

Tuesday - September 26, 1995 - 5:15 p.m.

Regular Meeting

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

Absent: None

INVOCATION

Councilman McClure gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING THE WEEK OF OCTOBER 1-7, 1995, AS "RESIDENTS' RIGHTS WEEK"

Mayor Martin proclaimed the week of October 1-7, 1995, as "Residents' Rights Week" in the City of Asheville. He presented the proclamation to Ms. Mary Ann Demelfy, Chair of the Buncombe County Nursing Home Advisory Committee. Ms. Demelfy briefed the Council on some activities that would take place during the week.

Mayor Martin recognized some members of the Domiciliary Care Committee who was present at the meeting.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO CLOSING A PORTION OF A 16' ALLEY LOCATED OFF OF LODGE STREET AT McDOWELL STREET

RESOLUTION NO. 95-139 - RESOLUTION CLOSING A PORTION OF A 16' ALLEY LOCATED OFF OF LODGE STREET AT McDOWELL STREET

Mayor Martin opened the public hearing at 5:17 p.m.

City Clerk Burlison presented the notice to the public setting the time and date of the public hearing.

Mr. Mark Combs, Director of Public Works, said that a petition has been received from Benson Slosman, Sandra Slosman, Marvin Slosman and Irene Slosman requesting that a portion of an unnamed alley running off of Lodge Street be permanently closed to public use.

The portion of the alley requested to be closed extends into the property owned by the petitioners and serves no other property owners. The alley is presently utilized as parking for a business. Partial access into McDonalds is provided on the property east of the alley. Closing of the alley would not deprive property owners in the area of reasonable means of ingress and egress to their property.

The Public Works staff recommends the portion of the alley running into the property owned by the petitioners be permanently closed to public use.

Mayor Martin closed the public hearing at 5:18 p.m. -2-

Mayor Martin said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Field moved for the adoption Resolution No. 95-139. This motion was seconded by Councilwoman Sitnick and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 371

B. PUBLIC HEARING RELATIVE TO FILING AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION FOR THE CITY OF ASHEVILLE'S ANNUAL TRANSIT OPERATING ASSISTANCE GRANT

RESOLUTION NO. 95-140 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION

Mayor Martin opened the public hearing at 5:19 p.m.

City Clerk Burleson presented the notice to the public setting the time and date of the public hearing.

Mr. Carl Ownbey, Transit Planner, said that this resolution will 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 assists in funding the City's comparable paratransit program operated through "BOOST."

Mayor Martin closed the public hearing at 5:20 p.m.

Mayor Martin said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Peterson moved for the adoption Resolution No. 95-140. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 373

C. PUBLIC HEARING RELATIVE TO AMENDING THE ZONING REGULATIONS REGARDING FEES AND CHARGES

ORDINANCE NO. 2239 - ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE WITH REGARD TO FEES AND CHARGES - ZONING REGULATIONS

Mayor Martin opened the public hearing at 5:20 p.m.

City Clerk Burleson presented the notice to the public setting the time and date of the public hearing.

Ms. Julia Cogburn, Planning & Development Director, said that Appendix A of the Code of Ordinances of the City of Asheville (Zoning Ordinance) now provides in Section 30-11-2 that the application fee for group development review is \$100. The City Council has previously determined that fees should be included in a Fees and Charges Manual, rather than in the Code of Ordinances. This amendment would remove the amount of the fee from the Code of Ordinances. A revised Fees and Charges Manual will be considered for adoption later at this meeting and will set the fee. -3-

Section 30-13-9 of Appendix A of the Code of Ordinances sets forth a requirement for a certificate of appropriateness for erection of, alteration

of, restoration of, moving or demolishing a building or other structure within a historic district. This amendment would provide that a fee for the certificate of appropriateness may be established in the Fees and Charges Manual. The revised Fees and Charges Manual provides that no fee will be charged at this time.

Mayor Martin closed the public hearing at 5:21 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Field moved for the adoption Ordinance No. 2239. This motion was seconded by Councilman Watts.

On a roll call vote of 7-0, Ordinance No. 2239 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 214

D. PUBLIC HEARING TO REZONE 29 JOHNSON DRIVE FROM R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

Mayor Martin opened the public hearing at 5:22 p.m.

City Clerk Burlison presented the notice to the public setting the time and date of the public hearing.

Mayor Martin said that Mr. George Kaltsunis, petitioner, is sick and has requested that this public hearing be continued.

Councilwoman Field moved to continue the public hearing until October 17, 1995, at 5:00 p.m., pursuant to the petitioner's request, without further advertisement. This motion was seconded by Councilman Watts and carried unanimously.

E. PUBLIC HEARING TO REZONE TWO LOTS AT 9 EAST STARNES COVE ROAD FROM CS COMMERCIAL SERVICE TO R-3 MEDIUM DENSITY RESIDENTIAL

ORDINANCE NO. 2240 - AN ORDINANCE TO REZONE TWO LOTS AT 9 EAST STARNES COVE ROAD FROM CS COMMERCIAL SERVICE TO R-3 MEDIUM DENSITY RESIDENTIAL

Mayor Martin opened the public hearing at 5:23 p.m.

City Clerk Burlison presented the notice to the public setting the time and date of the public hearing.

Mr. Carl Ownbey, Urban Planner, said that this property is approximately 1.67 acres. The lots are located on East Starnes Cove Road which is a narrow residential street that has been closed as a through street. Each lot has an existing residential structure. The 2010 plan recommends that this area be medium density residential. The subject property is surrounded on all sides by residential.

The Planning staff reviewed the rezoning request and recommended approval of the rezoning of the two lots at 9 East Starnes Cove Road from CS Commercial Service to R-3 Medium Density Residential. -4-

At the Planning & Zoning Commission's public hearing held on September 6, 1995, the Commission voted unanimously to recommend the rezoning.

Mayor Martin closed the public hearing at 5:24 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Field moved for the adoption Ordinance No. 2240. This motion was seconded by Councilman Watts.

On a roll call vote of 7-0, Ordinance No. 2240 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 217

III. UNFINISHED BUSINESS:

IV. NEW BUSINESS:

A. RESOLUTION NO. 95-141 - RESOLUTION OF INTENT TO SUPPORT THE DEVELOPMENT OF LAKE CRAIG PROPERTY AS A RECREATION AREA

Mr. Irby Brinson, Director of Parks and Recreation, said that the City of Asheville is interested in working jointly with various governmental agencies and non-profit groups to develop the Lake Craig Property into a recreation area. The property consists of approximately 69 acres, 99% of which is in the floodway, which makes it only good for a couple of uses - recreational and agricultural.

He said a group including the City of Asheville, Buncombe County, RiverLink, Ducks Unlimited, Western North Carolina Soccer Foundation, and the Western North Carolina Nature Center have been meeting to develop an action plan for the Lake Craig property. The Lake Craig property is located in the East Asheville area adjacent to Recreation Park and the Nature Center. The current owner of the Lake Craig Property is interested in selling the land for the purpose of developing a recreation facility. The current plan would include soccer fields, a baseball/softball complex, a river access, a refuge for native animals, parking areas, and restroom facilities. The City of Asheville is willing to purchase the property as their portion of support of this project with the commitment that the other agencies would equally support the development of the facilities. A task force has been formed which includes representatives from the above mentioned agencies. This task force has started the discussion process and has been meeting over the past few months. This resolution is evidence of the City's commitment to this project and its desire to become a vital part of the planning of and use of the Lake Craig Property. The City further desires an understanding between all parties in regard to each agency's role for the construction of this facility as well as the maintenance of the area after the park has been completed.

The Parks and Recreation Department recommends Council's approval of the resolution of intent to work cooperatively with various agencies in the development, joint use, and maintenance of the Lake Craig Property. In addition, staff recommends that no funding for this project be allocated until staff has been involved in the planning process, a commitment from all parties for equal funding participation has been agreed upon, and a commitment for joint use by all parties has been made. -5-

Upon inquiry of Councilwoman Field, Mr. Brinson said that it would be a lot less expensive to develop this property (opposed to some other recreational property Council has been looking at) because it is in the floodway and it is relatively flat which would require very little grading.

Councilman McClure said that this is an ideal location for recreational activities, especially soccer fields for tournaments, because the Nature Center, Recreation Park, major hotels, and major highway accesses are in that general vicinity. He was in total support of this project noting that kids who are involved in sports activities have higher grades, are less likely to drop out of school, etc.

Vice-Mayor Peterson and Councilman Watts also recognized the real need for soccer fields in the City which will allow Asheville to host soccer tournaments that will bring in needed economic development.

Upon inquiry of Councilwoman Field about a concern raised to her about the Nature Center's parking problems, Mr. Brinson said that those concerns could be looked at as plans are being developed.

Councilman McClure said that the City's costs can be defrayed a good deal because he has already been in contacted by some people in the community that are willing to help.

Mr. Ralph Bishop was concerned about how much money the City would be spending on this property, which is located in the floodway, because when a big flood comes, everything will float down the Swannanoa River.

Mayor Martin noted that a price has not yet been agreed upon while noting that there will be no buildings built in the floodway.

Mayor Martin said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman McClure moved for the adoption of Resolution No. 95-141. This motion was seconded by Councilman Watts and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 374

V. CONSENT:

At the request of Councilwoman Sitnick, Item A was removed from the Consent Agenda in order to be discussed.

At the request of Councilman Swicegood, Items E and F were deleted from the Consent Agenda to be placed on the October 17, 1995, agenda.

At the request of Councilwoman Field, Item J was removed from the Consent Agenda in order to be discussed.

Resolutions & Motions:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 12, 1995, AND THE WORKSESSION HELD ON SEPTEMBER 19, 1995

Item pulled to be discussed below.

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B. RESOLUTION NO. 95-142 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO SELL SURPLUS MOTOR VEHICLES, OFF ROAD EQUIPMENT AND OTHER SURPLUS PROPERTY AT PUBLIC AUCTION

Summary: This action authorizes the Purchasing Director to hold a public auction to dispose of motor vehicles, off-road equipment, and other

miscellaneous property declared as surplus by various City departments and divisions. The auction will be held Saturday, October 14, 1995, at 10:00 a.m. in the Public Works Complex.

RESOLUTION BOOK NO. 22 - PAGE 375

C. RESOLUTION NO. 95-143 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BY AND BETWEEN THE CITY OF ASHEVILLE AND THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, N.C., FOR MANHOLE REHABILITATION AT WEST ASHEVILLE PARK

Summary: MSD desires to rehabilitate a manhole in the City of Asheville park known as "West Asheville Park. This action will authorize the Mayor to execute an easement agreement by and between the City and MSD for manhole rehabilitation at West Asheville Park.

RESOLUTION BOOK NO. 22 - PAGE 376

D. RESOLUTION NO. 95-144 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE CONTRACT WITH DAP SECURITY INC. FOR SCHOOL CROSSING GUARDS ON BEHALF OF THE CITY OF ASHEVILLE

Summary: For the past five years the City has contracted with DAP Security Inc. to provide school crossing guard services. A request for proposal to provide such services to the City for the 1995 school year was solicited by advertisement in the Asheville Citizen-Times and no proposals were received. DAP Security Inc. has proposed to continue to provide services to the City for the school year 1995-96 with a two percent cost increase. This service (22 sites) is during early morning hours and early afternoon hours, Monday through Friday. Funds are allocated in the amount of \$74,200.

RESOLUTION BOOK NO. 22 - PAGE 377

E. RESOLUTION OF INTENT TO CLOSE NICHOLS STREET AND SETTING A PUBLIC HEARING ON OCTOBER 31, 1995

Item pulled to be placed on the October 17, 1995, agenda.

F. RESOLUTION OF INTENT TO CLOSE AN ALLEY OFF ASTON STREET AND SETTING A PUBLIC HEARING ON OCTOBER 31, 1995

Item pulled to be placed on the October 17, 1995, agenda.

G. RESOLUTION NO. 95-145 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY OF ASHEVILLE, A FEDERAL AVIATION GRANT AGREEMENT, 3-37-0005-19

Summary: This grant, in the amount of \$2,428,000, is for the following projects: overlay and groove Runway 16/34; expand ARFF maintenance building; acquire snow removal equipment; and extend Runway 16 safety area, Phase I. The Airport Authority is providing the local match through Passenger Facility Charges.

RESOLUTION BOOK NO. 22 - PAGE 378 -7-

H. RESOLUTION NO. 95-146 - RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A GRANT WITH THE N.C. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY IN SUPPORT OF A CRIME ANALYSIS MAPPING PROJECT

Summary: The Asheville Police Department is seeking federal support for a

project designed to implement a geographic information system which will aid crime analysis activities within the community policing environment of the City. The geographic information will also serve as a community policing evaluation tool. Federal support is requested for 100% of project costs. In the event 100% federal funding is not available, the resolution authorizes a local match of 25% of project costs. The project budget is \$31,753. If a local match is required, that amount will be \$7,938 (new appropriation required). The project will also serve as a pilot project for the N.C. Department of Crime Control and Public Safety to automate community policing statewide. It is designed to accommodate the small law enforcement agency by being efficient and self contained. The project is one work station using off the shelf applications centered around geographic information systems and incident based reporting and computer mapping. Staff is limited to one data entry clerk. This is a one year project.

RESOLUTION BOOK NO. 22 - PAGE 379

I. RESOLUTION NO. 95-147 - RESOLUTION AUTHORIZING THE SIGNING OF A RENEWAL OF THE MEMORANDUM OF UNDERSTANDING WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO FURTHER FAIR HOUSING

Summary: The Agreement will renew the Memorandum of Understanding (as amended) that was executed with HUD in 1987 which describes procedures to be followed by HUD and the City in the processing of complaints related to housing discrimination. The renewal of the Agreement will provide for rights and remedies under the amended Fair Housing Law.

RESOLUTION BOOK NO. 22 - PAGE 380

J. RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE WATER AUTHORITY

Item pulled to be discussed below.

K. RESOLUTION NO. 95-148 - RESOLUTION DIRECTING THE CITY COUNCIL TO APPROVE SUBMISSION OF A GRANT REQUEST FROM THE NORTH CAROLINA ADOPT-A-TRAIL FOR THE URBAN TRAIL

Summary: The Urban Trail Committee is seeking approval to submit a grant proposal to the N.C. Adopt-A-Trail program in the amount of \$2,000. The grant would provide funding for 13 granite markers placed in specific locations in downtown along the Urban Trail to assist walkers to following the self-guided "trail" walk. The grant will provide covering the costs of materials, installation and administration for 13 different sites.

RESOLUTION BOOK NO. 22 - PAGE 381

L. RESOLUTION NO. 95-149 - RESOLUTION ADOPTING A REVISED FEES AND CHARGES MANUAL

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Summary: The City Council initially adopted a Fees and Charges Manual for Fiscal Year 1987/88 and a revised Fees and Charges Manual in Fiscal Year 1988/89. Various changes have been made in subsequent years to fees and charges, without a revised Fees and Charges Manual being adopted. The User Fee Committee of the City Council has considered further changes to existing fees and charges. A revised Fees and Charges Manual for Fiscal Year 19985/96 has been prepared.

RESOLUTION BOOK NO. 22 - PAGE 382

M. RESOLUTION NO. 95-150 - RESOLUTION ESTABLISHING A NEW POLICY GOVERNING CITY COUNCIL APPOINTMENTS

Summary: The City Council has had prior discussions regarding its policy governing appointments to boards and commissions. The existing policy was established by Resolution No. 92-193 which was adopted on December 2, 1992. This new policy attempts to incorporate the various concerns raised by Council members.

RESOLUTION BOOK NO. 23 - PAGE 383

Councilwoman Sitnick moved for the adoption of the Resolutions & Motions Consent agenda. This motion was seconded by Councilman McClure and carried unanimously.

ITEMS PULLED FROM THE CONSENT AGENDA FOR DISCUSSION

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 12, 1995, AND THE WORKSESSION HELD ON SEPTEMBER 19, 1995

Councilwoman Sitnick asked that on page 9 of the September 12, 1995, City Council minutes a typographical error be corrected.

Councilwoman Sitnick moved to approve the minutes of the meetings held on September 12 and 19, 1995, with the correction noted above. This motion was seconded by Councilwoman Field and carried unanimously.

B. RESOLUTION NO. 95-151 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE WATER AUTHORITY

Mayor Martin said that the term of Charles Worley expires on September 30, 1995. This resolution will appoint Kevin Green to serve a three year term, term to expire September 30, 1998, or until his successor is appointed.

Mayor Martin said that members of Council have been previously furnished with a copy of the resolution and it will not be read.

Councilman Watts moved for the adoption of Resolution No. 95-151. This motion was seconded by Vice-Mayor Peterson and carried on a 6-1 vote, with Councilwoman Field voting "no".

RESOLUTION BOOK NO. 22 - PAGE 388

Ordinances:

A. ORDINANCE NO. 2241 - ORDINANCE AMENDING ORDINANCE NO. 1855, AS PREVIOUSLY AMENDED, REGARDING LEVY AND COLLECTION OF BUSINESS LICENSE TAXES

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Summary: This ordinance will amend the existing business license taxes to increase the amounts for certain advertisements, manufacturers, retail and wholesale merchants, and service establishments and businesses.

ORDINANCE BOOK NO. 15 - PAGE 219

B. ORDINANCE NO. 2242 - ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE WITH REGARD TO FEES AND CHARGES

Summary: The City Council has previously determined to remove fees and charges

from the Code of Ordinances and to adopt them in a Fees and Charge Manual. This ordinance would eliminate fees and charges from the Code where they still remain, would grant authority for the fees to be set forth in the Fees and Charges Manual where none now exist and would set forth certain penalties which had been previously included in the Fees and Charges Manual.

ORDINANCE BOOK NO. 15 - PAGE 223

C. ORDINANCE NO. 2243 - BUDGET AMENDMENT RELATIVE TO PACT

Summary: This budget amendment, in the amount of \$59,164, is for various items approved in the Police Department Police and Community Together (PACT) and Selective Traffic Enforcement Program (STEP) grants that were not included in the original operating budget. The amendment also increases the operating budget for various administrative costs relating to new ordinances concerning false alarm fees and police escorts, increasing services in property control, new utility charges, and the charges for the refurbishing of two vehicles. The offsetting revenue for these additional appropriations come from the PACT grant that was also not included in the original budget. The grant revenue is anticipated to be more than the new appropriation of \$59,164.

ORDINANCE BOOK NO. 15 - PAGE 237

Councilman McClure moved for the adoption of the Ordinance consent agenda. This motion was seconded by Councilman Watts.

On a roll call vote of 7-0, the Ordinance Consent agenda passed on its first and final reading.

VI. OTHER BUSINESS:

A. WATER BOND UNDERWRITERS

Councilwoman Sitnick moved that "we accept staff recommendation that Alex Brown be senior manager for the water bonds issue if they will meet the low bid."

Mayor Martin said that this isn't something that needs to have Council approval. We can make our wishes known, but he didn't think it is officially required.

City Manager Westbrook said that the meeting where the underwriters were discussed, the Council decided on the three underwriters. During that same discussion Council informally decided amongst themselves that they would informally discuss who was to be the lead underwriter and let the staff know. He felt this was the point Councilwoman Sitnick is bringing up. There is nothing to prevent Council from taking a formal action. -10-

Councilwoman Field seconded Councilwoman Sitnick's motion.

Mayor Martin said that he and Councilman McClure spoke today and that he and Councilman McClure were the ones who were going to get together and make this decision. He had no problem with Council making the decision.

Councilman McClure said that he had not really changed his position. "I thought, I'm not trying to undermined staff but Smith-Barney came in, the Robinson-Humphrey group, came in with a proposal - their bond costs less, the management fee was zero and they also cover the southeastern United States and they have a local office here. My position is that I would prefer to go that way and that's the same thing I told you earlier today."

When Councilman Swicegood asked about Smith-Barney, Councilman McClure said that Smith-Barney and Robinson-Humphrey are the same people.

Mayor Martin said that he would prefer to go with staff and he didn't think it's something Council has to get into a big debate about.

Councilwoman Sitnick said that "the basis points over the long term are not as important as performance. Alex Brown got the highest points in the RFP and the presentation. Actually no RFP was mandated. They could have been picked on merit. They are willing to negotiate the management fee because it's inconsequential. Otherwise Robinson-Humphrey wouldn't have charged nothing. I think we had four consultants that we hired to look into this and they all came up with the same recommendation. They've done more water bonds and sewer bonds, Alex Brown has, and I think that we should go with staff's recommendation. When you tend to pick a local company and this is the first time a local company has been an issue, but when you're underwriting bonds, a local company has a tendency to do what they call 'hogging the bonds' and you can get better retail disbursement and better interest rates if you go..."

Councilman McClure said "that might be true, but Robinson-Humphrey is really not a local company. They have a local office and they're the largest in the southeastern United States with more distribution. The more distribution, and the Mayor can tell you this, the larger the distribution, the cheaper the cost to the City is going to be and that's what we're after. Alex Brown does not have that distribution. They have offices in Charlotte, Winston-Salem, and I believe Greensboro and Raleigh, but they are not nearly as big as Smith-Barney. It's Smith-Barney, Robinson-Humphrey was not the person here. It always bothers me that somebody gives a high figure and then they're willing to come in after the fact and renegotiate in order to get it. Why didn't they give us the best price going forward."

Councilman Sitnick said that "they didn't come in with the highest figure, I mean, the lowest figure was NationsBank. So if we're going with lowest figures..."

Councilman McClure said that he had a problem with NationsBank relative to their statement saying that they're getting out of the market.

Councilwoman Sitnick said that she had a problem with NationsBank for other reasons.

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Councilman McClure said that "as far as whether Alex Brown, they say they've done more, but I also have information that shows that Robinson-Humphrey has done more in the State of North Carolina than Alex Brown. And that's debatable. But all I'm saying is that this is my position and you are welcome to either vote it up or vote it down. That's just my position on this."

Councilwoman Sitnick said that "four separate people said that Alex Brown as senior manager would be the best thing for the City. You know I'm not an investment banker. I think commercial banking is different than investment banking, but be that as it may, I've talked to a number of folks in other cities in the State regarding this issue - not these specific companies, but just the basis of this kind of economic decision. Alex Brown has been the lead on these kinds of water and sewer bonds, consistently the lead. Highest points."

Mayor Martin felt that either firm will do well in this situation. They are both experienced. He didn't think one is necessarily head-and-shoulders above

any of the others. He deals with these things all the time. If it comes to a vote, he would vote to go with staff. We need to get this bond out into the public while the rates are favorable for the City project.

Councilwoman Sitnick then made her motion again to accept staff recommendation that Alex Brown be senior manager for the water bonds issue if they will meet the low bid. Mayor Martin noted that Councilwoman Field did second the motion. By a raising of hands, the motion was defeated on a 3-4 vote, with Vice-Mayor Peterson, and Councilmen McClure, Swicegood and Watts voting "no."

Councilman McClure moved that Smith-Barney, Robinson-Humphrey, be the lead broker for the water bond issue. This motion was seconded by Councilman Swicegood. By a raising of hands, the motion carried on a 4-3 vote, with Mayor Martin and Councilwomen Field and Sitnick voting "no."

B. REQUEST FOR TIME ON WORKSESSION

Councilwoman Sitnick "moved to schedule one hour for the October 17 Pre-Council meeting to review and discuss the final Leni's list that I gave out several weeks ago so I can be informed by Council which items they feel are worth discussion and which items they feel are not worth discussion."

Councilwoman Sitnick said that the above is only a request.

C. NUCLEAR WASTE TRANSPORTATION THROUGH ASHEVILLE

Councilwoman Sitnick also requested at the October 17, 1995, meeting that Council consider the resolution that she handed out at a prior meeting regarding the issue of nuclear waste transportation.

D. RICHMOND HILL PARK

Vice-Mayor Peterson reported that he has been meeting with the North Asheville Little League and soccer groups and they have organized a fund raising effort which will go to corporations seeking donations for the baseball fields at Richmond Hill. The figure they were given was \$497,000 and they are currently working to cut the budget down because there were a lot of items on there that a better price might be found.

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Councilman McClure asked if Council was still in agreement in proceeding with Option 3. Mayor Martin responded that Council will be looking at a complete picture, with Lake Craig, Richmond Hill, etc., and staff will come back with some recommendations. However, Council was looking at Option 3.

Councilman McClure supported Option 3 at Richmond Hill Park 100%.

E. RALPH BISHOP

Mr. Ralph Bishop was concerned about the Mayor not reading the items on the consent agenda. He stated that he did not want to read them, he wanted to hear them read.

F. CLAIMS

The following claims were received by the City of Asheville during the week of September 7-13, 1995: Johnnie McCorkle (Parks & Recreation), Tonya Capers (Streets), Nick Apostolopoulos (Water), Howard Huffman (Streets), Murphy Robert Jaramillo (Water) and Nathan Villarreal (Streets). These claims have been

referred to Asheville Claims Corporation for investigation.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 5:56 p.m.

CITY CLERK MAYOR
