and propose areas that the cities may want to consider for future participation.

Recently, the Partnership was awarded a grant (Section 319 Grant) that requires matching funds, which the Partnership is asking the aforementioned cities to provide. The Cities have an ongoing interest in watershed management. Water quality in the upper watershed continues to be excellent and overall water quality indices have improved during the past 10 years. The strategy review recommends that the focus remain on efforts to protect and improve water quality. While recognizing that the MRP is the leading non-regulatory body with interest in the condition of the watershed, strong relationships should be forged between non-regulatory and regulatory programs. Funding initiatives should be considered with an understanding of their long-term impact on water quality.

Water Resources is willing to provide cost-share funding for projects that are directly related to water quality protection or improvement. The suggested level of participation is an amount up to \$60,000 per fiscal year (approximately \$0.01 per CCF system-wide) for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds.

Participation in watershed management activities supports the City Council's Strategic Operating Plan by promoting partnerships to enhance water quality and efficient operations.

Pros:

- Opportunity to partner with the City of Hendersonville and the Mills River Partnership to strategically address areas of concern in the Mills River watershed.
- Funding from the City of Hendersonville and the City of Asheville could make some water quality projects feasible for farmers and local landowners.
- Funding from the City of Hendersonville and the City of Asheville could support public education efforts related to water quality protection.
- Projects in the watershed could improve source water and drinking water quality.

Cons:

- If the City does not participate in the funding of specific water quality projects, these projects may not occur.
- The City of Asheville Water Resources Department does not want to provide unrestricted funding to outside agencies.
- The City of Asheville Water Resources Department wants to retain control of how the funding is allocated to specific projects to maximize benefits to water quality.

Any future expenditure in the Mills River watershed would be subject to review by Water Resources staff and the City of Asheville. For the FY 2014 budget, Water Resources would request City Council to approve a budget amendment to transfer the participation funds needed from the Water Resources Capital Projects Budget to the Operating Budget; and further authorize the City Manager to execute a multi-year contract for the entire project in a not-to-exceed amount of \$180,000 over three (3) fiscal years contingent upon funding each year. For the FY 2015 and

2016 budgets, Water Resources would budget the maximum allowable expense in the Water Operating Budget as part of the regular budgeting process.

Water Resources staff recommends City Council approval to partner with the Mills River Partnership (MRP) to identify projects directly related to water quality protection or improvement in the Mills River Watershed. The level of participation recommended is an amount up to \$60,000 per fiscal year (approximately \$0.01 per CCF system-wide) for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds. If Council approves moving forward with this project, Water Resources would seek Council approval for a budget amendment and execution of a general services contract after projects have been identified.

RESOLUTION BOOK NO. 35 – PAGE 299

R. MOTION TO REQUEST THE BUNCOMBE COUNTY BOARD OF ELECTIONS TO ARRANGE FOUR ADDITIONAL EARLY VOTING SITES (ONE EACH IN NORTH, SOUTH, EAST AND WEST SECTIONS OF ASHEVILLE) THE ONE WEEK (INCLUDING SATURDAY) IMMEDIATELY PRECEDING THE 2013 CITY COUNCIL GENERAL ELECTIONS

Summary: The Buncombe County Board of Elections has asked if the City of Asheville will be requesting additional early voting sites for the General election on November 5, 2013. There are 37 normal polling places for City Council elections - during the primary and general elections. The City must notify the Board of Elections 30-45 days prior to the election if they would like to have more remote sites, in order for them to submit a plan of implementation to the State Board of Elections for approval. The City can let the Board of Elections know what locations they would like to have a remote site but the Board of Elections will then have to find a suitable site in that area. Citizens always have the opportunity to vote 2.5 weeks early at the Woodfin Street office (in 2011, 2,354 voted early at the Woodfin Street office).

In 2009, 2,008 people voted in the four additional early voting locations.

In 2011, City Council approved four additional early voting sites (one each in north, south, east and west sections of Asheville, preferably at a library or community center) the one week (including Saturday) immediately preceding the City Council general election. The cost for those additional sites was \$20,000. In 2011, 3,380 people voted in the four additional early voting locations.

The proposed budget that staff is currently working on for Fiscal Year 2013-14 includes funding for the fall election, including the four additional early voting sites.

If Council is in agreement, City Clerk Bureson will contact the Board of Elections to arrange for four additional early voting sites (one each in north, south, east and west sections of Asheville, preferably at a library or community center) the one week (including Saturday) immediately preceding the City Council general election early voting sites for the 2013 City Council election.

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 Bothwell moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Pelly and carried unanimously.

ITEM REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTE

RESOLUTION NO. 13-103 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

Councilman Smith moved to recuse Vice-Mayor Manheimer from voting due to a conflict of interest. This motion was seconded by Councilman Bothwell and carried unanimously.

Summary: This is the consideration of a resolution authorizing execution of a \$1,150,000 installment financing contract for Fiscal Year 2013 Vehicles and Computer Equipment.

The City of Asheville Fiscal Year 2013 Capital Improvement program (CIP) includes \$1,150,000 previously appropriated by City Council to finance the acquisition of various vehicles and computer equipment.

The Finance Department posted a Request for Proposal ("RFP") on both the City's website and the State of NC Interactive Purchasing System to seek competitive bids for the financing. Six proposals were received, the best of which was submitted by TD Bank at an interest rate of 0.92% per annum for a term of 59 months.

The proposed resolution authorizes an installment financing contract between the City of Asheville and TD Bank for the purchase of the vehicles and computer equipment and authorizes the City Manager, City Attorney and Deputy Finance Director and City Clerk to execute and deliver any and all necessary documents. The contract will place a security interest in the vehicles and computer equipment in favor of the Bank in order to secure the City's obligation under the contract. Pursuant to a previously adopted reimbursement resolution, proceeds from this financing contract will allow the City to reimburse itself for the cost of the vehicles and computer equipment which has already been procured.

Pros:

- Provides funding of capital expenditures at a very favorable effective interest rate.
- Financing capital purchases spreads the cost of acquisition over several years of the useful life of the asset.
- Reimbursing this capital purchase with the proceeds of the financing, as opposed to paying for the purchase by using the City's available cash balances, increases the currently available funds by allowing the restoration of fund balance.

Cons:

- Financing the purchase slightly increases the lifetime cost of the acquisition due to the payment of interest on the amount financed.

The annual debt service payment for this financing is approximately \$280,000 per year. Funds will be included in the City's FY 2013-14 proposed debt service budget to cover this cost.

City staff recommends City Council adopt the resolution authorizing the City Manager to execute an installment purchase contract and closing process with TD Bank for the acquisition of the vehicles and computer equipment.

Councilman Bothwell moved for the adoption of Resolution No. 13- 103. This motion was seconded by Councilman Pelly and carried unanimously (Vice-Mayor Manheimer was recused from voting due to a conflict of interest).

III. PRESENTATIONS & REPORTS:

A. SMOKY MOUNTAIN TOY RUN & EBLEN/ST. NICHOLAS PROJECT

Mr. Bill Murdock, representing the Eblen/St. Nicholas Project, said that two years ago they assisted 325 children and now through partnership like the City of Asheville, last Christmas they assisted almost 5,500 children. Mr. Steve Kaser and Charles Swanger, representing Smoky Mountain Toy Run, presented City Council with a 2012 Certificate of Appreciation for their support for the Smoky Mountain Toy Run. Mayor Bellamy was pleased to accept the certificate on behalf of the City of Asheville.

Mayor Bellamy then read a decree expressing City Council's deep sympathy on the passing of Joe Eblen, who is best known for his service to Eblen Charities.

B. BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY UPDATE

Mr. Ron Morin, Chairman of the Buncombe County Tourism Development Authority, and Ms. Stephanie Pace Brown, Executive Director of the Asheville Convention & Visitors Bureau, briefed Council on their activities of the past year and goals for the upcoming year.

On behalf of City Council, Mayor Bellamy thanked Mr. Morin and Ms. Brown for their leadership and the entire Authority for their dedication.

C. TRANSIT COMMISSION UPDATE

Ms. Julie Mayfield, Chairman of the Transit Committee, briefed Council on their activities of the past year and goals for the upcoming year.

On behalf of City Council, Mayor Bellamy thanked Ms. Mayfield for her leadership and the entire Commission for their dedication.

D. LEGISLATIVE & WATER UPDATE

Deputy City Manager Jeff Richardson highlighted for Council the following legislative issues of interest: House Bill 488 - Transfer Control of the City of Asheville's Water System to a Regional Entity; House Bill 252 - Asheville Transfers; House Bill 418 - Park Authority; House Bill 224 - Asheville Extraterritorial Jurisdiction and Annexation; House Bill 708 - Study Public Enterprise Systems/Use of Funds; House Bill 568 - Asheville Deannexation; Senate Bill 363 - Business Tax Reduction and Reform; Senate Bill 394 - Lower Tax Rates for a Stronger North Carolina Economy; House Bill 962 - Municipal Sales Tax; House Bill 664 - Cell Tower Deployment Act; Senate Bill 612 - Regulatory Reform Act of 2013; and House Bill 530 - Eliminate the ability of Asheville to enforce signage regulations for properties annexed after 2005.

In response to Mayor Bellamy regarding House Bill 488, Assistant City Attorney McGlohon said that City Attorney Oast and other attorneys retained by the City, filed a Temporary Restraining Order (TRO) in Wake County today, and it is her understanding that the TRO has been granted. A preliminary injunction is the next step within 10 days and then if that is granted, a trial will take place.

Vice-Mayor Manheimer said that the complaint makes several claims challenging the validity of the statute being unconstitutional on several grounds. That would probably be a decision made by a judge. If the City is unable to prevail on those claims, it may be able to prevail on the secondary claims, which are for compensation if the system is to be taken. The complaint asks that if the City prevails on the matter of compensation (jury question) that the case be transferred back to Buncombe County for that type of a trial.

C. RESOLUTION NO. 13-107 - RESOLUTION SUPPORTING DOG PARK IN NORTH ASHEVILLE

Councilman Pelly said that the City has two dog parks - one in east Asheville and one in west Asheville. Both are well used facilities, but not as convenient for some. The residents of north Asheville have been working hard to create a dog park in their area of town. They would like to update Council on the status of their efforts and ask for a resolution formalizing the City's support of development of a dog park in north Asheville.

Dr. Julie Maccarin, representing the Friends for North Asheville Dog Park, talked about their efforts to establish an off-leash dog park in their community. They have met several times to talk about the design of the park; the fund-raising strategies and management; publicity; and finding an appropriate site for the park. Not only would a dog park on the north side of town be more accessible to those residents, it would have multiple other benefits. They will be responsible for raising the funds needed. An excellent prospect has been identified as the location for the park. The site is part of the former Thoms Estate on Beaverdam Road near Wild Cherry. The developer, Arc Development, has identified some unused acreage that is accessible and nearly ideal for these purposes. She then formally requested the City's endorsement of the project and to direct the City Manager to provide appropriate staff support by appointing a primary liaison to their group.

Mr. Kevin Reese, Director of Development and Construction with Arc Development of North Carolina, which is part of the ownership group at Thoms Estate, said they have approximately 8 acres on Beaverdam Road and Wild Cherry Road that they have plans for, but a dog park is something that can be incorporated into their plans. He has taken some preliminary plans back to Mr. Ronald Britten, owner of the property and Arc Development, who is very interested. There was a site meeting to look at the property and Mr. Britten gave his verbal consent.

Councilman Pelly said that staff has reviewed the proposed resolution to support a dog park in north Asheville and if adopted, they will secure the services of a design professional to conduct the feasibility and design process with the community and stakeholders.

He said the citizen group for the north Asheville dog park has identified a \$5,000 donation to help support the cost of the design process. An additional \$5,000 is needed to fund the process. Funds are available in the Parks, Recreation and Cultural Arts Department in the current year savings.

Once complete, staff will bring the dog park design to the Recreation Board and to City Council for consideration of the park construction budget.

Councilman Pelly then read the resolution which stated that "City Council supports and endorses efforts to establish a dog park in north Asheville. Subject to budgetary and administrative limitations, the City will cooperate with the citizens in the establishment of a dog park in north Asheville, including the designation by the Manager of a staff liaison to assist in the process."

When Mayor Bellamy asked for comments from the public, no one spoke.

When Councilman Hunt explained that competition for capital funds regarding parks is very competitive, Councilman Pelly said that the only cost for the City is \$5,000 for the design process. He assured Council that the property owner is providing the site at no cost to the City and that the capital costs would be raised entirely from private sources,

In response to Vice-Mayor Manheimer, Councilman Pelly said that the group is willing to ensure that long-term maintenance will be funded by them through fund-raising efforts.

Councilman Bothwell moved to adopt Resolution No. 13-107. This motion was seconded by Councilman Smith and carried unanimously.

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D. MOTION TO REDUCE PERMIT FEES FOR FARM MARKETS BY 75%

Director of Planning & Development Judy Daniel said that the City Council has requested the staff to present options for consideration of a reduction of the permit fees that are charged for Farm Markets. This use requires four types of permit fees: Building Code, Fire, Zoning, and Tech Fee (charged to all uses). The most substantial fees charged are for building code and fire permits; and those fees for this use are already substantially subsidized over other commercial uses in that Farm Markets are not charged the standard \$75 fee for required weekly inspections.

The permit fees include \$125 for Building Permit, \$125 for Fire Permit, a tiered fee for Zoning Permit (depending on the size), and the small 4% Tech Fee charged all uses of \$11. The fees are used for initial review of plans and for any subsequent required inspections. Inspections are done primarily for Building Code requirements - important for health and safety reasons. There is an initial inspection by Fire inspectors. Items inspected include the tents & their anchors, electrical connections, reviewing to be sure there are accessible routes, identifying obstructions/tripping hazards, ensuring opportunity for emergency dispersal, checking all equipment installations that may be used (stage, sound system, etc.). An inspection is required every time a market is held (usually weekly).

The only fee that has been increased recently is the Zoning fee which was changed in the last fiscal year.

Farm Markets are charged under the fees for Temporary Uses Permits as there is no separate category for Farm Markets. Farm Markets were not a primary focus of the change. These fees were adjusted in to reflect the additional work required for staff review of graduated sizes of Temporary Uses events. Previously there was a flat fee of \$25; and this was changed to a graduated fee system as noted below:

Events with less than 100 people expected to attend	\$25
Events with 100-1000 expected to attend	\$100
Events with more than 1000 expected to attend	\$350

In practice most Farm Markets have generally been considered in the middle category, so for those in that size range, their inspection fee went from \$25 to \$100, thus an additional \$75 cost.

In 2012 the total revenue collected for the eight permitted tailgate markets was \$2,135 (or an average of approximately \$267 per market). The average fee breakdown included:

Building:	\$125	Fire:	\$125
Zoning:	\$25*	Tech Fee (4%):	\$11

The initial permit fee includes both a fire and a building inspection. After those initial inspections, each market is must be re-inspected before every market day by the building inspector but a policy decision was made in the past of not charging the normal \$75 fee for the subsequent inspections. (In reality, Farm Markets are about the only Temporary Use that operate over multiple months and require ongoing inspections.)

There are other special fees depending on whether there is electrical, or an open flame (cooking) etc. So, in some cases the fees were a little higher; but in the case of the Downtown City Market, the fee was only \$78 because they are permitted as a special event (not a temporary use) since they are located on public property and have non-profit status which affords them a 75% discount on all fees.

Therefore, estimating an added \$75 per market for eight markets for the 2013 season, the total revenue collected would be \$2,736 (an average of \$342 per market).

The full cost recovery to the city for the staff time and work required through the fees for these eight markets would have required \$20,285 in fees as outlined below, so the City is already discounting these events by over 85% (primarily due to the re-inspection fee that is not charged):

Although the start and end dates for the markets and their market days vary, the total days for the season ranges from 21 to 35 per market. The number of market days for all eight markets was recorded at 250 for last year.

The total number of anticipated market days, minus the initial inspections (2 x 8 sites) yields 234 inspections for which we are not collecting revenue. Multiplying that by the minimum \$75 inspection fee by the number of inspections for which we are not charging the inspection fee, we lost a minimum of \$17,550 last year (as additional inspections are likely).

The Council requested an option of discounting these fees by 75%. The fiscal impact of that change would depend on whether the Council wishes to reduce all the fees (Fire, Building Code, Zoning, and Technology) or just Zoning (which was increased for this year).

- If all fees were reduced by 75% that would reduce the average fee collected per market to \$86; and increase the annual subsidy for farm markets to around \$19,601 or 96%. The City would see a decrease in anticipated revenue of \$2,051.
- If only the Zoning Permit fee were reduced by 75% (taking it back to the prior level of a flat \$25), the reduction would be minimal, returning the average fee to \$267 per market. A substantial subsidy would remain, as we would still not charge the weekly \$75 inspection fee. The City would see a decrease in anticipated revenue of \$600.

Because the existing subsidy of the inspection fees means that this use is already being subsidized by the general fund to cover staff costs for the required inspections, expanding the subsidy further would increase the required subsidy from the general fund. The Council must determine how best to balance the competing policy goals of cost recovery for services vs. support for urban agricultural goals.

Should the Council determine that the policy goals for Farm Markets outweighs other policy goals, it is recommended that a new Farm Market fee be included in the Building Code, Fire, and Zoning fees at the amount determined by the Council. Staff does not recommend a change to the existing fees for other Temporary Uses.

Councilman Smith said that when the Fees & Charges Manual was amended recently, the permit fees for farm markets went up and this item may have been overlooked. He said that in January when Council adopted the Food Action Plan, one of the items was to optimize permitting and the fee structure for farmer's markets. In March Council elevated the Food Action Plan to one of their top strategic priorities. In 2010, Council reviewed event fees for non-profits and created a 75% fee reduction for those non-profits because the missions they are undertaking are serving Council's strategic goals. Therefore, he asked Council to entertain that same 75% permit fee reductions for our farm markets in an effort to strengthen our food systems, move

closer to food security, decrease poverty, improve public health and strengthen the local commerce.

Councilman Hunt noted that by reducing the fee 75%, the City would see a decrease in anticipated revenue of \$2,051.

Mr. Josh O'Connor, representing the Board of Directors of Oakley Farmer's Market, urged Council to consider reducing or eliminating permitting fees for farm markets in consideration of the recently adopted Food Action Plan. Reducing permitting obstacles (including cost) is important in developing farmers markets in local communities.

Councilman Hunt then moved to reduce the permit fees for farm markets by 75%. This motion was seconded by Councilman Bothwell and carried unanimously.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN INSTALLMENT FINANCING CONTRACT WITH TD BANK FOR GREEN CAPITAL IMPROVEMENT PROJECTS

RESOLUTION NO. 13-105 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INSTALLMENT FINANCING CONTRACT AND CLOSING PROCESS WITH TD BANK FOR THE FINANCING OF LED STREETLIGHT UPGRADES AND FACILITY IMPROVEMENTS

Councilman Pelly moved to recuse Vice-Mayor Manheimer from voting due to a conflict of interest. This motion was seconded by Councilman Davis and carried unanimously.

Deputy Finance Director Eric Hardy said that this is the consideration of a resolution authorizing the execution of a \$1,100,000 installment financing contract for 'Green CIP' projects (the "Projects"). These property improvements include LED streetlight upgrades and facility improvements, such as window replacements at Fire Stations #7 and a boiler replacement at the Stevens Lee Recreation Center. This public hearing was advertised on May 3, 2013.

The City of Asheville Capital Improvement program (CIP) includes \$1,100,000 previously appropriated by City Council to finance Green CIP projects.

The Finance Department posted a Request for Proposal on April 17, 2013 on both the City's website and on the NC State Interactive Purchasing System. Five proposals were received, the best of which was submitted by TD Bank with an interest rate of 1.44% per annum for a term of 10 years with semi-annual principal and interest payments ranging from \$62,260 to \$55,396.

The proposed resolution authorizes an installment purchase contract between the City of Asheville and TD Bank for the financing of the Projects and authorizes the City Manager, City Attorney, Deputy Finance Director and City Clerk to execute and deliver any and all necessary documents, including a deed of trust to place a lien on Fire Station #7 in order to secure the City's obligations under the contract. Pursuant to a previously adopted reimbursement resolution, proceeds from this financing contract will allow the City to reimburse itself for the cost of the Project expenditures made thus far.

Pros:

- Provides funding of capital expenditures at a very favorable effective interest rate.
- Financing capital purchases spreads the cost of acquisition over several years of the useful life of the asset.

- Reimbursing this capital purchase with the proceeds of the financing, as opposed to paying for the purchase by using the City's available cash balances, increases the currently available funds by allowing the restoration of fund balance.

Cons:

- Financing the purchase slightly increases the lifetime cost of the acquisition due to the payment of interest on the amount financed.

The annual debt service payment for this financing is approximately \$125,000 per year. Funds will be included in the City's Fiscal Year 2013-14 proposed debt service budget to cover this cost. Energy savings from the LED streetlight upgrades are being used to fund the debt service on Green CIP projects.

City staff recommends City Council adopt the resolution authorizing the City Manager to execute an installment purchase contract and closing process with TD Bank for the financing of the Green CIP Project.

Mayor Bellamy opened the public hearing at 6:24 p.m., and when no one spoke, she closed the public hearing at 6:24 p.m.

In response to Councilman Hunt, Mr. Hardy said that the loan is a fixed rate with a \$1,000 closing cost.

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

Councilman Hunt moved for the adoption of Resolution No. 13-105. This motion was seconded by Councilman Bothwell and carried unanimously (Vice-Mayor Manheimer was recused from voting due to a conflict of interest.)

RESOLUTION BOOK NO. 35 – PAGE 300

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4190 - ORDINANCE ESTABLISHING THE MULTIMODAL TRANSPORTATION COMMISSION

Executive Director of Public Works and Multimodal Transportation Cathy Ball said that this is the consideration of an ordinance establishing the Multimodal Transportation Commission.

At the February 2013 Boards and Commissions meeting, staff presented a model for combining/augmenting various transportation and neighborhood related boards by forming a Multimodal Transportation Commission. This is the first step of hopefully have the Commission completely established by July 1. On June 11, Council will be requested to appoint members to the Commission and repeal the Transit Commission and the Greenway Commission.

Staff and/or Council members have met with the various Boards and Commissions and have tweaked the initial recommendations. The total membership on the board is proposed to be nine voting and three non-voting members.

The members of the Multimodal Transportation Commission would be made up of three members of the Greenway sub-committee, three members of the Transit sub-committee, and three members of the Bike and Pedestrian Task Force. There would be three additional non-voting members; one from the Planning and Zoning Commission; one from the Neighborhood Advisory Board; and, one from SACEE.

The appointments would be made through the following process.

- 1) Each of the sub-committees, task force and commissions would recommend the appropriate number of appointments to City Council for appointment to the Multimodal Transportation Commission.
- 2) City Council would review and make the recommend appointments or request another recommended appointment from the appropriate group.
- 3) The members would serve for three year terms, up to two terms for a maximum of six years. The first year appointment terms would be staggered to allow for continuity on the board.

This action complies with one of Council's Strategic Goals by supporting multimodal transportation planning.

Pros

- Compliments the organizational alignment of the organization.
- Reduces the number of Council Appointed Commissions by one.

Con:

- None.

There is no fiscal impact to this recommendation.

Council adopts an ordinance to create a Multimodal Transportation Commission.

In response to Mayor Bellamy, Ms. Ball explained how all the different master plans will be implemented with a comprehensive multimodal transportation master plan, which they have requested a grant from the Land-of-Sky to develop that comprehensive plan. We will start to grow the infrastructure network together.

Mayor Bellamy felt that the Commission needed representatives (non-voting) from the Land-of-Sky Regional Council and the new Park Authority (if that moves forward), since our systems are deeply integrated with Buncombe County.

Ms. Ball said that staff is committed to reporting back to Council in 6 months or 1 year on the progress of the Commission, but would be happy to add members now or after the initial period.

Councilman Hunt said that the County's advisory boards will change roles if the Park Authority moves forward. He felt that in the negotiations between Asheville and Buncombe County to create the Park Authority, there will need to be an alignment of various boards & commissions that are advisory. Rather than anticipate on how that might work, he felt that might be better dealt with through the negotiations. He agreed with the Mayor that the representation on the Commission is thorough.

Mayor Bellamy agreed with Councilman Hunt on the Park Authority representative; however, she felt was important to have the Land-of-Sky at the table of this new Commission.

Councilman Smith said that the Transit sub-committee will continue to exist and within that sub-committee there will continue to be the County appointment. That has been an important alignment with the County. He hoped that as the Multimodal Transportation Commission evolves and recognizes their needs, they can draw on that expertise. As Land-of-Sky and Buncombe County want to partner with the City on the goals from the comprehensive multimodal transportation plan, he would be supportive of that.

When Vice-Mayor Manheimer suggested contacting the Land-of-Sky first to make sure they want to participate on this Commission, Ms. Ball said that she would be happy to talk with them. When the appointment process for the Commission comes back to Council in June, the ordinance can be amended to add a non-voting seat from the Land-of-Sky. It will also give her an opportunity to get the thought of the other commissions as well.

Assistant City Attorney McGlohon asked that the staggered terms of office section be amended as follows: "Members of the Commission shall be appointed for 3 years. In appointing the original members of the Commission, the Council may appoint certain members for less than 3 years and thereafter the terms of all members shall not expire at the same time."

When Mayor Bellamy asked for public comments, none were received.

Councilman Hunt reminded the audience that this is Strive Not To Drive Week and highlighted some statistics that show our society is preferring not to own cars but to get around via other modes of transportation.

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

Vice-Mayor Manheimer moved for the adoption of Ordinance No. 4190 as amended. This motion was seconded by Councilman Hunt and carried unanimously.

ORDINANCE BOOK NO. 28 – PAGE

VI. NEW BUSINESS:

A. RESOLUTION NO. 13-106 - RESOLUTION APPOINTING A MEMBER TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY AND TO THE ASHEVILLE REGIONAL AIRPORT AUTHORITY

Vice-Mayor Manheimer, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Greater Asheville Regional Airport Authority and to the Asheville Regional Airport Authority.

Due to the Authority's inability to recognize the seating of Vice-Mayor Manheimer, there currently exists a vacancy until June 30, 2016. This appointment must be a registered voter of the City of Asheville.

The following individuals have applied for the vacancy: Albert Anderson, Bradley Cain, Julian Jones, Aixa Wilson, Ken Hawkins, Charles Larrick, John Hayler, George Lycan and Grant Osborne. Two late applications were received from Douglas Tate and Phillip Kelley.

On April 9, 2013, City Council instructed the City Clerk to arrange interviews for Albert Anderson, John Hayler, George Lycan, Grant Osborne, Douglas Tate and Phillip Kelley.

After Council spoke highly of the candidates, Albert Anderson received 1 vote, John Hayler received no votes, George Lycan received no votes, Grant Osborne received no votes, Douglas Tate received 4 votes and Phillip Kelley received 2 votes. Therefore, Douglas Tate was appointed as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, to serve the unexpired term of Vice-Mayor Manheimer, term to expire June 30, 2016, or until his successor has been appointed.

RESOLUTION BOOK NO. 35 – PAGE 303

B. BOARDS & COMMISSIONS

Regarding the Citizens-Police Advisory Committee, the following individuals have applied for the vacancy: Karl Katterjohn, Fred Cooke, Scott Steele and Grant Osborne. Because the vacancy is for a south representative and only one applicant from the south applied, it was the consensus of Council to re-advertise.

Regarding the Civil Service Board, the following individual applied for a vacancy: Carolyn Worthington. Because there are two vacancies on the Civil Service Board (including the Chair), it was the consensus of Council to re-advertise.

Regarding the Asheville-Buncombe Historic Resources Commission, the following individuals applied for the vacancies: Grant Millin, Ronald E. Burgin, Aixa Wilson, David Carpenter, Sue Russell, William Eakins and Woody Farmer. It was the consensus of Council to interview Sue Russell, William Eakins and Woody Farmer.

Regarding the Neighborhood Advisory Committee, because there are vacancies for 28801 and 28803 or 28704, 28806 and at-large representatives, it was the consensus of Council to re-advertise.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Dan Bridges, volunteer for the handicapped enforcement program, was disheartened about issuing tickets and violators saying that they will get it written off by the City. He asked for the stripping of handicapped spaces be improved. Deputy City Manager Richardson said that he would be happy to have City staff look at improving the process including looking at the tag history of multiple abusers. He would report back to Council in the near term.

Mr. Timothy Sadler felt Council needed to make a commitment to public transportation.

Councilman Pelly invited the public to the Neighborhood Advisory Committee meeting on May 20, 2013, at 7:00 p.m. at the Recreation Center at 72 Gashes Creek Road, at which time they will discuss development issues in east Asheville.

Closed Session

At 6:54 p.m., Councilman Pelly moved to go into closed session for the following reasons: (1) 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 v. William Huskey (Buncombe County Superior Court Civil Action No. 09 CvS 2040). The statutory authorization is contained in G.S. 143-318.11(a)(3); (2) To consider the qualifications, competence, performance, character, fitness, conditions of appointment of an individual public officer or employee. The statutory authorization is contained in G.S. 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to G.S. 160A-168, the Personnel Privacy Act. The statutory authorization is contained in G.S. 143-318.11(a)(1); 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 Smith and carried unanimously.

At 7:25 p.m., Councilman Bothwell moved to come out of closed session. This motion was seconded by Councilman Davis and carried unanimously.

VIII. ADJOURNMENT:

Vice-Mayor Manheimer adjourned the meeting at 7:25 p.m.

CITY CLERK

MAYOR