

Tuesday - June 20, 1995 - 2:00 p.m.

Room 623 - City Hall Building

WORKSESSION

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

Absent: Councilman Joseph Carr Swicegood

RESOLUTION NO. 95-99 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AND EASEMENT AGREEMENT BY AND BETWEEN CLIMBMAX INC. WITH THE CITY OF ASHEVILLE FOR AN OUTDOOR CLIMBING WALL TO BE LOCATED ON THE EXTERIOR WALL OF THE WALL STREET PARKING GARAGE

Mr. Chip Scott, Festivals Coordinator, said that pursuant to City Council's request for further information regarding lease payments, the Finance Department and the City Attorney's Office have been in contact with all relative parties to establish a reasonable lease payment by and between the City of Asheville and ClimbMax. The original proposal lists a monthly payment of \$10 a month for 12 months for a total yearly lease of \$120. Upon further discussion, ClimbMax is currently proposing \$85 per month for a yearly total of \$1,020. Upon review of both the current lease agreement between the City and Wall Street Limited Partnership and the limitations of the non-tax exempt uses and revenues prescribed by the arbitrage agreement of the financing for the purchase of the Wall Street and Rankin Avenue garages by the City, a lease payment not to exceed \$2,000 per month is allowable for any other non-tax exempt uses and revenues.

Based upon the current lease agreement between ClimbMax and the Wall Street Limited Partnership, the monthly lease payment for the indoor ClimbMax space is \$800 per month. ClimbMax currently is occupying a total of 2,440 square feet. The cost per square foot is equal to \$.33. The total square footage for the proposed outdoor climbing wall is 918 square feet. Using these figures, a monthly lease payment of \$300 ($818 \times \$.33 = \302.94) for a yearly total of \$3,600 would appear fair for interior space serviced by heating, cooling, electrical and plumbing systems. However, as this lease is regarding the use of exterior wall space which is not typically a leaseable space and it is extremely unlikely that any other business would become a tenant of such space, the City Development Office recommends a monthly payment of \$150 for a yearly total of \$1,800.

Mr. Stuart M. Cowles, President of Climbmax Inc., urged Council to consider the weather conditions when determining a monthly payment rate for use of an outdoor climbing center, i.e., too cold to climb the wall or you can't climb the wall in the rain. He anticipated his projected revenue would be \$226.50/month (151 climbers at \$1.50) and since they will be utilizing the special events on Wall Street during the year (including Bele Chere with an anticipated revenue of \$6,000), he anticipated a yearly revenue from the outdoor wall at \$8,718.

Upon inquiry of Vice-Mayor Peterson about the revenue the City will receive from the lease, Audit/Budget Director Bob Wurst said that the revenue would go to the Parking Division Fund, not to Wall Street Limited Partnership.

Since this is a new venture which brings something unique to Asheville and

since this is an opportunity for Council to help a small -2-

businessman, Councilwoman Sitnick suggested \$100/month for the first year and at the end of the first year, Council could re-evaluate the lease and see if it needs to be adjusted for the next year.

Vice-Mayor Peterson felt the recommended amount of \$150/month was a fair price.

Councilwoman Sitnick moved to adopt Resolution No. 95-99 with a monthly lease payment of \$100.00 for the first year (of the four year lease agreement) with the rates to be renegotiated annually thereafter, not to exceed 12% of the gross monthly revenues from the outdoor climbing wall. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

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FESTIVALS UPDATE

Mr. Ben Wax, Superintendent of Recreation, said that the City of Asheville is involved in 13 festivals and special events during the remainder of the calendar year July-December 1995 in which the City provides technical and logistical support.

Staff is recommending that Light Up Your Holidays festival be dropped for this year due to lack of funding and community interest. It is our intention to continue with the holiday lighting downtown (but not be involved in the kick-off ceremony and no staff person to coordinate the events) and continue our support and coordination of First Night Asheville. Most of the Light Up Your Holiday events will be independently produced by the community but not through the auspices of the Light Up Your Holiday Coordinator.

Also, staff is requesting clarification by City Council about whether or not the City should be involved with Discovery Day.

Upon inquiry of Mayor Martin, Mr. Wax said that the corporate community is already involved.

Councilwoman Sitnick said that she did not want to see Light Up Your Holidays fail for lack of support. We really need to support positive things and festivals is one of them. She suggested that if we withdraw our funding and the community does not pick it up, that we re-evaluate it for possible future funding.

When Vice-Mayor Peterson suggested money come out of the Bele Chere proceeds for other festival funding, Mr. Wax said the \$5,000 funding for Discovery Day is coming out of the Bele Chere proceeds.

Mr. Chip Scott, Festivals Coordinator, said that last year Buncombe County participated in Discovery Day by funding \$3,000.

Councilwoman Sitnick suggested some way to connect the school program relative to the prom night contract to First Night Asheville. She hoped there would be some activities geared toward the teenagers at First Night Asheville.

Upon inquiry of Vice-Mayor Peterson, Mr. Scott said that Bele Chere proceeds from last year were approximately \$47,000.

Councilwoman Field moved to participate in the Light Up Your Holidays festival only as it relates to the holiday lighting downtown -3-

and to continue the City's involvement of no more than \$5,000 with Discovery Day. This motion was seconded by Councilman Watts and carried unanimously.

Councilman Watts instructed the City Manager to make sure that the GOOMBAY festival this year is not as crowded as last year.

CITY SCHOOLS AGREEMENT

Mr. Irby Brinson, Interim Director of Park and Recreation, said that for almost 20 years the City of Asheville and the Asheville City Schools have had an excellent working relationship which has been a tremendous benefit to both parties and especially to the citizens of Asheville. Over this period of time the Parks and Recreation Department has used Asheville High School for adult basketball, Asheville Middle School for adult volleyball, Vance Elementary School for adult softball and youth baseball, Hall Fletcher Elementary School for youth basketball, and other school sites for summer playground locations and after school programs. In return, the City has installed playground equipment at Ira B. Jones, Hall Fletcher, Vance, and Isaac Dickson Elementary Schools, assisted in clearing banks in Asheville High, constructed ballfields at Vance and Hall Fletcher Elementary School, and provided space for their maintenance operations housed in the basement of the Municipal Building. In addition, we currently co-sponsor a very successful after school and day camp program which is operated in all the City elementary schools.

Beginning July 1, 1995, the City School Board recently approved charging a \$5 per hour utility maintenance fee for use of the City School facilities by our adult athletic programs. This fee represents approximately a \$5,000 expense to the Parks and Recreation Department and will result in increased entry fees which will be passed along to teams participating in our leagues. In addition, the City agreed to pay \$8,000 toward refinishing the floors at Asheville Middle School. Both the City of Asheville and the City Schools have benefited from this relationship of joint use free from restraints of financial accountability for many years. It is counter-productive for both sides to suddenly begin charging each other for services and use of facilities. Use of City School facilities has allowed the Parks and Recreation Department access to facilities that the City taxpayers have already funded. The City Schools have benefited by the Parks and Recreation Department providing equipment and staff in areas where they are lacking, therefore reducing their need to purchase specialized equipment and services.

It was the consensus of Council to have City staff negotiate an agreement with the City Schools which will allow for joint use of facilities, equipment, and staff without fees being assessed by either party.

CITY HALL SEVENTH & EIGHTH FLOOR RENOVATIONS

Mr. Irby Brinson, Interim Parks and Recreation Director, said that the Parks and Recreation Department staff has requested from Cort Architectural Group an estimate in regard to renovations to the 7th & 8th floors of City Hall. There have been recent changes to the Building Code which may allow for such renovations. Based upon previous work that they have done, the estimated cost for completely renovating this space would be \$64.50 per square foot. Currently there is approximately 8,700 square feet on the 7th floor and 6,850 square feet on the 8th floor. The estimated renovation cost, based upon the above, would -

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result in a construction contract of \$1 Million. Cort recommends that a 20% overhead be included in this price for design fees, furnishings, and contingency. Therefore, the total estimated price would be approximately \$1.2 Million. In addition, if City Council is interested in pursuing this matter,

Cort recommends that a renovation study be commissioned in order to better define the current Building Code restrictions, existing system capabilities, conceptual floor plan, and budget cost projections.

Extensive problems currently exist with the roof and exterior walls of City Hall. For the past few years, damage has occurred to the 7th and 8th floors as well as other floors of City Hall due to room leaks and deterioration of the mortar from the bricks on the exterior wall. These problems need to be addressed prior to any renovations to the 7th and 8th floors. Also, the 7th and 8th floors are being used for storage areas for departments within the building which include Planning, Finance, Legal, Parks and Recreation and others.

Upon inquiry of Mayor Martin about the cost of roof renovation, Mr. Brinson said that it would cost approximately \$1 Million.

When Councilwoman Sitnick asked about the \$64.50 square foot renovation figure, Councilwoman Field responded that new construction figures run \$100-120, and an historic building renovation normally runs \$80.00 per square foot.

Mr. Brinson explained, as requested by Councilwoman Sitnick, about the use of Cort Architectural Group for the estimated renovations to the 7th and 8th floors. He said that Cort was the architect used when the City Hall building was renovated in 1991 and he had current figures. Mr. Brinson did state that Request for Proposals was sent out for the 1991 renovations. The City Hall renovations cost \$4.7 Million.

Councilwoman Sitnick felt that the City Hall 7th and 8th floors were unsuitable for storage since it actually ties up expensive real estate space. However, she agreed that the roof renovations should come before any renovations to the other floors.

Vice-Mayor Peterson expressed concern over why Cort, back in 1991, didn't stress to the City to fix the roof first, before any floor renovations were done. The City has known for over 10 years about the problems with the roof.

When Councilman Watts asked about if the roof renovation project could be phased in, City Manager Westbrook said that staff would like to come back to the Council with a plan to fix the roof in terms of phasing and financing. Mr. Westbrook did state, however, that the Municipal Building renovation is a high priority and Council will need to make a determination on how they want to proceed.

Vice-Mayor Peterson suggested using the 9th floor of City Hall for storage. Mr. Brinson responded that there was no elevator access to the 9th floor.

Councilwoman Sitnick said that the City should look to local businesses when they replace the tiles on the roof. She suggested this would be an excellent student group project.

It was the consensus of Council that the City Manager report back to Council with plan to fix the roof in terms of phasing and financing prior to any renovations occurring to the 7th and 8th floors.

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CONSENT AGENDA

Consideration of Bids relative to a Refuse Collection Vehicle

Summary: Staff recommends that award be made to the low bidder, Southern Truck

Service, Charlotte, N.C., in the amount of \$118,996 for a 1995 'Crane Carrier' model 'LET Tandem' cab and chassis with a 'Heil' model 5000-20 hydraulic packer body and a 'Barker' model 602 pumping unit. The following bids were opened on May 30, 1995:

Vendor Net Cost

Southern Truck Service, Charlotte, NC \$118,996.00

Heil Environmental Ind., Chattanooga, TN \$121,307.00

Heil Environmental Ind., Chattanooga, TN (alternate bid) \$122,893.00

White GMC Trucks, Hickory, NC \$126,168.26

White GMC Trucks, Hickory, NC (alternate bid) \$124,937.26

Budget Amendment relative to Funds Raised by Recreation Center Organizations

Summary: This budget amendment, in the amount of \$39,100, provides "bookkeeping" for funds raised by Recreation Center organizations and used by them for special events or other center activities.

It was the consensus of Council to proceed with appropriate actions regarding the Consent Agenda items at the next formal meeting.

OTHER ITEMS:

School, Parents Panel

Councilwoman Sitnick said that because of the increasing concerns on the part of parents of school aged children highlighted in recent media accounts, she requested that the Mayor and City Council convene a panel of parents to address the Council at the next available worksession. She suggested the following list to be added to at City Council's discretion: Will Annarino, H. K. Edgerton, O. T. Tomes, Dwight Mullen, Dolly Mullen, Sylvia Montgomery, Yolanda Connors, Sharon Arrington, Joe Webster, LaVern Justice Hart, Marsha Bate, Robert Edgerton, Marilyn Bass, and Marshall Logan.

It was the consensus of Council that Councilwoman Sitnick and Councilman McClure work on this issue.

Art Museum Banners

Vice-Mayor Peterson requested that the Art Museum at Pack Place be allowed to put up "tastefully done" banners advertising art shows within a two block radius for more than the permitted seven day period of time.

Mayor Martin felt that the new unified development ordinance might address that problem.

Councilwoman Field and Councilman McClure agreed with Vice-Mayor Peterson's suggestion.

Vice-Mayor Peterson moved that the Planning and Zoning Commission be requested to make a recommendation to the City Council regarding an amendment to the sign ordinance providing for elimination of the seven -6-

day limit on wind signs for community festivals and events as set forth in Section 30-9-4 F of the City Code. This motion was seconded by Mayor Martin

and carried unanimously.

City Council Community Meetings

Councilwoman Sitnick asked that the City Council community meetings start taking place again after July 1. She suggested meeting at senior citizen centers.

Business Round Table Meeting

Councilwoman Sitnick suggested that the Mayor appoint a three member committee of himself, and two Councilmembers, to meet with the top ten businesses in our community to address any of their concerns.

She also suggested a round table meeting inviting all large and small businesses, builders, developers, and appropriate City staff to answer questions and concerns raised.

Mayor Martin suggested they meeting with the City Manager first for his suggestions on how to open up the lines of communication.

Steering Committee for Visioning Process

Mayor Martin said that he has recently been made aware that the Steering Committee for the Visioning Process will be meeting on Thursday, June 22, 1995, and the City needs to make their two appointments. He said that at Pre-Council on June 13, 1995, City Council agreed to appoint Dolly Mullen as the City's 1/2 person to serve on the Steering Committee. He said that the Council needs to appoint two more members. He suggested the names of O.T. Tomes and Willie Mae Brown.

Councilman Watts suggested the name of Joe Webster.

Councilman McClure felt the Council should see who the County, Chamber and Community Foundation appointed before making their two appointments.

At the request of Council, City Clerk Burleson obtained a list of the following names already appointed to the Steering Committee: James B. Banks, Carl Bartlett, Robert F. Burgin, Philip Carson, Jack Cecil, Ernest Ferguson, Jay Garner, Wanda Greene, Patsy Keever, Clark Olsen and Patricia Smith.

Vice-Mayor Peterson stated that he was not aware that the first meeting of the Steering Committee was going to be in just two days and was not prepared to submit any names at this time. After finding out who the members of the Steering Committee were, he was distressed by the make-up of Committee. He felt the City was not given adequate time to make such important appointments and was prepared to withdraw the City's \$5,000 previously approved for this project.

Councilwoman Sitnick was concerned over the lack of media coverage for the too few public hearings. She asked for a time schedule for this visioning process.

Mayor Martin and Councilwoman Sitnick were both opposed to any political or elected person on the Steering Committee - for example, Carl Bartlett, Mayor of Black Mountain, and Patsy Keever, Buncombe -7-

County Commissioner. They felt the appropriate place for those type persons should be on the 150 member Task Force which will be appointed by the 15 member Steering Committee.

Councilwoman Sitnick suggested Harold Holcombe.

Vice-Mayor Peterson felt that Mayor Martin knew of the Committee make-up and date of their first meeting prior to this meeting and felt the Mayor should have informed the Council members long before now. Mayor Martin stressed that he had no prior knowledge of the Committee make-up and he was only recently told of their first meeting date. Vice-Mayor Peterson felt that if the City Council is going to be kept in the dark, they should re-consider funding this project.

Even though the Committee make-up only includes one black female (the City's 1/2 appointment), Councilman McClure felt that the City's appointments should not be made to make up the balance of minorities and even though City Council feel that political persons should not be appointed to this Steering Committee - they have and we have no control over that. Therefore, if the City doesn't appoint a Council member, we lose the City's control. He stressed that we need to have some reasonable control of the input.

It was the consensus of Council to make the City's two appointments to the Steering Committee for the Visioning Process at Council's next meeting and have representation at the first Steering Committee on Thursday, June 22, to express City Council's concern.

It was the consensus of Council to have Mayor Martin and Councilman McClure attend the Steering Committee meeting on behalf of the City of Asheville. Councilwoman Sitnick said that she would attend as well.

Water Agreement and MSD Agreement

Councilman McClure asked for Council's support in asking the City Manager and staff to look at options and alternatives to the Water Agreement and the agreement with MSD.

Councilwoman Field felt that changes to the Water Agreement will have repercussions on the Regional Water and Sewer Authority.

Councilwoman Sitnick suggested researching what type of impact it would have on MSD if the City refused to do their billing.

It was the consensus of Council to have the City Manager prepare a report and bring it back for Council review. City Manager Westbrook said that this comprehensive report would undoubtedly take some time and he would report back as quickly as possible.

Ralph Bishop

Mr. Ralph Bishop asked if City Council was exempt from the City Charter provisions. Mayor Martin responded that they were not.

Closed Session

At 3:45 p.m., Councilwoman Field moved to go into closed session to discuss location or expansion of industries or other businesses in the area. This motion was seconded by Councilwoman Sitnick and carried unanimously.

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At 4:30 p.m., Councilwoman Sitnick moved to come out of closed session. This motion was seconded by Councilman McClure and carried unanimously.

At 4:55 p.m., Councilman McClure moved to go into closed session in order to preserve the attorney-client privilege. This motion was seconded by Councilwoman Field and carried unanimously.

At 5:20 p.m., Councilman McClure moved to come out of closed session. This motion was seconded by Councilwoman Field and carried unanimously.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 5:20 p.m.

CITY CLERK MAYOR
