

Tuesday - May 2, 1995 - 2:00 p.m.

Room 623 - City Hall Building

#### WORKSESSION

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, and Councilman Joseph Carr Swicegood; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilman Herbert J. Watts - in hospital regarding knee problems

#### BROADWAY AND TRANSPORTATION ADVISORY COMMITTEE UPDATE

Mr. Ron Fuller, Transportation Planner, updated the Council on the Broadway widening project. He reviewed a detailed report was prepared by staff in January 1994 which contained a chronology of the project's history, a summary of the project, copies of letters supporting the project, and a comparison of the NC DOT plan and the Broadway Improvement Plan Project plan. He said that on May 1, a Superior Court Judge extended a stay that temporarily halts construction on the Broadway widening project. He also updated the Council concerning the status of the interchange re-design and issues related to a long-range look at movement of traffic in the downtown area. He answered various questions from Council regarding on-street parking and noted that any improvement at all on Broadway would result in increased traffic.

Councilwoman Sitnick asked if any studies have been done that will prepare us for possible impacts if the DOT plans are followed. Mr. Fuller responded that no studies have been done from a financial standpoint.

Councilwoman Sitnick asked Mr. Fuller to find out if the federal funding is withdrawn from the project, will the State have to pay the federal government back their 20%.

Mr. Fuller then updated the Council regarding the current status of transportation planning in the Asheville urban area. He gave an overview of how computer models, levels of service, and capacity/deficiency maps are used to direct the long-range transportation planning efforts of the area. He briefed them on the capacity/deficiency map explaining the problem areas that have been identified.

#### HEAD OF MONTFORD STEERING COMMITTEE

City Clerk Burleson briefed the Council on the factual information regarding appointments to and meetings of the Steering Committee for the Head of Montford Redevelopment Plan. In summary:

1. On February 7, 1995, Council adopted Resolution No. 95-15 establishing a 13 member Steering Committee;
2. During Pre-Council on February 21, 1995, it was the consensus to appoint 14 members to the Steering Committee (including Albert Sneed);
3. On February 28, 1995, Councilwoman Sitnick informed the City Clerk that Albert Sneed said that he didn't need to serve on that Steering Committee because he was Shirley Dozier's attorney and Ms. Dozier was also on the Steering Committee;

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4. On March 21, 1995, Council adopted Resolution No. 95-48 appointing 13 members to the Committee (excluding Albert Sneed).

Vice-Mayor Peterson and Councilman Swicegood felt that it was the consensus of the entire Council to appoint Albert Sneed to this committee and it should be the entire Council who takes him off.

Mayor Martin stressed that the Committee was created to resolve some differences, but apparently it had not.

Vice-Mayor Peterson hoped that the Committee could sit back down and try to work things out.

Councilwoman Sitnick said that the very reason we sent this back to the neighborhood for review and reevaluation was to be able to create a sense of consensus and cooperation. It seemed to her that the very opposite has occurred and so she offered her personal apologies to Council, to the staff, but most importantly to the citizens who participated, including Albert Sneed, because it seems that the very opposite result has been achieved. She didn't think we need to be wasting any of our time unless we are working toward some kind of goal that has been established clearly by Council. As she recalls, the purpose of sending this back was to smooth the waters, not create more bumps. She also said that "she was very clear last week in the statement she read into the minutes - 'recognizing that there might have been some confusion' and clearly there was, clearly we need a procedure or a policy that defines how notification for appointment occurs, how resignation occurs, I think the clearer our policy, the easier it will be to follow. This is a parliamentary issue. I don't know what the vote was, I didn't know it two weeks, I don't know it today and this has nothing to do with the vote. 'Recognizing that there might have been some confusion and confident that nothing improper was intended, I must ask the Council to send the Head of Montford Steering Committee report process back to the Committee for consensus and reaffirmation.' This was not to pick a fight. Frankly, I appointed Albert Sneed to this Committee because I felt that he had a lot to say, he had a lot of information and history and input and clearly he represents an important voice in our community and I still feel that way. The fact of the matter is that when this Council passed Resolution No. 95-48, Albert's name wasn't on it because he requested of me that he not be on it. I didn't know that there was a procedure to follow so if any negative impact has occurred on Albert, I apologize for that. There has certainly been a negative impact on this Council, which hopefully will motivate us to create a better process. My hope is that the City Council will empower the Mayor to see if there is some kind of compromise that can be reached. There has been things said in letters that I will refrain from referring to because they were letters sent to Council and this is not a public hearing. I understand that there will not be comment but it seems to me that in part my reputation and honesty is has been called into question about whether I did or didn't create confusion, and quite frankly I resent it. I in all good faith told the City Clerk exactly what Mr. Sneed had said to me. I followed through on it and it got muddled in the process."

Mayor Martin asked Mr. Sneed if he wished to be on the Committee. Mr. Sneed replied that he did. He said that his request was that he be replaced, not to be removed.

City Clerk Burlson explained that the resolution which established the Committee called for 13 members. Council appointed 14 -3-

members. So, when Mr. Sneed has requested to be removed, it brought the number

of members in line with the resolution establishing the Committee - so there was no need for a replacement member.

Councilman McClure asked the City Attorney if there was a conflict of interest for him (because he was excused from participating on the rezoning request of the Doziers in the Montford area), City Attorney Slawter saw no conflict in just the appointment of a member on a Steering Committee.

When Mayor Martin asked for a show of hands to keep Mr. Sneed on the Committee, Councilwomen Field and Sitnick did not raise their hands, thus showing a 4-2 vote.

Councilwoman Sitnick said that if the resolution establishing the Committee was changed to 14 members she would be happy to leave him on the Committee.

Councilwoman Field had a problem with appointing a 14 member Committee which might result in some tie votes. She suggested the Committee be expanded to 15 members or perhaps just make notes of tie votes so when something comes to the Council from that Committee of 14 members that Council is aware of the tie.

Mayor Martin didn't think it made any difference since this is only an advisory committee to the Council. The Committee has no legal standing, only to get neighborhood input.

Councilwoman Field moved to proceed with the appropriate action at the Council's next formal meeting to amend Resolution No. 95-15 to expand the membership on the Steering Committee from 13 members to 14 members. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

Councilwoman Sitnick "encouraged Council to, in order to avoid this kind of situation in the future, that we develop a policy that spells out our process about appointment, about notification and about resignation of citizens to boards, commissions, advisory or ad hoc committees. Because what has happened here is while the Planning Department did send a notice that Mr. Sneed was appointed to the Committee the next step that changed that was done verbally by an honorable member of Council and an honorable member of the citizenry, but that one step has been null and voided because it was done verbally. And I feel that it is very important to have something on paper and any citizen appointed to any of those boards or commissions or committees needs to know what the process is when they are appointed so they understand that if they are going to resign there is a process that is to be followed. I don't ever want my action to be questioned again. I followed what I felt was the proper thing to do."

Councilwoman Sitnick moved to proceed with the appropriate action at the Council's next formal meeting to amend Resolution No. 95-48 to add the name of Albert Sneed to the Head of Montford Steering Committee. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

Councilwoman Field moved to send this back to the Committee to meet once more before the official report is presented to the Council on May 23. This motion was seconded by Councilwoman Sitnick and carried on a 5-1 vote, with Councilman Swicegood voting "no".

Upon inquiry of Councilman Swicegood, several Council members explained how the appointments to the PACE Committee were made. -4-

#### CITY OWNED PROPERTY SURVEY AND REPORT UPDATE

Ms. Patty Joyce, Senior Planner, said that City Council asked for a report to

review the property owned by the City of Asheville and to maximize the use of all proceeds of the sale or reuse of such property. The Planning Department, as directed by the City Manager, achieved the following objectives: (1) prepare a survey of all City owned property, including a listing of all tax lots within the City. Identify the location, size, zoning and current use of each lot and make recommendations for the best use of these properties, including their potential for sale. Format the survey for easy use and updating; (2) propose how funds from the proceeds of the sale of City property can be best utilized; (3) prepare a recommendation on the possibility of selling or leasing the City Development Department and relocating personnel in that function to City Hall or another area of the City; and (4) locate the current unoccupied and uncommitted space in City Hall. She then reviewed the report which identifies all parcels of land owned by the City of Asheville which have potential for sale. It was suggested that the City market and sell those properties through a real estate management firm and use proceeds from the sales to assist in economic development projects for the City. Many options for the lease of 29 Haywood Street (City Development Department) exist and any decision on the sale of the building should be preceded by a professional real estate appraisal of the property.

Ms. Joyce said that by perhaps by mid-summer, after a site visit on all the vacant tax lots, a comprehensive update should be available for the Council.

Councilwoman Sitnick asked that staff investigate the possibility of giving some of the unbuildable tax lots to Magic Community Gardens, ABCCM or Hospitality House for gardening. She suggested donating some of these lots to neighborhoods for green spaces where the neighbors clean them up, or selling them for \$1 to non-profit agencies to maybe build on and become part of the tax base. There are a lot of options that we can use these tax lots for to create a source of revenue rather than to cost the City maintenance expenses.

Upon inquiry of Councilwoman Sitnick, Ms. Cogburn said that an assessment will be done similar to this report of the Housing Authority properties.

Councilman Swicegood suggested that instead of waiting for the complete list of available properties, the City should begin working on some specific sales, i.e., the Richmond Hill area (166.9) acres, some of the property at the Asheville Regional Airport and perhaps 29 Haywood Street (the building that houses City Development).

Ms. Joyce said that since the City has been placing a lot of emphasis on economic development, as part of the proposal for disposing of City-owned real estate, staff would also like to propose a potential use for the funds that are derived from the sale. The City Manager has been discussing with the Chamber of Commerce their concern for the lack of product for them to promote for economic development in Asheville. The specific type of product discussed is "Class A" business park office space. This type of space would be office buildings where corporate or division headquarters or locations for companies who have a presence in Western North Carolina might want to locate, while also attracting businesses from out of state who want to locate in this area to serve their customers or suppliers. The completion of I-26 within the next several years will enhance this possibility. -5-

City Manager Westbrook said that he would propose to use the proceeds from the sale of City-owned real estate to work with the Chamber of Commerce and a developer who would provide such a product for Asheville. We see this as a good public-private partnership with the City's portion being the traditional infrastructure needs of such a development. The City Council would have to approve the use of any funds for economic development prior to the commitment.

City Manager Westbrook understood that when Council appropriated \$350,000 for the Stephens-Lee Recreation Center, the money was to come from the sale of some Airport property.

Councilwoman Field absolutely did not support the sale of the 29 Haywood Street. She said that the building has their connector to the City's parking deck and she feels it would be ridiculous to sell the building that has our parking deck connector. Also, we have an agreement with the County that they paid \$60,000 for that building in order to help us with the connector and we would have to pay the County back. Also, this property's market value is \$151,600 and we've paid a total of \$615,000 for 6,300 feet of usable space. 2,100 of that is the arcade - which means that anybody who purchases it would have to purchase it over \$100 a square foot. She noted that she bought a building in downtown (which is two buildings over from this building) which cost her \$14.55 a square foot and she couldn't imagine anyone would pay over \$100 a square foot for a downtown building. She felt it would not be appropriate to sell that building.

Councilman Swicegood said that perhaps leasing 29 Haywood Street would be a better alternative than selling it.

Councilman McClure moved to authorize the City Manager to begin working with the Asheville Chamber of Commerce to provide a "Class A" office park within the City of Asheville for economic development using the proceeds of the sale of the excess real estate. This motion was seconded by Councilwoman Sitnick and carried unanimously.

Councilwoman Sitnick said that any action taken on any of these properties needs to be fully evaluated as to whether or not we can use it as an in-kind payment towards our membership in the Buncombe County Economic Development Commission. They said they don't need any money right now and the City doesn't have \$400,000 to give to them anyway. But, if we can use the property as well as down the line maybe some product, an office park or whatever, she would like to make sure that we keep our membership in the Economic Development Commission as part of how and what we do with these properties.

City Manager Westbrook explained that the City is not a member of the Economic Development Commission right now and he would like to deal with them on a one-to-one basis. He felt we didn't need to become a member of the Economic Development Commission to be able to work with the Chamber cooperatively. There may be some things that the City can work with the Chamber on a one-to-one basis and there may be some things the Chamber feels like it needs to bring the Economic Development Commission in on, but that should be their call. He noted that the City should not be in the business of building a business development office park. The City should facilitate it and do what we can by law in terms of infrastructure which could be paid back at a later date either through property taxes or economic impact from whatever businesses build there.

Upon inquiry of Councilman Swicegood, Ms. Joyce said that the market values on the inventory was only land values only. -6-

Vice-Mayor Peterson asked staff to come up with a precise figure on the total amount of land market values on all the City-owned property. City Manager Westbrook said that a list and total figure could be compiled of the available land - not the properties that have City buildings on, for instance, the land the City Hall building is located on or the land that the Public Works Facility is on.

It was the consensus of Council to begin working on the sale of the adjacent property at the Airport, the sale of the Richmond Hill property, the lease of

29 Haywood Street, and some properties which staff feels would be suitable housing sites.

Vice-Mayor Peterson suggested the lease proceeds from 29 Haywood Street be used for economic development or dedicated to streets and sidewalks.

Vice-Mayor Peterson moved to have staff compile a list of the properties, comprising of the three mentioned earlier by Council and any other good candidates. Also staff to proceed with a RFP to be developed for a real estate management company to sell property that Council agrees to. The list and RFP will be submitted to Council for final approval. This motion was seconded by Councilman Swicegood and carried on a 5-1 vote, with Councilwoman Field voting no.

City Attorney Slawter said that the City has already received some interest in selling or leasing the Airport parcels and the Council might want to consider accepting a proposal and subjecting it to upset bids under the statutory procedure rather than have to pay a real estate firm to market that property.

At 4:00 p.m., Councilman McClure left the meeting without being formally excused.

#### SUBMITTAL OF CONSOLIDATED PLAN TO HUD

Mr. Marvin Vierra said that this Consolidated Plan serves as a planning document as well as the application for funding under the CDBG and HOME grant programs. The Consolidated Plan will need to be submitted to HUD by May 15, 1995.

The City will be applying for \$1,694,000 in CDBG and \$1,172,000 through the HOME program for the coming year. Anticipated program income will increase available revenue for CDBG activities by \$130,000. Matching funds for HOME grant for the City of Asheville will increase revenue for HOME activities by \$26,000.

He said the City's Housing and Community Development Committee has reviewed applications from Agencies for CDBG funds and recommends CDBG funding allocation. He then described the recommended funding. The Asheville Regional Housing Consortium has reviewed applications from agencies and local governments for HOME funds and recommended HOME funding allocations. He then described their recommended funding.

He then summarized the changes in the way the CDBG Program will be administered in the future.

Councilman Swicegood questioned the 40% increase for counseling and felt it might be better used for education.

Councilwoman Sitnick was pleased that the City will be tightening up the CDBG administration because that is one of the main reasons the City is taking back the Redevelopment Commission - for accountability. -7-

Councilwoman Sitnick said "two of the requests that came to the committee, one was from the New Hope Community Health Center and one was from the Minnie Jones Health Care Center - it's been brought to the committee's attention that for some reason there is a significant portion of the minority population that does not seek help care at the Health Department. I would like to know if we can evaluate whether or not that is a significant factor. And if it is, given some of the health statistics that are being presented by the AMA and other medical organizations and the fact that most diseases are on the down-swing in this

country, except amongst the minority population, there was a recent study that in North Carolina, if you can't buy good health, you're not in good health and the poverty is certainly a factor in the level of health we are able to achieve and maintain. There are a lot of statistics on the growing health numbers in minority populations - tuberculosis and others. So what I'd like to know is - is the Health Department, which is funded by the County, being maximized to its potential and if not, I would like the committee to consider, or I would like to make a personal request to the Community Development Department, to consider finding \$25,000 for each of these neighborhood based clinics in order for there to be a resolution to the problem of minority health care in this community. I would certainly like to ask that both the Minnie Jones Health Care Center and the New Hope Community Health Center match that money either through grant funds or other private donation, or whatever. I think that we need to look at the issue of making sure that our citizens have proper health care and this would be only a fraction of what both of those agencies requested. I don't remember the numbers but I know it was much higher." The New Hope Community Health Care Center requested \$175,000 and the Minnie Jones Health Care Center requested \$46,000.

Vice-Mayor Peterson (and Chairman of the Housing & Community Development Committee) said that he agreed with Councilwoman Sitnick, but, all the programs, which totaled \$3.2 million, were good but the federal government only gives us \$1.6 million and we can't fund them all. He agreed that there is a national health problem, but as Chairman of the Committee, he feels the majority of this money should go for housing and hopefully new housing for people that can't afford to own their own homes. He felt we would be overlapping with Buncombe County if the City starts funding health clinics. That is what the Buncombe County Health Department is for. He said that there are a lot of great people that live in the projects - but what they really want is out of the projects and own their own place and his purpose, as Chairman, is try and get as many of these folks in their own homes.

Councilwoman Field (and Chairman of the HOME Consortium) felt that for this year's funding was set in accordance with Council's priorities and health care was not one of the priorities set - therefore, most of the money went towards housing. She said that if Section 108 funding becomes available, that might be a good way to free up some CDBG funds in the future which might allow us to take another look at health care. We are also talking about re prioritizing how we will distribute the money but by the time we get that in place the new block grant requirements will be in place and these organizations will not be eligible according to those new requirements. She wondered if, when we have our joint City/County meeting, we talk to the County and find out why it's not working and perhaps the County can take a hard look at how it delivers services - perhaps it needs to move some of those services to the community rather than having everybody go downtown to one place. Perhaps we can work with the County to come up with some innovative way of providing the services that our tax dollars are already paying for. -8-

Councilwoman Sitnick said that "when I realized that health was not our focus, clearly it's a requirement, however, I opened my comment with saying that if the Health Department is not being used, I'd like to find out why. If it is - what I want to do is substantiate what we've been told - that's it's not being used by a significant portion of the minority population. I don't know whether the County is the place to find that out solely or perhaps in addition to asking the County Commissioners we can ask some of the folks in the minority community why there are not going to the Health Department for their care. And the other thing, I was not asking to take any money out of any program that we have already settled on. I think we did about the best job we could in allocating those funds. Are there monies anywhere else? If we find out that there's a real need, maybe we can work with the County, maybe we can shore up

the program and make it more accessible. But if two groups in the community have come forth and are willing to expend themselves by way of neighborhood based clinics then there's got to be a reason for it and I'd like to know why. Maybe the Mayor can have a worksession scheduled and have some information presented to us."

Mr. Vierra said that City staff would have to find out from the minority population, not the County, why they don't go to the County for health services.

City Manager Westbrook stressed that health services is a County function and we should depend on them for those services. He did say that he will have staff prepare a report on this matter for Council.

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

#### TRANSIT CENTER SCHEMATIC DESIGN

Mr. Carl Ownbey, Transportation Planner, said at that the Council worksession in January, where the status of the proposed transit center was discussed, staff was directed to inform Moser Mayer Phoenix to proceed with the schematic design phase of this project. The design drawings for Aston Street were to detail how the new center could function at this location and how all vehicle and pedestrian ingress and egress from the adjoining properties could be safely accommodated with the integration of transit vehicles. The intent of this step was to give the City information to present viable solutions to a potential legal issue.

After two months of engineering and surveying work by Moser Mayer Phoenix, a presentation to the RFP Committee on April 6 detailed three design options that could accommodate a full pulse transit system (where all buses arrive at one time thereby eliminating any wait time for a passenger to transfer to another bus) at this location. After a lengthy discussion, Moser Mayer Phoenix was directed to concentrate on the one option that was obviously the safest for transit operations and pedestrian movement and to present a practicable schematic design to the Authority at their April 12 meeting. During this meeting, the Authority was presented with the base option with two additional scenarios.

After discussion, the Transit Authority agreed to recommend that City Council continue with the development of this project and approve the preferred design that eliminates all vehicle access (other than buses) onto this section of Aston Street; thus minimizing bus, vehicle, and pedestrian conflicts.

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Mr. Walt Teague and Dave Duchscherer, the design team from Moser Mayer Phoenix, explained the design to Council and answered various questions raised by Council.

It was their recommendation and the Transit Authority's endorsement for the City to investigate how to acquire the property located at the corner of Coxe Avenue and Aston Street. A possibility might be to trade land with the owner of that property. They then pointed out the advantages to the purchasing that additional piece of property - for instance, it might alleviate the potential legal concern with the owner of the parking lot at the corner of Aston and Asheland, it will allow the alignment on the other side of Aston Street, it will perhaps allow some parking spaces for the employees that work at the Transit Center, it will allow a bigger vending area in the Transit Center, and

it will allow for a pedestrian access from the parking lot to the Social Services Building,

Upon inquiry of Vice-Mayor Peterson, Mr. Teague said it would take approximately six months to build this facility.

Councilman Swicegood moved to (1) have staff investigate the possibility of either trading or purchasing the piece of property located at Coxe Avenue and Aston Street and bring that information, along with an appraisal back to the Council; and (2) approval of the design that eliminates all vehicle access (other than buses) onto this section of Aston Street. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

#### SALE OF \$3,000,000 GENERAL OBLIGATION WATER BONDS, SERIES 1995

Mr. Larry Fisher, Finance Director, said that this report transmits the resolution which provides for the issuance of \$3,000,000 General Obligation Water Bonds, Series 1995. In order to accomplish the bond sale on its targeted sale date of June 6, 1995, this resolution needs to be adopted by the City Council on May 9, 1995.

At the request of Councilwoman Sitnick, Water Resources Director Mike Holcombe said that he would provide her with a bullet-type information sheet of where the \$26 Million Water Bonds have been spent.

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

#### RENOVATIONS OF THE NORTH CONFERENCE ROOM

Mr. Mike Holcombe, Water Resources Director, said that there is a need for a designated meeting room for the Asheville-Buncombe Water Authority as well as additional meeting space for the City of Asheville. The Water Authority approved \$50,000 for renovations to the North Conference Room at its April 18, 1995, meeting. The Authority would be responsible for financing this project initially and recovering costs via amortized yearly credits on rents paid to the City.

The Water Authority has outgrown the City Council Chamber since becoming a Regional Water Authority with ten members. Having a designated meeting room would eliminate the need for the Authority to move its meetings to various locations in City Hall depending on the availability of rooms. It would also provide additional space for meetings for the City of Asheville and free up the sixth floor training room for training purposes. -10-

When Councilwoman Sitnick asked why the Asheville-Buncombe Water Authority did not meet in the Courthouse, Mr. Holcombe said that the Courthouse is already crowded and the renovation of the City Hall space will also create another meeting room area for City activities.

Upon inquiry of Councilman Swicegood on the amount of the actual renovations, Mr. Holcombe said that not only with physical renovations need to be made, but furniture and audio visual equipment will need to be bought.

Due to the City Hall Building being a historic property, Councilwoman Field hoped that they would do everything possible to alleviate the acoustics problem in that room without lowering the ceilings. Mr. Holcombe said that the Asheville-Buncombe Historic Resources Commission and the Parks and Recreation Department will make sure the guidelines are followed.

It was the consensus of Council to approve the proposed renovations of the North Conference Room.

BUDGET AMENDMENT - WEST CHAPEL ROAD PARK (RAY L. KISIAH PARK)

Mr. Irby Brinson, Interim Parks and Recreation Director, said that this budget amendment, in the amount of \$27,600, will transfer funds from the Reid Center gym floor project to the West Chapel Road Park to construct a concession/restroom facility.

The next phase of construction for the Ray L. Kisiah Park includes the construction of the concession/restroom facility. This park area would serve over 450 youth for the South Asheville Little League Program. The original budget for the park did not include construction of this facility; however, due to cost savings in regard to sod being donated by the Little League and the donation of architect fees for the design of this facility, a current balance of \$60,000 remains in this budget. Based on cost estimates for this project, the total cost of construction is estimated at \$94,260. In addition, a credit is outstanding in regard to work that has been performed at the facility during construction which includes a \$10,000 credit from MSD. With the addition of this credit, our total available funds for this project are now \$70,000. The remaining \$24,260 needed to complete this project will be coming from funds not used to refinish the gym floor at Reid Center which came in well under budget. A total of \$39,600 had been budgeted to replace the gym floor, however, staff decided to refinish the floor at a cost of approximately \$12,000. Therefore, the remaining funds of \$27,600 will be appropriated in order to complete this much needed concession/restroom facility at Ray L. Kisiah Park. No additional funds will need to be appropriated for this project since funding will be shared between these two projects.

Vice-Mayor Peterson suggested a park in North Asheville be built similar to this park - perhaps in the Richmond Hill area (which the City already owns the land).

Councilman Swicegood moved to proceed with the appropriate action at the Council's next formal meeting. This motion was seconded by Councilwoman Field and carried unanimously.

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BUDGET AMENDMENT - UNDERGROUND STORAGE TANK REMOVAL AT STEPHENS-LEE RECREATION CENTER

Mr. John Miall, Risk Management Director, said that this budget amendment, in the amount of \$50,000, is to begin removal and clean up of the old heating oil tank at Stephens-Lee Recreation Center.

An inspection of the old tank reveals that it has leaked extensively over time. In addition to tank removal, we know we will have to remediate contaminated soil. By federal law we must have this completed by December 31, 1995, but due to the amount of oil in the soil, it is likely the program will worsen as ground water spreads the oil, and a later clean up will get progressively more expensive.

This budget amendment is predicated upon a projected cost for removal and clean up from consultant Patrick Price.

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

BUDGET AMENDMENT - STREET AND SIDEWALK CONTRACTS

Mr. Bob Wurst, Audit/Budget Director, said that this budget amendment, in the amount of \$193,441, provides for the additional construction and engineering costs related to unanticipated water line work completed under Contract No. 13 in the Biltmore area. The additional budget amendments are for small cost overruns on projects that are complete and ready to close.

In August of 1994, Vaughn & Melton recommended a construction change order to Street and Sidewalk Contract No. 10 that included unanticipated water utility work in the Biltmore area. The budget amendment for Contract 10 includes the cost for this additional construction as well as the cost for the associated engineering change orders.

A secondary budget amendment is to provide for additional costs in Contract Nos. 4, 5 and 6 which are primarily for engineering services on construction that has already been completed. Another budget adjustment is to provide for incidental overruns on Contract No. 9. The final budget amendment is for professional and engineering service costs on the 1989 storm drainage inventory.

All of these budget amendments are supported by revenue that is to be, or has been, recovered through charges to the Water fund, to MSD, or are covered by an appropriation of existing fund balance. All of these additional costs have been included in the projections for the 1995-96 budget in the Street & Sidewalk Fund.

Interim Public Works Director Larry Ward answered questions relative to the reasons for the cost overruns, noting that these are for old projects.

City Manager Westbrook noted that there is now a policy in place which should eliminate project cost overruns.

Councilwoman Sitnick moved to proceed with the appropriate action at the Council's next formal meeting. This motion was seconded by Councilwoman Field and carried unanimously.

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PARKING STUDY STATUS REPORT

Mr. Larry Fisher, Finance Director, said that Council directed him to seek funding for the \$23,940 consultant study of parking in three specific areas downtown: the Grove Arcade area, the Commerce Street area, and the City/County Plaza area.

On January 24, 1995, Council directed staff to ask the State, the County and other private business interests to what extent they would contribute to the parking study. Mayor Martin made contact with the Governor's Office. We have now received a memorandum from the N.C. Dept. of Administration dated April 13, 1995, which says that "the State is interested in a fifty-fifty split of the cost ..." of the study. Mayor Martin sent a letter dated February 3 to Dr. Gene Rainey, Chairman of the Buncombe County Commissioners, requesting their assistance in funding the study. Chairman Rainey responded to the Mayor by letter dated February 16 declining to participate. A letter dated February 14, 1995, bearing the Mayor's signature, was sent to 30 individuals or organizations with interests in the downtown area soliciting contributions for the study. In response to that letter, the City has received \$2,500 in contributions.

At its April 13 meeting, the Downtown Commission members inquired about the status of the study. As a result of the status report given, Scott Jarvis, one of the County's two appointees to the Downtown Commission, indicated his willingness to re-approach the County to solicit their financial support of the study. To that end, he requested a letter be written stating the current funding situation which letter was written on April 21.

In summary, the City has a commitment from the State to pay for one-half of the cost of the study up to \$12,500. We have \$2,500 of contributions in hand and Mr. Jarvis is seeking participation from the County to help fund the remainder.

Discussion surrounded why pay for a study to tell us that parking is needed, when we already know parking is needed, in particular around the City/County plaza area. It was pointed out that if we have to finance a parking garage, financial institutions require a third party feasibility study. The study not only tells if parking is need, but how many spaces and some solutions to the parking problems.

Councilwoman Sitnick wondered if the City would be able to implement the results of the study when the recommendations are made.

It was the consensus of Council to find out if the County is willing to participate in this study and have staff report back to Council.

#### CONSENT AGENDA:

##### Dedication of the Ray L. Kisiah Park

Summary: The Parks and Recreation Advisory Board recommends that the youth sports facility located on West Chapel Road be named the Ray L. Kisiah Park for his commitment and dedicated service to the parks and recreation profession and the residents of the City of Asheville.

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##### Request from Aberdeen Homeowners Association to Accept Stuart Circle as a City System Street

Summary: The Aberdeen Homeowners Association has agreed that they would like to dedicate Stuart Circle to the City of Asheville as a public street.

##### French Broad River Park Grant for Trail Extensions

Summary: Funds are available through the State of N.C. Dept. of Environment, Health and Natural Resources, Water Resources Division, for improvements to various water resources within the State. The City wishes to apply for funding for extending our trail system at the French Broad River Park.

The French Broad River Park represents the City of Asheville's first phase of a major greenway system being developed along the French Broad and Swannanoa Rivers. The initial phase of this development was completed in the fall of 1994 and includes restroom facility, picnic shelter, parking lot, accessible sidewalks and trail system, and observation decks. Part of this overall plan includes extending the trail system throughout the park. The price of this project is estimated to be approximately \$30,000. The Parks and Recreation Department is requesting grant funds which would be matched by our crews. This match would include labor and use of equipment to clear these trails and to supervise the contracted construction during this project.

##### Bids - Truck Mounted Asphalt Patching Machine

Summary: Recommend award of bid to purchase a truck mounted asphalt patching machine for use in the Public Works Department to the low bidder of H.D. Industries Inc., Jacksonville, Texas, in the amount of \$79,500.

#### Bids - Annual Contract for Asphalt Materials

Summary: Recommend award of bid for 10,000 tons Type 1-2 for street surface program to bidder with lowest cost with consideration of transportation, APAC Carolina Inc., Asheville, NC, in the amount of \$25.00 per ton (\$24.00 after discount). Also recommend award of bid for 1,550 tons of assorted mixes for pavement patching to APAC Carolina Inc., Asheville, NC, at a price of \$25.00 per ton (\$24.00 after discount) and Banks Brothers Construction Company, Hendersonville, NC, at a per ton price of \$24.00. Mileage from job site to the nearest plant determines where to make purchase. Net prices are equal.

Ms. Danette Thompson, Senior Buyer, answered questions from Council relative to bulk purchasing.

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

#### OTHER ITEMS

##### Opportunity Corporation of Madison and Buncombe Counties

Vice-Mayor Peterson expressed his disappointment in the Opportunity Corporation and the appointment process to the Board of Directors.

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##### Comments by Councilwoman Sitnick

Councilwoman Sitnick passed out a list of "policy, motion, resolution and random thoughts for City Council consideration" dated April and May 1995. She hoped Council would look over these items.

She also talked about Article 2 of our City Charter stating that the Council is required to meet no less than once a week and that we are to provide reasonable time for public input at those meetings. She said there were a lot of people at this meeting today who wanted to comment on the Broadway widening project, however, they didn't do that because there were no public comments asked for. She felt it was important for this Council to look at our Charter and to decide whether or not we are going to have open, public meetings every week - whether they are worksessions or formal meetings because they are not defined in the Charter. She noted that public input should be welcome and personally she feels there should be public input at every single meeting - it's their government, not ours. We are only here to represent them. She felt badly for all the people who left work early, put money in the meters, came to the meeting and then they were not allowed to speak.

Mayor Martin agreed that this item needed to be addressed. He instructed the City Attorney to draft an amendment to the City Council's Rules and Regulations for Council to consider.

Councilwoman Sitnick said that if Council decides to cut all public input other than at official announced public hearing, she will be very opposed to that.

##### MSD Representatives

Councilwoman Sitnick asked that either the City Council meet with or write a

letter to the City's three representatives on the Metropolitan Sewerage District Board to let them know how we would like for them to represent the City and remind them keep us informed of things that impact Asheville.

Mayor Martin adjourned the meeting at 6:15 p.m.

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CITY CLERK MAYOR

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