

Tuesday - June 28, 1994 - 3:00 p.m.

Council Conference Room

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; City Attorney William F. Slawter; Interim City Manager William B. Farris; and Deputy City Clerk Maggie Burleson

Absent: None

CIVIC CENTER COMMISSION INTERVIEWS

City Council held pre-arranged interviews for the Civic Center Commission with Hayes Martin, Joyce Dorr, Tom Muncy, Keith Green, Nancy Williams and Carolyn Ketchum.

Councilwoman Field moved to amend the membership of the Civic Center Commission to 11 members instead of 9 members. This motion was seconded by Councilwoman Sitnick and carried unanimously. City Attorney Slawter said that he would prepare the ordinance amendment for Council action on July 19, 1994.

Councilwoman Field moved to reappoint Hayes Martin and appoint Joyce Dorr, Carolyn Ketchum, Tom Muncy, Nancy Williams and Keith Green to the Civic Center Commission. This motion was seconded by Councilwoman Sitnick and carried unanimously. City Attorney Slawter said that a resolution would be prepared for official Council action on July 19, 1994.

RESOLUTION NO. 94-129 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH PAVING ENTERPRISES INC. FOR THE PROJECT KNOWN AS SONDLLEY ESTATES STREET AND STORM DRAINAGE IMPROVEMENTS PROJECT

City Manager Farris read the resolution stating that it will award the Sondley Estates Street and Storm Drainage Improvements Project to Paving Enterprises Inc., being the lowest responsible bidder, in the amount of \$363,330.

Due to insufficient bidders on June 14, 1994, a second bid opening was performed on June 20, 1994. Paving Enterprises Inc. was the low bidder, but because the bid was much higher than the engineer's estimate, the Engineering Department negotiated with Paving Enterprises and was able to reduce the total contract price from \$489,216.25 to \$363,330.00. This cost for construction will allow us to budget 5% for engineering services and 5% for contingency and stay within our \$400,000 budget for this project.

Councilman Swicegood moved for the adoption of Resolution No. 94-129. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 390

RESOLUTION NO. 94-130 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE STREETS LOCATED IN SONDLLEY ESTATES AS CITY-MAINTAINED STREETS

City Manager Farris read the resolution which will authorize the City Manager to accept, pursuant to a deed of conveyance from the -2-

Sondley Homeowners' Association, the following streets located in Sondley

Estates: Sondley Parkway, Sondley Drive, Sondley Woods Place, Sondley Drive South, Sondley Drive East and Sondley Drive North. The City Manager will also be authorized to sign the deed of conveyance, subject to City Attorney approval, and will be further authorized to cause the deed of conveyance to be recorded in the Register of Deeds office upon payment of the recordation fee by Sondley Homeowners' Association.

Councilman McClure moved for the adoption of Resolution No. 94-130. This motion was seconded by Councilman Swicegood and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 391

DISCUSSION REGARDING RENEWAL OF LEASE WITH THE FAA

City Manager Farris said that the lease with the FAA is for the approximately 1,000 foot building at the Airport. The lease is for \$747.00 per month with a five year term, renewable annually. The FAA asks in return for the City to paint the building and install a security system. He said that the security system would cost approximately \$600-700.

Mayor Martin, Vice-Mayor Peterson and Councilman Swicegood stated that they had no problem with painting the building, however, the security system is not a part of maintenance of the building and should be paid by FAA.

City Manager Farris said the City wants to keep the FAA on that property. However, he would let them know the City would do the painting but they would be responsible for the installation of the security system. He said that a resolution to renew the lease will be presented at Council's meeting on July 19, 1994.

Councilman Swicegood moved to approve the lease renewal with the FAA and authorized the City Manager to have the building painted, subject to the City Manager confirming Council's intent with the FAA. This motion was seconded by Councilman McClure and carried unanimously.

RESOLUTION NO. 94-131 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH WILLIAM B. FARRIS PROVIDING FOR CONTINUED SERVICES OF WILLIAM B. FARRIS AS INTERIM CITY MANAGER

City Manager Farris read the resolution, saying that the resolution would authorize the Mayor to sign an agreement with William B. Farris for continued services as Interim City Manager. Mr. Farris said that the agreement is for a two month extension, until September 1, 1994, and he would like to convert his contract to a daily contract due to commitments made earlier and a planned vacation.

Councilwoman Sitnick said that "unfortunately Carr came late today and I haven't had a chance to speak with you so I say this not in any way wanting to spring something on you. I have talked to everybody else. I haven't talked to you Bill (Farris) or you Bill (Slawter). I was sitting at the Water Authority meeting this morning and I was looking at you and I was thinking to myself - I'm mad about you. I've never been mad at you yet. Obviously this has remained up here (the name of "Bill Farris" was displayed as one criterion for a new City Manager) as one of our criteria and I was thinking to myself - when I was a kid, I used to say to my mother, send me to the Soviet Union and -3-

I'll make peace with Khrushchev, I can do anything. And I thought, what can we do here in a situation where I feel, we all feel, the same way down here. And I thought that we had to honor your wishes and your plans and your feelings about the rest of your life and what you want to do with it, your family and

the things that you have talked to us about. And we do honor that. But I'm going to say this, not in any way to put you on the spot or put anybody else on the spot, but really to think about it. There isn't another human being, who we could think of, who could come into this City at this particular time, under these particular circumstances and do the job you've done with the professionalism, with the ability to be smooth and calm and collected and intelligent to guide us the way you have, to be a part of this community the way you have, to deal with the factions the way you have, to deal with the staff the way you have, to do deal with the department heads the way you have and to deal with the media the way you have. And I thought to myself, we are on a roll at this point. I went over the 54 items that we enumerated during the retreat and I was amazed to see how many I could either cross through, because we've already done them, or put a check by, because we have begun them. And I must say, Bill, that without taking any of the credit away from the other Councilmembers or myself, because we've worked hard too, a lot of the credit goes to you. And I would like to present a possibility for you to think about and for Carr to think about because he has not heard this earlier and everybody else is on board on this. We want to keep you, but we want to honor your wishes as well. We would like to offer you whatever it will take from a contractual point of view so that you have the ability to work with UNC-Wilmington and any of the other pots you wanted to put your fingers into, and still be our City Manager - offering you the freedom to come and go as you need to. And us looking into hiring a very strong Assistant City Manager who we feel we could work with who would in part be guided by your light. So that at the very least for the next year and a half, we can have consistency, we can maintain the roll we're on, we can maintain the peace we have achieved, and so that we can have the kind of working situation that will go from this Council to staff, to department heads, to employees, to this community. Because it is a pebble in this pond that you are - that has the ripple effect beyond all of us put together. Again, this is not said to put you on the spot. We are not asking for an answer now. We are just saying, we can offer you whatever it will take to allow you the freedom to come and go, to do these other things that you want to do and so that you can be here when we need you, guide a strong Assistant City Manager and be part of this government and this community. We would like to make such a proposal to you."

City Manager Farris felt the proposal made was humbling and that he would be crazy not to think about it and try to work it out. He told Council of the things he was interested in - not only things outside of Asheville, but things happening right here. He said that he enjoyed working with Council individually and as a group and felt the Council, as a whole, doesn't get enough credit in the community. He said that if the Council was comfortable in at least exploring some options along this line, he would certainly do his best to try to put something together that would make sense for all concerned.

Councilman Swicegood also supported Bill Farris staying and that Asheville needed his strong leadership. He did feel that Asheville needed one "chief" and thus was not sure how having a strong Assistant City Manager would come into the picture. He did feel that this proposal would be worth exploring.

-4-

Councilwoman Sitnick said that "when I said a strong Assistant City Manager, what I meant was a competent Assistant Manager who can handle the day to day stuff with Bill still Manager and leader."

When Councilwoman Field asked City Manager Farris if he knew of any person that he would put in that position, he responded that he did know people that could be in that role and be effective.

City Manager Farris said that Councilman Swicegood brought up a good point and it should be addressed. If a contract were drawn up for either an 18-month period or a 24-month period, it would be the kind of thing that would need to be reviewed and renegotiated. It would have to have specific things in there that Council would want to accomplish.

Mayor Martin asked the City Manager try to put something together for the Council to look at.

Councilwoman Field moved to adopt Resolution No. 94-131, with a condition that City Manager Farris receive a paid 7 day vacation. This motion was seconded by Councilwoman Sitnick and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 392

REGIONAL WATER AGREEMENT

Councilman McClure moved to authorize the Mayor to execute a regional water agreement by and among the Asheville-Buncombe Water Authority, the City of Asheville and the County of Henderson. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

DISCUSSION REGARDING FOUR-YEAR STAGGERED TERMS

City Attorney Slawter gave a brief report to the Council relative to four-year staggered terms. He said a public hearing would be required.

Mayor Martin said that according to the 1991 edition of Form of Government of North Carolina Cities, more North Carolina city councils have staggered four-year terms than any other term of office. Of the state's 510 cities, 258 have staggered four-year terms; the next most common term of office is the two-year term, which 214 cities have. Only 26 have unstaggered four-year terms, and 12 have "other."

He said that of the 22 cities with populations over 25,000, 11 have staggered four-year terms, eight have two-year terms, and three have unstaggered four-year terms. He then read a breakdown of staggered four-year, two-year, and four-year unstaggered.

It was the consensus of Council to research Council's salaries when the terms are for 4 years.

Vice-Mayor Peterson said that after the Charter is amended regarding four-year staggered terms, he would pursue a change to non-partisan election and term limitations.

City Attorney Slawter said that Council can amend the Charter regarding non-partisan elections, however, only the legislature can amend the term limits.

-5-

DISCUSSION RELATIVE TO BILTMORE DAIRY FARMS AGREEMENT

Councilwoman Sitnick said that she just became aware of a memorandum dated May 3, 1994, regarding the Biltmore Dairy Farms agreement and stated several concerns. She noted, however, that the agreement was not signed.

It was the consensus of Council for the City Attorney to obtain the signed copy of the agreement to see if any of Councilwoman Sitnick's concerns had been addressed prior to approval and signing.

Councilwoman Field moved to recess the meeting and reconvene at 7:00 p.m. on Tuesday, June 28, 1994, at Shiloh Recreation Center. This motion was seconded by Councilman McClure and carried unanimously.

Tuesday, June 28, 1994

Community Meeting - 7:00 p.m.

Shiloh Recreation Center

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; City Attorney William F. Slawter; Interim City Manager William B. Farris; and Deputy City Clerk Maggie Burleson

Absent: None

Mr. Washington, President of the Shiloh Resident's Association, thanked Council for coming and then introduced members of the Association who raised the following topics which were addressed by Council, City staff and others present: (1) the Habitat for Humanity Project (Caribou Heights Subdivision) - concerns were that it was going to be built in what is already swampland, flooding of the area due to stormwater run-off problems, inadequate sewer system and no sidewalks in the area; (2) denial of CDBG monies in Shiloh; (3) problems in Shiloh area with loitering, drugs and crime; (4) possibility of a Citizens on Patrol program in their area; (5) street maintenance and problems with grass growing in the streets; (6) problems with brush and trash pickup and Shiloh being used as a dumping area by unknown persons; (7) concerns regarding vacant lot cleanup; (8) need for a library, books and bookshelves; (9) need for a pool at the Shiloh Recreation Center; (10) general maintenance work needed on the Center, including electrical and plumbing work; (11) need for computers for the children at the Center; (12) concern that Shiloh residents are not participating or selected for the Job Bank Program, although funding for the program was designated and funded for this purpose by the Buncombe County Drug Commission; (13) inaccessibility by the youth of Shiloh of the Job Bank Program office being located on Wall Street in Asheville; (14) request that grants to the Shiloh community be administered by people in the community; (15) concern that money allocated for an Assistant position at the Shiloh Recreation Center went to another recreation center; and (16) questions about illegal parking.

The following petition was read and presented to Council:

"WE, the residents of the Shiloh Community and members of the Shiloh Resident's Association, respectfully petition the Asheville Planning and Zoning Commission and The Asheville City Council to -6-

postpone final approval of the plat for Caribou Heights Subdivision to be located off Caribou Road for the following reasons: (1) disruption of normal traffic patterns through Wyatt and Caribou Roads due to the construction of sewage and drainage facilities and development-related construction; (2) overflow of traffic onto Caribou Road which is presently an unmarked, two-lane road that is shared with employees of major industrial facilities adjacent to the Shiloh community; (3) a 32 lot single-family subdivision on 12.26 acres will conceivably result in approximately 128 additional residents (an average of four persons per unit) and 64 additional cars (an average of two cars per unit); (4) substandard infrastructure to support additional houses and residents (eg., sewage, drainage, potential health hazards due to water-saturated land, trash collection, and storm water run-off); (5) the expected future deterioration of the Habitat units as mildew and structural problems

become evident because of existing quagmire conditions; and (6) a fair representation of tax-paying, registered and voting property owners were not notified of the proposed development and were not given the opportunity to address these issues and offer significant input into the physical arrangement of the proposed development. This denied constructive communication between Habitat for Humanity and area residents to peacefully co-exist.

The names below confirm these reasons to be valid. We demand cancellation of the final decision for Caribou Heights Subdivision pending further evaluation and study so that the Shiloh Community will maintain autonomy as a residential community of hard working home-owning tax-payers with long-established community ties."

Planning Director Julia Cogburn explained the subdivision process and that City Council would be approving the final plat for the Caribou Heights Subdivision.

Mayor Martin stated how pleased he was to see community participation from such a large, organized group as the Shiloh Resident's Association.

Councilman McClure suggested applying for different vacancies on boards and commissions also might help the Shiloh community to become more involved. He did, however, understand that many meetings were held during the day thus limiting the number of people available to serve on these boards.

Councilman Watts stated that he too was pleased with the large group who braved the stormy weather to come to the meeting. He felt that when people work as a group, many improvements can be made to better a community.

Councilwoman Field moved to recess the meeting and reconvene at 4:00 p.m. on Thursday, June 30, 1994, in the Council Conference Room on the Second Floor of the City Hall Building. Council will be discussing the City Manager selection process and that the meeting will be an executive session meeting. This motion was seconded by Councilwoman Sitnick and carried unanimously.

CITY CLERK MAYOR
