

Tuesday - May 21, 1996 - 3:00 p.m.

Worksession

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; 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: None

CLOSED SESSION

At 3:00 p.m., Vice-Mayor Field moved to go into closed session, as authorized by G.S. 143-318.11 (a) (3), in order to preserve the attorney-client privilege. This motion was seconded by Councilman Worley and carried unanimously.

At 3:40 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Councilman Sellers and carried unanimously.

GLENDALE AVENUE BRIDGE REPLACEMENT PROJECT

Mr. Mark Combs, Public Works Director, said that TGS Engineers have completed plans for replacement of the Glendale Avenue Bridge across the Swannanoa River. The plans have been submitted to the appropriate agencies in the Federal and State governments for approval. Section 26a of the Tennessee Valley Authority ("TVA") requires that any construction along or over waterways in the Tennessee Valley jurisdiction be approved by the Tennessee Valley Authority.

The TVA has reviewed and approved the Glendale Avenue Bridge replacement plans. The TVA has also prepared an approval document setting forth the terms and conditions of their approval. This document needs to be executed on behalf of the City. The conditions require that any changes in the plans be approved by the TVA: That, if in the future, any adverse effects upon navigation, flood control, or public land reservations are created by the bridge, that the bridge shall be altered or removed to eliminate the adverse effects; that should the City begin but not complete the bridge project that any and all of the uncompleted work be removed and the area restored to its former condition; that all land disturbing activities be accomplished in accordance with best management policies as defined in Section 20-8 of the Clean Water Act; and that the approval of the plans by TVA be valid for the period of one year, after which time, re-approval must be obtained before any construction is started. The approval also places no liability on the TVA and frees them of any obligation or duty to the City or any third party for damages to property or personal injuries arising out of or connected with construction, operation or maintenance of the bridge.

The plan approval document has been reviewed by Public Works, the City Attorney's Office and Risk Management. Each Department recommends the plan approval document, with revisions to the indemnification clause included in the original document on page 2, paragraph 7, be approved. Language being deleted reads "... and to indemnify and save harmless TVA and the United States from any and all claims by other persons arising out of any such damage."

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

CIVIC CENTER HVAC SYSTEM REPAIR

City Manager Westbrook said that due to the deteriorating conditions of the HVAC system at the Civic Center, staff requests Council approval of a contract for repair to that system.

The Civic Center Director is in the process of improving operations in the climate control system within that facility. The Civic Center HVAC system has deteriorated to the point that an engineering firm was hired to ascertain corrective measures for the existing air conditioning system and make recommendations to solve mechanical operating problems with recommended cost analysis. Deficiencies were found by the engineering firm, resulting in recommendations to correct the system problems and the provision of a detailed cost breakdown. Due to the immediate need of the repairs to the HVAC system and due to contracted rental of the facility, repair costs were obtained and an acceptable proposal was finalized for the corrective work.

A budget amendment, in the amount of \$67,000 to budget investment earnings and appropriate remaining funds is required.

Staff recommends approval of the HVAC system repair costs and proposed contract for the Civic Center by Carolina Environmental Systems Inc. in the amount of \$119,640.

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

BUDGET WORKSESSION FOLLOW-UP ITEMS

CITYWORKS

Ms. Robin Westbrook, Water Efficiency Coordinator, said that additional information was requested by City Council concerning the amount of money spent by the City of Asheville on legal and other advertisements placed in the newspaper along with cost estimates associated with increasing the size and/or frequency of the current CityWorks advertisements.

When the idea for CityWorks was originally conceived, legal advertising was used to offset the cost and to make information easier for customers to find in the newspaper. The unreliability of the size of legal ads made it difficult to forecast the size ad that would be needed each week. The plan was to publish a 3/4 page ad each week and a full page ad on the last week of the month. The ad was often enlarged to include all legal ads that week, thus increasing the cost of the program.

In July 1995, a total of \$40,000 was appropriated through the budget for newspaper ads, water bill inserts, and newspaper tabloids. Of this \$40,000, approximately \$20,000 has been used for newspaper ads in the Asheville Citizen-Times and Mountain X-Press. Currently, \$16,500 has been spent on CityWorks advertisements this fiscal year.

In the past eight months, the City has spent \$16,495 on classified advertising, \$44,190 on legal advertising, and \$13,563 on CityWorks with the Asheville Citizen-Times. The City has spent a total of \$3,025 with the Mountain X-Press for a total of \$77,273 on advertising with these two publications. Small amounts of advertising dollars have also been spent with other publications. Job announcements should continue to be placed in the classified section of the newspaper; therefore, the total

amount of money that the City is spending on legal advertising and CityWorks in both publications is \$60,778.

It is the recommendation of staff that the City publish a 1/4 page ad every week and a full page ad on the last week of the month. This will address the problem of frequency that we now experience. Legal ads could be summarized in this full page ad if they are over two pages in length and included if they are under two pages. The cost of this advertising will be \$60,683. Some legal advertising will still need to be advertised in the legal section of the paper and will be an additional cost. All of these advertising dollars will also be spent with the Asheville Citizen-Times.

Vice-Mayor Field felt that what the City did with CityWorks prior to July 1, 1995, was extremely effective.

Vice-Mayor Field hoped that there was some way we could place CityWorks in the Citizen-Times at the same place each week. Ms. Westbrook said that prior to July 1, 1995, the Citizen-Times was willing to do that because of the amount of space the City was buying. However, since we are recommending less this time, they were not willing to commit that space.

When Councilman Worley asked why the job announcements should remain in the classified section, Ms. Westbrook said that people are used to looking for jobs in that section, however, they can still be included in CityWorks.

There was some discussion about where the almost \$20,000 difference would come from. City Manager Westbrook said that we would have to appropriate the difference from fund balance because he wouldn't recommend reducing anything in the balanced budget he recently presented to Council.

Discussion then surrounded the fund balance and the amount the City should keep in it.

Councilman Cloninger felt that Council needed to let staff know the amount they wanted to spend on CityWorks and then let staff determine the best and most effective and efficient ways to use it.

City Manager Westbrook asked for some direction from Council next week so that any outstanding issues can be resolved and he can present a balanced budget to the Council prior to the public hearing on June 11.

STAFFING IN PLANNING DEPARTMENT

Ms. Julia Cogburn, Planning & Development Director, reviewed the Planning Services Division's staffing and current work program projects.

She said that with the current work program assigned to them, and if the vacancies get filled, she felt that her staffing is adequate.

When Councilman Skalski asked what happened to the other Senior Planner position vacated by Patty Joyce, Ms. Cogburn said that she felt the Planning Department would be better served with a Planner I position. When Councilman Skalski asked about the cost of a Senior Planner, Ms. Cogburn said that it would be approximately \$40,000 with benefits.

City Manager Westbrook said that he and Ms. Cogburn are currently looking at a small reorganization in the Planning Department.

Upon inquiry of Councilman Skalski, Ms. Cogburn said that CityWorks would be a great avenue in keeping the community informed of the Unified Development Ordinance and its mapping.

MUNICIPAL BUILDING RENOVATIONS

Mr. Lyle Willis, Contract Administrator, said that City Council had requested additional information regarding renovations to the Municipal Building.

Over the years, the Municipal Building has housed the City of Asheville's Fire Department administration, including Engine 15, Squad 1 and Ladder 11, and the Police Department. However, renovations to the building have not kept pace with the growing needs of the community and the federal, state and local regulations required for safe building occupancy.

In June 1994, the architectural/engineering firm ENG/6A of Asheville was chosen by the RFP process as the firm to provide architectural/engineering services and to recommend occupancy solutions for the Municipal Building, which resulted in a feasibility study for the Municipal Building and its operational functions. This study evaluated the present condition of the building, examined the suitability of meeting the needs of its users, and explored options in regard to its continued use.

The following recommendations - Options 5 and 6 - constitute the two most favorable options in the feasibility study:

In Option 5, the following recommendations were made and the cost summary provided:

A. Move the Police Department to another location which is large enough to accommodate their needs in order to allow them to operate effectively and efficiently.

B. Renovate the Municipal Building to serve the Fire Department more efficiently and safely. Relocate the Fire Prevention Division (currently in the Public Works Building) to the Municipal Building. Renovations to the building should include addressing the life-safety and fire protection issues, ADA accessibility and upgrading of the plumbing, heating and cooling, and electrical systems.

C. Provide additional parking near the building. Construction of a multi-level parking deck may be needed in order to provide adequate parking.

Full implementation of the recommendations listed above (in 1994 dollars):

A. New Police Department building \$8,200,000

B. Renovations of Municipal Building \$2,888,000*

C. New multi-level parking deck \$3,696,000

Total: \$14,784,000

*Includes ADA, life safety, building code and fire protection corrections

Option 5 was determined at the time not to be the highest and best use of the Municipal Building, and Option 6 was explored for a more cost-effective approach. Option 6 was completed in May 1996.

Option 6 addresses the permanent continuing use of the Municipal Building by the Fire Department administration (including Engine 15, Squad 1 and Ladder 11), and the Police Department, with renovations that would result in a first-class facility equal to the fine reputations of the Fire Department and Police Department, and would serve to enhance the efficiency and effectiveness of its occupants.

Option 6 includes the total renovation of the Municipal Building and the revitalization of the exterior of the building through added covered entrances and landscaping design at both the Court Plaza and Eagle Street entrances. Additionally, the implementation of renovations called for in Option 6 would increase the usable square footage of the building from 77,000 square feet to 85,000 square feet.

The cost summary for the construction and renovations called for in Option 6 are as follows:

Construction/renovations \$7,700,000

Relocation of City Schools

maintenance department 300,000

Furnishings 250,000

Contingency 750,000

Total \$9,000,000

Preliminary design concepts have been submitted for review by the City Manager, the Police Chief and the Fire Chief, and their approval has been received.

City staff recommends approval through budgetary process of Option 6 as outlined in the feasibility study and its supplements, conveying the recommendation to continue to house the Fire administration and Police Department within the Municipal Building; and to give direction for the City Manager to proceed with negotiations for a contract with the architect firm ENG/6A to develop design/construction drawings, a more detailed cost analysis, and a time line for budget funding.

Mr. Bob Niedzwicki, architect with ENG/6A, briefed Council on Option 6 by using drawings. He then talked about the interior and exterior of the Municipal Building.

A sketch of the building showed that the Fire Department's main entrance and bay doors would be located at the south end of the building facing Eagle Street (across the street from the YMI Cultural Center and the Mt. Zion Missionary Baptist Church). The sketch also showed that the main entrance for the Police Department would be on the north end of the building.

Vice-Mayor Field was very much concerned about the noise from the fire engine sirens (approximately 2,000 per year) onto Eagle Street. She stressed the noise would interrupt the church along with the YMI Cultural Center activities. She stated that the Eagle/Market Street area is trying to revitalize and having a garage in its front door would not be appropriate.

Vice-Mayor Field asked if the Eagle/Market Street Development Corporation has had an opportunity to comment or if there was been any other community involvement into this renovation project. City Manager Westbrook responded that at this point, this is only a plan and once staff receives direction from

Council, the plan will be shown to the Eagle/Market Street community, the YMI Cultural Center, the Eagle/Market

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Street Development Corporation, the Bele Chere Board of Directors, Pack Plaza, Pack Place, Asheville Downtown Association, and others, for input.

Councilman Cloninger said that after the community gets involved, they might want something different and better than what the City is proposing.

When Councilman Hay asked if perhaps the Fire Department and the Police Department entrances could be switched, Mr. Niedzwicki said that the moving of the areas can be made to work, however, the solution is not as well organized.

Upon inquiry of Vice-Mayor Field, Mr. Niedzwicki said that their estimate to renovate the building is approximately \$75-90.00 per square foot.

At the request of Councilman Hay, City Manager Westbrook offered to arrange for a tour of the Municipal Building.

Mayor Martin gave some history of the building and stressed that staff needed some direction on this project and move forward.

City Manager Westbrook said that he needed some direction from Council at this point in order to start a financing plan.

Mr. H.K. Edgerton stated that the Eagle/Market Street community is interested in getting rid of the criminal element in that area. Having the Police Department's main entrance on the south side of the building facing Eagle Street might send out a positive signal to the community.

It was the consensus of Council to (1) leave the money in the Capital Improvement Plan for the Municipal Building; (2) take a tour of the Building; (3) have staff talk to the community about the pros and cons of the concept; and (4) have the City Manager bring back additional information to Council within 60 days.

W.T. WEAVER BOULEVARD SIDEWALK

Mr. Mark Combs, Public Works Director, said that City Council directed staff to provide more detailed information on potential construction of a sidewalk on the north side of W. T. Weaver Boulevard from Broadway to Merrimon Avenue.

Consideration for sidewalks on W. T. Weaver have been researched and under consideration for approximately six years. The major reasons for the impetus to construct a sidewalk on this street are:

- 1) Endorsement by, and growth of UNC-A and need for pedestrian access to campus;
- 2) Widening of Broadway and subsequent construction of sidewalks and potential construction of greenway on this street;
- 3) Continuity of sidewalk system from downtown areas (Broadway) to North Asheville pedestrian system (UNC-A, Merrimon and Murdock);
- 4) Bicycle connection of Downtown hub to/from North Asheville.

There are no major obstacles to construction of this sidewalk from Broadway to

within 300 yards of Merrimon Avenue. UNC-A has agreed to

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provide all necessary easements for stormwater drainage across this property. However, the final 300-yard section presents significant engineering challenges and cost potential. Preliminary estimate for construction is approximately \$200,000.

Based on City Council's prioritization and available funds, staff recommends construction of W. T. Weaver in two phases over a two-year period as follows:

1) Fiscal Year 1996-97 - Phase I construction from Broadway Avenue to University Heights (entrance to UNC-A)

Estimated cost: \$70,000 - \$80,000

1) Fiscal Year 1997-98 - Phase II construction from University Heights to Merrimon Avenue

Estimated cost: \$120,000 - \$130,000

Mr. Combs then presented the following recommended sidewalk construction projects for Fiscal Year 1996-97:

Estimated

Location Length Cost

Fairview Road Phase II 3,200 ft. \$70,000

Biltmore Avenue Phase II (west side) 4,500 ft. 50,000

Lexington Avenue Phase II 1,060 ft. 50,000

Ira B. Jones School (Kimberly Avenue) 1,300 ft. 35,000

Haywood (O.Henry to Civic Center) 460 ft. 10,000

Vermont (both sides) 2,328 ft. 30,000

W.T. Weaver Boulevard Phase I 1,500 ft. 70,000

Total \$315,000

It was the consensus of Council to have staff proceed with the recommended sidewalk construction projects outlined above for Fiscal Year 1996-97.

STREET RATING SYSTEM

Ms. Suzanne Molloy, Assistant Director of Public Works, said that at the request of City Council, the Public Works Department has prepared a tentative list of streets to be paved in the 1996-97 fiscal year, a status report on the pavement condition inventory ("PCI") system, and an overview of paving management needs and goals for the Department.

In the past, the Public Works Department has used an assortment of PCI systems to evaluate the rating of City streets. The objective of each system was to rate road conditions in a non-biased manner, determine appropriate remedial or preventive measures, and to determine a priority list of improvement projects.

In practice, the PCI and respective rating system for roads has not been an effective tool due to non-user friendliness of specific chosen systems and inconsistencies in the actual ratings due to qualifications of the assessors and "averaging" of an entire street. Furthermore, the effects of severe circumstances such as unpredictable harsh weather or inadequate stormwater drainage systems may accelerate deterioration of a street. Thus, the PCI rating system has been used only as a verification method for street prioritization based upon actual field observation, traffic load, and customer complaints.

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The tentative list of streets to be paved in the 1996-97 fiscal year has been determined by field staff based upon the above methodologies. At present, staff is in the process of selecting a more proactive systematic approach to manage paving within the City. In cooperation with the Engineering Department, the Public Works Department is evaluating systems for user-friendliness to include: methods of implementing consistent rating inspections; database inventories that can interface with GIS and analysis systems for engineering planning; data input fields for cost estimating, improvements; and a systematic approach to better manage customer complaints. In the next fiscal year, the goal of the Department is to set up an effective pavement management system which can be used for long-term planning, budgeting, and better customer service.

Pavement management is a continuous process of field examination. Due to the nature of pavement management, customer service, and status of the existing system, the Public Works Department may have cause to alter the tentative list of streets to be paved. Staff is notified on a daily basis of streets that may have been overlooked or quickly deteriorated.

Under these circumstances, staff performs an inspection and makes appropriate changes to resurfacing priorities. Some streets may be added to the list without alteration to scheduled projects as long as sufficient funds remain in the budget; however, funding may require that the list be modified to incorporate higher priority streets.

Staff recommends that the prioritization of projects for the 1996-97 fiscal year be at the discretion of the Public Works and Engineering Departments. Meanwhile, the Public Works and Engineering Departments will work collaboratively to redesign the pavement management system and develop a priority list of projects for the next two to three years with recommendations to the City Manager.

The tentative listing of streets to be paved in 1996-97 include: Druid Drive, Balm Grove Avenue, Balm Grove Place, School Road, Wamboldt Alley, Mitchell Avenue, Nevada Avenue, Birch Lane, Birch Court, Cedar Street, Millers Lane, Mulberry Court, Summit Street, Brook Terrace, Chunn's View Drive, Gladstone Road, Mountain Brook Road, Rolling Terrace, Rolling View Terrace, Shawnee Trail, Darcy Lane, Ellenwood Drive, Knoll Alley, Larchmont Road, Linden Street, Red Oak Road and Valle Vista - for a total cost of \$290,400.

DRUG FREE WORKPLACE CERTIFICATION FOR CONTRACTORS

City Attorney Slawter said that this resolution establishes a policy requiring City construction and service contractors to provide a drug-free workplace in the performance of any City contract.

Mayor Martin recently requested that the City investigate a policy which is currently in place in the City of Charlotte requiring City construction and service contractors to provide a drug-free workplace in the performance of any City contract. The Charlotte policy was informally adopted by motion of the

City Council on September 11, 1995. He said that Charlotte's policy is required to be inserted in their RFPs and Invitations to Bid as well as in their contracts. This resolution would establish a similar policy for the City of Asheville.

As does the Charlotte policy, our draft policy would apply only to construction and service contracts, as opposed to purchase contracts. He believed that the thought behind this distinction is that

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construction and service contractors are creating the product which the City is buying, while purchasing contractors generally are not.

There is no specific authority in the law to impose such a requirement upon contractors. For construction contracts, we have a statutory obligation to award bids to the lowest responsible bidder, taking into consideration quality, performance and the time specified in the bids for the performance of the contract. There is no similar requirement that service contracts be awarded to the lowest responsible bidder. There is also no statutory or case law definition of "lowest responsible bidder" to shed light upon whether failure of a prospective contractor to provide the certification that would be requested under the policy would make that contractor be other than the lowest responsible bidder. There is, therefore, some risk of challenge to such a policy as it relates to construction contracts, but he would not think that a court would have much sympathy for a prospective contractor who refused to provide such a certification.

The Charlotte policy discussed, but took no action, related to drug testing. We would recommend that any policy adopted by the Asheville City Council do the same.

The Charlotte policy was adopted on September 11, 1995, with implementation beginning January 1, 1996. The delay of almost four months was in order to give the City time to have "proper communications with the City's vendors and contractors, and to put into place procedures the City would need to do to implement the policy."

The requirements of the Charlotte policy are similar to those set forth in the federal Drug-Free Workplace Act, which is an education and awareness program. It does not require drug testing, and does not provide for any enforcement mechanism.

The City enters into many informal contracts, especially related to services. The inclusion of the language required by the proposed policy may make such contracts rather cumbersome, but he was sure that the policy can be implemented if that is Council's wish.

Mayor Martin and the Asheville/Buncombe Drug Commission recommend adoption of the policy.

City Attorney Slawter then answered questions from Council relating to why the Charlotte policy does not require drug testing

Vice-Mayor Field stated that even though she totally supported ways to reduce the drug problem, she felt this will only be adding another layer of bureaucracy in the City. She noted that even though we will be asking contractors to certify they have a drug-free workplace on an honor system, there is no enforcement mechanism. And because of that, she felt we might get into an area of having to hire someone to see that the contractors are making a

good faith effort to comply with the policy. She felt this policy would not reduce the drug problems, but just cause more paperwork. She felt we are only making it harder for contractors to do business with the City, not making it easier.

City Manager Westbrook said that the City would not have to hire anyone - that this will be handled through normal purchasing procedures.

Mayor Martin felt this was a good first step towards the City's commitment to become drug free. He stated that the City needed to try new programs to achieve that goal.

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Councilman Worley felt that even though there is no enforcement mechanism in place, we will be sending a message to the honorable people in our society that this is what is expected of them.

Councilman Cloninger also agreed this was a good first step. He also felt that if an incident happens on a job where a contractor did make that certification and it is determined that his employee was on drugs, that would strengthen our hand to not do business with them anymore

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

RIVER MASTER PLAN FUNDING

Ms. Cindy Batson, Internal Auditor, said the RiverLink Inc. is requesting the City fund support of the development of an Urban Riverfront Master Plan in the amount of \$11,250.

RiverLink has submitted a request to the City Council Outside Agency Review Committee for \$11,250 as the City's contribution to the funding of the Urban Riverfront Master Plan. The Master Plan study area will encompass the land between the I-240 Smokey Park Bridge and the intersection of Lyman, Depot and Riverside Drive.

The total cost of the Master Plan is \$60,000 that will be used entirely for professional fees. In addition to the \$11,250 requested from the City for the Plan, funding is also requested from TVA (\$15,000), Advantage West (\$22,500) and Buncombe County (\$11,250).

The Outside Agency Committee supports this funding and recommends to City Council that the request be funded in the current year from the General Fund contingency.

Councilman Cloninger suggested that Mr. H.K. Edgerton keep in contract with Ms. Karen Cragolin regarding any ramifications that the Riverfront Master Plan may have on any plans his committee is working on.

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

At 6:05 p.m., Mayor Martin announced a ten minute break.

COMMENTS FROM REV. RALPH SEXTON

Rev. Ralph Sexton read a prepared statement stating that the Warner Brothers filming in downtown Asheville on Monday, May 20, 1996, "was a flagrant

rejection of family values and an overt promotion of the gay agenda in our community." He stated that they would oppose this type of event in the future.

Councilmen Cloninger and Sellers felt that City Council should have at least been consulted about this filming - regardless of the content of the movie.

BOARDS AND COMMISSIONS

It was the consensus of Council to take appropriate actions at the next Council meeting to: (1) appoint Arlis Queen to the WNC Air Pollution Control Board; (2) appoint Robert Turner to the Asheville Regional Airport Authority; (3) appoint Rose Rose and Allen Roderick as

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Alternates to the Board of Adjustment; (4) appoint John Ingersoll and Joe Chandler to the Citizens/Police Advisory Committee; (5) appoint Robert Swan and reappoint Tom Muncy to the Asheville Area Civic Center Commission; (6) appoint Beth Lazer to the Asheville Downtown Commission; (7) appoint Fred Eggerton and Jody Kuhne to the Asheville-Buncombe Historic Resources Commission; and (8) amend the Civic Center Commission membership to add the position of Director of Convention and Marketing Sales at the Chamber of Commerce as an ex-officio member.

BUDGET LOOSE ENDS

City Manager Westbrook presented Council with other budget concerns (totaling \$500,000) still needing to be settled prior to the public hearing on June 11 - CJIS funding; City/County ID Bureau; City arborist; and the formula regarding the Sheriff's Department in the Water Agreement.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 7:00 p.m.

CITY CLERK MAYOR
