

Tuesday - April 11, 1995 - 2:00 p.m.

WORKSESSION

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, and Councilman Joseph Carr Swicegood; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilman Herbert J. Watts (in hospital regarding knee problem)

CITY OPERATIONS ADVISORY COMMISSION

Mr. John Miall, Director of Risk Management, said that following the January Council retreat during which he presented a proposal for privatization, staff has met with the remaining membership of the City Operations Advisory Commission which Council established approximately two years ago. We would like to utilize the Commission to review staff work on privatization as well as being able to provide an outside view of the organization when discussing each privatization issue.

Tim Amos, Chairman of the Commission, and the remaining members of that Commission have met with the City twice and are agreeable to serving in that capacity. Since the Committee last formally met, several members have moved away from the area, or for other reasons, are no longer able to serve.

He asked Council to authorize the Commission to work with the City Manager and staff on the privatization efforts as approved by Council at the January Council retreat.

It was the consensus of Council to proceed with authorizing the Commission to work with the City Manager and staff on the privatization efforts as approved by Council at the January Council retreat.

BUDGET AMENDMENT - REIMBURSEMENT TO CITY SCHOOLS FOR GYM REFURBISHING

Mr. Irby Brinson, Interim Director of Parks and Recreation, said that in November of 1994, Interim City Manager Bill Farris agreed to pay for a percentage of the refinishing of the gym floors at Asheville Middle School through verbal agreement with Tim Amos and Wayne Trogdon. The Parks and Recreation Department currently uses the Asheville Middle School gym for the adult volleyball league, which runs for approximately 30 weeks per year. Mr. Farris felt that due to our use of the facility, we had an obligation to help in paying a portion of the cost. The total bill for refinishing the gym was \$16,760. This budget amendment would appropriate \$12,000 to this project.

It was understood and agreed by the Council that a precedent will not be set if the City agrees to help pay for a portion of this cost.

Councilman Swicegood moved to proceed with appropriate action at the next formal meeting to appropriate \$8,000 to help pay for the refinishing of the Asheville Middle School gym. His reasons were that (1) Interim City Manager Farris had agreed to pay a portion; (2) the school system did not follow-up in writing as to the amount the City would agree to pay; and (3) the Parks and Recreation Department does use the gym. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

## ADA GRIEVANCE PROCEDURE

Mr. Lyle Willis, ADA Coordinator, explained the purpose and intent of the ADA which is to mainstream individuals with certain covered disabilities into society. While ADA compliance deadlines have expired, the City, in its continued good faith efforts to fully comply with the ADA, has finalized a required written ADA grievance procedure. The basic elements of the written grievance procedure are as follows:

A. City Council is required to establish an ADA Compliance Committee, which shall serve as a quasi-judicial body to hear ADA appeals from the ADA Coordinator.

B. Since the ADA Compliance Committee, as structured, constitutes a public body, the procedure would require the charging of a small administrative fee to cover publication costs for public notice of the Compliance Committee meetings.

C. The final decision maker regarding the City's compliance or non-compliance with the ADA is the City Manager. The Committee, however, serves an advisory role to the City Manager in cases of undue hardship cases decided against the City.

Councilwoman Field moved to proceed with appropriate action at the next formal meeting. This motion was seconded by Councilwoman Sitnick and carried unanimously.

## E-911 SELECTIVE ROUTING

Police Chief Will Annarino said that the current E-911 agreement for 911 service to the City of Asheville and Buncombe County is between Bell South and Buncombe County. The Buncombe County Office of Emergency Management currently receives, screens and dispatches all City and County E-911 calls.

A recent three month analysis of police, fire and ambulances (EMS) E-911 calls originating within the corporate limits of Asheville revealed:

- 7,136 E-911 calls originating within the corporate limits of Asheville
- 5,402 police and/or fire related
- 1,734 ambulance (EMS) related.

Assuming this three month analysis is representative of a 12 month period, it can be inferred that roughly (28,544) E-911 calls originated within the corporate limits of Asheville for the year 1994; 21,608 relating to Police and Fire, and 6,900 relating to a medical emergency (EMS).

A meeting was held between City staff and the Bell South E-911 Project Coordinator. The purpose of the meeting was to request selective routing for the Asheville Police Department's communication center. According to Bell South, Buncombe County, as the current primary Public Safety Answering Point ("PSAP"), would have to agree to the City's request. Bell South would need a letter from the City Manager of Asheville requesting selective routing for the City of Asheville. -3-

The Asheville Police Department communication center has all the required equipment for selective routing and designation as a PSAP. No additional costs are anticipated. Additional increases in communication call loads have been reviewed with no increase in personnel anticipated or expected.

Mr. Jerry VeHaun, Buncombe Emergency Management Director and the one currently responsible for the County's E-911 system, is opposed to the City's request. He does not want to lose control of direct medical emergency (EMS) dispatch within the City.

The Asheville Police Department requests selective routing as a PSAP for all city originating E-911 calls.

Councilwoman Field moved to proceed with appropriate action at the next formal meeting. This motion was seconded by Councilman Swicegood and carried unanimously.

#### INSPECTIONS DIVISION CUSTOMER SERVICE

Fire Chief John Rukavina, along with Chief Code Enforcement Officer Bob Hixson and Chief of Building and Life Safety Robert Griffin, discussed with Council the list, developed by staff of the Building and Life Safety Division of the Asheville Fire Department, of ten types of concerns raised by customers in connection with safety code enforcement activities.

City staff stressed that it is the Building/Life Safety Division's mission statement to provide for the safety of building contractors, owners and occupants by helping them meet the requirements of city and state building and life safety codes.

Some additional complaints were brought up by Council and responded to by staff.

It was the suggestion of Council for the Building Code Advisory Committee meet with the Economic Development Commission to discuss concerns regarding the permitting process.

#### STORMWATER OVERVIEW BY REGULATORY AGENCIES

City Manager Jim Westbrook said that City Council requested a worksession on stormwater management and state and federal requirements for stormwater management and water quality.

Mr. Bradley Bennett, Stormwater Program Coordinator with the NC Division of Environmental Management, presented a slide program which noted requirements and management techniques to the Council.

#### REQUEST FOR COMPREHENSIVE FLOOD CONTROL RECONNAISSANCE STUDY

Ms. Julia Cogburn, Planning Director, said several weeks ago City staff was approached by Buncombe County Emergency Management Director Jerry VeHaun who requested that the City join Buncombe County in seeking Congressman Charles Taylor's assistance on a flood control study.

This study, which can be scheduled with more expediency with the assistance of a member of Congress, would engage the Army Corps of Engineers in reviewing Asheville and Buncombe County's flood prone areas in what is called a flood control reconnaissance study. This study is completely paid for by the federal government but it is but the first of -4-

several steps in solving flood control issues. The latter steps do involve significant local funding. A local governing body is not required to proceed with the subsequent steps unless that local entity is willing and able.

She then outlined in detail each of the four steps in the full process: Step 1

- County-wide comprehensive study for flood control problems; Step 2 - Detailed design of repair plan; Step 3 - Actual repair and construction; and Step 4 - On-going maintenance.

Councilman Swicegood remembered a similar study being done several years ago and wondered what had taken place with the results of that study.

In response to Councilwoman Field's question about what benefit it would be to the City if the study was completed and the City didn't do anything else, Ms. Cogburn replied that perhaps the City could do something on a smaller scale once the areas were identified.

Councilman McClure wondered if a community, for instance, Crowfields, could participate in a cost-sharing type arrangement. Mr. Cogburn felt that might be a good possibility.

Councilwoman Sitnick felt this would be an excellent tool to help create a priority list of the City's major flood prone areas.

Councilwoman Sitnick moved to join in the request to Congressman Taylor by authorizing the City Manager to send a letter to Congressman Taylor stating that the City will only participate in Step 1 and that it be made clear that future funding/participation decisions will be made only upon careful review and examination of the study, funding availability, and benefits to the City of Asheville. This motion was seconded by Councilwoman Field and carried unanimously.

#### UPDATE ON PEDESTRIAN ACCESS COMMUNITY EVALUATION ("PACE") COMMITTEE

Councilwoman Leni Sitnick, Chairman of PACE, updated Council on the work of the committee and the preparations for a public meeting on pedestrian issues scheduled for Thursday, April 27, 1995.

#### WAIVER OF BUILDING INSPECTION FEES FOR SMALL BUSINESSES FORCED TO RELOCATE BY THE CHESTERFIELD MILL-ASHEVILLE COTTON MILL FIRE

City Manager Westbrook said that small businesses displaced by the Chesterfield Mill-Asheville Cotton Mill fire of April 2, 1995, have been forced to quickly find new buildings out of which to operate. While the City of Asheville cannot support the costs of these relocations, the City Council can, by resolution, waive building permit-related fees incurred by these small businesses. These fees are estimated at less than \$1,000.

Councilman McClure moved to proceed with the appropriate action at the next formal meeting. This motion was seconded by Councilwoman Sitnick and carried unanimously.

#### CONSENT AGENDA

##### Budget Amendment regarding Erskine Street Playground

Summary: This action, in the amount of \$11,124, is to appropriate additional funds to cover cost of ADA accessibility at the Erskine Street Playground.

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##### Final Plat Approval for Biltmore Commons Subdivision

Summary: Nappier and Gunnells, developers of the 19 lot Biltmore Commons Subdivision located on West Oakview Road, are requesting approval and

acceptance of the final plat for the subdivision. The final plat complies with the standards established by the City's Subdivision Regulations.

Authority to Accept Bid to Purchase Disposal Parcel 160 in the East End/Valley Street Community Improvement Project

Summary: The Housing Authority, acting as Redevelopment Commission, is seeking approval to sell property in East End/Valley Street area to Eugene Ellington in the amount of \$4,400.

Resolution requesting City Council to call on Members of the General Assembly to dedicate revenues generated by the increase of the Land Transfer Tax to the Park and Recreation Trust Fund and Natural Heritage Trust Fund

Summary: City Council is requested to call on members of the General Assembly to request that revenues generated by the increased Land Transfer Tax be dedicated to the Park and Recreation Trust Fund and the Natural Heritage Trust Fund for use by local and state park systems.

Demolition of 1 Buffalo Street

Summary: A public hearing will be set for May 9, 1995, to consider demolition of 1 Buffalo Street.

Amendment to Housing Authority Lease Agreement at Reid Recreation Center

Summary: The Parks and Recreation Department wishes to amend the lease agreement with the Housing Authority so that agreement concerning the area used for the Youthful H.A.N.D. Program is renewed annually.

Budget Amendment relative to the 1995 Bele Chere Festival

Summary: This budget amendment, in the amount of \$353,950, is to appropriate fund for the 1995 Bele Chere Project.

Festivals Coordinator Chip Scott answered various questions as it related to the "rainy day fund." The festival cleared approximately \$47,000 last year but after certain salaries and other expenses were deducted, the "rainy day fund" now totals approximately \$25,000.

After Mr. Scott noted that some of the rainy day fund was used to fund Discovery Day, Councilman Swicegood said it was his recollection that the Council was not going to participate with the funding of Discovery Day anymore. He then instructed the City Clerk to research the minutes regarding this matter.

Vice-Mayor Peterson moved to proceed with appropriate actions regarding the Consent Agenda items at the next formal meeting. This motion was seconded by Councilwoman Sitnick.

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OTHER ITEMS

House Bill 717 Regarding Housing Authority of the City of Asheville and the Redevelopment Commission

The Council discussed House Bill 717, a bill to be entitled "An act to provide that the Asheville City Council and Mayor shall select and remove Housing Authority Commissioners, and to provide that the Asheville City Council may not

designate a housing authority or itself to act as a redevelopment commission in lieu of creating a redevelopment commission."

Discussion surrounded that the City Council asked that legislation be introduced only as it related to the City Council and Mayor select and remove Housing Authority Commissioners.

It was the consensus of Council to write to our legislative delegation expressing concern over the language in this bill.

#### Signs on Bus Shelters

Vice-Mayor Peterson said that at the next formal meeting he would move that the Planning Department be directed to draft an amendment to the sign ordinance so as to allow for signs on bus shelters, that the amendment be submitted to the Planning & Zoning Commission for their review and then to the City Council for consideration.

#### CLOSED SESSION

At 5:20 p.m. Councilwoman Field moved to go into closed session to discuss the purchase of real estate. This motion was seconded by Councilman Swicegood and carried unanimously.

At 6:15 p.m. Councilwoman Field moved to come out of closed session. This motion was seconded by Councilman Swicegood and carried unanimously.

#### ADJOURNMENT

Mayor Martin adjourned the meeting at 6:15 p.m.

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CITY CLERK MAYOR

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