

Tuesday - March 4, 1997 - 3:00 p.m.

Worksession

Present: Mayor Russell Martin, Presiding; 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: Vice-Mayor Barbara Field

CONSENT:

Bids on Water Meters

Summary: Recommendation for award of Bid Request No. 462-97, to establish a purchase contract for furnishing the City's estimated two year requirement of 5/8 inch and 1 inch water meters less trade-in of used meters.

Pursuant to N.C.G.S. sec. 143-129 and 160A-268, and in compliance with the City's Minority Business Plan, sealed bids were received to establish a two year term purchase contract for the estimated requirement of 8,000 each 5/8 inch and 200 each 1 inch water meters, less trade-in of equal quantities of scrapped 5/8 inch and 1 inch meters. These meters will be purchased as needed and maintained in Central Stores inventory in support of the Water Resources Department's meter change out program and new installations. Three bids were received as shown below:

Schlumberger Ind. Inc., Roswell, GA \$451,000

ABB Water Meters, Ocala, FL \$520,300

Sensus Tech, Inc., Uniontown, PA \$611,370

Bids have been reviewed for compliance to specifications by Liz Calloway, Customer Services Division, and Mike Holcombe, Water Resources Department, and their concurrence received in the following recommendation.

Subject to Council's approval, it is recommended that the City enter into a purchase contract with the low bidder, Schlumberger Industries, Inc., Roswell, Georgia, for the purchase of 8,000 each 5/8 inch water meters at \$58.30 each with a trade-in allowance for 8,000 each old 5/8 inch water meters at <\$4.00> each; and 200 each 1 inch water meters at \$92.00 each with a trade-in allowance for 200 each old 1 inch water meters at <\$9.00> each for a total net bid of \$451,000.00.

Louisiana Avenue Change Order

Summary: The consideration of a change order for the North Louisiana Avenue work performed by contractor requested by N. C. Dept. of Transportation.

The City Council awarded a bid for sanitary sewer improvements on August 27, 1996, for the North Louisiana Avenue Sewer Improvements. These funds were to be used for sanitary sewer improvements along North Louisiana Avenue.

The Engineering Department has administered the contract for the installation of the sewer line along North Louisiana Avenue. The construction of this project is now complete. Due to the pavement restoration requirements of the N.C. Dept. of Transportation for the sanitary sewer line in the roadway, and

elevation conflicts with an -2-

existing storm drainage pipe this addition of materials, equipment and labor associated with the added work, staff requests an increase in the total project costs to \$45,945.00. The total project cost including this change order is \$220,945.10.

Staff recommends that City Council accept this change order and approve the separate item for appropriation of funds for the North Louisiana Sewer Improvements and authorize the City Manager to execute all necessary documents for the contract close out.

Budget Amendment - North Louisiana Avenue Sewer Improvements Project

Summary: This project was budgeted in the Fiscal 1996/97 Capital Improvement Plan at \$175,000, and an additional appropriation of \$45,945 is needed to fund change orders.

This project was included for funding in the Fiscal 1996/97 Wastewater Extension Plan in the amount of \$175,000. A change order to the contract for construction of this line is being presented to City Council for approval. Additional funding is requested totaling \$45,945 to complete the project. Funding is available in the Sewer Extension Fund fund balance.

Set Public Hearing to Demolish 14 Michigan Avenue

Summary: The consideration of a resolution setting a public hearing for the adoption of an ordinance directing the demolition of 14 Michigan Avenue.

14 Michigan Avenue is a dilapidated structure. The owners Fethi A. and Vicki P. Korkmaz have not responded to the Order of the Director Designee of the Building Safety Department to repair or demolish this structure. Inspector Ray Pruitt found the following conditions, which have been documented by still photographs and videotape:

- Structure has been severely damaged by fire;
- The Walls, floors, and roof are structurally unsound;
- The heating, electrical and plumbing systems are damaged beyond repair.

Inspector Ray Pruitt sent a correction order to the property taxpayer of record on January 18, 1995. There was no response. A formal hearing was then scheduled and held on March 22, 1995, and the only respondent was Bill Clark of First Citizens Bank who holds the first mortgage on the property. His comments reflected ours. The cost to repair or replace greatly exceeded 50% of the current value. First Citizens had no plans to repair or replace the structure. Based on the evidence presented at that hearing the Building Safety Department hearing officer issued a "Findings of Fact and Order" to the owners Fethi A. and Vicki P. Korkmaz to repair or demolish 14 Michigan Avenue within 30 days on February 26, 1996. As of this date, no action has been taken by the owner of legal record.

N.C.G.S. 160A-443(5) authorizes the City Council to direct by ordinance the demolition of a dilapidated structure such as 14 Michigan Avenue subsequent to failure of the owners Fethi A. and Vicki P. Korkmaz to demolish or repair as described above, N.C.G.S. 160A-443(6) authorizes placement of a lien on the property to recover the cost of a demolition so ordered by City Council. -3-

The following is an overview of some general information regarding this

property:

- Fair market value of structure is \$27,600.00.
- Estimated value to rebuild the structure only is \$116,760.00.
- Land value without the structure is \$9,000.00.
- Estimated cost to demolish the structure is \$15,000.00.

The Building Safety Director recommends adoption of the resolution setting the public hearing regarding demolition of 14 Michigan Avenue.

Possession of Malt Beverages and/or Unfortified Wine at St. Patrick's Day Festival

Summary: The consideration of a resolution to allow for consumption and possession of malt beverages and/or unfortified wine at the St. Patrick's Day Festival.

North Carolina General Statute sec. 18B-300 (c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on public streets, and on public property owned, occupied or controlled by the City of Asheville. The Asheville City Council has adopted an ordinance pursuant to the statutory authority. Section 11-11 of Code of Ordinances provides that the City may adopt a resolution making other provisions at special events and community festivals. The 1997 St. Patrick's Day Committee and the Parks and Recreation Department recommend that possession and consumption of malt beverages and/or unfortified wine be allowed at the 1997 St. Patrick's Day Festival.

The Parks and Recreation Department recommends that City Council adopt a resolution allowing for consumption and possession of malt beverages and/or unfortified wine at the St. Patrick's Day Festival.

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.

FIRE STATION 4 (SKYLAND) UPDATE

Fire Chief John Rukavina presented plans for construction of a new fire station in Asheville to serve the south Asheville area have been completed.

Via an agreement with the Skyland Fire Department, the City of Asheville was granted a lease on land at the southeast corner of Hendersonville Road and Miller Road for construction of a new fire station for the City of Asheville. This station will house Asheville Engine 4, which serves the south Asheville area.

In order to use the available land most efficiently, Asheville and the Skyland Fire Department are each constructing new fire stations at this location, and the stations will share some structural elements. From the outside, the Asheville and Skyland stations will have the appearance of one building.

The construction plans also include a design for inclusion of a substation for the Asheville Police Department within the Station 4 building.

He showed (1) a copy of the floor plan for the station, and (2), a copy of an elevation plan of the station. -4-

Asheville Station 4 has been designed as a "no-frills" facility. Its external appearance will be plain, but plans are underway to develop signage that is consistent with the City's sign ordinance that will add to the exterior aspect of this fire station.

Upon inquiry of Councilman Worley, Fire Chief Rukavina said that he hoped the building would be completed in November of this year.

When Councilman Skalski asked if the new building would be able to handle growth in the area, Fire Chief Rukavina said that it would.

1997 SUMMER YOUTH PROGRAM

Ms. Roxie Wynn, Assistant Personnel Director, said that staff is requesting that City Council determine, by March 31, whether a Summer Youth Program will be funded in FY 97-98.

Asheville City Council has appropriated up to \$100,000 annually since 1992 to fund a Summer Youth Program. The program's purposes have been to employ "at-risk" City youth and to promote positive work ethics and healthy lifestyles. To qualify, applicants needed to be 14 - 18 years of age, a resident of Asheville and a student in a public or private school system. In 1992, the applicant's gross income was also considered. Highlights of the last two programs are below:

1996 Summer Youth Program

*A decision to fund the program was made on March 19, 1996. Council recommended preparing a breakdown of family income to determine if low-income families were benefiting from the program.

*194 youth were interviewed by 20 volunteers including City employees and members of the community.

*63 youth and 1 Program Administrator/Counselor were hired.

*60 youth participated in an all day training session sponsored by A-B Technical College.

*Youth were paid \$4.25 - \$4.65 depending on whether they had participated in a prior City of Asheville Summer Youth Program.

*Youth worked 20-30 hours/week in eight (8) City departments, six (6) United Way agencies, the Chamber of Commerce, the Asheville Housing Authority, the Interdenominational Ministerial Alliance (IMA) Summer Camp, the YMCA and YWCA.

*Total direct cost was \$61,885.

1995 Summer Youth Program

*A decision to fund the program was made in late March. Council recommended (1) a reduction in the hours worked to increase the employment opportunities for more youth; (2) placement of 6 - 8 participants in the Public Works Department to assist with litter clean-up; (3) placement of 11 youth in the Parks and Recreation Department to clean up inside and outside of various parks, recreation centers and pool facilities; and (4) appointment of a Council liaison to assist with promotion/recruitment in the community.

-5-

*80 youth, 1 part-time Program Administrator/Counselor and 1 part-time Counselor were hired.

*Youth were paid \$4.25 - \$4.65/hour depending on whether they had participated in a prior City of Asheville Summer Youth Program.

*Youth worked 20-30 hours/week in various City Departments and at the United Way and Asheville Housing Authority.

*Total direct cost was \$99,274.43. This amount included a \$5,000 outside contribution to the Interdenominational Ministerial Alliance (IMA) Summer Camp.

NOTE: The City funded positions for two non-profit agencies (United Way and Asheville Housing Authority).

Staff submits the following options for Council's consideration:

Option A

Fund the program at \$100,000 (or some lower amount).

Option B

Privatize.

Option C

No longer fund the program.

Staff recommends funding the program at \$100,000.

Councilman Hay wondered if this program should be reviewed by the Council Outside Agency Committee in the future. Mayor Martin said that because the program needs to begin in March, Council has, for the past six years, reviewed this program separately. City Manager Westbrook said that the funds are available in the non-departmental fund.

Upon inquiry of Councilman Skalski, Ms. Wynn furnished Council with copies of last year's breakdown of the family income range for the 1996 Summer Youth Program.

There was discussion about the One Youth at a Time Program which Rev. L.C. Ray provided information to Council earlier in February. It was the consensus of Council to fund the City's 1997 Summer Youth Program at \$100,000 and instructed staff to meet with Rev. Ray to see how the City's Summer Youth Program and the One Youth at a Time Program can compliment each other. City Manager Westbrook said that he would make an effort to report back to City Council next week.

WAIVER OF SIGN FEES AMNESTY PERIOD

City Attorney Oast said that this is consideration of a resolution amending the Fees and Charges Manual of the City Of Asheville to waive permit fees for a sixty-day period for those nonconforming signs still needing to come into compliance with Appendix A - Zoning of the Code of Ordinances of the City of Asheville

The City of Asheville's Planning and Development Department has initiated the final phase of enforcement of the nonconforming sign amortization provision

(City Code sec. 30-9-10) of the City's Zoning Ordinance. This provision, adopted in August, 1990, requires that some nonconforming signs come into compliance by August 28, 1995. The City is providing individuals and businesses whose signs are subject to this -6-

provision with notification of their nonconformity and is requiring that nonconforming signs be brought into compliance within thirty (30) days.

The Fees and Charges Manual of the City of Asheville requires that all signs being altered or erected receive a sign permit and pay a sign permit fee of \$1.50 per square foot with a minimum of \$25. Staff recommends that this fee be waived for those who receive a notice of noncompliance and obtain a permit to bring the signs into compliance within a sixty (60) day period. This 60-day "amnesty" period begins upon receipt of the notice of noncompliance.

This resolution amends the Fees and Charges Manual of the City of Asheville to provide for this limited fee waiver.

Councilman Hay was concerned that the people who did bring their signs into compliance when they were supposed to had to pay the application fee, and now others who did not bring their signs into compliance are having the fee waived. City Attorney Oast understood Councilman Hay's concern and noted that if individuals pursue that line of reasoning, they will bring those concerns to Council for appropriate discussion.

Ms. Sharon Allen, Code Enforcement Officer, updated Council on the notification process to date, stating that many of people whose signs are not in compliance had just basically forgotten the deadline for bringing those signs into compliance.

When Councilman Skalski asked about how many signs were in the City, Ms. Allen stated that she didn't have that figure with her but she would provide that information to Council.

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.

RESOLUTION NO. 97-31 - RESOLUTION FOR PASSENGER TRAIN SERVICE

Mayor Russ Martin read the resolution stating that the City of Asheville has been without passenger rail service for more than 25 years. The N. C. Dept. of Transportation has recommended restoring passenger train service to the Asheville area through the State's Transit 2001 plan. This plan would make the City of Asheville a western terminus for a passenger line connecting with Amtrak routes in Salisbury or Greensboro and Raleigh, opening opportunities for connections throughout the U.S. eastern seaboard. The City of Asheville is said to be the most requested destination in phone inquiries to Amtrak not on its taxpayer subsidized nationwide passenger network. He said that providing rail service to the City of Asheville would provide additional travel options for Asheville residents and business people. Rail service would attract visitors and conventions to the City of Asheville and have a positive economic impact on the local community. This resolution would endorse the N. C. Dept. of Transportation plan to bring passenger rail service to the City of Asheville.

Councilman Cloninger moved to waive the rules and take formal action on this item at this time. This motion was seconded by Councilman Worley and carried

unanimously.

-7-

Councilman Cloninger moved for the adoption of Resolution No. 97-31. This motion was seconded by Councilman Worley and carried unanimously.

Councilman Cloninger asked that the resolution be sent to Governor Hunt, the N.C. Department of Transportation, and the local delegation.

RESOLUTION BOOK NO. 24 - PAGE 25

OTHER ITEMS

Councilman Cloninger asked that the City of Asheville aggressively pursue President Clinton's American Rivers Heritage Initiative Program to have the French Broad River designated as part of that Program. He stated that the designation would qualify the French Broad River to apply for federal funds that would assist us in housing, riverfront development, greenways, etc. He suggested Ms. Karen Cragolin be invited to Council's next worksession to discuss the program.

Mayor Martin said that he has already written a letter to Washington asking that the French Broad River be considered part of that Program. Councilman Worley also noted that a Task Force is being formed that will be working on that as well.

Councilman Cloninger said that he would like to report at the next worksession efforts to approach the Metropolitan Sewerage District in working out permission to use their rights-of-way in some areas for the development of greenways.

City Council instructed the City Manager to investigate to see what role, if any, the City can play in preserving Appalachian Hall from possibly being demolished.

Councilman Cloninger was interested in having more civic organizations report to City Council during their worksessions to keep the Council informed of their activities.

Mayor Martin inquired about the City's application to become designed an All American City and stressed that City Council was very much in favor of the efforts being made to pursue this designation.

CLOSED SESSION

At 3:50 p.m., Councilman Skalski moved to go into closed session to consult with the City's attorney in order to preserve the attorney-client privilege between the City and its attorney. The parties in the matters about which the City expects to receive advice are: Historic Resources Commission, Board of Adjustment, Montford Neighborhood, Asheville Housing Authority, Michael Wrightson, Elena Scott, City of Asheville and Taylor & Murphy Construction Company. The statutory authority is G.S. 143-318.11 (a) (3). This motion was seconded by Councilman Worley and carried unanimously. -8-

At 4:15 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Councilman Sellers and carried unanimously.

ADJOURNMENT:

Tuesday - March 4, 1997 - 3:00 p.m.

Mayor Martin adjourned the meeting at 4:15 p.m.

CITY CLERK MAYOR
