

**Recreation Advisory Board
September 10, 2012**



Members Present

Wayne Wheeler, Chair
Hutch Kerns, Vice Chair
Mildred Nance-Carson
John Parrish
Josh O'Conner
Barry Mundt
Todd Dunnuck

Staff Present

Roderick Simmons, Director
Debbie Ivester, Assistant Director
Abigail Riley, Special Projects Coordinator
Amy Rickman, Recreation Superintendent
Frank McGowan, Business Services Superintendent
Al Kopf, Parks, Planning & Development Superintendent
Diane Ruggiero, Cultural Arts Superintendent

Guests Present

Bob Oast, City Attorney

Wayne called the meeting to order at 12:30pm

1. Approval of August Minutes

Josh moved to approve the August minutes; Mildred seconded; all approved; and the motion passed unanimously.

2. Preacher Activity at Bele Chere

Roderick introduced Bob Oast, City Attorney, to speak about the legal issues surrounding the preacher activity at Bele Chere and give the board members an opportunity to have a dialogue with him.

Bob Oast said the festival has historically had issues with advocacy groups who use the festival as an audience to get their points across. Particularly with street evangelism, the use of the amplification devices has been problematic. The noise ordinance is suspended during the festival, and it would difficult to enforce any sanctions against amplification devices. The Supreme Court case has sustained the ability for groups to get a message across using whatever methods the groups choose. Bob said that he and his staff are continuing to explore ways to address these issues including updating the noise ordinance to confine the noise to the sound stages or by having areas set aside for certain groups.

Todd asked if there is a way to put these groups in a separate area. Bob said that they are looking into this option, but this option is also problematic. He has been in discussion with other cities around the state that have similar issues. They are waiting for cases to come out of the court systems to know how to proceed with this option.

Todd asked how those cities handled the issue. Bob stated that the other cities are also looking into how to handle the issue. He cited the Westboro Baptist Church case where church members protested a veteran's funeral. Bob stated that this issue is an evolving process.

Wayne gave the floor to Cory Ander, a downtown merchant. She asked if there is a possibility to make a city-wide rule prohibiting the use microphones or bull horns. She added the biggest problem is their loud broadcasting, as it draws people into altercations.

Bob said they are looking into that possibility. He cautioned that the consequence of being wrong on a First Amendment issue is something of which to be mindful.

Wayne stated that there are already designated areas within Bele Chere. There are areas designated for the bands and children's area. Bob said that other festivals have had some success with free speech areas. If they do come up with a way to confine the use of amplification, it would not stop people from roaming the festival and advocating for their message.

Josh said he is unclear on the distinction between speech and expression. He asked why buskers were not allowed to be on the streets but these advocacy groups were. Bob said that he was not aware of the rules and limitations on buskers, but the preachers use "pure speech." Josh added that from a public safety standpoint, he is concerned.

Bob said the City can not keep people out of the festival who are expressing a point of view.

Cory Ander asked what will happen with altercations and confrontations with the street preachers when police cannot take action. Her main concern is safety at Bele Chere. Another of her concerns is the impact on merchants. She had people walk out of her booth due to the street preachers. She reiterated the impact on the merchants' ability to sell their goods, and its affect on festival goers. She stated that people did not want to come back to the festival due to the street preachers. This has an impact on festival goers, merchants, and safety.

Bob said that the City is aware of all these issues. They will continue to look into it. He does not advise the City to take any action, because it can be sued for violating the First Amendment.

Josh said that he does not want this to be the message that people hear when they come into Asheville to attend Bele Chere. Bob said that he will get Board members the contact information for the organizations that preach at Bele Chere. Josh added that he wants to see if there is anything fruitful to come of reaching out to the groups that come to Bele Chere to preach.

3. Deferred Maintenance Project Report FY 12 and FY 13

Seth presented the Department's deferred maintenance plan. All maintenance and planning

development is done in concert with one another. The main goal of the plan is to ensure that the Department is meeting the needs of its users. In FY 12 and 13, City Council allocated a dedicated amount of funding for the deferred maintenance program is a program to make improvements in the parks that have not been addressed. In addition to the deferred maintenance plan, Seth presented the capital improvement plan. The capital improvement plan is a set of monies allocated to use on capital projects that need to be accomplished. Seth presented an overview of what has been accomplished in the past year. Since March, the last time in which Seth presented the plan, the Department has spent \$180,000 to accomplish its goals.

Murphy-Oakley Park Dugout and Retaining Wall Replacement

The Department renovated the dugouts, roofs, concession stand, and reconfigured the parking lot. It was designed in-house, and \$65,000 was spent to build two new dugouts. It is now a clean, attractive, safe place for the players to sit. Seth said that the hope is to replicate these dugout renovations in other parks if the response is positive.

The retaining wall was reconstructed, and a modular unit was built by maintenance employees. Going forward, these projects will be proto-types and standards to use in other parks. Although the Department wants to celebrate the individuality of the different centers and parks, these pieces can be standard.

Memorial Stadium Veteran's Memorial and Perimeter Fence

An extended walkway was built to meet the field so now there is a perimeter fence and a sidewalk.

Roderick added that this field is used seven days a week from dawn to dusk.

Playground Swings and Equipment

Swing replacements compliant with the Americans with Disabilities Act (ADA) were installed in numerous playgrounds. Staff researched the number and types of swings needed in order to be in compliance with the ADA. In addition to the swings, a slide and climber were added to the Malvern Hills playground. Playground safety and accessibility is one the most important tasks for the Department, and there will be an accessibility audit for all the playgrounds this year. The audit will also help to prioritize the next projects.

Tennis Court Replacement

The earth beneath the tennis courts at Kenilworth and Oakley was not compacted enough, and it caused the courts to degrade. Work will continue to rebuild the courts correctly.

Pool Upgrades

The Department upgraded the pools to make them more accessible and ensure federal compliance. Seth identified where the accessibility needs were, and the pools are now in compliance.

Wayne asked about Walton Street pool issues. Seth answered that maintenance staff has patched the pool surface so it now holds water, where it was previously losing a significant amount of water.

Seth continued that non-skid surfaces were installed at Recreation Park, Walton Street pools, and in the bathrooms. Drain improvements, new gutters, and emergency exit gates were also added to the pools.

Stephens Lee Center

The Alumni Association at Stephen's Lee asked for curtains in the gymnasium. The Department spent \$16,000 to install custom drapes.

Richmond Hill Drinking Fountain

Richmond Hill drinking fountain was installed. A waterline had to be run from the top of the site to the bottom of the hill.

John complimented the Department on the projects. Josh added that he was also impressed that this came from the first set of project lists presented in March.

Wayne asked if the maintenance costs included labor. Seth said that it only included contracted labor, not employee labor as that comes out the operating budget.

Roderick said that they will begin prioritizing these projects in order to expand the timeline.

Seth said that the first concern for prioritization is safety and accessibility. He and Al looked at the project lists from previous years and projects that came from community groups, etc. to build the current project list. In addition, the Department's management team consulted the master plan in order to complete the list. In the next year, an audit will be conducted of the park system in order to assess the accessibility and functionality of the parks, centers, etc.

Mildred asked how many parks there are. Roderick said 54.

Pritchard Park Fountain

The Department was approached by Downtown Asheville Residential Neighborhoods (DARN) to fix the fountain in Pritchard Park. Roderick added that the Department's \$2000 went to the infrastructure to fix the fountain, while DARN paid for the construction of the fountain.

Wayne asked if they installed the tractor seats at the park. Roderick said yes.

Carrier Park

Seth said the Department will hire an architect to analyse what needs to be done at the Carrier Park restrooms in order to fix its issues. Seth said the current prices in the capital improvement plans are estimates. The estimates will be flexible, and there are contingencies built in.

Roderick said that the restrooms at Carrier Park moved up in the priority list due to revisions in the flood plain maps.

The Department is addressing the parking lot and working with the Transportation Department to fix the area as it can be dangerous when pulling out and parking.

Improvements have been made to the restrooms with new hand driers and soap dispensers, but there needs to be further improvement of all fixtures, plumbing, and electrical.

Montford Complex

The playground needs to be relocated to the same elevation of the center. Due to this move, the tennis courts will also need to be moved. The Department will be involving the neighborhood in the process. The design will be completed in-house.

The floor at the Montford Center will be replaced this year. In addition, modifications and lighting in the stage will be added. There is \$150,000 allocated for these improvements.

Accessibility Audit

The Department will issue a RFQ for an accessibility audit for \$35,000. The auditors will visit the greenways, facilities, and parks to inform the Department where it is lacking accessibility. An outside professional will be needed due to the extensive knowledge needed for codes, compliance, and federal guidelines. Roderick added that recent changes in enforcement by the Federal government are making it mandatory that local governments address ADA standards. The audit will show that the Department is moving towards compliance, and it is a priority.

The Department is working with other divisions to ensure accessibility and communicate that to the public.

Aston Park

The Department will be performing a lift on one set of Aston Park tennis courts. Courts get lifted every three years. New clay has been added to the courts.

Wayne asked the price of clay per court. Seth said the estimate is approximately \$60,000 for three courts. Roderick added that it cannot be done each year because is too cost-prohibitive.

Wayne said that this is the only city that he heard that has clay courts.

Azalea Park Fishing Pier

The U.S. Fish and Wildlife Department approached Parks, Recreation and Cultural Arts with funds to stock the pond with fish and build a fishing pier. The Department agreed to provide accessible parking spaces and access to the pier.

Wayne asked what type of fish the pond was stocked with. Al said there will be three types of fish.

Carrier Park Velodrome

The Department will be investing money into exploratory borings due to safety concerns as there are cracks that run parallel to the bike lanes.

Riverside Cemetery Stone Repair

Three years ago head stones at Riverside Cemetery were vandalized. There is a contract with a

monument company to repair the broken monuments. This project is currently in its second year.

Wayne said he saw the article in the paper regarding the GIS project currently being implemented in Riverside. He added that he would like to see signage around the cemetery. Roderick said he would look into what can be done about that.

Other Projects

Seth concluded with the final projects that the Department will be working on. The Department is working with the Army Reserve Officers' Training Corp (ROTC) to install lights at Memorial Stadium. Installation of signs at the Irby Brinson Sports Complex at Valley Springs, George Washington Carver Edible Garden, and the Dr. Wesley Gant, Sr. Southside Center. A new pool cover will be purchased for Malvern Hills Park pool.

These are Tier I projects that will cost approximately \$367,000. The Tier II projects will be implemented if there is money available after the Tier I projects are complete.

4. Director's Report

Riverside Cemetery

Roderick spoke to the article in the Citizen-Times about the GIS project at the Riverside Cemetery that PRCA is working on with the City's Information Technology Department. He said this project is to begin setting up for the future to identify what gravestones are available and making the information more accessible to the public. He added that this project will be a great addition to the asset when it is complete.

Publications

Recreation Center Director I, William Hoke was featured in the North Carolina Recreation and Parks Association (NCRPA) Fall newsletter for his program that mentors young men in the community. In addition, Easel Rider was featured in the National Recreation and Parks Association (NRPA) newsletter.

Staff Update

Diane Ruggiero will be leaving the Department to take a job in Virginia. Roderick said that she has done a great job at assessing the City's public art and moving the public art program forward.

Wayne added that there is a goodbye party on Friday from 1 – 3pm in the Parks and Recreation Conference Room on the 4th floor.

Golf Course

Council passed the management contract with Pope Golf, LLC for the Asheville Municipal Golf Course. Now a lease needs to be approved by Council, scheduled for the September 25th council meeting. Before that date, there will be a public forum at the Public Works Building where the community can meet Pope Golf, LLC.

Mildred asked where Lonnie has been. Debbie said she will follow up on that.

Wayne asked why there were no articles from Asheville's Parks, Recreation and Cultural Arts Department in the NCRPA newsletter, especially regarding the Dr. Wesley Grant, Sr. Southside Center. Roderick said that the article regarding William Hoke's program was in the most recent newsletter. He added that Buncombe County also had two articles in the newsletter. In addition, the Grant Southside Center was in the newsletter after the grand-opening last year.

5. Reports

Bele Chere Board

Diane said the next meeting will probably be in December or January once the Recreation Advisory Board has approved the new Bele Chere Board chair.

Mildred asked if it would be possible to get a list of the nonprofits that participate in Bele Chere. Roderick said he will get Board members the previous three years' nonprofits. Mildred asked if the festival asked for fewer volunteers this year. Roderick said that due to the smaller foot print, they do not need as many volunteers as in the past. He added that nothing was done differently this year in regards to volunteers. Diane said the festivals team works with Hands On Buncombe to find volunteers, and that it is the duty of the Bele Chere interns to work with the volunteers. As the festival has gotten smaller, the need for volunteers has also gotten smaller as less support is needed. Mildred clarified that she was asking because she had heard that certain people had not heard back when they expressed interest in volunteering. Diane said that in the future, the Department would ensure that Board members have the volunteer information.

Asheville Parks and Greenways Foundation

Josh met with the Foundation, but he is not a member. He said the Foundation felt that since Mildred is a Board member, this is enough representation from the Recreation Advisory Board. He will continue to help them in their efforts.

Mildred said "Dancing with the Stars" will be on October 20, 2012. There will be 12 teams at the Black Cat Ballroom. They have started rehearsals, and tickets and posters will be going out soon. Tickets will sell for \$50 per person or \$90 per couple, with a one drink ticket. The goal of the event is to raise \$15,000 for the splash pad at the Dr. Wesley Grant, Sr. Southside Center.

6. Other Business

There was no other business.

7. Adjournment

Josh moved to adjourn the meeting; Barry seconded; and all approved. The meeting adjourned at 1:37pm.