

Tuesday - October 3, 1995 - 1:45 p.m.

WORKSESSION

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson (arrived in meeting at 2:17 p.m.); Councilwoman Barbara Field, Councilman Gary McClure, Councilman Joseph Carr Swicegood (arrived in meeting at 2:22 p.m.) and Councilman Herbert J. Watts; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilwoman Leni Sitnick

CLOSED SESSION

At 1:45 p.m., Councilwoman Field moved to go into closed session to consult with the City Attorney in order to preserve the attorney-client privilege as authorized by G.S. 143-318.11 (a) (3). This motion was seconded by Councilman McClure and carried unanimously.

At 2:00 p.m., Councilman Watts moved to come out of closed session. This motion was seconded by Mayor Martin and carried unanimously.

WATER EFFICIENCY TASK FORCE UPDATE

Mayor Martin recognized Mr. Paul Braese, Chairman of the Water Efficiency Task Force ("WET Force"), and members of the WET Force that were in the audience. He commended the WET Force for the award received from the Environmental Protection Agency on water efficiency. On behalf of the City Council, he thanked the members for their hard work and achievements accomplished.

Mr. Paul Braese explained that the WET Force is a subcommittee of the Asheville-Buncombe Water Authority. He said that their mission is to research and study the most efficient use of water as a utility and natural resource for the citizens of Asheville and Buncombe County, and to present its recommendations to the Water Authority. The WET Force also educates the public to be self-motivated in water efficiency ethics. He then outlined the program components as follows: - residential retrofit kits; - industrial/ commercial assessments; - hotel/hotel retrofit kits; and - public education/school education. He said that their goal is now to refine the residential program.

Mr. Braese answered various questions from Council as they related to the type products the WET Force recommends and their excellent education program.

Mr. Braese praised the WET Force and the staff for their work on these programs.

CITY OF ASHEVILLE MISSION STATEMENT

City Manager Westbrook said that the Total Quality Management (TQM) effort of the City is made up of four principles: respect for people, customer satisfaction, decision-making by fact and continuous improvement. The City's name for its TQM program is the Legacy of Excellence (LX). The LX program aims at integrating all aspects of the organization through a model made up of three components: excellence teams, goal management and excellence in daily work. A part of the goal management component is the need for the governing body to adopt a current mission statement. A mission statement is the "bread and -2-

butter" purpose of the organization; its essential reason for being. Missions are usually stated in product and/or service terms. In other words, they are

the statement of what business we are in. We believe the following mission statement captures the essence of what the City's mission should be. "The City of Asheville will enhance to the quality of life for its customers (citizens, employees and visitors) by providing professional and efficient services. In order to do this, the City of Asheville will respond to customer needs, provide for employee development, serve as a partner in the community and be a leader in Western North Carolina."

Councilwoman Field suggested deleting the words "In order to do this," in the second sentence. It was the consensus of Council to delete the beginning phrase as recommended by Councilwoman Field.

City Manager Westbrook then answered several questions from Councilman Swicegood related to the City's TQM process.

Upon inquiry of Vice-Mayor Peterson, City Manager Westbrook said that he would provide Council with an update as to the LX team working in the Sanitation Division.

When Mr. H. K. Edgerton asked if there was any kind of incentive program for City employees when they save the City money, City Manager Westbrook said that the City does have a merit system and a critical incident bonus system in place.

It was the consensus of Council to proceed with appropriate action at the next formal Council meeting.

MARNE ROAD REZONING

Mr. Gerald Green, Senior Planner, said that the residents of Marne Road, located in the Kenilworth neighborhood, have presented a petition requesting the rezoning of 21 lots from R-2 to R-1A. All of the lots are located on Marne Road. Section 30-11-1 (c) of the zoning ordinance permits residents of an area to petition for rezoning of the area if the petitioners "comprise a minimum of 51% of the property owners in the area and who own at least 51% of the property within the area to be considered." The petitioners meet those standards. Nineteen of the lots are developed with single family homes and the other two lots are vacant. All of the lots meet the minimum size requirements for the R-1A District.

The current R-2 zoning permits single family and multi-family development at a density of up to six units per acre, with a minimum lot size of 10,000 square feet. The requested R-1A zoning permits only single family development at a density of eight units per acre, with a minimum lot size of 5,400 square feet. Both zoning districts also permit non-residential development such as churches, schools, and family care homes. The property owners are requesting the rezoning to protect the single family status of their neighborhood.

The zoning ordinance requires that rezoning requests initiated by petitions such as this request be reviewed first by City Council. Council then directs the Planning Department staff as to how to proceed with this rezoning request. The options available to Council are to forward the request to the Planning & Zoning Commission for their consideration, to recommend that no further action be taken on the request, or to table the request for additional study and/or -
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information. If the request is sent to the Planning & Zoning Commission for consideration, they will review it, make a recommendation, and forward the recommendation to City Council for a final decision.

The Planning Department staff recommends that City Council forward this rezoning request to the Planning & Zoning Commission for review and a recommendation.

Upon inquiry of Councilman McClure, Mr. Green said that the City allows the persons petitioning to define the area requesting to be rezoned.

It was the consensus of Council to proceed with appropriate action at the next formal Council meeting.

ORDINANCE PERMITTING THE POSTING OF A PROHIBITION AGAINST CARRYING A CONCEALED HANDGUN IN LOCAL GOVERNMENT BUILDINGS, THEIR APPURTENANT PREMISES AND PARKS

Police Mayor Jay Breedlove said that House Bill 90, Chapter 398 of the 1995 Session Laws, allows a unit of local government to enact an ordinance to permit the posting of a prohibition against carrying a concealed handgun into local government buildings or onto other City premises and parks. To ensure a handgun free environment on City property, City Council must enact an ordinance which will allow the City Manager to post all City property prohibiting the carrying of a concealed weapon on any City property. This ordinance authorizes the City Manager to post all City property prohibiting the carrying of a handgun on City property. Once enacted, violators will be guilty of a misdemeanor under G.S. 14-145.10 (c).

It was the consensus of Council to proceed with appropriate action at the next formal Council meeting.

RICHMOND HILL PROPERTY

Geotechnical Results

Mr. Dick Meehan, Parks Superintendent, said that the Parks and Recreation Department was asked to obtain cost figures for engineering, geotechnical boring and testing for Richmond Hill Park - Alternative 3.

In order to respond to the City Council as quickly as possible, staff obtained a proposal for geotechnical exploration from Law Engineering and Environmental Services, Inc. since they are currently under an hourly bid contract with the Parks and Recreation Department. Staff met with Bernie Kessel, P.E., to discuss the proposed project and requested a proposal which would provide the necessary information to ascertain the feasibility of developing the site as proposed. Staff requested that Alternative 3 (one 300' field with a restroom, drive, and parking lot) be analyzed. Staff also asked that a portion of Alternative 2 (baseball field complex with one 300' field, two 225' fields, one 150' field and a restroom, drive, and parking lot) also be considered as an additional option.

On September 28, 1995, Law Engineering and Environmental Services submitted a proposal with a scope of services and fee estimate. Site boring, testing, and report recommendations for Alternative 3 would cost \$4,300. Alternative 2 would cost \$6,800. The City Engineering Department would assist by surveying the test boring sites and performing the necessary engineering to determine the feasibility of the -4-

site design as proposed, especially with the goal of balancing the cut and fill on the site. The Parks and Recreation Department would clear the vegetation for access necessary for testing.

Depending upon which alternative is selected by the City Council, staff recommends that the sufficient funds be appropriated for testing and analysis.

Councilman Swicegood felt that it would be a good idea to solicit other companies for an estimate.

Councilwoman Field and Mr. Meehan felt that there was only probably two other companies that do this type of work in our area and the prices would be very close to that of Law Engineering and Environmental Services.

When Councilman Swicegood asked about the time it would take to complete the work, Mr. Meehan felt that the City could probably have the report in approximately two weeks.

Mr. H. K. Edgerton asked if the City would salvage any of the rock, etc., that was found on the property. Mr. Meehan stated that this is only boring and the report will tell the City what kind of rock is there. However, if there's too much rock on the property, he wouldn't recommend the City proceeding with the park project.

It was the consensus of Council to proceed with appropriate action at the next formal Council meeting to appropriate \$6,800 for testing and analysis.

Pros & Cons of Annexation

Ms. Patty Joyce, Senior Planner, said that provisions outlined in G.S. 160A-58.7 Annexation of Municipal Property state that a governing board "may initiate annexation of property not contiguous to the primary corporate limits and owned by the city by adopting a resolution stating its intent to annex the property, in lieu of a petition." The property must satisfy the requirements of G.S. 160A-58.1 which requires the noncontiguous area proposed for annexation meet certain standards.

Staff has reviewed the standards of a noncontiguous (satellite) annexation and feels that the criteria can be met. Those criteria are as follows:

1. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city. The Richmond Hill property lies approximately 60 feet from the primary corporate limits.
2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city. The Richmond Hill property is not closer to the corporate limits of another city.
3. The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides with its primary corporate limits. City departments will be contacted for a -5-
description of service they can provide to the Richmond Hill property. No problems are anticipated since the corporate limits are just 60 feet away.
4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-367, all of the subdivision must be included. No subdivision exists.
5. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed 10% of the area within the primary corporate limits of the annexing City. If the land area of the Richmond Hill property (180 acres) were added to the area of all other existing satellite areas (8.54 acres), the total land area of all satellite

annexations would be 188.54 or .7%. (The area of the City is 40.6 square miles or 25,984 acres).

If the City Council wishes to annex city owned property, they would first adopt a resolution containing an adequate description of the property and fix a date for a public hearing on the question of annexation. If, after the public hearing is held, City Council finds that annexation is in the public interest, it may adopt an ordinance annexing the property. The ordinance maybe be made effective immediately or on any specified date within six months from the date of passage.

At this time staff sees no reason the property could not be annexed according to state laws. There are essentially two reasons why it would be advisable to annex city owned property:

1. If any public improvements (investments) are made to the property it would be in the City's best interest to patrol and protect the property through its own City police and fire departments. Additionally all grading and building permits for City projects should originate within the City's engineering and inspections departments and not the County's, as would be required if it remained in the County. For some of these reasons, a precedent was set when the City-owned Ray Kisiah Park (formerly West Chapel Road Park) was annexed into the City last year.

2. If any private investments were proposed for the property, the City could only collect privilege license fees and tax revenue if it were within the City of Asheville. And, while the City could procedurally review any development plans for the property, because it lies within the City's extra-territorial jurisdiction, grading and public permits would be issued and enforced by the County if the land were not within Asheville's corporate limits.

Councilman McClure said that if the City puts any money into the property it needs to be part of the City; however, it might be better to wait until the City determines what it's going to do with the property before it annexes it.

It was the consensus of Council to proceed with appropriate action to start annexation proceedings at the next formal Council meeting.

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REPORT ON WALL STREET PARK

City Manager Westbrook said that additional information is being compiled and this item will be brought up at the next worksession.

CONSENT AGENDA;

Budget Amendment relative to Human Relations Skills Training

Summary: This budget amendment, in the amount of \$20,500, is to fund Human Relations Skills Training for police employees. The offsetting revenue is provided by the N.C. Dept. of Crime Control and Public Safety.

Service Agreement Renewal with Motorola

Summary: In August of 1994, the City of Asheville entered into a new service agreement with Motorola Communications and Electronics Inc. for the maintenance of the City's radio communication system. The agreement provides for a fixed rate maintenance cost per unit of equipment for a three year period.

New radio equipment when installed is covered under warranty for a period of one year. As the warranty expires on this new agreement, it needs to be added to the service agreement. The requested service agreement renewal incorporates the new radio equipment that has come off warranty during the past year. The monthly cost of the service agreement is \$10,387.90.

Upon inquiry of Vice-Mayor Peterson, Mr. Larry Bopp, Information Services Director, assured Mr. Peterson that the Water Authority will be paying their share of this monthly cost.

Mr. Bopp responded to a question by Mr. H. K. Edgerton about why this service agreement did not go out for bid.

Ordinance prohibiting crossing barricades and tampering with or removing barricades

Summary: There have been several public emergency situations in the past when it has become necessary to block off a public street with a barricade in order to prevent public egress and ingress of an area. It appears that a number of people find it convenient to remove or cross a barricade that has been placed on a public street to block egress and ingress since there is no disincentive to do otherwise. This ordinance would prohibit such activity and make it a misdemeanor to cross or remove a barricade that has been placed on a public street by a designated City employee to prevent egress or ingress during emergency situations.

Concurrence to Proceed with Demolition Project and Line Item Transfer of \$10,000

Summary: Earlier this year Buncombe County adopted new rules on landfill operations. The rules require hand-sorting of most demolition debris into painted and unpainted wood, painted and unpainted masonry and metal.

For most demolitions of dilapidated houses, Public Works crews would be called on to remove those houses. This work would be done on days where weather was not suitable for street work. However, Buncombe -7-

County's new requirements mean a week or more of work on each dilapidated dwelling, and Public Works crews cannot be spared for hand-sorting for demolition debris from dilapidated single-family dwellings.

As a result, we have bid out removal of four dilapidated houses (106 Burton Street, 1 Buffalo Street, 17 Ridge Street and 25 Ridge Street) at a low bid cost of \$22,185. According to Building/Life Safety crew, this low bid cost is four times as much as the cost of Public Works crew removal. That amount also exceeds what we budgeted for dilapidated house removal for all of Fiscal Year 1996, since the original budget proposal did not anticipate that outside contractors would be required.

Unless Buncombe County's rules change, we expect that this situation will recur for the balance of this fiscal year in cases where City Council orders demolition of dilapidated houses when owners refuse (or are unable) to do so.

Upon City Council's approval to proceed a line item budget transfer from the nondepartmental contingency line item to Building Safety - Demolitions line item in the amount of \$10,000 will be made in accordance with the authorization to transfer funds in the City's 1995/96 budget ordinance.

Upon inquiry of Councilman McClure, Fire Chief John Rukavina explained that these houses are too far dilapidated for Preservation Hall services. He noted

that the City will be making arrangements with Preservation Hall for their services in future demolitions.

Fire Chief Rukavina answered various questions from Council on different dilapidated structures and the speed at which they will be demolished.

When Mr. H. K. Edgerton asked about who demolishes the houses, City Manager Westbrook referred him to Fire Chief Rukavina for the specifics.

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

OTHER BUSINESS

Denver Boot

Vice-Mayor Peterson asked the City Attorney for the progress of the City instituting the Denver Boot legislation.

Lake Craig/Richmond Hill

Upon inquiry of Mr. Bruce Miller, Councilman McClure explained that the City is proceeding with looking into developing both the Lake Craig property and the Richmond Hill property for recreational activities.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 3:10 p.m.

CITY CLERK MAYOR
