

Tuesday - September 5, 1995 - 1:00 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, Councilman Joseph Carr Swicegood (arrived at 2:20 p.m.) and Councilman Herbert J. Watts; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

#### CLOSED SESSION

At 1:10 p.m., Councilman McClure moved to go into closed session (1) to consider a grievance by an individual City employee as authorized by G.S. 143-318.11 (a) (6), and (2) to consult with the City Attorney on matters for which the attorney-client privilege must be preserved, including a lawsuit involving the NC DOT against the City as authorized by G.S. 154-318.11 (a) (3). This motion was seconded by Councilwoman Sitnick and carried unanimously.

At 1:50 p.m., Councilman McClure moved to come out of closed session. This motion was seconded by Councilwoman Sitnick and carried unanimously.

#### AIRPORT PARKING REQUEST

Mr. Carl Hyldborg, Chairman of the Asheville Regional Airport Authority, and Mr. Jim Parker, Airport Director, summarized the reasons for their request for inclusion of additional real property as part of the leased premises in the lease between the City and the Airport Authority. Their request was for a portion of the real property designated as Area 1 to be used for the renovation and expansion of the Airport's maintenance facility; all or a portion of the real property designated as Area 2 in order to provide for the future development of an entranceway into the Airport for those motorists traveling from the south to the north on Airport Road; and the real property designated as Area 3 for the construction in the future of a second runway and the associated runway protection zone.

They explained that the inclusion of these 3 areas as part of the leased premises will protect the current and future integrity of the Airport and ensure that all development will preserve and enhance the efficiency, operation and appearance of the Airport and will be consistent with the Authority's aviation mission.

Upon inquiry of Mayor Martin, City Attorney Slawter said that the City would need the FAA's permission to release any property on the Airport side of the road and they have given the indication that they will not give that permission for sale or a long-term lease of any property (including the Exxon property).

There was some discussion regarding the parking areas.

At 2:20 p.m., Councilman Swicegood arrived at the meeting.

Councilwoman Sitnick moved to instruct staff to draft a resolution to amend the lease between the City and the Airport Authority to include Area 1. This motion was seconded by Councilman Watts.

-2-

Mr. Hyldborg said that if the City included Area 3 in their lease, it would give an indication to the FAA that they are seriously considering construction of a second runway in the future, subject to funding and land acquisition.

It was the consensus of Council that the Airport is crucial to economic development.

Councilwoman Sitnick amended her motion to instruct staff to draft a resolution to amend the lease between the City and the Airport Authority to include Areas 1 and 3, subject to any existing leases. Councilman Watts accepted her amendment. This motion carried unanimously.

Mayor Martin said that City Council will consider the Airport Authority's request for Area 2 at a later time.

#### REPORT ON RFP'S REGARDING CITY PROPERTY SALES

Ms. Patty Joyce, Senior Planner, said that to facilitate the sale of City-owned properties and selected "tax foreclosure lots", area real estate firms were requested to submit a proposal for the marketing and selling of these public properties. The City received four proposals from real estate firms by the deadline of August 11, 1995, at 5:00 p.m.

A planning staff review committee comprised of herself, Julia Cogburn and Richard Bass reviewed and evaluated each proposal. An evaluation form was used. The following firms are ranked in order, with number one receiving the best overall evaluation:

1. Russell Wood, Beverly-Hanks & Associates

2. David Perkins, RE/Max Advantage Realty,

Hendersonville Road Office

3. Chuck Tessier, Tessier Associates

4. Tom "Dixie" Neilsen, Re/Max Advantage Realty,

Biltmore Avenue Office

Staff recommends contracting with one real estate firm since there is a limited number of parcels the City wishes to sell. After a contract is executed with the real estate firm, individual listings of each property will be prepared for sale. Appraisal reports for the City's four largest parcels should be received in approximately three weeks and will be reported to City Council for discussion prior to being listed.

Upon inquiry of Councilwoman Sitnick regarding a conflict of interest with any of the realtors, Ms. Joyce said that she has checked with the City Clerk and has been assured that no one with the Beverly-Hanks & Associates firm is a City appointee to any of Asheville's boards or commissions.

When Vice-Mayor Peterson inquired about the 7% commission price by RE/Max Advantage Realty, Biltmore Avenue Office, Ms. Joyce explained that even though the 7% commission was lower than the 10% commission by Beverly-Hanks & Associates, the RE/Max firm included a provision of a minimum of \$500 commission on each parcel. Ms. Joyce explained that a lot of the parcels to be listed won't come close to being worth \$500 and the City could really be

paying a lot more than the parcel is worth.

When Mr. H.K. Edgerton asked if the general public could make offers on these parcels without going through the real estate firm, Mayor Martin said that Council would discuss that at the formal meeting. -3-

At 2:37 p.m., Councilman McClure asked to be excused from the meeting due to a prior commitment. Vice-Mayor Peterson moved to excuse Councilman McClure. This motion was seconded by Councilman Swicegood and carried unanimously.

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

#### BILTMORE VILLAGE REQUEST

Mr. Robert Griffin explained the status of the Biltmore Village street lights project with Council. The initial estimated costs of the cast aluminum light fixtures were \$2,400 each. It was decided that Biltmore Village Merchants Association would buy the fixtures and CP&L agreed to install the street lights and maintain them. Additionally, a monthly facilities use charge of 1% for each \$2,400 light fixture would be assessed by CP&L for a total per year cost of \$14,400 for perpetuity ( $1\% \times 2,400 \times 12 \times 50 = \$14,400$ ). The City agreed to pay the 1% monthly facilities use charge plus the monthly electric bill.

Since that time CP&L has declined to install the lighting fixtures at the historic 8 foot height. The City agreed to work with the Merchants Association to allow the street lights to be metered and installed privately or by the City, thus eliminating the 1% monthly CP&L facilities use charge.

Since it was determined the historic height of 8 feet would be more appropriate, the Merchants Association has solicited new bids for the light fixtures to be made out of cast iron instead of the original cast aluminum. Using cast iron as opposed to cast aluminum means the light fixtures will be more durable and stronger. The cost of the cast iron fixtures is \$3,800 each while cast aluminum costs about \$2,400 each, \$1,400 difference in price. To date, the Merchants Association has raised \$34,200 cash dollars for the street lights and another \$34,800 in pledges for the fixtures for a total of \$69,000.

The City has agreed to work with the Merchants Association to allow the street lights to be metered and installed privately or by the City. If the street lights are owned by the City, and installed privately or by the City and metered, the City will not have to pay CP&L's monthly 1% facilities use charge. Approximately 50 lights will be installed in the first phase (City's portion is \$70,000) with upwards of 150 lights when phase two and three of the public improvements are completed.

The Biltmore Village Merchants Association is proposing that the City share in the cost of the street light fixtures in lieu of the CP&L 1% monthly facilities use charge. The City would, in fact, save a substantial sum of money over the years with a capital outlay rather than paying the monthly facilities use charge.

The issue before the City is whether to pay a portion of the cost of the street lights up front rather than paying a monthly facilities fee in perpetuity. The initial up front cost to the City in helping to pay for the lights would be less than the monthly facilities charge over a five year period.

Upon inquiry of City Manager Westbrook about maintenance of the light fixtures after their installation, Mr. Griffin said that CP&L would handle the

maintenance.

-4-

Councilwoman Field moved to instruct staff to draft a resolution of intent to enter into an agreement with Biltmore Village Merchants Association for Phase I of the Biltmore Village street lights. This motion was seconded by Councilwoman Sitnick and carried unanimously.

#### VA HOSPITAL CONTRACT

Fire Chief John Rukavina said that the Oteen VA Medical Center has requested renegotiation of a new fire protection agreement with the City of Asheville earlier this summer.

Oteen VA staff presented City staff representatives with information on U.S. Department of Veterans Affairs ("DVA") standards on fire protection and fire response for DVA facilities. Based on these standards, on a review of fire experience at the Oteen VA Medical Center, and on Oteen VA Medical Center's internal/on-site fire protection capabilities, a fire protection agreement has been developed that provides for a reduced Asheville Fire Department response consistent with DVA fire protection standards (one engine, one aerial ladder and one District Chief.) The proposed agreement also continues Asheville Fire Department support of fire protection and fire safety education programs at Oteen VA Medical Center.

Annual payment under this revised-service-level agreement would be \$30,000. This payment amount would be consistent with the level of services provided.

If a fire were to occur at the VA Medical Center that required additional firefighting resources, the Asheville Fire Department would respond with those resources.

When Councilman Swicegood asked how many times Asheville had to respond to the VA Medical Center for services, Fire Chief Rukavina said approximately 24 times a year, and many of those are false alarms.

Upon inquiry of Councilwoman Sitnick, Fire Chief Rukavina said that the VA Medical Center has not been fined for their false alarms. They feel that one false alarm a month for a hospital is not unusual at all.

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

#### JUNKED AUTOMOBILE AMENDMENT

Ms. Julia Cogburn, Director of Planning and Development, said that the present nuisance/abandoned/junked auto ordinance requires a complaining citizen to agree to indemnify the City against any claim when the citizen files a complaint calling for removal of a nuisance/abandoned/ junked auto from private property. This is a major impediment to effective enforcement of the City's junked auto ordinance. Planning and Development staff recommend removal of this indemnification provision from the junked auto ordinance.

Upon inquiry of Councilwoman Sitnick, Ms. Cogburn said that this ordinance did not apply to the extraterritorial jurisdiction area.

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

-5-

ACQUISITION OF VACANT LOT ON MORROW STREET IN HEAD OF MONTFORD REDEVELOPMENT PROJECT

Mr. Ed Vess, Coordinator of Field Services, said that the owners of parcel 3/9/135 (a vacant lot on Morrow Street) have agreed to sell that parcel to the City of Asheville. Said amount is \$1,600 which is \$125 more than the established "just compensation" amount.

Nineteen unutilized vacant lots are being acquired in the Head of Montford Redevelopment Project area to be resubdivided into ten standard residential building lots. The lots will be offered for sale under the \$1.00 Lot program for low and moderate income homeowners.

The offer for the subject parcel, in the amount of \$1,475, was made to P. Greer Johnson by the Housing Authority. Subsequently Mr. Johnson and his wife died. The P. Greer Johnson Heirs, who now own the property, have agreed to accept \$1,600, which is the amount of the tax value. Administrative settlements are permitted under HUD regulations whenever approved by the acquiring agency as being reasonable, prudent and in the public interest. Approval of this administrative settlement will expedite the acquisition process and avoid the cost of condemnation.

When Mr. H. K. Edgerton questioned if this property was located within the Head of Montford area, Ms. Cogburn replied that it was in the Head of Montford Redevelopment Project area.

In reply to Mr. Edgerton, Mayor Martin said that when the report regarding the Head of Montford Redevelopment Plan was finished, it would be made available to the public.

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

At this time, 3:10 p.m., Mayor Martin announced a ten minute recess.

SERVICE CONSOLIDATION WITH BUNCOMBE COUNTY

City Manager Westbrook said that Buncombe County has just recently presented the City of Asheville with a plan for service consolidation from "Partnerships for Effective Government" as follows:

Pros:

Conversion to per capita sales tax distribution method will result in revenue increase of \$1,000,000

Additional one-cent sales tax increases revenues by \$4.6 Million

Elimination of City School Board and supplemental school tax will reduce tax rate by 21 cents for most City residents

Converting to a user fee for sanitation services will reduce City costs by \$2,400,000

Consolidation of parks and recreation services will reduce City costs by \$2,100,000 for first five years and \$3,100,000 after five years

Asheville Rescue Squad expenses will be reduced by \$11,200

-6-

Contracting with Buncombe County for risk management and purchasing consolidates two core functions and will increase revenues by \$60,000

Contracting with Buncombe County to operate county-wide police functions will fully consolidate police services

Cons:

Loss of \$1,600,000 of revenue from patrol and investigation services

Water Authority will no longer be a part of City government

Management will have to communicate with citizens and explain conversion from property tax to user fee on sanitation services.

Buncombe County says that the net effect will be a \$8.6 Million decrease in City costs (25 cent decrease in City tax rate) plus an additional 21 cent decrease for supplemental school tax, for a total of 46 cent decrease for many City residents.

Plans are also outlined for the Town of Woodfin, Town of Black Mountain, Town of Weaverville, Town of Biltmore Forest, Town of Montreat, Buncombe County Schools, Asheville City Schools, and Buncombe County.

Mayor Martin said that City Council has not had the opportunity to discuss this plan amongst themselves. This came as a complete surprise to everyone and the first thing Council saw about this plan was in the media. We have no other details on this plan, other than what is outlined above. The County is proposing a one cent sales tax increase which he really doubts they will be able to get through anyway and that is the key to the proposal. Recognizing the fact that if this is a key to the success of the project, what we are really asking our surrounding neighbors is to underwrite a tax increase for the citizens of the City of Asheville and the rest of Buncombe County. He didn't think the legislature would look kindly upon that. Before directing staff to make extensive analysis to come back to Council, Council needs to know if this is a serious proposal and if the one cent is reasonable. If not, it's not necessary to take staff's time to review the proposal and come up with comments. Since only three weeks ago there was a joint City/County meeting and at that time, the County had no suggestions for consolidation, maybe the County has not studied the proposal as thoroughly in all respects.

Councilwoman Sitnick said that "any plan or any proposal about consolidation that seems to be moving in the direction of making life better and easier and more efficient and more effective for the citizens of Asheville and Buncombe County, I would fully support and I would doubt that anybody on this Council would not support. We'd all be in favor of that. But the issue here is not the plan of consolidation. The issue here is a matter of honor. This City Council, for years, has been proposing to the County aspects of this very kind of consolidation opportunity. This Council, in particular, has made a number of overtures to County government to discuss aspects and opportunities for consolidation from risk management to parks and recreation to schools to municipal buildings to parking studies to renegotiating the water agreement, etc. They have turned their noses up every time to our proposals. For one reason or another. And I'm not questioning the legitimacy of their refusals. I'm only saying that over the years issues of consolidation have been discussed aggressively by City Council. A week and a half before their sweeping, living, breathing -7-

plan came out in the newspaper, we had one of our two meetings a year with the County. It was a meeting with no pre-planned agenda but we did discuss a number of issues concerning consolidation at that time. And we were told at that meeting to wait until this group did a study, and we should wait until something else occurred and then we were finally told, well why don't we discuss these issues of consolidation at our next joint meeting, which would be in six more months. Not one word was mentioned about this sweeping plan that was in play by County staff. Now I have no dog in this show, I don't care where a good plan comes from. I'm willing to support it if it's a good plan and if it's good for the people. But why wasn't this mentioned? Why was there such secrecy? That's what I don't understand. And I don't understand why our City Manager, and why our Mayor, were not called into the process. The whole thing about consolidation, I mean the word "consolidation" implies collaboration and that requires dialog. And so there was no dialog up front, no involvement of the municipalities, and the points the Mayor makes are very good points. Is this a, I don't want to call it a smoke screen, I don't think it was that. But there have been citizen groups in this community and business organizations that have brought up issues of consolidations and made proposals and suggestions over the years. And each and every time the County has turned their back on them. And none of those groups were called into the dialog either. So, again, I support any plan that looks like it's going to make life better, but I don't think this is the way to do it. Not to create something that's accepted by the public and by the local governments."

Vice-Mayor Peterson said that when the County surprised everyone recently with their plans without telling anyone, it was a shock for him. "Why would we let the County control our budget when historically they have raised taxes more in this County than any group that has been up there? And furthermore, they wouldn't know what surplus was in their budget if it hit them over the head. I just really don't like the way they did it. This Council has proven that we're frugal. We cut taxes, we had a surplus in our budget. They haven't had one and I think this might be a reason why they don't have one. Personally, I thought it was a very poor way to try to - after two weeks ago we talked about City and County relationships getting better, I thought this was a real poor way to show this to us."

Councilman Swicegood said that he would be against the one cent sales tax increase. He felt that the people of Buncombe County are already paying enough sales tax. "After reading Mr. Rainey's letter 'I hereby offer you apology for this situation' and then they invite us to work with them, it would have been nice if they would have asked us to work with them before that. Also he states in his letter that he wants us to be a part of this process because it will have a major positive impact on our budget. I'd just like to say what Chris just got through saying is - we haven't had a tax increase on this City Council the last four years and the County has. I feel like that the school tax has a lot to do with this. I feel like they are in a bind on the parking deck, the need for the jail and I think this is just a disguise for the County to try to raise taxes to cover them so they won't have to raise taxes. I'm all for consolidation. But like I said in the past, we've got communication centers that are in three different areas - we've got police, sheriff, 911 and fire. If we're truly wanting to consolidate, we need to take a look at the issues of parks and recreation, risk management and these communication centers, which they've all turned us down. And it's been within the last six months. I was totally confused when I read in the paper they wanted to consolidate the school system and everything because if we can't consolidate parks and recreation, I -  
8-

feel we're going to have a hard time with the school systems. Another thing is, just because we're going to consolidate, I don't feel like it necessarily should increase taxes. I think consolidation should save taxpayers money

instead of costing money. And I would say to Mr. Rainey that they need to worry about their budget, not ours. I feel like ours is in pretty good shape."

Councilwoman Field echoed prior comments. She said that after we had just spent a lot of time with the Institute of Government trying to come up with a proper and appropriate way to consolidate parks and recreation then to have them just turn it down without even looking at it, she felt it was a very unprofessional way of approaching the situation. However, she was cautiously optimistic because this is the first indication we've had that the County is interested in any kind of consolidation because every time we put our hand out, it's been slapped. She certainly has every intention in listening to the plan but she has no intention in voting for any sale tax increase, or any other tax increase period.

Councilman Watts felt that if there was to be any consolidation, he would like to see a metropolitan law enforcement center. At the joint meeting a couple of weeks ago he mentioned the City taking over Aston Park, but the County was interested even in that.

Mayor Martin said there should be no mistake that this Council and other Councils in the future will always listen to proposals to create efficiencies in government. He felt we would need to start consolidation where it's most reasonable to start and work out plans to consolidate in those areas for everyone's advantage. But first the County needs to find out if they have a chance for that one cent sales tax.

Councilwoman Sitnick said that this is the kind of behavior on the part of people with leadership roles that fosters the public's suspicion and distrust of government. From that point of view, this was a very bad move on the part of the County. As far as she was concerned, it sets the process back, rather than forward.

Mayor Martin said that until City Council receives further details from the County, they would not instruct staff to proceed further.

Mr. H. K. Edgerton also expressed his disappointment with how the County handled this consolidation issue and hoped that at the next joint City/County meeting public comments would be taken.

#### FUTURE WORKSESSION ITEMS

Councilwoman Sitnick thanked Councilman Watts for inviting the North Carolina League of Cities to Asheville this year. She felt these kind of meetings really helped the economic development of Asheville.

She presented Council with several a copy of G.S. 160A-362 which gives the County appointees to the Planning & Zoning Commission and the Board of Adjustment the right to vote on matters at issue within the City or within the extraterritorial jurisdiction. She asked Council to consider at a future meeting whether or not they want to continue to allow County appointees to vote on matters that involve City zoning issues or not.

She then brought before Council "the issue of the sad and irrevocable action that occurred at Jones School over the last few -9-

weeks. I've spoken to Council a couple of times about the fact that what happened is not what we thought was going to happen. And what I have done is that I have taken all of the notes, all of the minutes, all of the letters that substantiate that and I'm going to hand them out to you and then I'm going to briefly go over them to show you where Council was either, I don't want to say

we were lied to, but clearly we were misled. And I don't know whether this Council would have supported what went on at Jones School if had known what was truly going to happen there. If anybody in the press wants copies of this, I would be happy to hand them out to you. If you will look at page one where I have bracketed, I have marked just about everything. Let me tell you, if you take this stuff home and read through it, you will be appalled at what we were told and what actually happened. The first page, January 17, 1995, these are minutes from the Tree/Greenway Commission. It clearly, you can see where Bruce Youngberg, who was an associate of Mr. Cort from Cort Associates, said to the Tree/Greenway Commission that one acre of property would be disturbed and this was the area for fill dirt. If you turn the page there is a letter dated February 1 to Mr. Cort inviting him to the next meeting of the Tree/Greenway Commission for the February 20 meeting. Mr. Cort came before the Council and told us he only had a two day notice about that meeting. If this letter was dated February 1, he received it the second or the third, which would have given him at least 16 or 17 days to prepare for such a meeting. The next page is additional minutes from the Tree/Greenway Commission on February 20 indicating that Bruce Youngberg and John Cort said that they could not attend this meeting. The next page is a Tree Commission letter to the City Council that was sent to us at the end of March of this year. I read this letter into the minutes of the City Council meeting. As you can see, the Tree Commission requested a meeting with the architect and in the minutes and in this letter it tells us that the architect did not extend the Commission the courtesy of attending. The next is minutes of the March 27 Tree/Greenway Commission where you see it bracketed. Again you need to read through that paragraph to understand how clear the City, the Tree Commission was with the architects. They did not bring in any preliminary plans to us. They did not bring in any schematics to us. They told the Tree Commission that they didn't have any drawings at that time and there was no way for us to know exactly what was going to transpire on that property. The minutes of the April 18 meeting of City Council. Again, I read the letter into the minutes. If you will turn a couple of pages, I starred and circled and underlined some important passages - one where Mr. Cort tells the City Council that he was never properly notified by the Tree Commission with any lead time. Clearly by the letter that was sent 17 or 18 days before he was notified, he had plenty of time. In these papers that I've given you, you will clearly see that we were initially told one acre of property would be disturbed. In the second meeting we were told approximately three acres would be disturbed. And if anybody has driven by the Jones School property recently, you can see that everything, except the outer edge of that property has been disturbed. And if you will see on the last page, Mr. Youngberg tells that one acre of trees will be cut at the old Swain property in order to obtain fill dirt. And that was as late as April 5, 1995, to the Planning & Zoning Commission. A travesty of justice occurred. And if anybody has not seen the Jones property, I suggest you take your barf bag and go and look at it. It's the most blatant disregard for nature. It's the most blatant disregard for the people of this community, the Tree Commission, the neighborhood association, the City Council, and I can't believe that when I made the motion to set a public hearing that somebody on this Council would not have seconded it if they believe that what happened to the Jones School property was going to happen. We were told one acre would be disturbed. I would be surprised if there was one acre left that wasn't disturbed. So I submit -10-

these for the record. We were misled. We were lied to. The Tree Commission was lied to. Joey Moore the Chairman of the Tree Commission called Susan Fisher on the School Board to express the Commission's concern about what was going to happen there and as you can see the results, we were all ignored.

Councilman Swicegood said that "on the back of the page, the very back sheet, it says just under three acres of trees would be cut if the parking lot is not

built. When was that? April 5th?"

Councilwoman Sitnick said "right, but that was both properties Carr. When they're talking about one and three and four acres, there's an area up against the schools where they're going to actually build a playground, a parking lot and extend the school for additional classes. That's one portion. But we were told consistently only one acre on the Swain property would be disturbed for fill dirt. I also have in my file, by the way, some notes - one of them including a woman who lives in the north end of town who video taped and followed the trucks with fill dirt - they were hauling the fill dirt to some site on Leicester Highway from the Swain property. Were they were just going to cut one acre of trees to take the knoll down for fill dirt on the school property. Now it's perfectly legal to take timber and dirt off the property and sell it and make a profit on it. That's not the point. The point is we were told one thing and clearly another happened. And now it's too late and it makes me want to cry. I really to recommend you take some of this home because it's incredible the way the minutes read and then you go look at the reality of the situation. Not even close."

She then presented a letter, resolution and fact sheet given to her by the Blue Ridge Environmental Defense League. The US House of Representatives Commerce Committee voted for HR 1020 which would, among other things, expose North Carolinians to rail shipments of 821 casks - each carrying 24 irradiated fuel assemblies - each carrying the long-lived radiation of 240 Hiroshima bombs. She asked Council consider passing the resolution against nuclear waste transportation through Asheville.

She passed out a list containing 20 items entitled "policies, motions, resolutions and random thoughts for City Council consideration." She also passed out a list containing 73 items (some which have been completed) entitled "suggested worksessions". She urged all Council to look these documents over and think about each item. Perhaps the Council would be interested in receiving a report or having a worksession on some of them. She then passed out her comments on boards and commissions and suggested Council review her comments prior to the worksession on this item which is scheduled for September 19.

Vice-Mayor Peterson appreciated Councilwoman Sitnick's time and effort she takes to compile these lists and felt sure all of Council would review her items.

CONSENT:

Transit Operating Grant

Summary: A public hearing is to be scheduled on September 26, 1995, in order to authorize the filing of an application with the Federal Transit Administration for the City of Asheville's annual transit operating assistance grant. This grant will assist in offsetting the operating cost of the Asheville Transit Authority. These funds will be used for operating the fixed route transit system and -11-

assists in funding the City's comparable paratransit program operated through "BOOST."

Ordinance reducing speed limits on Homewood Drive, Hamilton Street and Brooklet Street to 15 miles per hour; on West Chapel Road, Wyoming Road, Ambler Road, Arco Road, Bent Oak Lane, Deer Haven Lane, Braeside Circle, Crocus Lane, Conifer Court, Red Fox Circle and Avon Road to 20 miles per hour; on Pearson Bridge Road and Stratford Road to 25 miles per hour; and on Alexander Drive, Westridge Drive, Springside Road and Oakley Road to 30 miles per hour

Summary: The City's Traffic Engineer has performed the necessary traffic analyses associated with these locations and seeks authorization from City Council to change the speed limits.

Ordinance prohibiting truck traffic on the entire length of Montford Avenue, Dunwell Avenue, Stoner Road, East Street, Glendale Avenue and Ridgelawn Avenue

Summary: The City's Traffic Engineer has performed the necessary traffic analyses associated with these locations and seeks authorization from City Council to prohibit truck traffic.

Ordinance designating Victoria Road, between a point approximately 400 feet before and approximately 300 feet after the Asheville High School driveway, as a school zone

Summary: The City's Traffic Engineer has performed the necessary traffic analyses associated with this location and seeks authorization from City Council to designate that portion of Victoria Road as a school zone.

Privatization Update

Mowing and Right-of-Way Privatization

Summary: This quarterly report is on the status of the privatization of mowing and clearing. Several meetings with the Parks and Recreation staff have resulted in the development of a draft for Request for Proposals. This Proposal is currently being reviewed by staff and the City Operations Advisory Committee. It is anticipated that prior to spring of 1996 that multiple contracts will be in place to accommodate the City's mowing and right-of-way clearing needs.

Infirmary Privatization

This quarterly update is to inform Council that the infirmary privatization is currently on track. The contract for physician services, which will be recommended to Council in the next several weeks, will likely involve a physician on a part-time basis in the current Health Care office on the 6th Floor of City Hall for a six-month trial period. If the project is successful at that time, staff will negotiate a contract relocating that operation off premises to a private physician office under a longer term contract.

Civic Center Concessions Privatization

This quarterly update is to inform Council that the City Manager has allocated additional staff to assist in this project. Several meetings have taken place. Of concern at the present time are some recent figures from the Civic Center which indicate that gross revenues -12-

for the twelve month period just ending have increased by \$258,831 over the previous twelve months. Similarly, net revenues have increased \$712,209 for the same period.

Costs for concessions have not increased correspondingly to account for the additional revenue. There is a valid question at the present as to whether or not the current twelve month period represents anomaly, or reflect an upturn in the revenues from this function. To privatize at the present time based on previous years lowers revenues might be detrimental to the City.

Staff is currently considering three options for approaching this project. First is to postpone any decision on privatization of concessions for at least a twelve month period to determine whether or not the revenues drop back to a

level consistent with previous years, or remain at a constant higher level. Second is to initiate privatization efforts through Requests for Proposals and taking competitive bids, including the Civic Center as a bidder. Third, to secure the services of an outside consulting group (we have already received quotes on services) to evaluate the practicality of contracting out those services at this time.

Staff is recommending to delay initiation of this project for at least twelve months to evaluate further the revenue stream from concessions at the Civic Center.

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

OTHER BUSINESS

ADJOURNMENT

Mayor Martin adjourned the meeting at 4:08 p.m.

---

CITY CLERK MAYOR

---