

Tuesday - March 19, 1996 - 3:00 p.m.

Worksession

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilman M. Charles Cloninger

LX FIRE DEPARTMENT SAFETY TEAM REPORT

Fire Chief John Rukavina introduced the Fire Department's Legacy of Excellence ("LX") quality improvement Safety Team. They identified the problem being 50% of all "personal alert safety system" ("PASS") alarms did not meet the NFPA 1500 requirement that all members (100%) involved with rescue, fire suppression, or other hazardous duties be provided with and use a PASS alarm device. Not having/using this device could cause unnecessary injury or death.

Team members explained that when fighting a fire, each Asheville firefighter is supposed to wear a "personal alert safety system" ("PASS") that sounds an audible alarm if the firefighter remains motionless for more than 30-45 seconds. The purpose of a PASS is to alert other firefighters that a firefighter might be injured and unconscious or unable to move.

But since the PASSs have been introduced, the Asheville Fire Department had noted problems in maintaining the PASSs, and the fact that some firefighters were not wearing PASSs at fire emergencies.

The Safety Team identified the root causes (no formal process, no access to supply PASSs and no one being held responsible for the supply of PASSs) and then developed solutions and monitored the results. As a result of the work of the Safety Team, the PASSs are regularly used and maintained, and a replacement for a damaged or disabled PASS is available immediately.

Mayor Martin, on behalf of Council, commended the Safety Team for their hard work on this potentially critical problem.

ANNEXATION OF CARE FREE WINDOWS/KINCO DIVISION

Mr. Carl Ownbey, Urban Planner, said that the Planning Department has received a petition under G.S. 160A-58.1 to annex a non-contiguous property on 150 Westside Drive known as Carefree Windows.

On September 29, 1995, the City of Asheville received a signed petition from Carefree Windows requesting annexation of their property. The annexation is in accordance with the agreement between Care-Free Windows and the City of Asheville for extension of sewer services. The property is not more than three miles from the primary corporate limits and is not closer to the primary limits of another city than it is to the City of Asheville. The next step in the annexation procedure is to adopt a resolution setting a public hearing on the question of annexation.

Upon inquiry of Councilman Skalski, Mr. Ownbey said that the property is already zoned LI Light Industrial.

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

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SUMMER YOUTH PROGRAM

Ms. Roxie Wynn, Assistant Personnel Director, explained that the City Council has appropriated \$100,000 since 1992 to fund a Summer Youth Program. The program's purposes have been to employ "at risk" City youth and to promote positive work ethics and healthy lifestyles. To qualify, applicants have had to be 14-18 years of age, a resident of Asheville and a student in a public or private school system. In 1992 the applicant's gross income was also considered. She then highlighted the programs since 1992. The staff recommended funding the program at \$100,000 (or some lower amount) and support it with a program administrator and counselor.

Upon inquiry of Councilman Hay, Ms. Wynn said that last year the Chamber of Commerce was unable to participate due to downsizing.

When Vice-Mayor Field questioned what type of criteria was used to employ the youth, Ms. Wynn said that the applicants go through an in depth interview process. In addition to their responses, their prior work experience, if any, and performance is taken into account.

Ms. Wynn then responded to questions from Vice-Mayor Field about how the City can target the youth who need the jobs most, by perhaps an income limit. City Attorney Slawter's opinion was that the City can't target minorities, however, he felt they could target low income.

Ms. Wynn answered questions about the County's summer youth program.

Vice-Mayor Field wanted to make sure that the summer youth program be limited to only Asheville residents.

Upon inquiry of Mayor Martin, Ms. Wynn said that last year 200 youth applied for jobs and 80 were hired.

In response to Councilman Worley's question about whether the program meets the City's needs, Ms. Wynn responded that an evaluation from the participants and supervisors is done at the end of the program and last year 95% responded that they enjoyed the program and it was beneficial to them.

City Manager Westbrook spoke in support of this program noting that the City doesn't put the youth in dangerous jobs.

In trying to address Vice-Mayor Field's concern about targeting low income Asheville residents, City Manager Westbrook suggested that in this upcoming year the City obtain income information and then have that information available for future guidelines. He felt the City could very well already be meeting those needs.

When Mr. H.K. Edgerton asked that the City consider hiring these youth in jobs other than just outdoor-type jobs, Mayor Martin responded that we need to make sure that the jobs are meaningful to the youth and that they also do something constructive for the City.

It was the consensus of Council to fund the 1996 Summer Youth Program at \$100,000 and support it with a program administrator and counselor.

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BELE CHERE BOARD

Mr. Irby Brinson, Director of Parks and Recreation, explained that the purpose of this resolution is to recognize the Bele Chere Board as being appointed by the City of Asheville.

Resolution 93-45 was established to recognize the Bele Chere Commission as an appointed board and commission for the City of Asheville in 1993. The approval of this resolution provided some liability protection for the members of the Commission through City's excess liability insurance program. This resolution did not, however, cover the Bele Chere Chairman or the Bele Chere Board. This resolution will amend Resolution 93-45 to include liability protection for the Bele Chere Chairman and the Bele Chere Board.

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

REQUEST TO ACCEPT SHADY CIRCLE AS A CITY SYSTEM STREET

At the request of Mr. Scott Dedman, representing Mountain Housing Opportunities, this item was deleted from this agenda.

LEASE AGREEMENT BETWEEN THE CITY AND THE AIRPORT AUTHORITY

City Attorney Slawter said that this action will authorize the Mayor to execute an agreement between the City and the Asheville Regional Airport Authority.

Pursuant to the Airport Agreement which was entered into between the City and the County on November 29, 1979, the City leases to the Airport Authority land used by the Airport. The Airport Authority has recently acquired, with Airport funding, additional land to be used for Airport purposes. That land was acquired by the Airport Authority in the name of the City of Asheville and an amendment to the Lease is required in order to officially put the property under the control of the Airport Authority.

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

LEGISLATIVE PACKAGE

City Attorney Slawter outlined each of the draft legislative proposals that Council has previously discussed.

1. A bill providing that Asheville have the same authority that other municipalities within the state (other than municipalities within Buncombe County) have regarding the area within which downtown development projects may occur.

This item received unanimous support of the Council and they instructed the City Attorney to proceed with placing it in the legislative package.

2. A bill exempting Asheville from the state-wide requirement that before issuing a building permit to a contractor, the building inspector must first verify that the contractor has paid its privilege license tax and has workers' compensation insurance in effect.

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This item received unanimous support of the Council and they instructed the City Attorney to proceed with placing it in the legislative package.

3. A bill increasing from \$5.00 to \$10.00 the amount of tax that the City may

impose on motor vehicles.

This item received unanimous support of the Council and they instructed the City Attorney to proceed with placing it in the legislative package.

4. A resolution encouraging the legislature to make campaign finance reform a priority.

Vice-Mayor Field felt that this resolution was unnecessary since the legislative delegation is already looking into campaign finance reform. She had no problem if the Council independently wanted to contact the legislators and express their opinions. Personally she had some concerns about the recommendations from the Committee for Campaign Finance Reform. She also expressed a concern about some constitutional issues. She would not support this resolution.

Councilman Skalski was definitely in favor of campaign finance reform, to whatever extent possible.

Councilman Worley said that he would like to see some campaign finance reform; however, he was unsure if it needed to be in the legislative package since we are not asking for specific legislative affecting Asheville.

Councilman Sellers felt he would support the resolution as written.

Mayor Martin didn't support the resolution because he felt it was just another level of bureaucracy imposing itself on them.

Councilman Worley felt that since this would not receive unanimous support of the Council, it should not be in the legislative package.

Councilman Hay supported the resolution stating that it's clear that we need to have campaign finance reform a priority.

Vice-Mayor Field moved to delete the campaign finance reform issue from the legislative package. This motion was seconded by Mayor Martin and the motion was defeated on a 2-3 vote (with Councilmen Sellers, Skalski and Worley voting "no" and Councilman Hay being absent).

Because the items being presented to the legislative delegation should receive unanimous support of the Council, Councilman Worley then moved to reconsider not presenting this issue to the delegation. This motion was seconded by Vice-Mayor Field and carried on a 5-1 vote, with Councilman Skalski voting "no".

5. A bill authorizing Asheville and Buncombe County to adopt ordinances providing for the Asheville-Buncombe Community Relations Council to process EEOC complaints within Asheville and Buncombe County.

City Attorney Slawter stated that New Hanover County was the first entity in North Carolina to obtain equivalent authority from EEOC to investigate employment discrimination claims. He responded to questions

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brought up at the last worksession regarding, among other things, legal representation. He said that the Chamber of Commerce and the Council of Independent Business Owners had not had time to respond regarding what position, if any, they would have regarding this local enforcement. He did note, however, that the City Manager has been contacted by the County Manager and he indicated that the County was not inclined to go forward with this

without support from the business community.

Mr. Robert Smith, Executive Director of the Asheville-Buncombe Community Relations Council, said that they are working closely with Western Carolina Industries about this issue. He noted that to date he has not heard any opposition from the business community until now, with the County's position. When they talked to the County, he noted the Commissioners were very enthusiastic about this. He did state that he spoke with Senator Jesse Ledbetter who said that it would be more appropriate for this issue to be introduced in the 1997 session and it was his feeling that it wouldn't be introduced this year because the legislators are in short session (which he stated only deals with budget issues and critical need issues). Senator Ledbetter did state that he would be glad to present the issue to the delegation in 1997. In the meantime, he plans to get out to the business community and show the what a positive move this would be. Now the average time for the EEOC to investigate a complaint is one year. If the Community Relations Council did the investigation, it would take an average of 57 days.

Councilman Worley supported the request.

City Manager Westbrook felt that perhaps the County's concern was that since this would not affect complaints against the City of Asheville or Buncombe County, they wanted to make sure that the business community supported it.

Vice-Mayor Field suggested keeping this issue in the legislative package for this year so they will be made aware that we will bring it up again next session.

Councilman Hay agreed with Vice-Mayor Field about leaving this in the legislative package for the short session.

City Manager Westbrook felt there might be a potential problem if this legislation passes for Asheville and doesn't pass for Buncombe County, the businesses won't know if the complaint will be handled locally or in Raleigh.

Upon inquiry of Mr. H.K. Edgerton, City Attorney Slawter explained that any group can make a request to the local legislative delegation.

This item received unanimous support of the Council and they instructed the City Attorney to proceed with placing it in the legislative package.

6. A resolution urging the legislature to support affordable housing in North Carolina.

Vice-Mayor Field had no problem in supporting affordable housing in North Carolina, but felt the language of the resolution contained a lot of verbiage she didn't feel was necessary.

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Councilman Skalski stated that at a recent National League of Cities meeting, there was unanimous support that the Housing Trust Fund should go towards home ownership and asked for similar language to be included in this proposed resolution.

Vice-Mayor Field felt that she would not support the resolution if restricting it to only home ownership.

Councilman Worley said that this is similar to the campaign finance reform resolution discussed earlier in terms that it is general in nature. Since the

legislative package traditionally deals only with local legislation that specifically affects Asheville, perhaps this should be reviewed by the Affordable Housing Coalition and then brought back to Council for their consideration. If, at that time, Council adopts the resolution, it can be sent on to the local delegation.

Vice-Mayor Field moved to send this resolution, including Councilman Skalski's suggested language, to the Affordable Housing Coalition for their review, prior to consideration by the City Council. This motion was seconded by Councilman Worley and carried on a 5-1 vote, with Councilman Skalski voting "no".

7. A bill which would add a new category to G.S. 136-27.1, requiring DOT to pay relocation costs for lines constructed by a water or sewer system organized pursuant to G.S. 160A-462.

City Attorney Slawter said that G.S. 136-27 provides for reimbursement from the N.C. Dept. of Transportation for the non-betterment cost of relocation of water and sewer lines to several types of entities. The legislation does not cover the Asheville-Buncombe Water Authority. This proposed bill would add organizations created in the manner that the Asheville-Buncombe Water Authority was created to the list of eligible entities.

This item received unanimous support of the Council and they instructed the City Attorney to proceed with placing it in the legislative package.

8. Other Items

Upon inquiry of Vice-Mayor Field, City Attorney Slawter said that the North Carolina League of Municipalities hasn't taken any positions yet of which he is aware on legislative issues, but when they do, cities will be notified.

Vice-Mayor Field instructed the City Attorney to investigate an issue regarding abandoned properties and the city's authority to take them by eminent domain and sell them.

9. Legal Advertising for the Unified Development Ordinance

City Attorney Slawter said that the legal notices for the Unified Development Ordinance will be outstanding. He asked for Council's concurrence in asking the legislature for some help that will enable the City meet the notice requirements imposed by State law but not spend the enormous amount of money that will be required for legal ads. He suggested they might have information from other cities that have gone through an entire rezoning and see how they handled it.

Councilman Skalski said that he knew of some cities that have a permanent structure zoning in place and would be happy to share that information with Mr. Slawter.

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Mayor Martin said that he would be contacting the local delegates to get some dates in which they might be able to meet with the Council regarding our legislative package.

CONSENT AGENDA:

Budget amendment for after school/day camp program

Summary: This budget amendment, in the amount of \$19,653, is to appropriate

funds to operate an After School/Day Camp Program at the East Asheville and Murphy-Oakley Recreation Centers.

The Parks and Recreation Department currently operates seven after school and day camp programs in conjunction with the school systems. The Dept. of Human Resources Administrators, working in Buncombe County, have shared with staff that there is a waiting list for child care services in Haw Creek, Oakley, and Bell Elementary Schools. We anticipate that an average of 20 participants per site for after school and between 20-30 participants for summer day camp will be available for these programs per location. These programs will be fee-based and will cover expenditures to operate. In addition, we will be able to reduce our part-time staff through our operating budget at an anticipated savings of \$12,000 annually. The staff feels that it is advantageous to begin this program as quickly as possible in order to secure participants for the Summer Day Camp Program which will begin after school ends in June.

Budget amendment to move radio repeaters

Summary: This budget amendment, in the amount of \$19,970, is to upgrade an existing radio repeater from conventional to trunked status and move the Mt. Royal in Skyland to Spivey Mountain site.

Due to a lack of system resources, radio users now incur "system busies" on a daily basis and an unacceptable number of these busies during emergency situations. The objective of this upgrade and move is to utilize existing resources more effectively, thereby reducing busies for Public Safety system users. The Police Chief and the Fire Chief are in agreement with the intent of this project.

The equipment that must be purchased will upgrade the existing system and can only be supplied by Motorola. If anyone other than Motorola-approved service personnel install this equipment, all maintenance and warranty contracts will be void. At the present time, there are no minority-owned Motorola service facilities in this area.

Addition of third school resource officer

Summary: Authorization is needed to staff the School Resource Officer Program with one additional, full-time police officer. The existing agreement was last modified on September 13, 1994, to reflect two officers. Since that time the School Board has sought and received funding for a third school resource officer through a grant process. The program has been expanded as School Administration and faculty realized there is a crucial need for police officers on campus.

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

OTHER BUSINESS

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Worksession Times

It was the consensus of Council that when the Council as a whole is invited to a luncheon on a worksession date, that the worksession time be more flexible. Because of the Housing Authority luncheon on April 2, it was the consensus of Council that the worksession on April 2 begin at 2:00 p.m. in Room 623 in the City Hall Building.

The Airport Authority luncheon is scheduled for April 16 and it was the consensus of Council that the worksession on that date begin at 3:30 p.m. in Room 623 in the City Hall Building, followed by the Joint City/County Meeting at 5:00 p.m. in the same room.

It was noted that normal worksessions (held on the first and third Tuesdays of the month) will continue to be at 3:00 p.m. in Room 623 of the City Hall Building.

Comments by Mr. H.K. Edgerton

When Mr. H.K. Edgerton asked if there was anyway transportation can be provided to and from recreation centers for youth who are participating in City-sponsored programs, Mayor Martin suggested Mr. Edgerton talk with Mr. Irby Brinson, Director of Parks and Recreation.

Upon inquiry of Mr. Edgerton about the financial request of the YMI Cultural Center, Vice-Mayor Field said that the Council committee has met and they have asked for documents from the YMI. She assured Mr. Edgerton that they understand the importance of the issue and are working on it.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 5:03 p.m.

CITY CLERK MAYOR
