

Tuesday - January 28, 1997 - 5:00 p.m.

Regular Meeting

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 Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Mayor Martin gave the invocation.

I. PROCLAMATIONS:

II. CONSENT:

A. APPROVAL OF THE MINUTES OF THE ANNUAL RETREAT HELD ON JANUARY 10-12, 1997; THE REGULAR MEETING HELD ON JANUARY 14, 1997; AND THE WORKSESSION HELD ON JANUARY 21, 1997

B. RESOLUTION NO. 97-8 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE PARKS AND RECREATION TRUST FUND WITH THE STATE OF NORTH CAROLINA FOR A STEPHENS-LEE CENTER RENOVATION GRANT

Summary: The City of Asheville, through the Parks and Recreation Department, wishes to apply for grant funds to assist with the renovation of the Stephens Lee Recreation Center.

Funds are available through the N.C. Department of Environment, Health and Natural Resources, Division of Parks and Recreation through the N.C. Parks and Recreation Trust Fund for renovation of public indoor and outdoor recreation areas and facilities.

It is the goal of the Parks and Recreation Department to renovate the Stephens Lee Recreation Center due to long and extended use over the years, changing needs of the public, and the need to meet safety and access standards. Stephens Lee Recreation Center is the number one priority for renovation since it is a historic structure that does not currently meet building code, is not ADA accessible, and does not provide the level of service the community and neighborhood needs.

The Parks and Recreation Department is requesting \$250,000 in grant funds which would be a 50% cash match. Funds are currently available in the Capital Improvements Budget for the Stephens Lee Recreation Center.

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C. RESOLUTION NO. 97-9 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH MOUNTAIN HEALTH CARE, P.A., FOR THE PURPOSE OF SECURING DISCOUNTED RATES FOR PROFESSIONAL MEDICAL SERVICES

Summary: This agreement will allow the City's Health Care Plan, its employees, retirees, and their families to benefit from the discount fee schedule for medical services rendered by member physicians in Buncombe, Henderson, and Madison Counties.

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The cost to the City will be approximately \$27,300 annually for access to the MHC Network, which sum will be paid out of the Employee's Medical Benefit Trust, and will require no appropriation from the City beyond the Employee Benefit Costs already approved by the Council under the 1996-97 budget.

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D. RESOLUTION NO. 97-10 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENTS AND CHANGE ORDERS FOR THE MILLS RIVER REGIONAL WATER TREATMENT FACILITY PROJECT

Summary: The consideration of a resolution to authorize the City Manager to execute amendments and change orders for the Mills River Regional Water Treatment Facility.

In November, 1996, both the Asheville/Buncombe Water Authority and the City Council passed resolutions awarding bids to contractors for the Mills River Regional Water Treatment Facility Project.

Construction is now underway, and there is a need to be able to expedite necessary field work changes normally associated with a project of this scope, approximately \$25,000,000. This would only be for such changes when they are within the approved budget amount. Any proposed amendment or change order which would exceed the budget would be brought back before the City Council for approval.

All amendments and change orders executed would be reported to the Water Authority and the City Council.

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E. MOTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH VISION OF ASHEVILLE-BUNCOMBE TO CONTINUE TO UTILIZE SPACE AT THE CITY DEVELOPMENT OFFICE AT 29 HAYWOOD STREET UNTIL JANUARY 1999

Mayor Martin said that members of Council have been previously furnished with copies of the resolutions on the Consent Agenda and they will not be read.

Vice-Mayor Field moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Skalski and carried unanimously.

III. PUBLIC HEARINGS:

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

A. RESOLUTION NO. 97-11 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT CHANGE ORDERS FOR CONSTRUCTION, REPAIR, OR PROFESSIONAL WORK AND ALSO TO EXECUTE LEASE AGREEMENTS PROVIDED THAT SUCH AUTHORITY SHALL BE LIMITED TO THE AMOUNT BUDGETED FOR THE CONTRACT OR PURCHASE

City Manager Westbrook said that at the present time, the City Manager has the authority to execute construction or repair contracts up to \$30,000 on behalf of the City. Likewise, the City Manager has the authority to purchase or lease supplies, materials, or equipment up to an expenditure of \$20,000. Such contracts, purchases or leases in excess of these limits require approval and award by City Council. The -3-

City's Fiscal Procedures Manual outlines the methods by which such contracts or lease agreements may be solicited and awarded.

As a part of the budget review process, the City Council approves specific projects and purchases for the upcoming fiscal year. Specific funds are appropriated for the project or purchase as a part of the budget. When bid proposals or quotes are received for contracts beyond the limits of the City Manager's authority, these projects are awarded by City Council.

From a process efficiency standpoint, it would be advantageous for the City Manager to have the authority to approve contract change orders for construction, repair, or professional contract work. It would also improve efficiency for the City Manager to be able to execute lease agreements for purchases on behalf of the City. Both of these items would be subject to the requirement that the change order or lease agreement be within the budgeted amount for the contract or purchase. Staff would propose to report to City Council on a quarterly basis all contract change orders or lease agreements executed by the City Manager within these contract or lease limits.

Staff recommends that the City Manager be authorized to execute contract change orders for construction, repair, or professional work and also to execute lease agreements provided that such authority shall be limited to the amount budgeted for the contract or purchase.

City Attorney Oast said that after further review of the policy, he suggested three changes to the policy, prior to Council's consideration.

Upon inquiry of Mr. H.K. Edgerton, Mayor Martin said that contracts will continue to go through the Minority Business Plan.

Mayor Martin said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Worley moved for the adoption of Resolution No. 97-11. This motion was seconded by Councilman Sellers and carried unanimously.

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VI. OTHER BUSINESS:

A. COMMENTS BY MR. RALPH BISHOP

Upon inquiry of Mr. Ralph Bishop about whether the Police Chief or the City Manager is the chief law enforcement officer, City Attorney Oast read a portion of Section 24 of the City Charter describing the general duties of the manager. He noted that the manager has the authority to appoint the Police Chief who shall have supervision and control of the Police Department and all of the activities thereof.

B. CLAIMS

The following claims were received by the City of Asheville during the week of January 10-16, 1997: Chris Davis (Sanitation), Joseph Cannone (Water), Gary Pilkington (Streets), Chih Lung (Sanitation), Suzanne Wild (Streets), Howard Molton (Traffic Engineering) and Margaret Thesing (Streets).

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The following claims have been received for the week of January 17-23, 1997: Garrett Edwards (Water), Emma Rogers (Water), Shane Jolliff (Streets) and James

S. Bryson (Fire).

These claims have been referred to Asheville Claims Corporation for investigation.

C. CLOSED SESSION

At 5:22 p.m., Councilman Sellers moved to go into closed session to (1) consult with an attorney retained or hired by the City Council in order to preserve the attorney-client privilege between the Council and its attorney - statutory authorization is G.S. 143-318.11 (a) (3); and (2) establish or to instruct the City's staff or negotiating agents concerns the position to be taken by or on behalf of the City in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease. The location of the subject property is the public parking lot at the corner of Biltmore Avenue and Aston Street - statutory authorization is G.S. 143-381.11 (a) (5). This motion was seconded by Councilman Worley and carried unanimously.

At 5:40 p.m., Councilman Sellers moved to come out of closed session. This motion was seconded by Councilman Worley and carried unanimously.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 5:40 p.m.

SCHOOL BOARD MEMBERS INFORMATIONAL MEETING

Councilman Hay, speaking on behalf of the entire City Council, explained that selecting members for the School Board is one of the very most important tasks that the City Council has and they would like to have the input from the community on what they would like to see in a School Board. He asked that School Board candidates present refrain from speaking because Council is asking for input on what the community would like to see in a School Board.

Ms. Martha Fawbush, President of the League of Women Voters of Asheville-Buncombe County, offered the following imperatives which must govern the decisions and actions of the School Board: (1) the Board will hopefully be filled with persons who love children and whose decisions will result largely from this love; (2) the Board must be concerned with providing optimum educational opportunities for all children; (3) diverse programs for children with special needs must be provided; (4) the Board must address the serious issue of racial balance in the Asheville school system; (5) the concerns of teachers must receive a high priority; (6) the Board must be responsive to the ideas and concerns of parents who often feel left out of decisions which profoundly affect the educational development of their children. She also asked that Council consider the motivations of the individuals seeking a position on the School Board. She then presented City Council with a detailed letter outlining the League's suggestions.

Ms. Sheron Craig, parent and employee of the Asheville City Schools, felt that School Board members should be honest, trustworthy, have integrity and make fair decisions. In addition (1) they should not use this position for partisan gain or for the benefit of special interest groups; (2) decisions should be based on available facts and independent judgment; (3) decisions made should move system forward, not -5-

backwards; (4) each member should show support and protect the civil and human rights of all children and members of the school community - regardless of race, home environment, or economic status; (5) keep an open mind and accept

and evaluate new concepts that will benefit all children; (6) they should learn how to get and present facts by devoting time, thought and study to proposed actions before acting on them; and (7) seek input from students first, employees and the community at large before making major decisions. She hoped Council would not make up their minds about any one applicant before interviewing the rest.

Mr. James Cassara, teacher in the Asheville City Schools, suggested Board members have a real deep-seated trust for educators. He also felt that the Board members should be consistently and highly visible in the schools to see what is going on.

Mr. Dwight Hulse, retired superintendent from New York and volunteer at Asheville Middle School with their academy program for at-risk students, felt that beyond high visibility, the member must also be an action oriented person. He felt the members should be activists, well connected, and highly respected people who can bring the community in on the programs in the schools. They need to be able to make things happen in the school system.

Rev. O.T. Tomes said that City Council is in a unique position to lead people into the 21st Century as you deal with public education. We can no longer work with individualism and isolation if we are going to deal with public education with viability and integrity. We need to educate all of the children. He challenged Council to be sensitive as they search for new Board members. He felt that leadership has to come from the top and that makes a difference in the classroom and staff. Members must be committed to multi-cultural education and sensitivity, noting that there are teachers in the system today who do not have a commitment to African American students. He felt this was time for this community to stand up and say that we are committed to have a healthy, vibrant community for all our citizens.

Ms. Leni Sitnick thanked Council for the open interview process for the School Board members. She hoped that (1) Council's questions will be able to cull out the good things that are happening in the schools in order to recognize what is not working; (2) the questions would reflect on making sure that the members are open, accessible, competent, responsive, sensitive to the rich diversity in our schools, and respectful to all; (3) the members will represent everybody in the school system equally with a gain to improving education and improving a love of learning; (4) the members will have the courage to deal with concerns and problems that exist in our schools, like racism, and all forms of discrimination before the problems occur; (5) members have the knowledge to understand how to deal with problems and solve them before they get out of hand; (6) the members should be willing to create a forum for dialog in this community that values and respects teachers, parents and students, noting that the dialog should be positive and not punitive; (7) the members have creative ideas about ways to inspire parents to become more involved with their children and with the teachers of their children; (8) the members should take a hands-on approach to finding out what's in the schools; and (9) the members appointed should be willing to have increased communication with City Council. She asked that Council consider the pros and cons of both an appointed school board versus an elected school board. An appointed school board would guarantee proper, equal and balanced representation and an elected school board might create more accountability - perhaps both are possible.

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Ms. Pamela Cauble, teacher at Claxton Elementary, felt the top priority for a board member is that they have what is best for the children and the community in mind for now and for the future. She hoped the members who are chosen will disagree and then reach a consensus. The members need to have opinions and they

should not be afraid to share them. The members should have knowledge about issues that are facing schools. She felt the board members should be able to actively listen to the community at large, parents and teachers. They need to be good judges of character and policy-makers.

Mr. Mike Lewis felt that since we are on the threshold of change and since there have been several goals identified, in particular the ABC Plan, Vision 2000 at Asheville High, the Asheville-Buncombe VISION, and the Listening Project, we need a school board that will work to achieve those goals. He felt we needed a school board which will lead and be the spearhead and champion of education in the community. The members need to be pro-active, seen in the schools, and they need to be in contact with our legislators so that they can lobby them for the welfare of our schools. The members need to talk to teachers and they must be concerned with parental involvement. He felt that the members need to look hard at minority achievement and take positive steps in that area.

Ms. Donna Smith, parent of children in the school system, felt the most important attribute the board members needs to have is the ability to vote with conscience and not necessarily with the group. The need to have great energy for the job. The members need to know that they may be contacted by irate parents at inconvenient times. They need to be visible in the community. Even though the position is demanding and unpaid, the positions are very important. The member should actively listen to the community and their concerns. She felt teachers need to be able to get what they need to get their jobs done. She felt the member should be someone who will take the extra time to do the research to keep abreast on what is happening in the field of education and who has some understanding of child development. It is important to be knowledgeable and to fully understand the issues voted on. The knowledge and background will help the school board member know which questions to ask so that the best decisions can be made for our children's well-being.

Ms. Rosaleen Fetty felt the member needed to have moral courage who puts their conscience ahead of personal popularity and who put the poor and needy children ahead of rich and privileged children. The person should promote a classical education for all students and fights intrusion of technical education at least during the first 12 years of school. The member's primary responsibility is to find funds and staff for the expert teaching of reading to every student. She felt the member should communicate with the school staff.

Ms. Ann Craig brought to Council's attention a book entitled "The Power of their Ideas - Lessons for America from a Small School in Harlem". It's about school restructuring. She would like to see board members that study and research ways that schools are being restructured around the country for student success.

Ms. Minnie Jones, grandparent, hoped that the board member (1) will have an open mind with equal rights and justice for all; (2) will recognize that all children should get the best education possible; (3) will listen to the parents, regardless of whether they are rich or poor; (4) will support the Superintendent; and (5) will work with City Council and the concerned community.

CITY CLERK MAYOR
