

Tuesday - January 5, 1999 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor Edward C. Hay Jr.; Councilman M. Charles Cloninger; Councilman Earl Cobb; Councilwoman Barbara Field; Councilman Thomas G. Sellers; and Councilman O.T. Tomes; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT:

New Street Name Approval - Rosefield Drive

Summary: The consideration of a resolution accepting the new proposed street name Rosefield Drive.

New Street Name - Distant View Drive

Summary: The consideration of a resolution accepting the new proposed street name Distant View Drive.

Contract with NC State University to Provide a Pavement Management Inventory for City-Maintained Streets

Summary: The consideration of a resolution authorizing the City Manager to sign a contract with NC State University to provide a Pavement Management Inventory in the amount of \$41,104.

The City maintains approximately 365 miles of streets. The best method for prioritizing the maintenance of these streets is to develop an inventory of all the streets along with the condition of the street. Many municipalities use this method for developing both short and long term pavement and maintenance schedules.

The Institute for Transportation Research and Education (ITRE), which is affiliated with North Carolina State University, provides these services to many cities in North Carolina. (All contracts must be with NC State University.) Prior to selecting ITRE for this contract, staff invited three other firms to demonstrate their ability to provide these services to the City. Review staff consisted of three staff persons from the Engineering Department, one staff person from the Public Works Department and one staff person from the Information Services Division of the Finance Department. Following the demonstrations, the staff committee selected ITRE to perform the work for the following reasons:

- *ITRE was the least expensive.* In order to maintain this inventory, it should be redone every three to five years due to the fact that some streets deteriorate at varying rates. Staff felt that it would not be feasible to spend \$100,000 every five years to have the inventory redone.
- *ITRE is a non-profit organization established specifically to assist with Transportation Research and Education.*
- *ITRE has provided this service to several cities in North Carolina.*

The services provided by ITRE consist of an inventory and evaluation of all City streets, as well as establishing a database which prioritizes the street maintenance needs. The Public -2-

Works Department has \$40,000 budgeted for this project and the Engineering Department has the remaining funds budgeted. Due to the fact that ITRE is a non-profit organization affiliated with NC State University, they do not have the funds to begin the project. Therefore, they have requested half of the money initially and the remaining half at the end of the project.

City staff requests City Council authorize the City Manager to sign a contract with NC State University in the amount of \$41,104 to provide a Pavement Management Inventory for the City.

Bid Award for 16 Assorted Vehicles

Summary: The consideration of a resolution to award Bid Request No. 486-99 for the purchase of 16 assorted fleet vehicles.

Pursuant to N. C. Gen. Stat. sec. 143-129 and in compliance with the City's Minority Business Plan, sealed bids were received to furnish the Police, Building Safety and Engineering Departments with vehicles as described in the bid summary as bid items 1 through 4. Four bids were received as follows:

Full Size Police Vehicles

Earl Tindol Ford, Gastonia, N.C. \$193,130.00

Matthews Ford, Asheville, N.C. \$195,160.00

Frank Polk Ford, Black Mountain, N.C. \$206,640.00

Mid Size 4 WD Pickup Truck

Earl Tindol Ford, Gastonia, N.C. \$15,769.00

Matthews Ford, Asheville, N.C. \$15,666.00

Frank Polk Ford, Black Mountain, N.C. \$15,690.00

Fletcher Motor Company, Fletcher, N.C. \$16,145.27

Mid Size 2 WD Pickup Trucks

Earl Tindol Ford, Gastonia, N.C. \$40,065.00

Matthews Ford, Asheville, N.C. \$39,705.00

Frank Polk Ford, Black Mountain, N.C. \$39,774.00

Fletcher Motor Company, Fletcher, N.C. \$40,156.95

One-Half Ton 2 WD Heavy Duty Pickup

Earl Tindol Ford, Gastonia, N.C. \$28,866.00

Matthews Ford, Asheville, N.C. \$28,744.00

Frank Polk Ford, Black Mountain, N.C. \$28,816.00

Fletcher Motor Company, Fletcher, N.C. \$32,217.14

Bids have been reviewed for technical compliance to specifications by the Fleet Management Division and their concurrence received in the following recommendations.

Funds for the purchase of these vehicles are to be from the requisitioning departments capital equipment appropriations for FY 98/99. All vehicles are budgeted as replacement vehicles.

Subject to Council's approval, it is recommended that awards be made to the low bidder of each item as follows:

Bid item 1 award to Earl Tindol Ford, Gastonia, N. C. in the amount of \$193,130.00 for the purchase of the vehicles described in the bid summary for this item. -3-

Bid items 2, 3, and 4 award to Matthews Ford, Asheville, N. C. in the amount of \$84,115.00 for the purchase of vehicles described in the bid summary for these items.

Grand total of all awards as recommended \$277,245.00.

Adoption of Fiscal Year 1999-2000 Budget Schedule

Summary: The budget office has proposed a Fiscal Year 1999/2000 budget schedule.

The proposed Fiscal Year 1999/2000 budget schedule identifies key dates for completion of all phases of budget adoption. Key phases of the process include distribution of budget materials and instructions, submission of departmental budget requests, City Manager's review of departmental requests, presentation of the proposed budget to City Council, a public hearing and formal adoption. Adoption of the Fiscal Year 1999/2000 budget is scheduled for June 22, 1999.

City staff recommends City Council adopt the Fiscal year 1999/2000 budget schedule.

Accepting the Regional Water Authority's Recommendation to award the Bid for the Fairview Reservoir Project to T & K Utilities

Summary: The consideration of awarding a construction contract to T&K Utilities for the "Fairview Reservoir Project".

Sealed bids were received by the Regional Water Authority on October 28, 1998 for the Fairview Reservoir Project. This project is a Master Plan Phase II project that includes the construction of a 1 million gallon reservoir and the installation of approximately 3,700 linear feet of 12-inch waterline. This is the last project in a series of projects that will greatly enhance the Authority's ability to provide reliable water service to existing customers in the South Buncombe/ Fairview area and will provide for the future growth and development of this area. As a result of this reservoir construction, (4) existing pumping stations will be abandoned in favor of the regional South Buncombe / Fairview Pumping Station and Reservoir. Construction on this project is scheduled to begin in mid February, 1999 with 180 calendar days allocated for construction. There is a liquidated damages clause in the contract of \$ 500.00 per day if the project is not completed on time.

Five (5) bids were received with T&K Utilities of Asheville, North Carolina submitting the low of \$675,700. These bids were received in accordance with NC General Statute 143-129 and in accordance with the City of Asheville's Minority Business Plan. The engineer's estimate for the project is in the amount of \$738,000. All the bids received are listed below in the order of their bid:

T&K Utilities, Asheville, N.C. \$ 675,700.00

Cooper Construction Company, Hendersonville, N.C. \$ 676,926.00

Buckeye Construction Company, Canton, N.C. \$ 689,588.63

Terry Brothers Construction Company, Leicester, N.C. \$ 801,925.00

Hickory Construction Company, Hickory, N.C. \$ 906,925.00

The Regional Water Authority approved award of this contract to T&K Utilities in the low bid amount of \$ 675,700.00 on November 17, 1998, and staff recommends City Council's concurrence with the Authority's action. -4-

Accepting the Regional Water Authority's Recommendation to award the Bid for the Spivey Mountain Reservoir Project to Taylor & Murphy Construction Company

Summary: The consideration of awarding a construction contract to Taylor and Murphy Construction Company for the "Spivey Mountain Reservoir Project".

The Regional Water Authority received bids for the Spivey Mountain Reservoir Project on November 13, 1998. This reservoir and its related pumping station and water transmission lines, already under construction, will alleviate periodic low water pressures in the western sections of our water distribution system and will provide for the continued growth and development of that area. This project was previously bid but not awarded due to failure of the low bidder to comply with the Minority Business provisions of the contract. Construction on this project is scheduled to begin in mid February, 1999 with 150 calendar days allocated for construction. There is a liquidated damages clause in the contract of \$ 500.00 per day if the project is not completed on time.

A total of two bids were received with Taylor and Murphy submitting the low bid of \$ 663,069. These bids were received in accordance with NC General Statute 143-129 and in accordance with the City of Asheville's Minority Business Plan. All the bids received are listed below in the order of their bid:

Taylor and Murphy Construction Company, Asheville, N.C. \$ 663,069

Hobson Construction Company, Arden, N.C. \$ 697,400

The previous low bid for this project, submitted by Taylor and Murphy, was \$ 532,340. This bid was rejected for failure to comply with the Minority Business provisions of the contract. Subsequently, a low bid of \$ 561,000 was negotiated with Cooper Construction Company but this was rejected by the Authority at the recommendation of staff. The engineer's estimate for this project is in the amount of \$600,000.

Since the bid opening, negotiations with Taylor and Murphy has brought their low bid price down to \$560,000. Approximately \$ 60,000 of this reduction is attributable to raising the base of the reservoir approximately 10 feet and the associated reduction in excavation. The remainder of the reduction was not related to any change in scope but rather to price negotiations. Staff is confident that the quality of the finished project will not be sacrificed by any of these price reductions.

The Regional Water Authority approved award of this negotiated contract to Taylor and Murphy Construction Company in the amount of \$560,000 on December 15, 1998, and staff recommends City Council's concurrence with the Authority's action.

Agreement with the N.C. Dept. of Transportation for the NC 191/Brevard Road to I-240 Interchange Project

Summary: The consideration of a resolution authorizing the City Manager to sign an agreement with the N.C. Dept. of Transportation ("NC DOT") for utility relocation costs as part of improvements along NC 191/Brevard

Road to the I-240 Interchange.

The NC DOT is proposing to construct roadway improvements along NC 191 (Brevard Road) from I-40 to I-240. NC DOT proposes to widen and relocate NC 191/Brevard Road as a four-lane road with curb and gutter from just north of the Interstate 40/NC 191 interchange to just north of the Interstate 240/Park Road interchange on the western side of Asheville. The intersection of Fairfax Avenue with the westbound Interstate 240 exit ramp will be eliminated, -5-

and Fairfax Avenue will be extended to intersect with NC 191. The westbound Interstate 240 exit ramp will be shifted south to tie into NC 191 across from the Interstate 240 westbound entrance ramp. A new bridge will be constructed to carry proposed NC 191 over Hominy Creek and Hominy Creek Road. Shelburne Road will be extended to tie into NC 191 at the proposed Fairfax Avenue/NC 191 intersection north of Interstate 240. These improvements are anticipated to start in 1999. An agreement was executed in July, 1996, solely for the transfer of ownership of Bridge #216 to the City of Asheville so as to leave it in place to accommodate pedestrian traffic.

The Municipal Agreement provides for the relocation of the waterline. The items in conflict with NC DOT will be designed and relocated during construction of the project. The existing waterline is an 8-inch diameter and the Water Master Plan calls for this waterline to be upgraded to a 24-inch diameter. This will occur as part of the waterline relocation. All 6-inch and 12-inch existing waterlines are being relocated for construction of the highway. The estimate for the relocation of the waterline is \$256,756. The Municipal Agreement contains provisions for reimbursement of these costs after completion of the work and within sixty (60) days after date of invoice. Interest shall be paid at the rate of 8% on any unpaid balance due.

This agreement will effect the necessary adjustment of any utilities under franchise without cost to the NC DOT, and to provide for the adjustment of any municipally-owned utilities, without cost to the NC DOT.

On December 15, 1998, the Regional Water Authority unanimously approved a resolution amending Capital Project Ordinance 82-25 (35 Fund - Water Major Capital Improvements Fund) to provide future funding for the NC 191 NC DOT Project in the amount of \$256,756. This project will be funded with future funds from either the Operating Budget or from bonds or loans.

Staff recommends that City Council (1) authorize the City Manager to sign the Municipal Agreement for improvements on NC 191/Brevard Road to I-240 Interchange; and (2) authorize the budget amendment to reprogram line items relating to the NC 191 24-inch waterline.

Mayor Sitnick 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.

PRESENTATION OF ANNUAL AUDIT REPORT

Finance Director Bill Schaefer said that City Council retained an independent audit firm, Crisp Hughes Evans LLP of Asheville, NC, to perform an audit of the City of Asheville for the fiscal year ended June 30, 1998, as required by North Carolina General Statute sec. 159-34. The auditors gave the City a "clean" audit opinion.

Mr. Brian Broom, Senior Manager, briefed City Council on their findings, noting that their reports on compliance and internal control disclosed no instances of noncompliance and no material weaknesses in controls. He then reviewed the Fund Balance in the General Fund.

PRITCHARD PARK DESIGN UPDATE

Mr. Alan Glines, Assistant Landscape Architect, said that the Parks and Recreation Department has been working with the consultant design team, Genesis Group Inc., to develop redesign plans for Pritchard Park.

Over the past several months City staff, in conjunction with the Pritchard Park Task Force, have been working with Genesis Group to develop redesign plans for Pritchard Park in -6-

downtown Asheville. On October 8th and November 5th, 1998, community meetings were held to gather information and review conceptual plans for Pritchard Park. The plan has received broad support from many in the community including downtown merchants, residents, property owners, and municipal advisory groups. Since then, City staff have been reviewing the plans and making suggestions for design improvements. In addition staff has begun the process of evaluating the traffic impacts of the proposed plans.

The next steps as a part of this project consist of a comprehensive project impact evaluation. Such components as traffic impact due to revised travel patterns, utility conflicts, and construction sequence need to be evaluated.

Mr. Robert Finnegan, Genesis Group Inc., reviewed with City Council the main issues the consultant design team reviewed. Some of those issues were how to get traffic through the site, the addition of parking, and how to increase the size of the park. He said some traffic calming elements include changing the vehicular use on College Street and Patton Avenue from a one way to a two way system, the addition of a roundabout at the Coxe Avenue and Patton Avenue intersection and the College Street and Haywood Road intersection, and reducing speed on Patton Avenue. They also looked at a more pedestrian friendly environment, for instance widening the sidewalk on College Street to place some outdoor tables and chairs, public art, etc.; the possibility of businesses along College Street adding some balconies; the encouragement of some signage improvements; the addition of some type of marquee structure to mark the Wall Street/Market Street entrance; the addition of a bus shelter kiosk; etc. He said that the park is divided into two aspects. The western part is more of a passive park with preservation of the existing large tree, the addition of other trees, and the creation of a walkway system through the park. The eastern part will be developed as an amphitheater element with some variability to it where people can come and do a variety of things. Artistic inclusion in the eastern part could include a bronze statute, of perhaps Mr. William Johnson who was the original property owner of the site, or some other historical figure.

Mr. Michael Wallwork, Alternative Street Design, P.A., reviewed with Council their task of improving pedestrian mobility in the area and connecting the park to something other than it just being an island. He explained how they tried to minimize the amount of asphalt and use as much space as possible for parking and greenery. He then detailed for Council the use of roundabouts and the excellent reports they have received from other cities who use roundabouts.

Mr. Wallwork responded to various questions from Council regarding roundabouts.

Councilwoman Field suggested that if the roundabouts are successful at these two locations, they might be work well at Pack Square and also at the Civic Center. She spoke in support of roundabouts.

Mayor Sitnick encouraged the concept of street trees on College Street toward Pack Square.

Mr. Finnegan said that based on the components of the plan, they have developed a preliminary project budget of \$1,436,610, which includes (1) demolition of the existing infrastructure in the park, i.e. drainage, irrigation, landscaping, paving, structures/utilities; (2) reconstruction of drainage, irrigation, landscaping, paving/grading, site specialties, roundabouts, retaining walls/signs, structures/utilities, water/sewer/stormwater, artistic inclusion; and (3) permits and fees. He said that they will be happy to work with the City to look for ways to reduce the costs, i.e., reduce the number of trees, use less expensive paving material, etc. He also said that it is his understanding that the City has \$200,000 for this project at this time. He suggested using that money for demolition of those elements in the park and perhaps construct the

amphitheater and some ancillary elements.

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Upon inquiry of Mayor Sitnick, Mr. Finnegan said that the park could be completed in phases. He explained that there are a variety of options available for public/private partnerships and would be happy to furnish to the City some possible funding sources.

Councilwoman Field felt that the City may be able to obtain some corporate contributions from the three banks in the immediate area of Pritchard Park. She also had a brief conversation with the Merchants Association who said they may be able to help a little with funding. She felt this needed to be a public/private community project and would work along with the Mayor on meeting with different groups. She favored doing the project all at once and not by phases.

It was the consensus of City Council to instruct staff the City Manager to report back to Council on a plan of how the money can be raised, along with the possibly of appointing some lead Council members to focus on that plan.

LEASE PORTION OF MILLS RIVER PROPERTY TO R.V. WARREN FARMS

Mr. Tom Frederick, Water Resources Director, said that this is the consideration of a resolution to lease presently vacant land on the opposite side of the Mills River from the new water treatment plant owned by the City of Asheville be leased to R. V. Warren Farms in 1999 for corn production with appropriate restrictions for environmental protection.

The City of Asheville purchased property in Henderson County in 1994 along the west bank of the French Broad River, on both sides of the Mills River, for the construction of a Water Treatment Plant. The Plant is currently being built exclusively on the south side of the Mills River. A residual 51 acres north of the Mills River is presently vacant land but was agricultural before the City's purchase. R. V. Warren Farms has offered to lease this land during 1999 for corn production at a fair market price of \$75 per acre (\$3,825 total).

Staff has evaluated this proposal and finds there is no near-term use of the property north of the Mills River for the water treatment complex. Further review of this 51 acres confirms the property is relatively flat and most of the property drains slightly toward the east where the French Broad River is located. Negotiations for this lease with R. V. Warren include requirements for a 75-foot buffer at the rivers, prohibition of pesticide applications, and limitations on herbicide and fertilizer use. The restrictions will promote an example of agricultural use in harmony with environmental protection.

Staff further recommends the revenue from the lease go to the Water Fund toward the local matching funds for watershed protection in the Mills River valley provided the currently pending application to the Clean Water Management Trust Fund is approved.

The Regional Water Authority of Asheville, Buncombe, and Henderson adopted a resolution on December 15, 1998, recommending that the Asheville City Council grant this lease.

Staff recommends the City Council adopt the resolution, thereby granting the lease to R.V. Warren Farms for 1999 for a total of \$3,825.

Mr. Frederick responded to questions from Council as they related to Mr. Warren's experience with not using pesticides, who will monitor the compliance and the City's efforts to promote the best way to promote the proper use of the property.

When Mayor Sitnick suggested that the lease contain some type of enforcement and violation language,

especially since this is adjacent to our water treatment plant and 30-60 days is too long for a violation to occur, City Attorney Oast that standard language will be incorporated into the lease which will address Mayor Sitnick's concerns. -8-

Mayor Sitnick 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.

REPORTS ON BOARDS/COMMISSIONS

Vice-Mayor Hay, Chair of the Boards & Commissions Committee, said that there is a vacancy for a central representative on the Citizens-Police Advisory Committee. He said the deadline for receiving applications is January 27, 1999.

Vice-Mayor Hay also said that there is a vacancy on the Opportunity Corporation for Madison-Buncombe Counties, however, the Mayor is charged with the responsibility of making that appointment.

Vice-Mayor Hay said that regarding the two School Board vacancies expiring on April 1, 1999, the Boards and Commissions Committee recommend not proceeding with soliciting applications and reappoint both Mr. Brian Weinkle and Mr. Roy Harris to each serve an additional four year term. Both individuals are interested in reappointment and both have excellent attendance records. He said that the School Board is proceeding in the right direction with a team approach with Chair Susan Fisher and Superintendent Campbell. It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to reappoint Mr. Weinkle and Mr. Harris to each serve an additional four year term.

OTHER BUSINESS

Councilwoman Field, Chair of the Housing & Community Development Committee, requested that a public hearing be scheduled to reallocate Community Development Block Grant funds, in the amount of \$27,000, to New Home Community Health Center.

Vice-Mayor Hay spoke about the success of public skating during December, 1998, and stated that the Civic Center Director is working on a new schedule to allow public skating to run through March, 1999.

Vice-Mayor Hay, liaison for the Airport Authority, reported to City Council that the Airport Authority has decided to postpone building a parking deck and to make other arrangements for parking in the immediate future.

CLOSED SESSION

At 4:42 p.m., Councilman Cloninger moved to go into closed session (1) to establish or to instruct the City's staff or negotiating agents concerning 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 - statutory authority is G.S. 143-318.11 (a) (5); and (2) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial appointment of an individual public officer or employee or prospective public officer or employee - statutory authority is G.S. 143-318.11 (a) (6). This motion was seconded by Councilman Sellers and carried unanimously.

At 7:15 p.m., Vice-Mayor Hay moved to come out of closed session. This motion was seconded by Councilman Sellers and carried unanimously.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 7:15 p.m.

CITY CLERK MAYOR
