

Tuesday - April 16, 1996 - 12:30 p.m.

Asheville Regional Airport

Luncheon and Tour by the Asheville Regional Airport Authority

City Council Representatives Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney William F. Slawter; and City Manager James L. Westbrook Jr.

Members of the Asheville Regional Airport Authority and others were present.

City Council met with the Airport Authority and received an update from the Airport Authority and the Airport Manager regarding on-going improvements at the Airport.

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Tuesday, April 16, 1996 - 3:30 p.m.

Room 623 - City Hall Building

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

#### TRAFFIC SIGNAL SYSTEM UPDATE

Mr. James Cheeks, Traffic Engineer, briefed Council on the traffic signal system in the City of Asheville. He reviewed the City of Asheville's traffic signal system goals, which are to provide for the efficient movement of persons and goods; provide an increased level of safety; reduce transportation costs; provide adaptability to changing conditions; and reduce adverse environmental impacts. He then reviewed each goal objective.

Upon inquiry of Councilman Hay, Mr. Cheeks responded to questions regarding the traffic signal lights on Charlotte Street.

Vice-Mayor Field felt it was extremely important that Council start making some decisions about the increasing traffic and the increasing intensity of pedestrians in the downtown area.

#### UNSAFE BUILDING STATUTE

City Attorney Bill Slawter said that a Notice of Appeal has been received from Larry Linney on March 15, 1996, appealing to the City Council a Vacate and Close Order against 44 S. Market Street entered by the Fire Marshal. The appeal is authorized by G.S. 160A-430. He then advised Council that a quasi-judicial hearing should be held by the City Council. He said that City Council and Mr. Linney will be provided with all applicable documents prior to the scheduled hearing.

Mr. Slawter noted that Mr. Linney will be advised that if he would like to have the hearing postponed (in which a message was left in the City Attorney's Office earlier in the day to that effect), the City Council should receive a written statement to that effect.

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It was the consensus of Council to proceed with hearing the appeal filed by Mr. Linney at the conclusion of the formal meeting on April 23, 1996.

#### HORSE DRAWN CARRIAGE ORDINANCE AMENDMENT

Ms. Deborah Crowder, that City Council has established various locations to which horse drawn carriages are confined, and it would be beneficial to remove that specified confinement, allowing carriage routes to be approved or disapproved, in advance of their use, by the carriage inspector and the Chief of Police.

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

#### LEWIS RATHBUN WELLNESS CENTER

Assistant City Manager Doug Spell said that the Lewis Rathbun Wellness Center has a collector series of ornaments. The City has received a request to grant permission for them to use City Hall as a subject matter for the fourth in the collector series of ornaments. As part of the request, Ms. Bonnie Brannon, Administrative and Development Director for the Lewis Rathbun Wellness Center, asks for an endorsement by the City Council. She also indicated that the 1995 ornament was endorsed by the Chamber of Commerce and she also plans to seek their continued support.

Staff has reviewed this request with the City Attorney. It is the recommendation of the City Attorney that City Council consider adopting a resolution authorizing the Center to use the City Hall building as a subject matter for a collector ornament, and to also consider in the resolution an endorsement of the collector series program by the Lewis Rathbun Wellness Center. To staff's knowledge, a similar request has not been received by the City for such permission or an endorsement. Therefore, by proceeding in this manner the City Council may address any future requests on an individual case by case basis.

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

#### CONSENT:

##### Donated Horse for Mounted House Patrol

Summary: Accept the donation of a quarter horse by the name of Sonny Bybar for use by the Asheville Police Department Mounted Horse Patrol Program.

The Mounted Horse Patrol has utilized the services of Sonny Bybar since June, 1995, on a trial basis. This period has proven very successful.

##### Offer to Purchase Disposal Parcel 4A of the East Riverside Redevelopment Project

Summary: Disposal Parcel 4A is a CS Commercial Service lot near the corner of Hilliard and South French Broad Avenues, comprising 16,852 square feet. The bid

from Hilliard Avenue Partnership for Disposal Parcel 4A includes the proposal to incorporate the lot into the property currently owned by Hilliard Avenue Partnership where the offices of Waddell Sluder Adams & Co. and Maryland Casualty Co. are located. The development proposal consists of landscaping and maintaining the lot

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consistent with the currently owned property. Hilliard Avenue Partnership consists of Robert B. Gelder Jr. and Julia Adams Slipher.

The bid of Hilliard Avenue Partnership in the amount of \$67,400 for the purchase of Disposal Parcel 4A in the East Riverside Redevelopment Project is not less than the established minimum price of \$67,400.

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

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

OTHER BUSINESS:

Communication Towers

Upon request of Councilman Cloninger, it was the consensus of Council to ask the City Manager to investigate as quickly as possible the City developing communication tower regulations.

Closed Session

At 4:40 p.m., Vice-Mayor Field moved to go into closed session as authorized by G.S. 143-318.11 (a) (3) in order to consult with the City Attorney in order to preserve the attorney-client privilege. This motion was seconded by Councilman Skalski and carried unanimously.

At 4:55 p.m., Vice-Mayor Field moved to come out of closed session. This motion was seconded by Councilman Worley and carried unanimously.

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Tuesday, April 16, 1996 - 5:00 p.m.

Room 623 - City Hall Building

Joint Asheville City Council/Buncombe County Commissioners Meeting

City Council -

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

County Commissioners -

Present: Chairman Dr. Gene Rainey; Commissioners Patsy R. Keever, C. Thomas

Sobol, William H. Stanley, David W. Young; County Attorney Joe A. Connolly; County Manager William E. McElrath Jr.; and County Clerk Kathy Hughes

Absent: None

Mayor Martin and Chairman Rainey opened the meeting at 5:00.

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#### AREAS OF CURRENT COOPERATION

County Manager McElrath briefed the Council and Commissioner on the many different areas in which the City and County are currently cooperating. Those areas are described in Exhibit "A" attached hereto and made a part hereof.

Both Managers noted that there is a lot of cooperation going on between both governments thanked staff for their hard work.

#### Cooperative Efforts

##### Minority Business

Mr. Jerome Jones briefed those present on an agreement establishing a Buncombe County Minority Affairs Office that will provide minority business affairs services to the City of Asheville. He summarized background information as follows:

- In July 1995, the Board of Commissioners established an African-American Business Task Force ("AABTF") to identify obstacles to minority businesses doing business with the County and to make recommendations to eliminate those obstacles.
- In December 1995, City and County senior managers began discussions on areas where the City and County might cooperate with each other to the benefit of both entities.
- On January 23, 1996, the AABTF reported their findings and recommendations to the Board of Commissioners.
- One of those recommendations was to establish a minority affairs function in the County and to enter discussions with the City for areas of cooperation or to establish a single function servicing both entities.
- Minority affairs, therefore, along with risk management, became two functions where cooperation between the City and the County seemed to hold promise.
- Subsequently, discussions between the City and the County resulted in an agreement calling for the City to provide funding for the two positions currently performing the City's minority business affairs function, as well as funding to support those positions. The County would, in turn, provide to the City the services now being provided by the City's office. The County will provide additional staff.
- The agreement could take effect as early as May 1, 1996, however, employees and funding would remain with the City and the County respectively until July 1, 1996. At that time, all minority affairs personnel would become employees of the County. Hire dates would transfer so benefits based on longevity would not be adversely effected.

Mr. Jones then outlined the current status:

- The County and City staffs have developed an agreement for cooperation between the City and the County regarding minority affairs.

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- The agreement calls for the County to establish a Minority Affairs Office and provide minority business affairs services to the City. Those services remain essentially the same as are now provided by the City's Minority Business Affairs office.

- The City would reimburse the County for those services at approximately the same level of funding as is reflected in the City's Fiscal Year 1997 budget for minority business affairs.

He then asked for City Council and County Commissioner approval of the agreement for cooperation regarding minority affairs.

Upon inquiry of Vice-Mayor Field, Mr. Jones said that it is their intent to use the City's current Minority Business Plan until another Plan is developed.

Vice-Mayor Field feels that the Office needs to be committed to the goals in the Minority Business Plan.

#### Risk Management

Assistant City Manager Doug Spell briefed those present on the City assuming responsibility for administering certain risk management operations for the County.

Mr. Spell then said that during the past several months, the City and County have been discussing various areas for cooperation. One area which has been discussed and appears to be an area of potential cooperation pertains to the City administering certain risk management operations on behalf of the County.

An agreement has been prepared between the City and County addressing the provisions of the City assuming responsibility for administering certain risk management operations for the County. As a part of this agreement, the City does not assume any of the County's risk management obligations or liabilities. The current risk manager staff person for the County would become a City employee and retain annual and sick leave balances. However, the County is not proposing to transfer the responsibility for safety functions and training to the City but to continue that as a County function. The proposed duration of the agreement is for an initial two year period with automatic renewals on a year-to-year basis. However, he noted that the agreement may be terminated by either the City Council or the County Commissioners with a 90-day written notification to the other party.

It is important to note that the terms of this agreement do not form any type of joint agency and does not involve the pooling of City and County funds. Both programs would be maintained independently and the costs of the programs would be paid separately. The City, in administering the County risk management operations as proposed, would market both the City and County programs in order to obtain the best premium rates. The City would also review the current County coverages and make recommendations for any enhancements or changes. The City would provide monthly reports to the County of liability accidents and outline efforts to assist in controlling the losses to minimize frequency and severity of losses. Additionally, the City would perform a cursory review on an on-going basis of the County's health, dental, life and other benefit programs and provide a written recommendation to the County Personnel Director based upon this review.

The operational costs associated with the cooperation on risk management consists of \$62,988. This is the amount which the County is

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paying for the budgeted staff support for their current risk management services and will be the amount which the County would pay the City for Fiscal Year 1997. Each subsequent year, the funding for the risk management services would be discussed and negotiated as a part of the annual budget process. It is also noted in the agreement that approval of the County is required for an increase in expenditures greater than 5% of the total budget amount. The City would bill the County on a semi-annual basis for the proceeding six-month period. As outlined in the agreement, it is anticipated that the cooperative efforts for administering the risk management operation will begin May 1, 1996, with the actual personnel and budgetary costs occurring on July 1, 1996.

Staff from both the County and City have been a part of the discussion and review of this item and the agreement for cooperation. Therefore, staff recommends that the Mayor and Chairman of the Board of Commissioners be authorized to execute the agreement for cooperation which includes the risk management operations.

Upon inquiry of Commissioner Young about any perceived cost savings, Mr. Spell noted that the first year will be a learning experience and there are no cost savings projected yet. However, City Manager Westbrook quoted figures for 1992 that showed a substantial savings for the City in premium costs alone. He credited this to experience and hard work of the City's Risk Manager John Miall.

Commissioner Stanley moved to authorize the signing of an agreement with the City subject to further review by the County Manager and County Attorney. This motion was seconded by Commissioner Sobol and carried unanimously.

Councilman Worley moved to authorize the Mayor to sign an agreement with Buncombe County providing for cooperation between the County and the City for risk management and minority affairs functions, the terms of said agreement to be subject to further legal review and approval by the City Manager and the City Attorney, who are hereby authorized to make such modifications in the agreement as they deem appropriate in preserving the City's interest. This motion was seconded by Vice-Mayor Field and carried unanimously.

#### Animal Control

Ms. Wanda Green, Assistant County Manager, briefed those present on the possibility of privatizing animal control. She summarized background information by saying that in January, staff from the Sheriff's Department and the Police Department met to discuss the possibility of combining animal control functions. After reviewing the needs and service requirements, the discussion turned to moving animal control out of law enforcement. Discussions were held with George Bond, the County Health Director, since he has several statutory responsibilities for animal issues. While the Health Department is one alternative for managing animal control, privatization is another option that everyone wanted to pursue.

She then said that currently both the County and the City animal control is managed by law enforcement. The County has five animal control positions and the City has two animal control positions. During 1995, the County responded to 4,950 calls and picked up 2,540 animals. During the same period, the City responded to 6,000 calls and picked up 1,755 animals. The City incurred around 700 hours of overtime in managing this workload.

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At this time staff of both the City and County is working with the Friends for Animals to evaluate the feasibility of privatizing animal control. Staff will bring proposals back to their respective boards in May.

In preparation for privatization, the County Attorney, with the assistance of the City Attorney and a task force representing the Sheriff and Police Department, revised the County's animal control ordinance. Requirements specific to the City were incorporated. The City Council can, by resolution, opt to follow this ordinance. The Commissioners held a public hearing on the revised ordinance on April 2, 1996. The ordinance will be placed on the May 7, 1996, Commissioner's agenda for a vote.

Upon inquiry of Commissioner Kever, Ms. Green said that the Friends for Animals Board is very interested in doing this.

Mayor Martin said that the City would be looking forward to the proposal being brought back to them in May.

#### AREAS UNDER REVIEW AND ANALYSIS FOR FUTURE COOPERATION

City Manager Westbrook outlined areas that the City and the County are currently exploring for future cooperation. Issues on the list are in various stages of review and analysis. Therefore, each paragraph tries to summarize the current status of each issue.

1. Joint Greenway Planning. Staffs have already begun to work together for joint greenway planning in and around the City's urban area. We would like to consider combining the two commissions at a later date, after staffs have worked together.
2. Joint Parks and Recreation Functions. The City and the County are looking at three different areas. Those are as follows:
  - A. The City is looking at operating the Aston Park facility for the County. The agreement is close to completion. There are still some issues to be resolved, but they do not seem to be insurmountable.
  - B. The City agreed to look at the possibility of taking over 8 County softball teams. Since the City operates more than 130 softball teams, we anticipate being able to operate the 8 County softball teams, and an agreement is near at hand.
  - C. The City agreed to work jointly with the County to develop a Lake Craig Park property. A committee has been established; they are looking at various funding options and are not yet ready to report back to the City and the County.
3. Funding Requests From Not-For-Profit Organizations. In order to prevent duplication of funding for community not-for-profit organizations, the City and the County will be cooperating by sharing information during the budgetary process. This process will begin during the budget preparation for Fiscal Year 1997, which is currently under way.
4. Recycling. Since the City and the County will be recycling solid waste, we are going to review both programs. The purpose of the review is to determine if the education/public relations function could be combined.

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5. Joint Use of the City Print Shop. Significant progress has been made in this area. There has been agreement, in principle, that we can move forward in this function. The concept entails the County using the City's printing operations and paying for this use. At this point with the current amount of work that has been done, it still looks very promising.

6. Joint Purchasing of Commodities. The two purchasing agents have been working together; they have agreed there are many more items that we can try to cooperatively purchase. Most of this comes under the heading of sharing information during the budget, and after the budget, on types of equipment and services to be procured. We will begin doing this immediately, and are asking both purchasing agents report to the their respective managers quarterly concerning their cooperative efforts. There has been much cooperation in the past, and this current effort will broaden to include even more commodities and services.

As the analysis of all of these issues is completed and ready for implementation, staffs will bring them back to the respective governing bodies for approval and coordination of the implementation dates. Both the County Manager and the City Manager see this as an on-going effort, and they intend to add to this list as we go forward.

It was noted that soccer fields are desperately needed in the City and County, not only for the youth, but for the economic impact that tournaments can bring to our area.

Upon inquiry of Commissioner Young, Mr. Irby Brinson, the City's Director of Parks and Recreation, explained what is being done regarding the Lake Craig property in terms of a soccer field. Mr. Brinson hoped that in late summer, they will be in a position of bringing an agreement to the respective boards to consider. Then, by September 1, 1996, there could be some sort of preliminary plan.

Councilman Skalski said that the City and the County need to move forward on mapping and planning for greenways.

#### DRUG COMMISSION

Mr. Vaughn Ownbey, Executive Director of the Buncombe County Drug Commission, outlined the Mayor's Challenge objectives as being (1) to impact the substance abuse problem in Asheville and Buncombe County; (2) to produce short-term, measurable results; and (3) to provide the Drug Commission with a leadership opportunity in the effort. He then briefly summarized the impact by national and local statistics, the current program of the Buncombe United Drug-Free Workplace Alliance, and the Buncombe United proposal. He stated that the long-term program objectives which would be to (1) build on success with drug-free workplace program to expand focus in other areas; (2) utilize yearly evaluation information to develop new program offerings; and (3) continue to educate community on long-term and comprehensive nature of the problem.

Mayor Martin invited the Council and Commissioners to a meeting on April 17, 1996, at 2:00 p.m. in Room 623 of the City Hall Building regarding this issue.

Chairman Rainey asked that Mayor Martin work with Vice-Chairman Sobol on this issue.

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#### OTHER MATTERS



Other Consolidation Issues

A question was raised about whether the City and the County would be discussing the consolidation of the school systems or consolidation issues with other municipalities in the area. The man said that those were two issues discussed at the last joint City/County meeting and were to be on this agenda.

Chairman Rainey said that the City and the County are looking at things they can consolidate in the immediate future. If the bodies can consolidate successfully in smaller things, then they can move onto larger matters like the consolidation of the school systems.

County Manager McElrath said that this meeting is dealing with issues dealing with the City and County issues only.

West Asheville Library

Chairman Rainey informed Council that the Commissioner would be considering the resolution the Council sent encouraging the County to keep the West Asheville library on Haywood Road at their next formal meeting.

Bicentennial Celebration

Mayor Martin said that the City is having their bicentennial celebration in 1997 and invited the County to participate in the planning and celebration.

Commissioner Sobol moved to continue the County Commissioner's meeting. This motion was seconded by Commissioner Stanley and carried unanimously.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:16 p.m.

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CITY CLERK MAYOR

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