

Tuesday – April 10, 2012 – 3:30 p.m.  
First Floor North Conference Room

#### Worksession

Present: Vice-Mayor Esther E. Manheimer, Presiding; Councilman Cecil Bothwell; Councilman Jan B. Davis; Councilman Marc W. Hunt; Councilman Christopher A. Pelly; Councilman Gordon D. Smith; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: Mayor Terry M. Bellamy

#### **Enterprise Funds & Capital Improvement Plan**

Director of Finance & Management Services Lauren Bradley reviewed the following General Fund worksession: (1) Maintain current property tax rate and City services; (2) Proceed with technical adjustments and expenditure obligations; (3) Include \$500,000 for employee compensation; revisit compensation mid-year; (4) Consider \$150,000 in Parking Fund revenues over expenditures for: (a) Transit service on holidays on main routes with limited hours: \$30,000; (b) Phase I implementation of form-based planning policy: \$100,000; and (c) Increase EDC allocation from \$40,000 to \$60,000: \$20,000; and (5) Look for new revenue opportunities to increase the Housing Trust Fund allocation.

There was discussion regarding the Phase I implementation of the form-based code vs. an unknown allocation to the Housing Trust Fund, both of which were a priority. Ms. Bradley explained there may be another viable revenue source regarding the privilege license for gaming machines. It is estimated, if adopted by Council, an additional \$200,000 of new revenue next fiscal year. Several suggestions were discussed, including (1) a suggestion was to allocate the \$200,000 of new revenue to the Housing Trust Fund and if it was not attainable, then delay Phase I of the form based code and use the \$100,000 for the Housing Trust Fund allocation; (2) a suggestion to use the \$100,000 from the form based code towards the Housing Trust Fund, and if we do realize any revenues from the other revenue source that the first \$100,000 go towards the form based code and the second \$100,000 go to the Housing Trust Fund; and (3) a suggestion was to use the \$60,000 allocation for the Economic Development Coalition towards the Housing Trust Fund. However, it was the consensus of Council to set aside \$100,000 for contractual services in a line item in the City Manager's budget targeted towards housing and community development and then Council can make their decision later in the process.

Water Fund outlook includes: (1) Operating revenues are performing better than budget in current year – which means more revenue next year without a rate increase – partly due to improved meter accuracy with AMR's; (2) FY 12-13 operating budget will be adjusted downward to reflect actual expenses; and (3) As a result, pay as you go contribution to capital will increase by \$1.3 million.

Regarding the Parking Fund outlook, parking revenues are projected to exceed expenses by \$150,000 in FY 12-13 (a) Includes increasing transfer to the Transit Fund from \$500,000 to \$590,000; (b) Includes full year of expenses associated with operating Biltmore Avenue Parking Garage (including 2 FTEs) and debt service; and (c) Includes transfer of \$55,000 in operating funds to parking capital improvements for meter replacements.

Regarding the Transit Fund outlook (1) Loss of \$160,000 in State funding; partially off-set by increase in Transit revenue as a result of increased ridership; (a) Increases Parking Fund transfer by \$90,000 for a total of \$590,000; General Fund transfer to remain at \$985,000; and (2) Projecting decrease in fuel consumption will offset increase in fuel prices.

Regarding the Golf Fund, (1) Right-sized revenue budget and included \$140,000 transfer from General Fund based on past performance; (2) Staff continues to explore alternatives for management efficiencies; and (3) Responses to RFP were due March 23 (8 responses); pursuing any option will likely require funds for operating and capital budgets.

Councilman Hunt suggested, and it was the consensus of Council, that staff make a good faith effort in the coming fiscal year to work toward reducing the subsidy for next fiscal year for the Nature Center and Golf Course combined from \$650,000 to \$450,000.

Regarding the Stormwater Fund, (1) Stormwater utility was created as a requirement of the Clean Water Act to (a) maintain/improve the public storm drain system, (b) enforce stormwater and erosion standards related to (re)construction activities, (c) prevent illegal dumping, and (d) educate the public about stormwater issues; (2) Fee brings in approximately \$3.0 million annually in revenue; (3) Fee collections have historically been better than budget projections (a) FY12 Budget included \$700,000 fund balance appropriation for Victoria Road capital project; and (4) Revenues in FY 13 budget are projected to equal expenditures (a) FY13 Proposed Budget includes \$290,000 fund balance appropriation for Michigan Avenue capital project.

Regarding the General Capital Improvement Program (CIP), the CIP categories are as follows: **Multi-modal:** Streets, sidewalks, greenways, pedestrian safety projects, Transit system investments; **Infrastructure:** Bridges, retaining walls, sewer projects, traffic signal poles, infrastructure associated with water lines; **Buildings & Facilities:** Building and facility maintenance, roof replacements, recreation center maintenance, park maintenance, Civic Center renovations, Urban Trail maintenance; **Equipment & Technology:** Radio infrastructure and radio replacements, software upgrades and replacements; and **Vehicle Replacement:** Vehicles and other rolling stock. Using charts, she explained what drives the level of investment, and the 2011-12 CIP revenues.

The 2011-12 projects underway include: City Hall Exterior Repairs: \$5.5 million; New sidewalk construction: \$1.8 million; Beaucatcher Greenway: \$1.25 million; Vehicle and PC Replacements: \$4 million; Wild Cherry Bridge: \$700,000; and Montford Street Rebuild: \$300,000.

She then reviewed the FY 2012-13 CIP revenues and proposed CIP expenditures.

The 2012-13 multi-modal expenditures, totaling \$3.4 million (56%) include: (1) Street Resurfacing: \$1.3 million, 5.83 miles resurfaced - Slightly more than FY 11-12; (2) Pedestrian Safety: \$35,000 - Charlotte Street corridor comprehensive traffic engineering analysis; (3) Sidewalk maintenance: \$480,000, 4,900 linear feet maintenance work - \$800,000+ in sidewalk maintenance personnel and related costs budgeted in operating budget; (4) New sidewalk construction: \$870,000, 1.35 miles new sidewalk; (5) Greenway development: \$100,000 - Design work for Town Branch Greenway to get it shovel ready; and (6) Bicycle Master Plan Projects: \$81,000 - Northside Sharrow Network: \$51,000; and Design plans for north- and west-end bike connectors: \$30,000.

The 2012-13 building and facilities expenditures, totaling \$1.192 million (22%) include: (1) Roof replacements: \$200,000, (Fire Stations, Hunt Hill facility, Burton Street); (2) General facility maintenance: \$91,000; (3) General Fund contribution to Civic Center debt service and maintenance: \$400,000; (4) Public Art (a) Maintenance: \$40,000; and (b) Reserve for future acquisitions: \$47,807 (represents 1% of eligible projects over five year CIP); and (5) Park & Recreation center maintenance: \$400,000 (a) Gym floor replacement at Montford Center, Aston Park Court Lifts, Resurface Velodrome.

The 2012-13 equipment & technology, totaling \$265,000 (5%) include: (1) Public safety radio replacements: \$100,000; (2) Fuel Station Pump replacement: \$75,000; and (3) Garbage collection roll cart replacements: \$90,000.

The 2012-13 vehicle replacement, totaling \$1 Million (19%), includes the vehicle replacement: \$1,000,000 - \$550,000 targeted for CNG vehicles.

The 2012-13 Green CIP includes: (1) Achieve a 4% carbon footprint reduction each year for 20% total reduction over five years; and (2) Funded by "revolving" utility savings generated by energy efficiency projects for investment into additional projects (a) Streetlight retrofit project provides significant utility savings for five-year Green CIP; (b) \$1.3 million projected for third phase of streetlight retrofit; and (c) \$840,000 for City facility retrofit and weatherization projects (i) City Hall controls; Boiler maintenance and repairs at 10 facilities; window and HVAC replacements.

Ms. Bradley then reviewed the FY 2013-14 CIP revenues, a chart of CIP planning years of FY 2013-14 – FY 2016-17; and FY 2013-17 CIP revenues.

She then reviewed the CIP snapshots using a chart showing the current five year CIP. For accelerating progress by adding \$1 million, a possible structure would be (1) \$300K allocated to Pay-Go for capital maintenance; or (2) Remainder dedicated to debt service for an additional \$13 million in debt capacity. An accelerated progress for adding \$4 million possible structure would be (1) \$1.4 million allocated to the Pay-Go Fund; or (2) \$2.6 million allocated for debt service to gain an additional \$35 million in debt capacity - COPS or GO?

Policy direction needed includes: (1) For the FY 12-13 proposed CIP budget, is staff programming resources in proportion to the City's strategic and mission critical priorities? (2) Is Council supportive of the level and timing of resource allocations? and (3) What process would City Council like to pursue to discuss and prioritize planning years?

Ms. Bradley responded to various questions/comments from Council and those which could not be answered immediately would be provided to the full Council.

After discussion, it was the consensus of Council that they are generally comfortable with how staff has split up the funding in the General CIP Program for Fiscal Year 2012-13 and that the Finance Committee will discuss more about a process and prioritizing the planning years in the budget.

At 4:36 p.m., Councilman Bothwell moved to adjourn the worksession. This motion was seconded by Councilman Smith and carried unanimously.

Tuesday – April 10, 2012 - 5:00 p.m.

#### Regular Meeting

Present: Vice-Mayor Esther E. Manheimer, Presiding; Councilman Cecil Bothwell; Councilman Jan B. Davis; Councilman Marc W. Hunt; Councilman Christopher A. Pelly; Councilman Gordon D. Smith; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: Mayor Terry M. Bellamy

#### **PLEDGE OF ALLEGIANCE**

Vice-Mayor Manheimer led City Council in the Pledge of Allegiance.

#### **INVOCATION**

Vice-Mayor Manheimer gave the invocation.

## **I. PROCLAMATIONS:**

### **A. PROCLAMATION PROCLAIMING APRIL 2012 AS "CHILD ABUSE AWARENESS MONTH"**

Councilman Smith read the proclamation proclaiming April, 2012, as "Child Abuse Awareness Month" in the City of Asheville. He presented the proclamation to Mr. Bill McGuire, Director/CEO of Child Abuse Prevention Services Inc., who briefed City Council on some activities taking place during the month.

### **B. PROCLAMATION PROCLAIMING APRIL 2012 AS "PARKINSON'S DISEASE AWARENESS MONTH"**

Councilman Bothwell read the proclamation proclaiming April, 2012, as "Parkinson's Disease Awareness Month" in the City of Asheville. He presented the proclamation to Jim Hall, Linda Morgan and Dick Poore, who briefed City Council on some activities taking place during the month.

### **C. PROCLAMATION PROCLAIMING APRIL 15-21, 2012, AS "NATIONAL VOLUNTEER WEEK"**

Councilman Hunt read the proclamation proclaiming April 15-21, 2012, as "National Volunteer Week" in the City of Asheville. He presented the proclamation to Ms. Michelle Bennett, Director of Hands On Asheville, our local clearing house for non-profit volunteer opportunities, who briefed City Council on some activities taking place during the week.

### **D. RECOGNITION OF RECIPIENTS OF GOVERNOR'S AWARD FOR VOLUNTEER SERVICE**

Councilman Hunt said that National Volunteer Week is a time for us to stop and think about what volunteers contribute to the efforts of local government, non-profits and faith-communities to improve the lives of our citizens. In addition to proclaiming this week National Volunteer Week, she took this opportunity to recognize local volunteers who have received special recognition for their efforts over the past year. 2012 is the 34<sup>th</sup> consecutive year the North Carolina Commission on Volunteerism and Community Service has honored community members who demonstrate a strong commitment to improving their community through volunteerism. The City of Asheville's two nominations have been selected to receive the 2012 Governor's Volunteer Service Award. The local recipients of the 2012 Governor's Award are:

(1) Lora Ann DeGroat: Ms. DeGroat was nominated for her Girl Scout Silver Award project which resulted in the creation of the Asheville Fire Department's Volunteer Fire Hydrant Painting program.

(2) Asheville Police Department Volunteer Chaplain Corps: The Chaplain Corps was nominated in recognition of the group's 31-year service to the community and individual Corps members' commitment to provide a wide range of emotional and spiritual support to police employees and community members who experience crisis or trauma situations. The APD Volunteer Chaplains recognized are Chaplain Coordinate Kent Withington and Chaplains Sue Barron, Steve Brady, Tim Brady, Sister Carmen Cruz, Don Furniss, Joe Ontiveros, Billy Osigian, Philip Priddy, Wayne Roper, Jane Smith and Bill Snyder.

### **E. RECOGNITION OF THE VOLUNTEERS IN SERVICE TO AMERICA PROGRAM**

Councilman Hunt said that the VISTA program is 5 years old this year and we'd like to acknowledge the great work these full-time volunteers have done. The focus of the Asheville Learning Links VISTA program is to build the capacity of organizations in our community to serve the needs of young people in Asheville City Schools. They do this by providing crisis intervention, advocacy, enriching arts, and by developing programs that support families living in poverty. Each VISTA lives at the poverty level for one year while serving our community. So far 34 VISTAs have made this commitment, some have committed two years. Among the list of accomplishments are the Listening To Our Teens Report that mobilized the community in support middle school youth, The Burton Street Community Project, and over \$200,000 in new revenue to organizations. Many of our former VISTAs have gone on to do great things. Erika Germer formerly a VISTA at the Asheville City Schools Foundation is the program director for the City of Asheville Youth Leadership Academy. The organizations touched by their community service are many and span our community. They are: Asheville City Schools Foundation; Asheville-Buncombe Community Relations Council; Asheville Design Center; ABCCM; Asheville Homeless Initiative; Center for Diversity Education; Children First-Communities and Schools; Eagle Street Development Corporation; Green Opportunities; Green Works; LEAF in Schools & Streets; NC Stage Company; On Track Financial; Ribbon of Hope After School; Mentoring Program (Asheville City Schools Foundation, Delta House, YWCA); Weed & Seed Program at Pisgah View; WNC Alliance; and YWCA.

Councilman Hunt then recognized Ms. Leah Ferguson, Co-Director of the Asheville City Schools Foundation who spoke about the program.

#### **F. EMPLOYEE RECOGNITIONS**

City Manager Jackson recognized (1) Firefighter Jay Bettencourt as Asheville Firefighter of the Year Award - Each year the WNC Association of Firefighters gives an award to an outstanding individual who has distinguished himself or herself in the fire service. The association accepts nominations from across the western part of state from 395 departments and over 13,000 firefighters in search of just such an individual. This year, Asheville firefighter Jay Bettencourt was chosen as WNC Firefighter of the Year. Jay was recognized and presented this award on January 18, 2012, in Lincolnton, N.C., at the WNCFAFF quarterly meeting; and (2) Director of Water Resources Steve Shoaf for receiving the George Warren Fuller Award - At the 91<sup>st</sup> Annual Conference of the NC American Waterworks and Water Environment Association, Steve Shoaf was awarded the George Warren Fuller award. This is an AWWA award named for Mr. Fuller in recognition of his many contributions to the field of sanitary engineering. It is the highest award that can be given by a State Section of the Association. Mr. John McLaughlin, Chair of the NC American Waterworks and Water Environment Association was pleased to describe the recognition as well.

Vice-Mayor Manheimer 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.

## **II. CONSENT AGENDA:**

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 27, 2012**
- B. RESOLUTION NO. 12-69 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE EARTH DAY EVENT ON APRIL 21, 2012**

**RESOLUTION NO. 12-70 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BIG LOVE FEST ON MAY 6, 2012**

**RESOLUTION NO. 12-71 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE FOR THE MONTFORD PARK PLAYERS 2012 OUTDOOR SEASON ON MAY 10, MAY 11, MAY 12, MAY 13, MAY 17, MAY 18, MAY 19, MAY 20, MAY 24, MAY 25, MAY 26, MAY 27, JUNE 1, JUNE 2, JUNE 3, JUNE 8, JUNE 9, JUNE 10, JUNE 15, JUNE 16, JUNE 17, JUNE 22, JUNE 23, JUNE 29, JUNE 30, JULY 1, JULY 6, JULY 7, JULY 8, JULY 13, JULY 14, JULY 15, JULY 20, JULY 21, JULY 27, JULY 28, JULY 29, AUGUST 3, AUGUST 4, AUGUST 5, AUGUST 10, AUGUST 11, AUGUST 12, AUGUST 17, AUGUST 18, AUGUST 24, AUGUST 25, AUGUST 26, AUGUST 31, SEPTEMBER 1, SEPTEMBER 2, SEPTEMBER 7, SEPTEMBER 8, SEPTEMBER 9, SEPTEMBER 14, SEPTEMBER 15 AND SEPTEMBER 16, 2012**

**RESOLUTION NO. 12-72 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE DOWNTOWN AFTER FIVE EVENTS ON MAY 18, JUNE 15, JULY 20, AUGUST 17 AND SEPTEMBER 21, 2012**

**RESOLUTION NO. 12-73 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SAFARI ON MAY 31, 2012**

**RESOLUTION NO. 12-74 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL ON JUNE 2, 2012**

**RESOLUTION NO. 12-75 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON SEPTEMBER 2, 2012**

**RESOLUTION NO. 12-76 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CLIPS OF FAITH BEER & FILM TOUR ON SEPTEMBER 7, 2012**

Summary: The consideration of a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at Asheville Earth Day on April 21, 2012; The Big Love Fest on May 6, 2012; Montford Park Players 2012 Outdoor Season on May 10, May 11, May 12, May 13, May 17, May 18, May 19, May 20, May 24, May 25, May 26, May 27, June 1, June 2, June 3, June 8, June 9, June 10, June 15, June 16, June 17, June 22, June 23, June 29, June 30, July 1, July 6, July 7, July 8, July 13, July 14, July 15, July 20, July 21, July 27, July 28, July 29, August 3, August 4, August 5, August 10, August 11, August 12, August 17, August 18, August 24, August 25, August 26, August 31, September 1, September 2, September 7, September 8, September 9, September 14, September 15, September 16, 2012; Downtown After 5 on May 18, June 15, July 20, August 17 and September 21, 2012; the Mountain Safari on May 31, 2012; the Beer City Festival on June 2, 2012; the Beer City Cup on September 2, 2012; and the Clips of Faith Beer & Film Tour on September 7, 2012.

- The Lake Eden Arts Festival in conjunction with Mountain Roots Management has requested through the City of Asheville Development Service Center that City Council

permit them to serve beer and/or unfortified wine at Asheville Earth Day and allow for consumption at this event.

Asheville Earth Day will be held on Saturday, April 21, 2012 from 12:00 p.m. to 10:00 p.m. within the boundaries of the 100 block of Lexington Avenue as per the area limits referenced on the accompanying site map.

- Asheville City Schools Foundation has requested through the City of Asheville Development Service Center that City Council permit them to serve beer and/or unfortified wine at The Big Love Fest and allow for consumption at this event.

The Big Love Fest will be held on Sunday, May 6, 2012 from 2:00 p.m. to 8:00 p.m. within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot as per the area limits referenced on the accompanying site map.

- The Montford Park Players has requested through the City of Asheville Development Service Center that City Council permit them to serve beer and/or unfortified wine at the Montford Park Players 2012 Outdoor Season and allow for consumption at this event.

The Montford Park Players 2012 Outdoor Season will be held on May 10, May 11, May 12, May 13, May 17, May 18, May 19, May 20, May 24, May 25, May 26, May 27, June 1, June 2, June 3, June 8, June 9, June 10, June 15, June 16, June 17, June 22, June 23, June 29, June 30, July 1, July 6, July 7, July 8, July 13, July 14, July 15, July 20, July 21, July 27, July 28, July 29, August 3, August 4, August 5, August 10, August 11, August 12, August 17, August 18, August 24, August 25, August 26, August 31, September 1, September 2, September 7, September 8, September 9, September 14, September 15, September 16, 2012 from 7:30 p.m. to 10:30 p.m. within the boundaries of the Hazel Robinson Amphitheatre as per the area limits referenced on the accompanying 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 Downtown After 5 and allow for consumption at this event.

Downtown After 5 will be held on the Fridays of May 18, June 15, July 20, August 17, September 21, 2012 from 5:00 p.m. to 9:00 p.m. within the boundaries of the 100 block of Lexington Avenue as per the area limits referenced on the accompanying site map.

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

The Mountain Safari will be held on Thursday, May 31, 2012 from 5:30 p.m. to 9:30 p.m. within the boundaries of the WNC Nature Center property as per the area limits referenced on the accompanying site map.

- Big Brothers Big Sisters of WNC in conjunction with GSCBA & ABA has requested through the City of Asheville Development Service Center that City Council permit them to serve beer and/or unfortified wine at the Beer City Festival and allow for consumption at this event.

The Beer City Festival will be held on Saturday, June 2, 2012 from 12:00 p.m. to 6:00

p.m. within the boundaries of Pack Square Park's Roger McGuire Green, Spruce Street between the intersections of South Pack Square & College Street, and within the City Hall/Courthouse Parking Lot as per the area limits referenced on accompanying site map.

- The Western North Carolina Soccer Foundation has requested through the City of Asheville Development Service Center that City Council permit them to serve beer and/or unfortified wine at the Beer City Cup and allow for consumption at this event.

The Beer City Cup will be held on Sunday, September 2, 2012 from 12:00 p.m. to 10:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

- New Belgium Brewing Company in conjunction with 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 the Clips of Faith Beer and Film Tour and allow for consumption at this event.

The Clips of Faith Beer & Film Tour will be held on Friday, September 7, 2012 from 7:00 p.m. to 10:00 p.m. within the boundaries of Pack Square Park's Roger McGuire Green including City Hall/Courthouse Parking Lot as per the area limits referenced on the accompanying site map.

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

Pro:

- Allows fundraising opportunities for Lake Eden Arts Festival, Asheville City Schools Foundation, Montford Park Players, Asheville Downtown Association, Friends of the WNC Nature Center, Big Brothers Big Sisters of WNC, and the Western North Carolina Soccer Foundation.

Con:

- Potential for public safety issues

Overtime pay for Asheville Police officers per sponsorship agreement for Downtown After 5. There is no fiscal impact for Asheville Earth Day, The Big Love Fest, the Montford Park Players 2012 Outdoor Season, the Mountain Safari, the Beer City Festival, the Beer City Cup, and the Clips of Faith Beer & Film Tour.

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 Asheville Earth Day, The Big Love Fest, the Montford Park Players 2012 Outdoor Season, the Mountain Safari, the Beer City Festival, the Beer City Cup, and the Clips of Faith Beer & Film Tour.

**RESOLUTION NO. 12-69 - RESOLUTION BOOK NO. 34 – PAGE 308**  
**RESOLUTION NO. 12-70 - RESOLUTION BOOK NO. 34 – PAGE 311**  
**RESOLUTION NO. 12-71 - RESOLUTION BOOK NO. 34 – PAGE 314**  
**RESOLUTION NO. 12-72 - RESOLUTION BOOK NO. 34 – PAGE 317**  
**RESOLUTION NO. 12-73 - RESOLUTION BOOK NO. 34 – PAGE 320**  
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**RESOLUTION NO. 12-75 - RESOLUTION BOOK NO. 34 – PAGE 326**  
**RESOLUTION NO. 12-76 - RESOLUTION BOOK NO. 34 – PAGE 329**

**C. RESOLUTION NO. 12-77 - RESOLUTION AUTHORIZING THE PURCHASE OF 1-INCH, 1 1/2-INCH AND 2-INCH METER BOXES FROM SOLE SOURCE VENDOR PSP MANUFACTURING**

Summary: The consideration of a resolution to exempt the formal bidding requirement for the subject purchasing bid, authorize Water Resources to purchase new 1-inch, 1 ½-inch, and 2-inch new meter boxes, and recognize PSP Manufacturing as the sole source for the purchases.

North Carolina General Statute 143-129 (e) allows exceptions to formal bidding when standardization or compatibility is the overriding consideration.

In November 2011, the Water Resources Department Standard Details were updated to detail new meter box requirements for 1-inch, 1 ½-inch, and 2-inch meters. The new meter box requirement will allow more sizes of water meters to fit within the same meter box, thereby reducing the various sizes of meter boxes needed by the WRD. The meter box shown on the updated details are manufactured by PSP Manufacturing & Supply in Rome, Georgia. Currently, Water Resources is not aware of another manufacturer for these meter boxes.

Water Resources staff consulted with the Purchasing Division on the need to sole source the purchase to PSP Manufacturing & Supply due to compatibility issues with the new WRD Standard Details. All parties agreed that PSP Manufacturing & Supply should be recognized as the sole source for this purchase and a Purchase Order should be issued to them for the purchase of the new 1-inch, 1 ½-inch, and 2-inch meters boxes. The sole source with PSP Manufacturing will initially be for 12 months to allow time for interested vendors to update their products to match the City's needs and provide a competitive bid.

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

Pros:

- Recognizing PSP Manufacturing as the sole source for the 1, 1 ½, and 2-inch meter boxes and authorizing the purchase from this vendor will ensure compliance with WRD's Standard Details.
- The new meter boxes can be locked, which will deter tampering and water theft.
- The new meter box has a locking mechanism that does not allow the lid to slip, slide, or otherwise dislocate, which greatly reduces pedestrian liability when located in sidewalks or other pedestrian-friendly environments.

Con:

- The new meter boxes will be more expensive than the current meter boxes. WRD currently pays \$375 for 1, 1 ½, and 2-inch meter boxes. The price will increase to \$671 per meter box. Because the proposed meter box can accommodate different meter sizes, that should help compensate for the increased expense.

The funding needed for this purchase is currently allocated in the Water Resources' Operating budget.

City staff recommends City Council consideration of a resolution to exempt the formal bidding requirement for the subject purchasing bid, authorize Water Resources to purchase new 1-inch, 1 ½-inch, and 2-inch new meter boxes, and recognize PSP Manufacturing as the sole source for this purchase.

**RESOLUTION BOOK NO. 34 – PAGE 332**

**D. RESOLUTION NO. 12-78 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH ASHEVILLE OIL**

**COMPANY INC. FOR REAL PROPERTY KNOWN AS TRIANGLE PARK  
LOCATED ON S. MARKET STREET**

Summary: The consideration of a resolution authorizing the City Manager to execute a lease agreement with Asheville Oil Company, Inc. for real property known as Triangle Park, located on S. Market Street (PIN # 9648.49.7620.00000).

For many years, the City of Asheville has leased the property known as Triangle Park from Asheville Oil Company, Inc. in order to provide a public park space in downtown Asheville. At this time, the current lease has expired and the City and Asheville Oil Company, Inc. would like to continue the lease arrangement based on the following terms:

- (1) Purpose: For public park, recreation and cultural arts purposes including public special events such as festivals.
- (2) Term: Five year lease with an option to renew for an additional five year period
- (3) Rental payment: City agrees to pay annual property taxes and all associated utility costs
- (4) Termination: Mutual rights to terminate at 180 days prior written notice
- (5) Maintenance: City responsible for all maintenance and repairs

This action complies with the City of Asheville Parks, Recreation, Cultural Arts and Greenways Master Plan by maintaining a community park amenity within downtown Asheville.

Pros:

- Continued public park property for the community.
- No change in terms from previous lease

Con:

- None.

The annual cost for the property taxes and storm water utility are estimated at approximately \$1,700. This expense is part of the Park, Recreation and Cultural Arts Budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to execute the lease agreement with Asheville Oil Company, Inc. for real property known as Triangle Park.

**RESOLUTION BOOK NO. 34 – PAGE 333**

**E. RESOLUTION NO. 12-79 - RESOLUTION AUTHORIZING THE CITY  
MANAGER TO EXECUTE CHANGE ORDERS TO THE CONTRACT WITH  
CDM-SMITH FOR AN ENVIRONMENTAL ASSESSMENT FOR A PORTION OF  
THE WILMA DYKEMAN RIVERWAY PROJECT**

**ORDINANCE NO. 4072 - BUDGET AMENDMENT FOR THE WILMA  
DYKEMAN RIVERWAY GRANT FUND**

Summary: The consideration of (1) a resolution authorizing the City Manager to execute change orders to the contract with CDM-Smith for an environmental assessment for a portion of the Wilma Dykeman Riverway Project; and (2) a budget amendment, in the amount of \$19,569, from the Grant Fund reserves to the Wilma Dykeman Riverway Grant Fund.

The City of Asheville is involved in a process to prepare a federal Environmental Assessment for a portion of the Wilma Dykeman Riverway Project that has come to be known as the RADTIP (River Arts District Transportation Improvement Project). The RADTIP will ultimately construct roadway improvements, sidewalks, bike lanes and greenway along Lyman Street and part of Riverside Drive.

The City's consultant, CDM-Smith (formerly Wilbur Smith Associates), has been leading an extensive process involving public involvement, design, and technical documentation of environmental impacts. Up to this point the study has been carried out using 100% federal funding.

During the environmental study it was determined that the potential impacts to historic properties in the RADTIP area would require an additional level of study known as a Section 106 evaluation. The Section 106 evaluation and required public outreach necessitate a need to change the scope of work for CDM-Smith.

The cost of additional work required to complete the environmental study is \$49,847. There are federal funds in the project in the amount of \$30,278 to fund a portion of this additional work. The remaining \$19,569 will have to come from City funds. Staff is proposing that Council appropriate this amount from the City's Grant Fund reserves.

Work is continuing on the project and city staff anticipates we will have a federally-approved environmental document by September of this year. The additional work is necessary if that goal is to be met. CDM Smith proposes to sub-contract with the firms of Matthews Architecture and LandDesign for a portion of the work.

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 implementation of numerous master plans including the Wilma Dykeman Riverway Plan, Sustainable Economic Development Plan, Greenway Master Plan, and the 2025 City Development Plan.

Pro:

- The additional documentation is required in order to obtain federal approval for the project.

Con:

- Requires the use of \$19,569 in City of Asheville funds.

As noted above, the \$19,569 needed for this budget amendment will be appropriated from the Grant Fund reserves. There is currently \$21,853 in Grant Fund reserves; after this appropriation there will be \$2,284 remaining for future use. This appropriation will have no impact on General Fund fund balance.

City staff recommends City Council adopt (1) a resolution authorizing the City Manager to execute change orders to the contract with CDM-Smith for an environmental assessment for a portion of the Wilma Dykeman Riverway Project; and (2) a budget amendment, in the amount of \$19,569, from the Grant Fund reserves to the Wilma Dykeman Riverway Grant Fund.

**RESOLUTION BOOK NO. 34 – PAGE 334  
ORDINANCE BOOK NO. 27 – PAGE**

**F. ORDINANCE NO. 4073 - BUDGET AMENDMENT FOR CONTRIBUTIONS TO  
SUPPORT RECREATION PROGRAMS**

Summary: The consideration of a budget amendment, in the amount of \$8,700, for contributions to support recreation programs.

The City of Asheville in the Parks, Recreation & Cultural Arts Department has received contributions to support programming and special projects within the department operations. Description is listed below:

- \$8,700 from miscellaneous donations to support therapeutic recreation and youth programs and community centers

This action complies with the City Council Strategic Goal of fiscal responsibility in that it provides an alternative for enhancing the city’s commitment to master plan implementation. This action also complies with the Parks, Recreation, Cultural Arts & Greenways Master Plan in that it will 1) increase department funding with alternative funding via donations, and 2) enhance the department’s means to respond to identified programming priorities.

Pros:

- Expansion of programming opportunities will be provided
- Equipment purchases will enhance the customer experience

Con:

- None

The City’s Fiscal Year 2011/2012 General Fund operating budget for Parks, Recreation & Cultural Arts will increase by \$8,700. This increase is funded by \$8,700 in contributions from miscellaneous contributions. Thus, there is no net fiscal impact to the City’s budget.

Staff recommends City Council to adopt the budget amendment in the amount of \$8,700, for contributions to support recreation programs.

**ORDINANCE BOOK NO. 27 – PAGE**

**G. ORDINANCE NO. 4074 - BUDGET AMENDMENT FOR COMMUNICATION CENTER ANTENNA REPAIRS**

Summary: The consideration of a budget amendment, in the amount of \$18,000, to appropriate funds received from Buncombe County for Communication Center antenna repairs.

In September 2003, the City and Buncombe County entered into an intergovernmental agreement for the establishment of a consolidated public safety communication center. In September 2009, both parties agreed to an addendum to the original agreement which served as the formal joint agreement for the operation of the consolidated center. As a part of that agreement, Buncombe County agreed to make annual payments to the City for costs associated with City radio equipment located in the consolidated call center and the redundant call center that is located in the Municipal Building. The first year payment, which was due in March 2010, was set at \$67,500, and the payment has been adjusted annually since then based on the Consumer Price Index (CPI). To date, the City has received \$167,504.98 from the County to be used for this purpose.

Staff is recommending that Council appropriate \$18,000 from these funds to repair antenna equipment used for Police and Fire dispatching at the Consolidated Communications Center. The repairs will allow continued use of radios by Police and Fire Telecommunicators in the event of an equipment failure ensuring continuity of City of Asheville Public Safety operations.

This action complies with the City Council Strategic Operating Plan goal to “Leverage internal and external partnerships for pursuing capital improvements and infrastructure projects.”

Pros:

- Increased backup radio coverage in the Consolidated Communications Center.
- Increased ability to utilize cost effective equipment to provide reliable backup communications for the Asheville Police Department as well as the Asheville Fire Department.

Con:

- None.

As noted above, the City has received \$167,504.98 in payments from Buncombe County to date. Appropriation of the \$18,000 needed for the antenna repairs will leave an available balance of \$149,504.98. The remaining funds, along with the additional annual payments that are received from Buncombe County, will be used toward expenses related to the City of Asheville's radio dispatch operations in the Consolidated Communications Center. The City will receive its next payment from Buncombe County in March 2013. This budget amendment has no impact on General Fund fund balance.

City staff recommends City Council approve the budget amendment in the amount of \$18,000 to appropriate funds received from Buncombe County for Communication Center antenna repairs.

#### **ORDINANCE BOOK NO. 27 - PAGE**

#### **H. RESOLUTION NO. 12-80 - RESOLUTION ADOPTING CITY COUNCIL'S 2012-13 STRATEGIC OPERATING PLAN**

Summary: The consideration of a resolution reaffirming City Council's Strategic Operating Plan for fiscal year 2012 – 2013.

At the February 3, 2012, retreat, the Asheville City Council reaffirmed its commitment to six key focus areas that serve as the foundation for the City of Asheville's Strategic Operating Plan. These focus areas are:

- **Affordable** - The City of Asheville will offer a standard of living that is affordable and attainable for people of all income levels, life stages and abilities.
- **Fiscal Responsibility** - The City of Asheville will support a stronger, more prosperous community by making smart investments that accomplish lasting, tangible returns.
- **Green & Sustainable** - Asheville will be the southeastern leader in clean energy and environmental sustainability.
- **Job Growth and Community Development** – Asheville will support a dynamic and robust local economy with balanced sustainable growth.
- **Safe** - Asheville will be one of the safest and most secure communities when compared to similar cities.
- **Multimodal Transportation** – Integrate and implement a multi-modal transportation plan including sidewalks, bike paths, signal preemption, transit, greenways, streets, rivers and access to river, and other system improvements resulting in a funding priority list.

#### *Performance Measurement and Reporting*

During the 2011-2012 fiscal year, City staff continued to provide City Council with quarterly management reports on performance tied to the organization's adopted strategic goals and related initiatives.

Moving forward with the comprehensive quarterly management report, Council will continue to incorporate quarterly updates from each Council Committee Chair. Each Chair will present to the Council on policy initiatives designed to further achievement of the strategic goals.

Pros:

- Provides Council and City staff with an overall direction and goals of the organization.
- Provides Council and City staff with a measure of success.

Cons:

- None noted

The Strategic Operating Plan will provide direction for Council and the Executive Management Team throughout the budget process.

City staff recommends that City Council adopt the resolution reaffirming Council's Strategic Operating Plan.

### **RESOLUTION BOOK NO. 34 – PAGE 335**

#### **I. RESOLUTION NO. 12-81 - RESOLUTION ACCEPTING COURT PLAZA AS A CITY-MAINTAINED STREET**

Summary: The consideration of a resolution to accept Court Plaza as a city-maintained street.

Code of Ordinances sec. 7-15-1(f)(4)a requires that streets dedicated for public use be accepted by resolution of the City Council.

City Council took action to close the streets located in the area known as City/County Plaza on May 23, 2006 (Ordinance # 06-110) in order to construct the new Pack Square Park. Specifically, the streets that were closed included Court Plaza, City Hall Drive North, City Hall Drive South, and City Hall Circle (see Attachment 2). Buncombe County agreed with the closures.

Court Plaza from College Street to its dead-end has an average width of 26 feet, standup curb, and an overall length of 0.12 mile including the two traffic circles.

The park is now completed and Court Plaza is the only remaining "closed" street. It needs to be added back as a city-maintained street in order to officially provide public access to the Buncombe County Court House and City Hall.

Following City Council's approval of this resolution, the subject street will be added to the official Powell Bill List.

This action complies with the City Council 2011-12 Strategic Operating Plan within the Fiscal Responsibility Area by accepting street infra-structure to help support the healthy growth of the City.

Pros:

- The City of Asheville will receive Powell Bill Funds from the North Carolina Department of Transportation (NCDOT) to help maintain the street.
- The street provides access and connectivity to the Buncombe County Court House and City Hall.

Con:

- Powell Bill Funds will not cover 100% of the total cost to maintain the street.

There will be no initial financial impact to the City, although the responsibility of maintenance belongs to the Public Works Department and is included in the operating budget. The City will receive Powell Bill Funds in the future to help maintain the streets.

Staff recommends that City Council accept Court Plaza as a city-maintained street.

**RESOLUTION BOOK NO. 34 – PAGE 339**

**J. RESOLUTION NO. 12-82 - RESOLUTION CONFIRMING CITY COUNCIL SUPPORT OF PARTICIPATION IN THE YWCA'S "STAND AGAINST RACISM" EVENT ON APRIL 27, 2012**

Summary: The consideration of a resolution supporting the City's participation in the YWCA's "Stand against Racism" effort.

The YWCA of Asheville is participating in a nationwide "Stand against Racism" event to be held April 27, 2012, and has requested community organizations plan events in support of the overall effort to acknowledge racism still exists in our community.

The City of Asheville will organize an event that was successful last year: a walking diversity tour of downtown. Approximately 15 -20 employees from the City of Asheville received training prior to the event from the Center for Diversity Education. City employees will use their lunch hour to sign up for time slots throughout the day in which they would walk the predetermined .5 mile route, led in groups by the trained peer guides, through downtown Asheville.

The tour will examine areas within a short distance of City Hall that are significant to the stories of women's suffrage, the history of slavery and civil rights, the impact of Native Americans, Jewish business and the Scots-Irish in the growth of Asheville as a center of commerce, how the LGBT, Hispanic, Asian and eastern European/Slavic communities contribute to the economic and cultural health of our community and why the changing face of our city, county and region is important to and impacts each of us as citizens and/or employees.

A virtual version of the tour will be made available to employees who are not able to participate due to physical or scheduling limitations.

Short video interviews in which participants share what standing against racism means to them would be taped as groups complete their walk. The interviews would then be posted on City of Asheville websites.

Pros:

- Participation in the event will allow individuals the opportunity to express their desire to stand against racism during their lunch hour.
- The walk and associated videos will make a visual statement about the City's support of YWCA of Asheville's mission of ending racism.
- The walk also meets Asheville Balanced Choices (ABC's) employee wellness goals for increased physical activity opportunities.
- The event is an expression of the City of Asheville's core value of Diversity.
- The walking tours are planned to continue beyond the Stand against Racism throughout the year to highlight the City of Asheville's year-round commitment to value and highlight diversity in our community.

Con:

- Eradicating racism involves much more than making a visual statement.

As participation in the event would take place during employee lunch hours, there is no fiscal impact involved in organizing the walk. The training and subsequent walking tours are part of an ongoing diversity initiative that is supported by management as an important component of employee training and development.

City staff recommends City Council adopt a resolution of support for a City of Asheville walking diversity tour in support of the YWCA's "Stand against Racism" effort.

Councilman Smith encouraged everyone to participate in the YWCA's event.

**RESOLUTION BOOK NO. 34 – PAGE 343**

**K. RESOLUTION NO. 12-83 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH TRIANGLE J COUNCIL OF GOVERNMENTS FOR THE CAROLINA BLUE SKIES INITIATIVE GRANT**

**ORDINANCE NO. 4075 - BUDGET AMENDMENT FOR ADDITIONAL GRANT FUNDS FOR THE CNG STATION AND VEHICLES**

Summary: The consideration of a resolution authorizing the City Manager to accept subgrantee funds via the Triangle J Council of Governments from the Dept. of Energy Clean Cities grant, and the associated budget amendment in the amount of \$51,380.

The purpose of this grant is to upgrade 28 fleet vehicles to CNG and expand the capacity of the existing City of Asheville CNG station. The intent of this grant is to improve air quality by retrofitting vehicles to run on compressed natural gas instead of diesel. City Council approved acceptance of this stimulus grant in August 2010. The budget amendment is to accept additional funds which will pay to convert three dump trucks instead of three pick-up trucks. The dump truck conversions as slightly more expensive but will use much more fuel than pick-up trucks and therefore reduce have a better impact on air quality.

This action complies with City Council's Strategic Operation Plan in the following ways: (1) Identify resources for strategic initiatives and create meaningful performance measures for programs and services; (2) Work with regional partners to create incentives for green building, energy conservation and energy independence; and (3) Identify strategies and costs for increasing the city's annual energy reduction goal to 4%

Pro:

- Support municipal carbon reduction efforts

Con:

- None identified

This project is entirely funded with grant proceeds, so there is no impact on the City's annual operating budget.

Staff recommends City Council authorize the City Manager to accept subgrantee funds via the Triangle J Council of Governments from the Dept. of Energy Clean Cities grant, and the associated budget amendment in the amount of \$51,380.

**RESOLUTION BOOK NO. 34 – PAGE 344  
ORDINANCE BOOK NO. 27 – PAGE**

**L. RESOLUTION NO. 12-84 - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AND DELIVER AN INSTALLMENT FINANCING CONTRACT FOR**

## **VARIOUS CAPITAL PROJECTS AND ACQUISITIONS AS WELL AS THE REFINANCING OF EXISTING DEBT**

Summary: The consideration of a resolution authorizing City officials to execute and deliver an installment financing contract for various capital projects and acquisitions as well as the refinancing of existing debt.

On December 13, 2011, City Council approved a Resolution authorizing the negotiation of an installment financing contract in an amount not to exceed \$50 million for: (1) "new money" for Council approved capital projects authorized as part of the FY 2012 and FY 2011 Budgets, (2) the takeout of the interim note on the 51 Biltmore Parking Deck project and (3) the refinancing of some existing debt to achieve financial savings. On January 10, 2012, City Council held a public hearing consistent with Section 160A-20 of the General Statutes of North Carolina, which require installment financing contracts involving real property to include a public hearing in which the public may comment on the proposed financing.

Since that time, City staff has been working with the Local Government Commission (LGC), bond counsel and underwriters to complete the bond disclosure and financing documents. The LGC has scheduled its approval of the transaction on May 1 with the bond sales to occur on May 24 with closing on June 6.

The Resolution under consideration:

- (1) Ratifies the various documents required to be issued in connection with the transaction;
- (2) Authorizes the release of the official statement (bond prospectus), and;
- (3) Authorizes the execution of various documents (Contract, Deed of Trust, Indenture of Trust and Contract of Purchase) by City officials.

Copies of the extensive bond legal documents are available in the City Clerk's office for review.

This action supports the City of Asheville's goal to operate the City to the highest level of fiscal responsibility by enhancing its commitment to infrastructure maintenance and capital improvements.

Pros:

- Allows the City to move forward with the FY 2012 debt financing to fund several critical facility and infrastructure projects.
- Refunding of existing debt results in financial savings and the reinvestment of those savings in the CIP.

Cons:

- None noted.

The total amount projected for identified capital projects and refinancing is approximately \$45 million.

The projected annual debt service costs associated with the transaction range from \$5.277 million to \$1.25 million through 2032. The range of annual debt service payments over the life of the transaction is a function of several factors - the final payoff in 2021 of the debt being refinanced and components of the "new money" projects that are being financed over their useful lives of 4, 5, 10 and 20 years. The repayment of the "new money" debt issuance is incorporated in the debt management plan through the capacity being generated by the retirement of existing debt and a portion of the savings generated by the refunding. The refinancing of existing debt, at current market rates, is projected to produce about \$1.1 million in cash flow savings through 2021.

Staff recommends that City Council approve the resolution as presented.

**RESOLUTION BOOK NO. 34 – PAGE 345**

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

Vice-Mayor Manheimer 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 Davis and carried unanimously.

**III. PRESENTATIONS & REPORTS: None.**

**IV. PUBLIC HEARINGS: None.**

**V. UNFINISHED BUSINESS:**

**A. RESOLUTION NO. 12-85 - RESOLUTION CALLING FOR A PUBLIC HEARING ON APRIL 24, 2012, TO DEMONSTRATE SUPPORT AND SOLIDARITY BY ASHEVILLE WATER CUSTOMERS IN DEFENDING OWNERSHIP OF OUR WATER SYSTEM**

Councilman Pelly said we will be hearing from the state legislative committee on the management of our water system on August 19. Since the City has not had a formal hearing to give residents an opportunity to let their feelings known, this public hearing is requested to be set for that opportunity.

Councilman Pelly moved to set a public hearing on April 24, 2012, to demonstrate support and solidarity by Asheville water customers in defending ownership of its water system. This motion was seconded by Councilman Smith and carried unanimously.

**RESOLUTION BOOK NO. 34 – PAGE 350**

**VI. NEW BUSINESS:**

**A. RESOLUTION NO. 12-86 - RESOLUTION IN SUPPORT OF EQUALITY AND IN OPPOSITION TO AMENDMENT ONE**

Councilman Gordon Smith presented the following resolution: "WHEREAS the core values of the City of Asheville include commitments to "value and respect a diverse community, workforce, and ideas," and to "value the safety and welfare of our employees and the citizens we serve;" and WHEREAS, the City of Asheville includes at least 737 same-sex couples and has the highest concentration of same-sex couples among North Carolina cities; and WHEREAS, the City of Asheville has adopted a policy of extending equal health care benefits to Asheville City Government employees who are in same-sex domestic partnerships; and WHEREAS, the Council passed a resolution establishing a Domestic Partnership Registry through which same-sex couples can register their relationships; and WHEREAS, the Council passed a resolution endorsing and supporting the rights of same-sex couples to share fully and equally in the familial rights and responsibilities of civil marriage in 2011; and WHEREAS, this Council recognizes that some local and national companies doing business in the City of Asheville extend equal health care benefits to employees in same-sex relationships; and WHEREAS, discriminatory marriage laws deprive same-sex couples and their children of fundamental rights and protections, including, but not limited to, health care coverage and related decision-making, access to

assisted-living facilities, decision making around funerals and end of life matters, inheritance rights, survivor benefits, child custody, and adoption rights; and WHEREAS, on May 8, 2012, the people of North Carolina will vote on Amendment One, a proposed amendment to the North Carolina State Constitution that would prohibit marriage between people of the same sex, and further prohibit the recognition of any other form of domestic legal union; and WHEREAS, the adoption of such a Constitutional amendment is inconsistent with the City's commitment to equal rights and opportunities for its residents and employees and could invalidate the City of Asheville's domestic partner benefits; and WHEREAS, the adoption of such a Constitutional amendment could invalidate local and national businesses' benefit policies; and WHEREAS, Asheville proudly embraces the diversity of its residents; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: (1) The City Council opposes Amendment One; (2) Whether Amendment One passes or fails on May 8, 2012, the City Council reaffirms its commitment to equal rights and opportunities for City employees and for all residents and families of Asheville, including the rights of same-sex couples to share fully and equally in the rights, responsibilities, and commitments of civil marriage; and (3) This resolution shall be effective on and after its passage, and shall be shared with the members of Asheville's General Assembly delegation."

Councilman Smith said that to all the lesbian, gay, bi-sexual, transgender citizens of the State of North Carolina we care about you and we value equality and recognize the need for it, Even after May 9 we as a body will continue to care and fight for equality.

Councilman Bothwell urged people to vote against Amendment One, not only because of the rights of LGBT individuals, but because the Amendment is poorly worded and will have effects far beyond its original intent.

Councilman Hunt was proud to support the resolution, noting that the YWCA's "Stand Against Racism" examines areas "that are significant to the stories of women's suffrage, the history of slavery and civil rights, the impact of Native Americans, Jewish business and the Scots-Irish in the growth of Asheville as a center of commerce, how the LGBT, Hispanic, Asian and eastern European/Slavic communities contribute to the economic and cultural health of our community and why the changing face of our city, county and region is important to and impacts each of us as citizens and/or employees."

Councilman Pelly was also proud to support the resolution in that as a real estate agent he works with couples intensively for a couple of months and has noted that LGBT couples express the same love to each other and their children.

Mr. Tyler McCall, representing the Coalition to Protect all North Carolina families, spoke in support of the resolution, thanked City Council for their commitment to equality, and urged the community to become educated on the harm of Amendment One.

Councilman Smith noted that Asheville has come a long way in declaring its stance on the topic of equality.

Councilman Smith moved for the adoption of Resolution No. 12-86. This motion was seconded by Councilman Hunt and carried unanimously.

#### **RESOLUTION BOOK NO. 34 – PAGE 351**

#### **B. DISCUSSION OF LIAISON TO THE GENERAL ASSEMBLY AND FEDERAL GOVERNMENT**

City Manager Jackson said that at Council's retreat a goal was set to explore whether or not there would be benefits to increasing the City's representation in the State General Assembly

and in the federal government processes. Staff gathered benchmarking information and shared it with Vice-Mayor Manheimer and Councilman Davis (who Council charged with this task).

Vice-Mayor Manheimer and Councilman Davis met with staff and reviewed the information. They recommended the Council authorize the City Manager to prepare a Request for Proposals for a federal liaison to help us identify and secure funding for projects that tend to be funded by the federal government. We feel that without representation we are missing out on some opportunities and that any cost associated with retaining such representation would more than pay for itself in the funding we would identify and secure.

She said that on the State side there is a more immediate and identifiable need to have someone in Raleigh to follow the water issue as well as any other issues affecting municipalities that we need to be able to hear about more than we are able to do from our remote location. Since that does not require a Request for Proposals, they recommended Council authorize staff to engage someone very soon to follow the issues for Asheville and get information back to Council.

When Vice-Mayor Manheimer asked for public comment, no one spoke.

Councilman Hunt felt that a presence in Raleigh is important, noting that Council will continue to build on relationships with other local government officials and our state legislators. He then moved to authorize staff to engage a state liaison to follow the issues for Asheville. This motion was seconded by Councilman Davis and carried unanimously.

Councilman Davis felt the urgency of having a liaison in Raleigh and urged Council to consider a more defined role for a staff member in the future to take this into a different realm. He hoped we would not just stop with representation in Raleigh, but for staff and Council to continue to be involved in addition to that representation.

Councilman Bothwell was not deeply opposed to the motion especially given the urgency of things affecting Asheville recently; however, he felt our delegation in Raleigh has an obligation to keep us apprised of what's going on that affects Asheville.

Councilman Hunt moved to authorize staff to authorize the City Manager to prepare a Request for Proposals for a federal liaison to help us identify and secure funding and monitor regulatory activity. This motion was seconded by Councilman Davis and carried unanimously.

## **VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

Rev. Christopher Chiaromonte spoke about the need for accountability in leadership.

### **Closed Session**

At 6:06 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 litigation involving the following parties: State of North Carolina; J. Jerome Jensen, Jr., et al. (Biltmore Lake Annexation); cities of Rocky Mount, Goldsboro, Wilmington, Kinston, and Lexington; and Henderson County. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); (2) 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 authorization is contained in G.S. 143-318.11(a)(4); 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 7:01 p.m., Councilman Bothwell moved to come out of closed session. This motion was seconded by Councilman Hunt and carried unanimously.

**VIII. ADJOURNMENT:**

Councilman Davis adjourned the meeting at 7:01 p.m.

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CITY CLERK

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MAYOR