

Tuesday – February 6, 2001 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger; Councilwoman Terry Bellamy; Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; 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:

Bid Award for Critical Needs Water System Improvements – Phase I

Summary: This is a review of the Regional Water Authority's bid awards for Contracts 1,2 & 3 of the Critical Needs Phase II Water Distribution System Improvements.

Sealed bids were received and opened on Tuesday, January 9, 2001 for the Authority's Critical Needs Phase II Contracts 1,2 & 3. Seven (7) bids were received for Contract 1 with Ray Smith Construction Company submitting the low bid of \$611,602.00. Contract 1 includes the installation of approximately 14,500 lf of 6-inch and 4-inch ductile iron waterlines and a booster pumping station for the Allen Mountain service area. A complete list of bidders follows:

Critical Needs Contract 1

Engineer's Estimate: \$700,000

COMPANY BID

Ray Smith Construction Company, Newland, N.C. \$ 611,602.00

Cooper Construction Company, Hendersonville, N.C. \$ 727,808.75

T&K Utilities, Fairview, N.C. \$ 782,880.50

Steppe Construction Company, Mill Spring, N.C. \$ 783,193.00

Terry Brothers Construction Company, Leicester, N.C. \$ 812,263.00

Wheeler Construction Company, Weaverville, N.C. \$ 826,911.25

Buckeye Construction Company, Canton, N.C. \$ 853,767.85

Five (5) bids were received for Contract 2 with Buckeye Construction Company submitting the low bid of \$ 976,605.52. Contract 2 includes the installation of approximately 5,254 lf of 8-inch and 18,960 lf of 6-inch ductile iron waterlines. A complete list of bidders follows:

Critical Needs Contract 2

Engineer's Estimate: \$998,221.75

COMPANY BID

Buckeye Construction Company, Canton, N.C. \$ 976,605.52

Wheeler Construction Company, Weaverville, N.C. \$ 991,269.00

T&K Utilities, Fairview, N.C. \$ 997,919.50

Terry Brothers Construction Company, Leicester, N.C. \$ 1,056,218.50

Cooper Construction Company, Hendersonville, N.C. \$ 1,092,439.50

Seven (7) bids were received for Contract 3 with Wheeler Construction Company submitting the low bid of \$ 784,488.10. Contract 3 includes the installation of approximately 4,840 lf of 16-inch and 4,500 lf of 6-inch and 4-inch waterlines. A complete list of bidders follows:

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Critical Needs Contract 3

Engineer's Estimate: \$794,428.75

COMPANY BID

Wheeler Construction Company, Weaverville, N.C. \$ 784,488.10

T&K Utilities, Fairview, N.C. \$ 947,369.00

Hobson Construction Company, Arden, N.C. \$ 953,500.50

Cooper Construction Company, Hendersonville, N.C. \$ 959,764.65

Buckeye Construction Company, Canton, N.C. \$ 991,707.89

Terry Brothers Construction Company, Leicester, N.C. \$ 1,007,203.50

These three (3) projects comprise the Authority's Critical Needs Phase II program and are funded by the \$2 million high unit cost grant and \$ 1 million matching local money that will be part of the Authority's anticipated \$13.4 million February 2001 revenue bond issuance. These projects are focused at locations where our existing infrastructure is old, leaking and inadequate to maintain high levels of customer service.

These bids have been reviewed by the Office of Minority Affairs and has approved the award of each contract to the low bidder. McGill Associates, the project engineers for Contract 1, have recommended award of this contract to the low bidder, Ray Smith Construction Company. Cavanaugh Associates, the project engineers for Contract 2 & 3, have recommended award of these contracts to the low bidders, Buckeye Construction Company and Wheeler Construction Company respectively.

Three (3) issues were noted during the review of these bids. They are:

1 On Contract No. 1, Ray Smith Construction Company was represented by a proposed subcontractor at the mandatory pre-bid conference.

2. Also on Contract No. 1, a certified minority's MB-3 form was made out to Ray Smith's proposed subcontractor, Lunsford Construction Company, instead of Ray Smith Construction Company.

3. On Contract No. 2, Buckeye Construction Company failed to acknowledge receipt of Contract Addenda No. 2 on their bid form. Buckeye has since written a letter to staff acknowledging that they did receive Addenda No. 2 prior to the bid opening and that their bid reflects the provisions of this addenda.

The attorney for the Authority has reviewed each of these issues and has told staff that they can be waived as informalities by the Authority and not affect the consideration of these bids.

Each contract has a liquidated damage clause of \$ 250.00 per day for failure to complete the project in the time allocated.

The Regional Water Authority awarded contracts to the low bidder shown above at their January 16, 2001, meeting.

This report is provided to City Council for information only.

New Street Name of "Casteel Lane"

Summary: The consideration of a resolution accepting the new proposed street name "Casteel Lane."

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Clayton Casteel, owner of lots in Pine Lane Mobile Home Park, has petitioned the City of Asheville to accept the street name "Casteel Lane."

The new street will be located off Mills Gap Road.

City staff recommends adoption of the resolution.

Demolition of Three Buildings on Riverside Drive

Summary: The consideration of a resolution awarding the Hazard Mitigation Grant Program Demolition Project to Garland Brothers Inc. and authorizing the City Manager to enter into a contract with them to demolish three buildings on Riverside Drive.

The City of Asheville Parks and Recreation Department has obtained a grant through the federally funded Hazard Mitigation Grant Program to demolish buildings in flood-prone areas. City staff through the Hazard Mitigation Grant Program has acquired three buildings targeted for demolition. Staff solicited sealed bids from ten contractors, five of which were minority contractors, to demolish three buildings on Riverside Drive. Staff received three sealed bidders and they are as follows:

Empire Dismantlement, Inc. \$134,820.00

Garland Brothers, Inc. \$134,850.00

Superior Grading, Inc. \$140,000.00

Staff has reviewed all bids and determined that Garland Brothers, Inc., is the lowest qualified bidder. Empire Dismantlement, Inc., was disqualified for not having the required insurance. Superior Grading, Inc., was disqualified for not providing the required minority business participation forms. Staff recommends acceptance of the total bid amount of \$134,850.00 from Garland Brothers, Inc.

Approved funding is available from the Federal Government under the Hazard Mitigation Grant Program.

The Parks and Recreation Department staff requests City Council authorize the City Manager to enter into a

contract with Garland Brothers, Inc., in the amount of \$134,850.

Outside Agency Policy

Summary: The consideration of a motion approving City Council's outside agency policy.

During a budget worksession on the proposed Fiscal Year 2000-2001 Annual Budget, City Council asked staff to develop an official policy to guide the Outside Agency Committee's process for evaluating outside agency funding requests.

Staff has developed a draft policy, which has been reviewed by the Outside Agency Committee, and is presented for full Council review. Key aspects of the recommended policy include the establishment of priority service areas for which Council may direct its outside agency funds, the setting of limits on the number of consecutive years certain agencies can receive City funds, and a focus on funding specific programs rather than general operating expenses.

Discussion surrounded "start-up" programs vs. "on-going" programs; limiting "start-up" categories to a maximum of three consecutive years; the need to evaluate how the money has been spent if agency received past funding; will faith-based organizations be allowed to apply for outside agency funding; need to advertise that outside agency funding applications are available; and, when would the policy take effect.

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It was the consensus of Council to amend the proposed policy (1) by making minor wording amendments throughout the policy; (2) include that the that the organizations should be 501 (c) (3) agencies; and (3) that the Outside Agency Committee make their recommendation to the full Council sometime in May during a worksession.

Discussion surrounded Councilman Hay's suggestion that in next year's budget that Council look at the entire outside agency funding process in that if an agency is in furtherance of a city government activity (like the A-B Community Relations Council), that it be worked into an appropriate departmental budget.

It was the consensus of City Council for staff to incorporate the changes recommended by City Council and bring the policy back again for further Council review at their February 20, 2001, worksession.

Councilwoman Bellamy did not want this policy to apply to the currently fiscal year.

Construction of Dog Park

Summary: The consideration of a budget amendment, in the amount of \$15,000, to establish a grant project budget for construction of a dog park.

The City of Asheville Parks and Recreation Department has received private donations, in the amount \$9695, to construct a dog park at the French Broad River Park. The City anticipates receiving another \$5,305 in private donations for a total of \$15,000. Staff is recommending that Council approve a \$15,000 increase in appropriations to the City's grant fund to cover expenses related to construction of the dog park, and that the City fund this increase with revenues from private donations.

City staff recommends City Council approve the budget amendment, in the amount of \$15,000, to construct a dog park.

Authority for Mayor to Appoint Informal Committee – Mayor's Committee on (Dis)Abilities

Summary: A group of individuals have approached the Mayor asking her to re-establish the Mayor's Committee on (Dis)Abilities. The role of this Committee will be to (1) be an advocacy committee for inclusion of people with disabilities into the programs, services and facilities provided by the City of Asheville; (2) develop innovative programs, activities and outlets through community involvement of persons with disabilities; (3) develop collaborative efforts between City of Asheville departments and local agencies for access to programs, services and facilities; and (4) develop a community awareness effort/program making people aware of the abilities of persons with disabilities.

Members of the Committee include: Bart Floyd, Chair; Kim Leatherwood, Myra Hill, Bob Brummond, Joe Difalco, Joanna Chantemerle, Deanna Stone, Sheila Roberson, Bernadette Thompson, Kathy Hembree and Bill Cook. Lyle Willis, the City's ADA Coordinator, will serve as staff liaison to this Committee. These appointments are on a voluntary basis only.

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.

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LANDMARK SIGN – DREAMLAND FLEA MARKET SIGN

Historic Resources Director Maggie O'Connor said that this is the consideration of a resolution designating the Dreamland Flea Market Sign at 9 South Tunnel Road historically significant and/or a landmark sign..

The owner of the Dreamland Flea Market Sign located at 9 South Tunnel Road requests landmark sign designation of the 125 square feet, 24 feet high marquee style Dreamland Flea Market Sign. The structural components of the sign were erected in the late 1950s and altered in the 1990s; the sign panels are from the 1990s. Sec. 7-13-2(c) of the Unified Development Ordinance (UDO) "Signs Exempt from Regulation," provides in paragraph 12 that landmark or historically significant signs are exempt from regulation, and that signs may be designated historically significant and/or landmark signs by the city council provided the signs satisfy one or more of the following criteria:

1. The sign is significant to the history of the City of Asheville, including but not limited to, the character of the city as a tourist attraction or cultural center.
2. The sign is unique, notably aesthetic or creative so as to make a significant contribution as a work of art.
3. The sign merits recognition as an important example of technology, craftsmanship, materials or design of the period in which it was constructed and may no longer be economically feasible to produce or manufacture the sign today.

Pursuant to UDO Sec. 7-3-4(a)(2), the Historic Resources Commission may recommend to the City Council that certain objects be designated as historic or landmark. Though not specifically mentioned, this function includes signs. At its November 8, 2000, meeting, the Historic Resources Commission of Asheville and Buncombe County (HRC) reviewed a request for landmark sign designation for the Dreamland Flea Market sign. By a vote of 4-7 the motion to recommend that designation failed. The applicant has elected to proceed with his request without a favorable recommendation from HRC.

Staff recommends denial of the request to designate the Dreamland Flea Market sign at 9 South Tunnel Road as an historically significant and/or a landmark sign consistent with the HRC action. If Council wishes to designate the Dreamland Flea Market Sign as a landmark or historic sign, adoption of a resolution is required. If Council wishes to deny the request, a motion to that effect may be made, but is not required, or Council may vote down the resolution.

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 City Council agenda.

BOARDS & COMMISSIONS

Councilwoman Field, Chair of the Asheville Regional Housing Consortium, answered various questions from Councilwoman Bellamy regarding the Consortium's make-up. Mayor Sitnick said that she appointed Mr. John Myers from Clyde Savings Bank as the City's second representative on the Consortium. Councilwoman Bellamy felt that Karen Kiehna, Executive Director of the Affordable Housing Coalition, would have made an excellent addition to the Consortium.

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It was the consensus of City Council to confirm the appointment of Brian Moore as the representative of Mission St. Joseph Health System on the Sustainable Economic Development Strategic Plan Implementation Task Force to fill the unexpired term of David Spillers until June 30, 2003.

It was the consensus of City Council to confirm the appointments of (1) Clara Jeter, as the representative from the A-B Community Relations Council on the Minority Business Commission, to serve the unexpired term of Bonnie Habel until August 1, 2002; and (2) Valerie Dennis, as one of the three certified minority business owners on the Minority Business Commission, to fill the unexpired term of Katherine DeBrow until August 1, 2001.

It was the consensus of City Council to readvertise the vacancies on the Noise Ordinance Appeals Board (only one application was received for three vacancies).

Discussion surrounded the process to be followed with regard to appointments to the School Board. It was the consensus of City Council to not consider the three applicants that do not live in the School District. With regard to the ten remaining candidates (two of which are incumbents), City Council instructed City Clerk Burleson to compile the questions which City Council submitted to her and work with Councilwoman Bellamy to narrow the questions to approximately ten questions. Once the ten questions are approved by Council (either at their February 20, 2001, worksession or sooner), City Clerk Burleson will send the questions to all ten applicants and give them as much time as possible to complete their responses and return them to her. City Council will then review all responses and then determine who they wish to interview.

It was the consensus of City Council to readvertise the vacancies for the Taxicab Advisory Board (only one application was received for five vacancies).

It was the consensus of City Council to have the City Clerk prepare the proper paperwork to appoint Herman Turk to the Tourism Development Authority, to fill the position of an owner or operator of a hotel, motel or other taxable tourist accommodation with more than 100 rental units. For the vacancy of an owner or operator of a hotel, motel or other taxable tourist accommodation with 100 or fewer rental units, City Council instructed City Clerk Burleson to arrange interviews for Catherine Sklar and Victor Trantham.

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to reappoint Monty Wooten to the Tree Commission.

It was determined that Vice-Mayor Cloninger would remain liaison to the WNC Regional Air Quality Agency. Mayor Sitnick urged all Council to review the minutes of their respective boards to which they are liaisons to and make periodic reports to Council. Mayor Sitnick asked City Attorney Oast for an update on the Clean Air Community Trust at the February 20, 2001, worksession.

OTHER MATTERS

Mayor Sitnick was pleased to announce that the Asheville Airport will now have a direct flight to Newark, New York.

Upon request of Councilman Peterson, it was the consensus of City Council to instruct City staff to bring back at the February 20, 2001, worksession a report containing all funding options regarding the Civic Center renovations or replacement. If appropriate, formal action could be taken on February 27, 2001, with a request being sent to our legislative delegation seeking approval of possibly a prepared meal tax or a hotel room tax. Mayor Sitnick felt it would be a good idea to send a Council delegation to Raleigh to lobby our delegates.

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Upon request of Mayor Sitnick, it was the consensus of City Council to instruct the City staff to begin a concerted effort to put real resources (staff and money) into cleaning up the City. She requested, and received, Council's support to strengthen enforcement of elimination of pole signs, signs in the right-of-way and litter in general. She suggested City staff contact BellSouth and Carolina Power & Light Company who may want to join the City in these efforts.

Upon inquiry of Councilwoman Field, City Attorney Oast said that City Council will be receiving a report soon with regard to the conditional use process.

Councilman Peterson asked that the illegal parking on Haywood Road at I-240 continue to be enforced.

Upon request of Mayor Sitnick, it was the consensus of City Council to instruct City Clerk Burleson to schedule worksession dates to meet with City appointees to the Regional Water Authority and to the Metropolitan Sewerage District Board.

Mayor Sitnick formally requested that City Council review the water and sewer agreements from a historical prospective as well as a fiscal prospective. She would like an update on how those agreements affect the Asheville taxpayers now and how they will affect them in the future.

City Manager Westbrook updated City Council on his meetings with the County regarding the County's proposed satellite jail facility on South Lexington Avenue. It was the consensus of City Council to instruct City Manager Westbrook to proceed with obtaining appraisals on City-owned properties that may be considered for trade or sale. In addition, he and County Manager Greene discussed and agreed that there needs to be long-range planning for the area surrounding the City-County Plaza. Councilwoman Bellamy said that concerns have been expressed to her by Mt. Zion Baptist Church, along with residents on South Charlotte Street, about the proposed satellite jail being located in the City Hall/Courthouse area.

CLOSED SESSION

At 5:25 p.m., Councilman Bellamy moved to go into closed session for the following reasons: (1) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered in negotiations – G.S. 143-318.11 (a) (4); and (2) 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 terms of a contract for the acquisition of real property by purchase, option, exchange or lease – G.S. 143-318.11 (a) (5). This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

At 6:35 p.m., Councilwoman Bellamy moved to come out of closed session. This motion was seconded by Mayor Sitnick and carried unanimously.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 6:35 p.m.

CITY CLERK MAYOR
