

Tuesday - February 4, 1997 - 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 Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT:

Report for Disposal of City owned Personal Property

Summary: Resolution 85-99 adopted on June 25, 1985, established procedures for disposing of personal property valued at less than \$500. pursuant to these procedures, the resolution identifies property

disposals for the Parks & Recreation Department, the Water Resources Department and the Fleet Management Division during the period of July

1, 1996, through December 31, 1996. Revenue from these disposals totals \$951.53.

Asheville-Buncombe Water Authority Recommendations for awarding

bids for the South Buncombe/Fairview Water System improvements - Phase

II

Summary: The consideration of awarding the bid for the South Buncombe/Fairview Water System Improvements - Phase II to Hobson

Construction Company, Inc.

Sealed bids were received on January 8, 1997, in accordance with N.

C. Gen. Stat. sec. 143-129 and with the City of Asheville's Minority

Business Plan. Four bids were received with Hobson Construction Company

being the lowest responsible bidder. The Water Authority approved the awarding of the bid to Hobson Construction Company, Inc. in the amount

of \$175,419.50. Following is a summary of the bid totals received for this project:

Hobson Construction Company \$ 175,419.50

First South Utilities 186,212.50

Buckeye Construction Company 242,550.00

*Cooper Construction Company 489,994.00

* Cooper Construction Company was the apparent low bidder at the time

of the opening with a price of \$172,264.00. However, their bid contained a mathematical error when corrected resulted in the total shown above.

Staff recommends approval of the award of this project to Hobson Construction Company in the bid amount of \$175,419.50.

Asheville-Buncombe Water Authority Recommendations for awarding bids for the South Asheville/South Buncombe Pipeline Replacement Project - Phase II

Summary: The consideration of awarding the bid for the South Asheville/South Buncombe Pipeline Replacement Project Phase II to

Wheeler Construction Company, Inc.

Sealed bids were received on December 17, 1996, in accordance with N.C. Gen. Stat. sec. 143-129 and with the City of Asheville's Minority Business Plan. Six bids were received with Wheeler Construction Company -2-

being the lowest responsible bidder. The Water Authority approved the awarding of the bid to Wheeler Construction Company, Inc. in the amount

of \$949,634.00. Following is a summary of the bid totals received for this project:

Wheeler Construction Company \$ 949,634.00

Cooper Construction Company 974,009.32

Hobson Construction Company 1,012,875.00

Buckeye Construction Company 1,034,991.00

Stepp Construction Company 1,107,625.00

First South Utilities 1,130,595.00

Staff recommends approval of the award of this project to Wheeler Construction Company in the bid amount of \$949,634.00.

Asheville-Buncombe Water Authority Recommendations for awarding bids for the Engineering Services Contracts for the Phase I Master Plan Improvement Projects

Summary: The consideration of awarding engineering services contracts for Phase I Master Plan Improvements Projects.

In December 1996, the Authority authorized the Director and the Authority's attorney to negotiate Engineering Services Contracts for the approved Phase I Master Plan Improvement Projects. The solicitation for engineering services was through a request for proposals process.

Negotiations have been completed with the following companies:

Project Company

West Asheville Reservoir McGill Associates

ISO Pipeline Improvements McGill Associates

US 19&23 Connector ENG/6 Associates

Fairview Reservoir & Pipeline W.G. Lapsley & Assoc.

Newfound Mtn. Reservoir & Pipeline McGill Associates

The Water Authority approved awarding contracts to ENG/6A in the amount not to exceed \$58,835.00; W.G. Lapsley & Associates in the amount not to exceed \$90,000.00; and McGill Associates in the amount not to exceed \$62,750.00 for the Leicester Proposal, not to exceed \$47,900.00 for the West Asheville Proposal, and not to exceed \$51,600.00 for the Central Business District.

Staff recommends approval of the award for engineering services contracts to the aforementioned companies for the Phase I Master Plan Improvements Projects.

Councilman Cloninger said that he had a conflict of interest on this item and asked that it not be placed on the Consent Agenda at the next formal meeting.

Mayor Martin asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda, except for the one mentioned by Councilman Cloninger.

BUDGET AMENDMENT REGARDING DEAGAN TOWER CHIMES ATOP CITY HALL BUILDING

Ms. Maggie O'Connor, Historic Resources Director, said that staff is presenting the estimated budget for the restoration of the Deagan Tower Chimes atop the Asheville City Building. -3-

Since January 1995, the Friends of the Chimes has worked to secure funds for the restoration of the Deagan Tower Chimes. Hundreds of citizens and organizations including the school children of Asheville and Buncombe County have contributed their dollars and pennies for this important restoration project. To date \$21,493 has been raised.

The total estimated costs for restoration is \$26,400, this includes restoration of the chimes and the continuous loop player rolls as well as the creation of new continuous loop player rolls. Because the strikers have not been inspected the costs may rise, depending on their condition. The estimated budget reflects this unknown cost factor with a contingency component of \$7,400.

The Friends of the Chimes has set up an endowment fund for the continued maintenance of the Deagan Tower Chimes. The endowment fund is in a City of Asheville Trust & Agency account specifically for the chimes. The account is strictly regulated and can only be used for the maintenance and repair of the chimes. After the restoration work is completed any unused funds will go into the endowment fund.

Ms. O'Connor said that the chimes will now be picked up in August instead of April and they hoped to have them up and running by November 11, 1997, the day in which they will dedicate the chimes.

Mayor Martin said that he would be happy to donate \$100 to the Deagan Chimes Restoration project. Councilman Cloninger said that he would match the Mayor's contribution.

Councilman Hay said that Asheville-Buncombe Discovery went out of business several years ago and in cleaning up their books, they located \$863.00. The Board felt the Chimes project was the appropriate place to donate the money, so they did. He felt that was a nice legacy of all

the great things Asheville-Buncombe Discovery did over the years.

Mayor Martin asked that the record show that City council has received this information and instructs the City Manager to place this item on the next formal City Council agenda.

STATUS OF UNIFIED DEVELOPMENT ORDINANCE ("UDO") PROCESS

Councilman Cloninger said that the Planning & Zoning Commission ("Commission) has unanimously adopted a resolution requesting 30

additional days within which to render their recommendation to the City Council on the UDO. He felt the Commission members are making a good

faith effort to get through with their review. Although he understood

that all Council was anxious to move as quickly as possible on the UDO adoption, he felt sure they would be fair and reasonable and grant their request. He was inclined to accept the revised schedule and felt

Council needed a firm commitment from the Commission that they would

have their review completed in that 30 day time extension. The Commission did agreed to that and thus adopted a resolution to that effect.

Mayor Martin said that although he was disappointed that the Council could not remain on schedule (with final adoption by City Council on April 22, 1997), he did want everyone to have sufficient time to give input.

Upon inquiry of Councilman Skalski, Councilman Cloninger said that 4 out of 7 Commission members asked that the schedule be moved forward for the 30 days (with the revised City Council adoption date of May 27, 1997). However, the resolution adopted by the Commission asking for

-4-

the 30 day postponement was unanimously adopted. It was his understanding that the Commission just needed more time to review the text.

Councilman Cloninger felt it might be a good idea for the Mayor to write the Commission Chairman and reaffirm Council's strong desire for them to finish their review on or before the 30 day extension.

Upon inquiry of vice-Mayor Field, Planning & Development Director Julia Cogburn said that there is nothing in the current ordinance that allows city Council to take action without an approval or a denial from the Planning & Zoning Commission. However, the new UDO does address this issue.

Because the revised schedule needs to be disseminated quickly, Councilman Worley moved to adopt the revised UDO Review and Adoption

Schedule with final adoption date being May 27, 1997. This motion was seconded by Councilman Cloninger.

Councilman Hay felt that the community should understand that there is a significant amount of legal advertising necessary when a date certain has been set regarding scheduling public hearings.

Vice-Mayor Field felt that the Commission has had time within which to review the information, however, she understands that they are sincere

in their request.

Upon inquiry of Councilman Skalski, Ms. Cogburn said that the Commission members met one time in December and they have been meeting twice a week since the first of the year. Councilman Worley also stated that he has attended several of the Commission's worksessions when they had been reviewing the UDO and felt the Commission has been diligent in their review but it has been slow-going.

Councilman Skalski said that he would vote against this revised schedule at this time and would talk to Commission members about their request. Councilman Cloninger stated that none of Council was happy to postpone the adoption but the Commission is a volunteer board and the Council needs to be reasonable.

Upon inquiry of Vice-Mayor Field, Senior Planner Gerald Green said that the Commission might be further along in the review process than originally thought. He felt that there was an opportunity with the 30 additional days that staff can do more research on the questions City Council has already raised.

Mayor Martin then asked for a voice vote on the motion to adopt the Revised UDO Review and Adoption Schedule. Said motion passed on a 6-1 vote, with Councilman Skalski voting "no".

BOARDS AND COMISSIONS

Water Authority

City Council instructed the City Clerk to arrange interviews with the following persons for a vacancy on the Asheville-Buncombe Water Authority: J. Lewis Daniels, Nelda Holder and Norma Price.

-5-

Civic Center Commission

City Council instructed the City Clerk to arrange interviews with the following persons for vacancies on the Asheville Area Civic Center Commission: Joyce Dorr, Douglas Haldane, Sherry Wilson and Carl

Mumpower.

School Board

Vice-Mayor Field moved to continue with the policy that City Council only consider applicants from the Asheville School District (in addition to their being city residents) for appointments to the Asheville School Board. This motion was seconded by Councilman Worley and carried unanimously.

City Council instructed the City Clerk to arrange interviews with the following persons for vacancies on the Asheville School Board: John Legerton, William Petz, Mary Downes, Susan Fisher, Lewis Isaac, Pat McClellan, Hugh McCollum, H.K. Edgerton, Susan Paterson, Joe Ferikes, Marsha Bate, Kathryn Spencer, Denise Goodson and Jan Howard.

OTHER ITEMS

Councilman Cloninger suggested Council invite Dr. Karen Campbell, superintendent of the Asheville City Schools, to an upcoming worksession to hear what her vision is for the Asheville City School System.

Councilman Hay said that the City Schools Foundation has contacted him and has requested that the Institute of Government be invited to a worksession in order to present a program on the Role of the School Board. He suggested Tuesday, February 25, 1997, at 3:30 p.m., in the First Floor conference Room in City Hall. He felt that prior to that presentation, it would be a good time for Dr. Campbell to come and review her vision for the schools.

Following a suggestion of Councilman Cloninger, Mayor Martin said that he would work with the City Manager on inviting different groups and organizations to council worksessions.

At the request of Councilman Cloninger, Planning & Development Director Julia Cogburn updated Council on the status of the telecommunication tower ordinance amendment as it relates to the Blue Ridge Parkway request. Ms. Cogburn said that other amendments have been brought to their attention that have some merit, in addition to the Blue Ridge Parkway request, have come to their attention and that is one reason the delay in bringing it to council. She will, however, work toward bringing the original Blue Ridge Parkway amendment to Council in March and will address the other amendments shortly thereafter.

Upon inquiry of Mr. H. K. Edgerton about including the NAACP as an organization in the city Business and Development commission, Vice-Mayor

Field (chairman of the council Boards & commissions Committee) said that several organizations have made the same request and the Committee will be looking at all the requests in their next meeting.

CLOSED SESSION

At 4:10 p.m., Councilman Worley moved to go into closed session for the following reasons: (1) to prevent the disclosure of information that is privileged or confidential pursuant to the laws of this State or not considered a public record within the meaning of Chapter 132 of the General Statutes. The statutes pursuant to which this information is -6- confidential is G.S. 132-1.2 and 66-152 (3) relating to trade secrets and G.S. 160A-168 relating to the confidentiality of personnel records; and (2) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body. The parties in the matter about which the council expects to receive advice are the Historic Resources Commission, the Board of Adjustment and the Housing Authority. This motion was seconded by Councilman Sellers and carried unanimously.

At 5:15 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Councilman Sellers and carried unanimously.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 5:15 p.m.

CITY CLERK MAYOR

Tuesday, February 4, 1997 - 7:00 p.m.

East Asheville Community Center

Community 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

Mayor Martin said that he hoped the new format by the City was successful at this community meeting. He summarized by saying that from

5:00 p.m. - 7:00 p.m. City staff was available at the East Asheville

Community Center to meet with the community on any issue and to

demonstrate the possibilities of communities and City Hall linking up electronically. He said at 6:00 p.m. Councilmen Cloninger and Worley

were available to answer questions relative to the Unified Development Ordinance. And then the City Council community meeting began at 7:00

p.m. He stressed that City council is committed to Community Oriented Government.

Ms. Robin Westbrook, Community and Public Information Officer,

gave a brief presentation on how communities will be able to access information from City government on a computer located at the community center. She also outlined some items on the Council's commitment to

community Oriented Government.

The following topics were raised by residents and addressed by

City Council and City staff: need for additional police patrol

throughout community; need to complete paving of Marborough Drive;

excessive speeding on Riverview Drive, River Hill Road and Crockett

Street; need for trash pickup in entire community, in particular East

Vale Shopping Center, around Asheville Mall, area around Haw Creek exit

onto 1-240, behind Oteen Ingles; request for a dead-end sign at Oteen

-7-

Park Place; need to investigate open drainage ditch behind Oteen Ingles; request that the park in Haw Creek be given a higher priority since the community is committing over \$40,000 in addition to a grant of \$2,250

recently received; request for a reimbursement in property taxes for

gated Cloister residents since they do not require City garbage pick-up

and other basic City services; request for Council to sever the mapping

of the UDO from the other steps involved and to prepare UDO maps that

conform with existing uses; request for Council to consider pedestrian studies; and request for Council to work with the N.C. Dept. of

Transportation for sidewalks along Tunnel Road.

Mayor Martin adjourned the meeting at 8:20 p.m.

CITY CLERK MAYOR
