

Tuesday - June 4, 1996 - 2:00 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 2:10 p.m., Councilman Sellers moved to go into closed session, as authorized by G.S. 143.318.11 (a) (3), to consult with the City Attorney in order to preserve the attorney-client privilege. This motion was seconded by Councilman Worley and carried unanimously.

At 2:50 p.m., Councilman Sellers moved to come out of closed session. This motion was seconded by Councilman Worley and carried unanimously.

WNC YOUTH SPORTS COMPLEX

Mr. Victor Trantham, member of the WNC Youth Sports Complex Committee, briefed Council on the Committee's mission statement which is to build a year-round, multiple use youth sports complex in Asheville to host youth sports tournaments, to provide needed indoor facilities to improve the recreational opportunities for local youth and to enhance tourism development and economic growth in the region.

Mr. Trantham then said the project is to be developed as a quadruple of gymnasiums around a central management/maintenance/ concessions hub on a site in Asheville, incorporating a landscaped parking area. Each of the four gymnasium facilities will be designed to include a full-sized basketball court which will also accommodate two regulation volleyball courts and serve as an indoor soccer arena. Each gymnasium in the complex will have bleacher seating on one side and provide team dressing and restroom facilities.

The primary function of the Youth Sports Complex is to accommodate basketball, volleyball, and indoor soccer. Other sports and related activities that can adopt to the facilities will have access on a space available basis. These activities may include, but are not limited to the following: wrestling, gymnastics, martial arts, and cheerleading.

The primary function of the complex will be to provide a year-round facility to attract regional, age-group tournaments in basketball, volleyball and indoor soccer. It also will be for local youth and open division tournaments and legal play in basketball, volleyball, indoor soccer and related sports activities that can be adopted to the facility. On a space available basis, the facilities would be available for training camps for private sports clubs, high school and college teams. On available weekdays and evenings, the complex could be used for other related activities on a fee or rental basis. Subject to scheduled activities, the complex will provide free use for non-profit organizations with a demonstrated need as determined by the bylaws of the Board of Directors.

The complex will be developed and owned by a local non-profit corporation, seeking a tax exempt status with the IRS, 501 (c) (3). Once the facility is built, the corporation will manage the operations

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of the facility (or contract for the management). It is proposed that a staff will be hired or a contract arranged for staffing a manager, a promoter, and the required maintenance personnel (creating eight new jobs). The funds required to staff and manage the facility will be generated by the proceeds from tournament fees, ticket sales, user fees, rental and concessions.

The UNC Youth Sports Complex Steering Committee represents a cross-section of interests and experience. The committee has expanded to incorporate a broad spectrum of members, interested and committed to the development of this unique and beneficial project. It is the intent of the steering committee to research and formulate a Board of Directors for the non-profit organization which will be formed to implement this project.

Cost of the project is estimated at \$3 Million and money will be raised through foundations and corporate donations.

Letters of support have been received from the Asheville Downtown Commission, the Director of the Civic Center and the City's Parks & Recreation Director. The Committee is asking for Council's support of this project.

Upon inquiry of Councilman Sellers where the location of the project would be, Mr. Trantham said that the property would consist of 10-12 acres and since it has not been bought yet, he would only say that it is within their mission statement to keep it with the City limits of Asheville.

Vice-Mayor Field moved to authorize the Mayor to sign a letter of support of the WNC Youth Sports Complex. This motion was seconded by Councilman Worley and carried unanimously.

BUDGET AMENDMENTS:

Funding for the Sanitation Division Brush Collection

Mr. Mark Combs, Director of Public Works said that the Sanitation Division strives to provide timely and efficient brush collection to the residents. The amount of brush currently placed at curbside and waiting collection is more than normal for this time of the year. The severe winter left residents with many trees and branches down and additional clean up work necessary. The residents are now beginning their clean up efforts and the results are an increase of brush at curbside.

The Sanitation Division estimates that it will take approximately four Saturdays to collect the overflow of brush. At that time, the Division expects to resume and meet the regular schedule. The cost of four additional Saturdays of pick up is expected to be approximately \$20,000.

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

Street Division Overtime and Materials Line Items

Mr. Mark Combs, Director of Public Works, said that the heavy rains, flooding, hurricanes and substantial snow falls experienced this winter have left the Street Division's budget with inadequate funding in the Overtime and Materials line items. The funding in these line items was based on previous years of mild winters and the severe winter this year has exceeded the budgeted amounts. Funding is needed in these line

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items to recover these additional costs so that the Division might complete projects that are scheduled for this fiscal year. It will also provide some funding to repair damages to the infrastructure by the adverse weather conditions.

Funds are requested in the amounts of \$100,000 for overtime and \$20,000 for materials to provide sufficient funds to complete project and repair work in this fiscal year.

Audit/Budget Director Bob Wurst said that after this budget amendment, the General Fund contingency will have a balance of approximately \$3,000.

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

BUDGET FOLLOW-UP ITEMS

Recycling Request for Bids

Mr. Mark Combs, Director of Public Works, said that staff was instructed to develop a request for bids to provide residential curbside recycling services to City of Asheville garbage customers for Fiscal Year 1996-1997. Request for Bids were solicited and received April 23, 1996. The original bids were based on a curbside collection frequency of once per week.

Subsequent to receipt of the original bids, staff elected to explore other cost savings potential to include contracted employee/education and reduction of recycling service frequency to every other week. This logic was based on the quantity and types of recycled materials, speed of implementation, and fundamental service at the most efficient cost.

Amended bids were then solicited from the original bidders.

He reviewed the following request for bids on a weekly pickup, noting that ABC Recycling withdrew their bid on May 31, 1996:

Customer/City Share Total Cost

Browning-Ferris Industries \$1.45 \$659,520

(curbside sort)

Curbside Management Inc. \$.97 \$558,720

(curbside sort)

Hyder Waste \$.835 \$480,960

(blue bag system)

Waste Management of Asheville \$.975 \$561,600

(curbside sort)

He then reviewed the following request for bids on a bi-weekly pickup:

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Customer/City Share Total Cost

Browning-Ferris Industries \$.85 \$469,440

(price includes bins)

Curbside Management Inc. \$.745 \$429,120

(price includes bins)

Hyder Waste \$.835 \$480,960

(customer provides bags)

Waste Management of Asheville \$.85 \$489,600

(price includes bins)

He reviewed the merits of a weekly vs. bi-weekly service stating that the bi-weekly collection would be more cost efficient; you would have more recyclables per stop (which will save on fuel and pollutants); there would be less neighborhood traffic; you are able to develop integration with brush routing; and recyclables do not rot, smell as bad as garbage, and you can store them longer with fewer problems.

Staff felt that the bi-weekly collection would be more cost effective, require less equipment and personnel. It would be easier to expand versus decrease in serve intervals and recyclables non-putrescible and easier to store.

Based upon all information received, staff recommends awarding the bid to the lowest bi-weekly bidder - Curbside Management Inc., in the amount of \$429,120. It is a local company with over 6,000 customers, has a good reputation for providing contract services, they are experienced in recycling collection field; and they will use Asheville Waste Paper as the MRF.

Mr. Combs said that because of problems associated with the Water Department billing system, they recommend a starting date of January 1, 1997, for the entire City. That six months will give the City time to initiate a comprehensive education program.

Mr. Dave Johnson, owner of Curbside Management, responded to questions from Council as they related to lost or stolen bins. He said that they would provide each household with one free bin. Replacement or additional bins will cost approximately \$3-5.00. He felt that the container system has shown to be far more acceptable regarding participation.

Councilman Cloninger felt the Council needed to look seriously at not only is the most acceptable bid to the City, but which will be accepted and used by the public. He felt the bin system is more user friendly. He said that a January 1 implementation date would give staff more time to educate the residents.

Mr. Mike Griffin, General Manager of Hyder Waste, said that they have used both system in their seven years of operation and their studies have shown that participation rates are higher with blue bags. Even though they were given less than 24 hours notice in which to submit an alternate bid for bi-weekly pickup, he still felt that a weekly collection program will prove to be cheaper than a bi-weekly program.

Vice-Mayor Field stated several concerns regarding the bi-weekly collection. One being the initial program implementation date was to be September, 1996,

and now implementation is scheduled for January, 1997. Also, the Buncombe County Solid Waste Committee, which she has been a member of for five years, has worked long and hard trying to find ways that the City and the Council could collectively work. A lot of

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research went into the County's collection system - which is by blue bag weekly.

Mr. Jan Davis, Vice-Chair of the Buncombe County Solid Waste Committee, stated that there is a great deal of concern on the City's part, on two different methods being used to pick up recyclables. He noted that the bin system is good; however; the City and County need to be consistent for doing business in the future.

Upon inquiry of Vice-Mayor Field, Mr. Combs said that the City has budgeted \$60,000 for the education program, which will begin in the fall.

Mr. Griffin asked that consideration be given for bi-weekly bids to go out with more time within which to respond. He said that because of the short turn-around time required for the alternate bid, he was unable to submit an appropriate bid - thus resulting in a weekly and bi-weekly price being the same - 84 cents. Assistant Director of Public Works Suzanne Molloy stated that the other three bidders responded very quickly to the alternate bid request also noting that each bidder was contacted by phone about the alternate bid at least a week before the deadline.

Upon inquiry of Vice-Mayor Field regarding the \$187,880 current budget, Mr. Wurst said that the estimated bid is \$177,994, which is \$9,886 less than the budgeted amount.

When Vice-Mayor Field questioned the savings from bi-weekly pickup compared with to weekly pickup. Mr. Wurst said that the amount included in the budget was based on phasing rather than the frequency of pickups and that the estimates in the budget were done before bids were received, which amounts were based on the estimated costs presented to Council at their retreat in January.

Mr. John Thornton, Garbage Disposal Systems Inc., supported the Hyder Waste bid. He felt that bi-weekly programs are inferior.

Vice-Mayor Field felt the reduced service (that is, bi-weekly pickup) was not justified based on the amount of savings between the weekly and bi-weekly bids. She requested a better comparison of the cost of weekly vs. bi-weekly pickups.

Mr. Combs responded to questions from Councilman Skalski regarding curb-sorting vs. blue bagging.

Vice-Mayor Field wondered if the residents would be willing to pay \$1.00 instead of \$.75 per month to have a weekly pick-up. City Manager Westbrook said that he would run some figures and report back to Council at their next meeting.

It was the consensus of Council to review this issue further at the scheduled public hearing on the budget next week.

CityWorks

Ms. Robin Westbrook, Water Efficiency Coordinator, said that 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.

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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.

Upon inquiry of Councilman Worley, Ms. Westbrook said that the Asheville Citizen-Times would be the only publication used.

When Mayor Martin inquired about having some ad in Mountain Xpress, Ms. Westbrook stated that it would be an additional \$6-7,000 a year for their advertising.

Councilman Hay felt it was not only good to advertise in the Citizen-Times and the Mountain Xpress, but he felt some ads should be placed in the Asheville Advocate.

Mayor Martin asked for circulation figures for the Mountain Xpress and the Asheville Advocate.

It was the consensus of Council to review this issue further at the scheduled public hearing on the budget next week.

Outside Agency Funding

Mr. Bob Wurst, Audit/Budget Director, went through the funding recommendations from the City Council Committee on Outside Agencies as follows:

1995/96 Funding Funding

Agency Funding Requests Recommendations

Crime Stoppers 18,000 20,760 18,000

Community Relations

Council 60,000 60,000 60,000

Arts Alliance 20,000 27,000 20,000

The Autism Society 0 1,000 0

RiverLink 15,250 27,250 15,250

Ashv Area Rescue Squad 11,250 25,000 11,250

Chamber of Commerce 90,000 100,000 90,000

Buncombe County

Drug Commission 15,000* 75,000 30,000

A/B VISION Inc. 0** 20,000 5,000**

Ashv Sister Cities Inc. 0 2,000 0

YMICC 16,000*** 16,000 16,000***

Totals 245,500 374,010 265,500

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*Budget amendment to be recommended by Council Committee

**Plus in-kind contribution of downtown office space currently provided

***\$8,000 of funding each fiscal year is reimbursed by Buncombe County

Councilman Cloninger went through each agency request stating that all agencies were very deserving; however, some cuts had to be made. The Committee felt the Autism Society was more in the nature of a social services and they did not allocate any funding. As far as Sister Cities, the Committee felt that there may be other ways the City can assist other than financially.

Councilman Hay questioned the \$16,000 recommendation to the YMI. It was his understanding that the YMI was to receive \$4,000 a month from March - June, 1996, with no further funding. This was also Vice-Mayor Field's understanding. Mr. Wurst stated that he would look into this concern.

Councilman Hay spoke in support of increasing the Vision allocation to \$15,000, especially if an error in the YMI funding has occurred. Mayor Martin asked for additional information regarding the Vision's budget.

Vice-Mayor Field suggested at least \$500 for the Sister City Program.

Upon inquiry of Councilman Skalski about the \$90,000 allocation to the Chamber of Commerce, Vice-Mayor Field said that the \$90,000 is the City's share of the convention and visitors bureau and the visitors center. Councilman Skalski felt that the City should not fund the Chamber.

Councilman Skalski felt that the Drug Commission should only be funded \$15,000 because he was not sure they are making progress with the drug problems in Asheville. Mayor Martin responded by saying that he has been working closely with that Commission and in the past they have worked behind the scenes; however, they are now actively taking a part in programs that will make a difference in our community. He invited Councilman Skalski to attend one of their meetings. Councilman Cloninger agreed with Mayor Martin noting that he has recently been appointed their liaison and he has been impressed with their work.

Councilman Skalski preferred money being allocated towards jobs within the small business community in Asheville.

Vice-Mayor Field questioned just how the Vision implementation was to occur. She felt that if there was an error in the YMI funding, that money could be used to enforce the Minimum Housing Code.

At Councilman Worley's suggestion, it was the consensus of Council to hold the budget public hearing on June 11, 1996, however, not to actually vote on its adoption until the June 25, 1996, meeting.

City/County Funding Issues

Mr. Wurst explained the City/County funding issues. The City's current budget includes revenue from the County in the amount of \$1,625,824. Information received from the County indicates that we will receive \$1,560,532 which is \$65,292 less than our current budget reflects.

The current budget with regard to the Criminal Justice Information Services ("CJIS") is \$389,558. The County's request is \$487,391, which

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is \$97,833 more than we anticipated. The County says the reason for the increase is for additional software changes which the City might request. City Manager Westbrook said that at this point, we do not know of any software changes the City may request and he suggested that should the City request the changes or anything outside the scope of the contract, at that time we would increase the budget. The Council agreed.

With regard to the ID Bureau, the City's budget is \$95,566. The County's budget request is \$136,546, which is a \$40,980 difference. Since the City is in favor of the ID Bureau going to a 24 hour service, the City has no concern over this increase.

It was the consensus of the Council to ask the County to ask the other municipalities that use the ID Bureau to pay a portion of the cost. At the present time, Asheville and Buncombe County pay for the Bureau on a 50/50 basis, but other municipalities use the Bureau and do not pay anything.

In summary, Mr. Wurst said that we need to use \$64,160 to balance the budget, noting that these items (recycling, CityWorks and outside agency requests) are still unresolved.

Minimum Housing Code Enforcement

Ms. Beth Maczka, Executive Director of the Affordable Housing Coalition, pleaded with Council to increase funding for the Inspections Division for enforcement of the Minimum Housing Code.

Discussion surrounded how often inspections are to occur and if our resources from the Inspections Division have been diverted from what was originally presented in 1993 when the new Code was adopted.

Councilman Hay said that the City did need to look into these allegations and suggested the Housing and Community Development Committee look into the concerns raised, since the budget concern is only one issue.

Mayor Martin asked the City Manager to investigate the concerns raised and report back to Council at their next meeting.

ASHEVILLE WATERSHED CONSERVATION EASEMENT

Councilman Worley said that the purpose of this easement is to preserve, in perpetuity, the view from the Blue Ridge Parkway overlooking our watershed property.

He stated that there are uses and practices on the affected property which shall not be limited by the easement. He summarized the consistent uses to be (1) to produce and deliver drinking water; (2) uneven-aged, selective timber harvesting may be conducted below the 3600 foot topographic elevation, in accordance with restrictions and conditions; (3) development of recreational facilities in a manner not inconsistent with the use of the property as a primary water source, whether under existing regulations or under such regulations as may be promulgated in the future, whether such regulations are more or less restrictive; and (4) such other uses as the Asheville City Council may determine as is necessary and in the best interests of the City of Asheville, with certain provisions.

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Councilman Cloninger felt this was an excellent example to help convince private land owners along the Blue Ridge Parkway to do the same.

City Attorney Slawter outlined the procedural requirements necessary with regard to this easement.

Councilman Worley suggested that since Governor Hunt will be in Asheville on June 28, 1996, for the Year of the Mountain celebration, that City Council recess their formal meeting on June 25 and reconvene the meeting at the Year of the Mountain celebration on June 28 to adopt the resolution authorizing the Mayor to sign the easement.

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

CONSENT:

Bids for Annual Contract for Asphalt Materials

Summary: Seals bids were invited to furnish the City's estimated annual requirement of asphalt materials for force account re-surfacing and street repair. Two bids were received. In addition to the normal considerations given to a contract of this nature, such as specification compliance, price, service capabilities, etc., bid evaluations included consideration of the City's cost to transport materials from bidder's plant. The formula used to determine the total cost per ton simply adds transportation cost at \$.10 per ton mile for comparison of total delivered cost. Mileage used in evaluating bids was determined from the Public Works facility on South Charlotte Street to the bidder's plant for Section No. I and from specific job sites to bidder plant for Section No. II. The following recommendations are based on the lowest delivered cost as shown on the bid summary which is attached hereto as Exhibit "A". The Public Works Director and the Street Superintendent both concur in this recommendation.

Staff recommends that award of bid be made for the purchase of asphalt on an as needed basis as follows:

Section No. I - 10,000 tons Type 1-2 for Street Surface Program

Award to: The bidder with the lowest cost with consideration of

transportation, APAC Carolina Inc., Asheville, N.C., at a price per ton of \$24.00 (net \$24.00 after discount).

Section No. II - 1,550 tons of assorted mixes for pavement patching

Split Award to: APAC Carolina, Asheville, N.C., at a per ton price of \$25.00 (net \$24.00 after discount) and Taylor & Murphy Construction Company, Asheville, N.C., at a per ton price of \$24.00 Mileage from job site to the nearest plant determines where to make purchase.

Net prices are equal.

City Clerk to Advertise an Offer of Purchase for Upset Bids regarding Disposal Parcel 50A of the East Riverside Redevelopment Project

Summary: Disposal Parcel 50A is a CS Commercial Service lot located approximately 300 feet south of the intersection of Asheland and Hilliard Avenues comprising 6,181 square feet. The lot is generally triangular in shape and mostly flat at street level. The bid from Oak Valley Associates for Disposal Parcel 50A includes the proposal to

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incorporate the lot into the property currently owned by Oak Valley Associates were the offices of Asheville Women's Medical Center are located. The development proposal consists of paving, landscaping and maintaining the lot consistent with the currently owned property. Oak Valley Associates is a partnership consisting of Craigan L. Gray, Catherine M. Wilson, Stephen T. Hill, William M. Callaghan and John P. Cuellar III.

The bid of Oak Valley Associates, in the amount of \$30,900, for the purchase of Disposal Parcel 50A in the East Riverside Redevelopment Project is not less than the established minimum price of \$30,900.

Approval of the resolution will initiate the sale of the property through the upset bid process as provided in G.S. 160A-269.

Vice-Mayor Field said that this particular piece of property looks to be appropriate for our greenway system and wondered if the City should wait until our greenway system plan is in place before selling any more property.

Mr. Ed Vess, Coordinator of Field Services, said that he would investigate Vice-Mayor Field's idea and report back at the next Council meeting.

Welcome to Oakley Sign

Summary: On April 30, 1996, the Oakley Neighborhood Association ("Association") asked City Council to use its influence in getting a variance from the N.C. Dept. of Transportation ("NC DOT") to erect a granite "Welcome to Oakley" sign along the right-of-way of U.S. 74 (Fairview Road). NC DOT is responsible for the construction and maintenance along said right-of-way.

The Association states that they have been "stone walled" at every attempt to get permission to install this sign. They request to locate this sign approximately 30 feet west of the intersection of U.S. 74 (Fairview Road) and Old Fairview Road and 25 feet from the edge of the sidewalk on the south side of U.S. 74 (Fairview Road).

The Traffic Engineering Division has reviewed the proposed location and the Association has guaranteed that this location will not obstruct sight distance requirements along these roadways.

The Association will be responsible for the installation and removal of this sign, as per the NC DOT requirement.

The Public Works Department recommends adoption of this resolution and that it be forwarded to the NC DOT for consideration.

Setting Public Hearings to Demolish: 112 Brooklyn Road, 3 North Crescent Street, 349 London Road, 25 Michael Street and 20 Springside Drive

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

BOARDS AND COMMISSIONS

It was the consensus of Council to reappoint Beth Arrowood as Chairman of the Civil Service Board.

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OTHER ITEMS

Request to Postpone Public Hearing to Rezone on Haywood Road and Dysart Street

City Attorney Slawter said that he had received a call from Joseph Herrin, attorney representing Mr. Dennis Brackett who is appealing the Planning & Zoning Commission's denial of a rezoning request. Mr. Herrin asked that Council again postpone the public hearing scheduled to continue on June 11 in order to allow sufficient time for them to proceed with an alley closing and straighten out any other issues. Or, in the alternative, he requested City Council postpone a decision on the rezoning request until such time as the alley closing is considered.

City Council concurred with the request to continue the public hearing until August 13, 1996, based upon their belief that word could be gotten out to all interested parties that the public hearing would not be held on June 11.

Resolution No. 96-92 - Resolution in Memory of Annette L. McDaniels

Mayor Martin read the resolution in memory of Annette L. McDaniels who retired from the City of Asheville Parks and Recreation Department in 1994 after 25 years of service.

Resolution No. 96-92 was adopted by acclamation.

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ADJOURNMENT:

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

Tuesday - June 4, 1996 - 2:00 p.m.

CITY CLERK MAYOR
