

Tuesday - May 7, 1996 - 12:00 p.m.

Chamber of Commerce Board Room

Luncheon with Asheville Area Chamber of Commerce

City Council Representatives Present: Mayor Russell Martin; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; Councilman Charles R. Worley; and City Manager James L. Westbrook Jr.

Chamber of Commerce representatives and others were present.

City Council met with the Chamber of Commerce and discussed items of mutual concern.

Tuesday - May 7, 1996 - 3:00 p.m.

Room 623 - City Hall Building

Worksession

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CIVIC CENTER COMMISSION REPORT

Mr. Richard Schumacher, Chairman of the Civic Center Commission, reviewed with City Council the Civic Center Commission's, through its Planning Committee, long-range plans/direction for the Civic Center. He reviewed the following outline:

- Events leading to appointment of Civic Center Planning Committee

- Need for major capital improvements (estimated \$5-\$8 million)

- Facility is 24 years old

- No major capital improvements except recent

renovation of Thomas Wolfe Auditorium and

Lobby in response to Community Concert

complaints and ADA compliance (@ \$400,000)

- Bi-Lo Arena (17,000-18,000) opening in two-three years in Greenville

- If major changes are not made, Civic Center

will lose significant number of profitable

events to Greenville

- Ideal time to evaluate/decide what direction the Civic Center should take in the next 5-20 years in order to spend capital improvement money as wisely as possible
- Continue business as usual, with no major changes other than minimal capital improvements (still significant dollars)
- Shift emphasis from entertainment events to trade shows/conventions (additional capital improvements)
- Lease Civic Center to private building management group
- Sell Center and property and/or build new facility in different location

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- Council should determine method/process of making decision on Civic Center future
- What role should Civic Center Commission/Director play in this process - do you want them to explore options/make specific recommendations?
- Several general recommendations to City Council from the Civic Center Commission are:
 - Involve Finance Department regarding methods of financing needed capital improvements
 - Generate public discussion to achieve consensus/support

Councilman Hay, Civic Center Commission liaison, felt that this was a good time to determine what the City wants the Civic Center to do. He felt a community meeting asking the citizens what they want in the Civic Center would be beneficial.

Mayor Martin felt that since 60% of the usage of the Civic Center is by County residents, the County should contribute to the cost of improvements to the Civic Center.

Upon inquiry of Councilman Cloninger on what type of events Asheville might lose when the Bi-Lo Arena is built, Civic Center Director Jim Scott speculated that Asheville might lose about a dozen events each year. Mr. Schumacher noted that the type of shows that sell out quickly in Asheville will be the ones that will probably go to Greenville.

Vice-Mayor Field agreed with Councilman Hay that community meetings would be helpful to find out what the community wants. It was important to her that the Civic Center be diverse and flexible.

Mayor Martin asked the City Manager to research how Asheville can determine the best use of the facility in the future and report back to Council at perhaps another worksession.

TCI CABLEVISION ANNUAL RATE ADJUSTMENT REPORT

Ms. Patsy Meldrum, Assistant City Attorney, said this resolution will set a public hearing for May 28, 1996, to review the request of TCI Cablevision of Asheville (hereinafter "TCI") for an annual adjustment to its rate for the basic service tier.

The Cable Television Consumer Protection Competition Act of 1992 authorized local franchising authorities, such as the City of Asheville, to regulate the basic service tier of its local franchisee for cable television services - TCI. The City Council has previously reviewed rate schedules of TCI for the basic service tier. City staff has reviewed the annual filing submitted to the City of Asheville for TCI and finds that the calculations submitted follow the formula set forth by the Federal Communications Commission (hereinafter "FCC").

The regulations recently adopted by the FCC allow TCI to make annual adjustments to its basic service tier and to its expanded service tier. Those FCC regulations only allow the City of Asheville to review the rates for the basic service tier and only allow a review of the rates proposed for the basic service tier to determine whether or not TCI has followed the rate formula set by the FCC.

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FCC regulations provide that the proposed rates will become effective 90 days after the filing of the annual rate adjustment by TCI with the City of Asheville. TCI filed its request on March 4, 1996, and the 90-day time period expires on June 2, 1996.

TCI provided the City of Asheville with a notice of its intent that its rate for the basic service tier would change effective June 1, 1996. The rate for basic service tier will increase from \$9.95 a month to \$10.46 a month.

The City Council has previously provided an opportunity for comment from the public and TCI by scheduling a public hearing on requests for rate increases.

Councilman Worley stressed that City Council has no authority to alter the implementation of the new rates. City Council is only allowed to review the rates for the basic service tier to determine whether or not TCI has followed the rate formula set by the FCC. Thus, the public hearing is only a place where the citizens can express their feelings - once again noting that City Council cannot change the rate if TCI has followed the FCC rate formula.

Mr. Dan Martin, General Manager of TCI, answered various questions from Council particularly with regard to the transfer of the company. He hoped that the transfer would be finalized by the end of June, if not earlier.

Ms. Meldrum responded to questions from Council as they related to the status of the franchise renewal negotiations.

Councilman Worley moved to proceed with the appropriate action at the next formal meeting. This motion was seconded by Vice-Mayor Field and carried unanimously.

DEAGAN TOWER CHIMES UPDATE

Ms. Maggie O'Connor, Historic Resources Commission Director, said that there are many things that make Asheville unique. One magical element can be found atop Douglas Elligton's famous Art Deco building, a lyrical feature from Asheville's past, the City Building's Deagan Tower Chimes.

The chimes were installed in 1932 to honor Buncombe County's World War I

veterans. Over time, exposure to natural elements has silenced the sound of the once cheerful bells. A recently formed group of volunteers, Friends of the Chimes, was formed. The group is mounting a community effort to restore the tower chimes.

A fundraising drive is underway to raise \$25,000 for repairs and to establish an endowment fund to insure adequate maintenance of the chimes. The goal for the project is the fall of 1997 when Asheville proudly celebrates its 200th birthday.

Two upcoming fundraising events are: (1) Father's Day weekend - June 15-16, Kenilworth Garden Tour; and (2) Asheville Community Theater Chimes Benefit.

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ORDER RELATIVE TO 44 SOUTH MARKET STREET

At the request of City Council on April 30, 1996, City Attorney Slawter prepared an order relative to 44 South Market Street for Council's review.

He said the Order incorporates the additional findings regarding inadequate egress and that the building is "especially dangerous to life," in accordance with the motion adopted following the hearing on April 30, 1996. In addition, he recommended that the Council incorporate the following additional amendments into the Order, similar to the information included in the draft:

1. Amend the Conclusion of Law as set forth in the March 8, 1996 Order so as to conclude not only that the building is "unsafe", but that it is also "especially dangerous to life."
2. Modify the Order so as to allow Mr. Linney sixty (60) days to comply, rather than thirty (30) days. As he began to draft the draft Order, it became apparent that there has been no finding made that the building constitutes an "imminent danger to life or other property." N. C. Gen. Stat. sec. 160A-429 requires that the property owner be given a minimum of sixty (60) days unless such a finding is made. Council could consider making that additional finding, but allowing sixty (60) days will likely result in less complications.

He also suggested that Council give some consideration to excusing from the final vote on this matter any member of Council who was not present for the entire hearing.

He said that he did send a copy of the draft Order to Mr. Linney along with an agenda making him aware of this item before Council today.

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

SUBMITTAL OF CONSOLIDATED PLAN TO HUD

Mr. Marvin Vierra, Community Development Director, said that 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 \$140,000. The Consolidated Plan serves as a planning document as well as the application for funding under the CDBG and HOME grant programs.

The City's Housing & Community Development Committee has reviewed applications from agencies for CDBG funds and the Asheville Regional Housing Consortium reviewed applications from agencies and local governments for HOME funds.

By use of an overhead projector, Mr. Vierra briefed the Council on the breakdown of the projects and funding source for the year beginning July 1, 1996, as follows:

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<u>PROJECT</u>	<u>AGENCY</u>	<u>CDBG</u>	<u>HOME</u>			
Housing Crisis Counseling	AHC	78,750	0			
Homeowner Education	AHC	32,500	0			
Asheville Area Habitat for Humanity	AAHH	84,932	0			
Fair Housing/Employment	ABCRC	26,250	0			
South Pack Square Redevelopment	COA	78,688	0			
West End/Clingman Improvement	COA	25,000	0			
City Wide Rehab	COA	500,000	0			
Credit Counseling	CCCS	10,000	0			
Redevelopment	E/MSDC	30,000	0			
Homeless Program	HH	40,000	0			
Hillcrest Enrichment	HACA	52,500	0			
Affordable Homeownership	MHO	200,000	0			
Emergency Repair	MHO	50,000	0			
Rehab & Homeownership	NHS	367,500	120,000			
Legal Services	PLS	20,000	0			
Vanderbilt Apartments Rehab	VA	43,970	0			
C D Administration	COA	193,910	0			
Overlook Apartments	COA	0	225,000			
Volunteers of America Apartments	COA	0	37,500			
Rural Housing Rehabilitation	BC	0	80,000			
River Glen Apartments	BC	0	120,000			
Homeowner Rehabilitation	HC	0	171,625			
New Construction Site Development	HAC	0	94,921			
Homeowner Rehabilitation	MC	0	75,144			
Rowenwald Hills New Construction	TCHDC	0	91,450			
Homeowner Rehabilitation	WD	0	85,000			
HOME Administration	COA	0	71,360			

	TOTAL	1,834,000*	1,172,000			

* Includes \$140,000 program income

Agency Index:

AHC - Affordable Housing Coalition; AAHH - Asheville Area Habitat for Humanity; ABCRC - Asheville-Buncombe Community Relations Council; COA - City of Asheville; CCCS - Consumer Credit Counseling Service; E/MSDC - Eagle/Market Streets Development Corporation; HH - Hospitality House; HACA - Housing Authority of the City of Asheville; MHO - Mountain Housing Opportunities; NHS - Neighborhood Housing Services of Asheville, NC, Inc.; PLS - Pisgah Legal Services; VA -

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Vanderbilt Apartments, Inc.; BC - Buncombe County; HC - Henderson County; HAC - Housing Assistance Corporation; MC - Madison County; TCHDC - Transylvania County Housing Development Corporation; WD - Town of Woodfin

Three community public hearings have been conducted.

He noted that because the City has not received word of the final allocation (although we expect the figures within the week), all the amounts used are the same amounts used year. He felt sure that we would at least receive the same allocation as last year. He did note, however, that the City can amend the application at anytime during the year.

Councilman Hay, Chairman of the Housing & Community Development Committee, said that the Committee couldn't reach a consensus on the Eagle/Market Streets Development Corporation funding. It was hopeful that the whole Council could agree on an appropriate amount, but favored substantially increasing the at present proposal of \$30,000.

Mr. Vierra said that perhaps the South Pack Square Redevelopment allocation of \$78,688 could be re-allocated to Eagle/Market Streets Development Corporation, bringing their total to 108,688.

Councilman Hay offered to prepare a specific proposal on how the City can increase the allocation to the Eagle/Market Streets Development Corporation for the Council's consideration at their next meeting.

Mr. H. K. Edgerton reminded Council that they need to take a serious look at mixing young people with older people in particular with the Overlook Apartments.

Dr. J.H. Grant, Chairman of the Board of Directors of the Eagle/Market Streets Development Corporation, thanked the Council for revisiting the reallocation issue.

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

PARKING METER ZONES AND PARKING PROHIBITION

Ms. Deborah Crowder, Revenue Manager, said that the City of Asheville currently has established parking meter zones in various locations at various times, and it would be beneficial to establish one list of those zones in the Code of Ordinances. In addition, the City allows on-street parking in areas that are

not metered, but are restricted by signs or traffic conditions. Enforcement of these unmetered spaces will be simplified by requiring all legal spaces in the Central Business District to be designated.

This recommendation has been reviewed by the Revenue Manager, the Traffic Engineer, the Superintendent of Parking Services and the City Attorney's Office.

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

NEW ALCOHOL REGULATIONS

Police Chief Will Annarino said that this ordinance would establish regulations regarding the consumption and possession of malt

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beverages and/or unfortified wine on City streets and sidewalks, on City property and during community events and festivals.

In 1995, the North Carolina General Assembly authorized cities to adopt a local ordinance to regulate or prohibit the consumption of malt beverages and/or unfortified wine or the possession of open containers of malt beverages and/or unfortified wine on public streets and to regulate or prohibit the possession of malt beverages and/or unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events. The N.C. League of Municipalities prepared a model ordinance for cities in North Carolina to consider. The Asheville Police Department and the Asheville Parks and Recreation Department have reviewed the model ordinance prepared by the League and recommend adoption of that model, with certain modifications for community events and festivals and for outdoor dining areas which are permitted by the City of Asheville.

The ordinance would prohibit consumption of malt beverages and/or unfortified wine on public streets and on property which is owned, occupied or controlled by the City, but excluding specific locations for which an ABC permit has been issued and only according to the requirements to the ABC permit. In addition, this draft ordinance would prohibit the possession of open containers of malt beverages and/or unfortified wine on the public streets and on property owned, occupied or controlled by the City, excluding again specific locations for which an ABC permit has been issued.

The ordinance would allow possession and consumption of malt beverages and/or unfortified wine at community events and festivals whenever the City Council adopts a resolution making specific provisions for that. In a separate resolution, the Asheville Police Department and the Asheville Parks and Recreation Department are setting forth provisions for consumption and possession during the 1996 Bele Chere Festival.

Finally, the ordinance would allow possession and consumption in outdoor dining areas which have been issued a City of Asheville permit as the Code of Ordinances now provides. Those permits would be temporarily suspended during community events and festivals, unless the City Council provides otherwise by separate resolution.

A violation of the ordinance constitutes a misdemeanor. Enforcement would be by the Asheville Police Department.

The Asheville Police Department and the Asheville Parks and Recreation

Department recommend adoption of the ordinance.

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

AUTHORITY FOR DIRECTOR OF PARKS & RECREATION TO EXECUTE FESTIVAL AGREEMENTS WHICH ARE CO-SPONSORED BY THE PARKS & RECREATION DEPARTMENT

Mr. Irby Brinson, Director of Parks & Recreation, said that this resolution is to authorize the Director of the Parks and Recreation Department to execute festival agreements for festivals that are sponsored or co-sponsored by the Department.

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The Parks and Recreation Department currently sponsors or co-sponsors approximately 17 festivals and special events on an annual basis. These events include, but are not limited to, Bele Chere, July 4th, First Night, and Goombay. There are a number of agreements for entertainment and sponsorships which are currently signed by the City Manager. This resolution would allow the Parks and Recreation Director the authority to execute these agreements and has also been approved by the City Manager.

The Parks and Recreation Department requests that the Director be authorized to execute agreements related to conducting, sponsoring, promoting, and assisting with community festivals and special events which are included in the responsibilities of the department.

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

ANIMAL CONTROL

Mr. Irby Brinson, Director of Parks & Recreation, said that the purpose of this ordinance amendment is to prohibit animals from community events and festivals unless allowed as part of an event.

Community events and festivals serve a tremendous need for the community by showcasing our heritage and cultural diversity. These events traditionally draw large numbers of participants usually in a very concentrated area. Problems have occurred during these events by participants bringing in animals and reptiles which have become a nuisance to other participants and event organizers. In an effort to control this problem, the Parks and Recreation Department wishes to amend Chapter 3 of the Code of Ordinances, Section 3-27, Subsection (E). This amendment shall not apply to guide dogs trained to provide assistance to sight or hearing impaired persons. Furthermore, this ordinance would allow festival organizers to permit other animals which may be part of the festival program.

The staff of the Parks and Recreation Department recommends amending Chapter 3 of the Code of Ordinances, Section 3-27, Subsection (E), to prohibit animals from community events and festivals.

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

LETTER TO ABC COMMISSION RELATIVE TO BELE CHERE FESTIVAL

Mr. Irby Brinson, Director of Parks & Recreation, said that the resolution will regulate the consumption and possession of malt beverages and/or unfortified

wine at the 1996 Bele Chere Festival. Also , there is a letter to the ABC Commission requesting that there be no extension of premises for ABC outlets during the 1996 Bele Chere Festival weekend.

The Bele Chere Board of Directors last year approved performing an alcohol assessment for the 1995 Bele Chere Festival. The results of this report indicate that the Bele Chere staff and volunteers are committed to responsible alcohol management during the Festival. Several concerns were made that include the lack of written alcohol policies and procedures and local businesses within the perimeter of the Festival selling cans and bottles of beer in an irresponsible and

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sometimes illegal manner. According to reports given by the Asheville Police Department and ALE, a total of 151 arrests or citations were given by both agencies during Bele Chere which, for the majority, were alcohol related.

In an effort to address concerns established from the Home Team report, the Parks and Recreation Department and the Bele Chere Board of Directors are recommending certain actions be taken. First, we recommend that City Council write the ABC Commission and request that the ABC Commission not grant extension of premises for ABC outlets during the 1996 Bele Chere Festival. This extension allows businesses to sell off premises and outside their establishment. We feel that this would help alleviate some of the problems caused by businesses removing their windows and selling beer directly from their premises and into the street. Secondly, the Parks and Recreation Department and the Bele Chere Board of Directors request the adoption of a resolution which would restrict the possession and consumption of alcohol to only certain areas of the Bele Chere Festival area. Restricting possession and consumption to certain areas will further promote the establishment of areas for family-oriented activities. The resolution also establishes a time period after which alcohol sales will stop during the Festival and only allows possession and consumption from Bele Chere Festival containers. The Parks and Recreation Department and the Bele Chere Board of Directors will also be developing alcohol policies and procedures which will govern the Bele Chere operations.

The Parks and Recreation Department, the Bele Chere Board of Directors and the Police Department recommend authorizing the Mayor to send a letter to the ABC Commission and recommend adoption of the resolution regarding alcohol possession and consumption at the 1996 Bele Chere Festival.

Upon inquiry of Vice-Mayor Field, Ms. Patsy Meldrum, Assistant City Attorney, answered various questions as they related to the different Code provisions

Mr. Andrew Craig, representing the downtown merchants, and Mr. Ray Bailey, 1996 Festival Chairman, spoke in support of this resolution.

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

SISTER CITY UPDATE

Vice-Mayor Field reported on her Sister City visit to San Cristobal de las Casas, Mexico. She spoke about the gracious hospitality that was shown to her.

She said that the City has received a grant of \$500 from the Robert J. and Eunice J. Wagner Foundation to be used toward the Sister City visit to San Cristobal de las Casas, Mexico. She asked that Council appropriate that grant

to the Sister City budget.

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

CONTRACT FOR RIGHT-OF-WAY MOWING AND PARK MAINTENANCE

Mr. John Miall, Risk Manager, said that pursuant to the Report on Privatizing Certain City Services, presented to the City Council at its retreat in January, 1995, and following the solicitation for proposals

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from private contractors to provide mowing and leaf removal services at various City-owned locations, the following is submitted for the Council's consideration.

In staff's initial presentation to the Council on privatizing City services, it was recommended that the City adopt the Federal Government OMB Circular 71 standard for privatization. This standard uses a benchmark of 10% of direct personnel costs as the savings threshold to justify privatizing a public service.

Based upon the responses to the RFP sent out by the City, and following an intensive review of the City's costs for providing the same services, it has been determined that by accepting the low quote from Professional Lawn Care Service, that the City can realize a savings of approximately 20%, or \$40,742 of its annual personnel costs for mowing and leaf removal. According to the Internal Auditor, the City's cost for these services is:

Salaries & Operating Costs only:

Salaries/Fringes 243,575

Operating costs 11,935

Total 255,510

The RFP allowed contractors to respond to any one, or combination of 6 geographic areas. It was stated in the RFP, and in the pre-bid conference that preference would be given not only to the lowest cost, but to the contractor(s) quoting all 6 areas together. Two respondents, including the recommended contractor did so.

It is expected that the proposed agreement will result in the displacement of nine seasonal employees in the Parks and Recreation Department (some of whom have already been hired by the City for the season, with the understanding that their jobs may be eliminated before the end of the season); and as many as six full-time employees, currently in the Parks and Recreation, and Public Works Departments. The Contractor does not anticipate hiring any more full-time employees to fulfill his obligations under the agreement, but is prepared to agree in the agreement proposed to offer employment to some of the seasonal employees displaced, to the extent that he needs to hire any additional staff.

The City's Personnel Director expects that it will be possible to place the displaced full-time employees in currently available, vacant positions elsewhere in the City, to the extent that they meet minimum eligibility requirements for any vacancies, and subject to approval by the Civil Service

Board.

During the bid process, a pre-bid conference was held, in part to allow potential contractors to ask questions of the City's Minority Business Coordinator. The recommended contractor has submitted appropriate documentation to the City that he does not intend to sub-contract any portion of the work in question. Therefore, there are no further Minority Business compliance issues.

It should be noted that the Public Works and Parks and Recreation Departments feel that the elimination of the positions in question could have an adverse impact on some other departmental operations. The current staff perform other essential non-mowing work during the course of the year including, but not limited to landscaping, brush and trash clean-up, and major storm clean-up. Although this agreement will not -11-

compromise the City's ability to perform these other functions, it is likely that our overall response time to some needs may be significantly reduced.

Staff recommends the approval of the proposed agreement for the remainder of the calendar year 1996, with an option to renew it for successive one year periods, depending upon the mutual satisfaction of the parties, and upon their reaching mutually agreeable terms. The City will keep their inventory for at least a year.

Based upon the bids received, it is recommended that the City not contract out the mowing of Riverside Cemetery, as the bid from the staff at the Cemetery was found superior to any others received. The balance of the areas identified as North, South, East, West, and Central in the RFP are recommended for privatization at this time.

Councilman Cloninger fully supported the concept of privatization, but was concerned that some of the City's basic services might be compromised, such as brush pickup.

Mr. Mark Combs, Public Works Director, spoke to the issue of three full-time positions being eliminated in his Department. He felt that with the addition of some overtime in his budget, his Department could handle the loss.

Mr. Irby Brinson, Director of Parks & Recreation, also spoke to the issue of eliminating two full-time positions from his Department. Since his crews can perform a lot of different jobs, he felt that with the addition of \$5,000 in his overtime budget, he would have no problem in this particular privatizing.

Upon inquiry of Councilman Sellers, Mr. Miall responded to questions about liability.

City Manager Westbrook reassured Council that this will not affect basic City services.

Mr. H. K. Edgerton stated his concerns about whether or not Professional Lawn Care Services has submitted the property documents to support compliance with the Minority Business Plan. He questioned the accuracy of information given out at the pre-bid conference specifically about the offer by the City of possible lease or purchase of the City's current inventory.

Ms. Cindy Batson, Internal Auditor, responded to the concern of Mr. Edgerton relative to the use of the City's equipment.

Mr. Clarence Benton also expressed concerns about the bid and asked that

Council postpone taking any action on this matter until the issue about proper documentation for MB Plan compliance is cleared up. He felt that if the City was going to be sincere in trying to reach minority businesses, they should have split up the areas and let contractors bid on smaller scales.

When Council questioned if the proper MB Plan form was submitted, Mr. Pitts, owner of Professional Lawn Care Services, stated that as far as he knew, he did submit the proper MB-2 form.

Councilman Hay asked that, at the formal meeting next week, the City's Minority Business Coordinator be present at the meeting to respond to concerns expressed about whether the Minority Business Plan has been complied with.

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Mr. Benton asked that if Mr. Pitts bid is not found to be the lowest, responsible bidder that the City re-bid the proposal in smaller areas.

Mr. Miall felt that Council will need to define "compliance" with the Minority Business Plan.

Mr. Crump, bidder, felt that information given in the pre-bid conference by City staff was misleading.

It was the consensus of Council to ask the City's Minority Business Coordinator be present at the next formal meeting to respond to questions as they relate to the compliance of the Minority Business Plan.

MSD POLICY OF NOT EXTENDING SEWER LINES

City Manager Jim Westbrook said that the Metropolitan Sewerage District ("MSD") will be considering a resolution on May 15, 1996, adopting a policy of not extending sewer lines. He felt that MSD's policy is inconsistent with City and County strategies for economic development and makes MSD inconsistent with other utilities operating within Buncombe County which extend their facilities. He felt this is a grave issue and one which has long term implications for all of Buncombe County.

Ms. Angie Chandler, representing the Chamber of Commerce, said that the Chamber Board has voted to oppose MSD's policy.

Councilman Worley moved that a letter be sent to MSD requesting they delay consideration of this resolution until mid-June. During that time period, Council can discuss, with different agencies and individuals, the possible ramifications of MSD's policy and the Council will also have a chance to discuss this proposed policy with the City appointed MSD representatives. This motion was seconded by Councilman Skalski and carried unanimously.

CONSENT:

Adoption of Fair Housing Plan

Summary: The Fair Housing Plan identifies certain impediments to fair housing and sets forth affirmative steps to overcome impediments. This Fair Housing Plan fulfills the HUD requirements for CDBG and HOME. Adoption of the Plan will demonstrate the City's commitment and support of a housing policy that integrates fair housing opportunity for all people.

Grant Application for Public Nuisance Abatement Team

Summary: The Police Department is seeking federal support for a project designed to assist the public with solving persistent crime problems and quality of life issues within neighborhoods of the City of Asheville. The Public Nuisance Abatement Team project is designed to deny criminals the use of real property as a base of operations and to secure owner cooperation in removing criminal elements from offending properties. The proposed project will target owners of properties that engage in assignation, prostitution, gambling, illegal sell or possession of alcohol/controlled substances/obscene or lewd material and where repeated actions of breeches of the peace are committed. Federal support is requested for 75% of the project costs. The project budget is \$73,000 beginning July 1, 1996, and continuing through June 30, 1997.

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A local matching contribution of \$18,250 is required by the grantee. This is a one year project. It may be eligible for additional expansion funding beginning July 1997. At the end of the grant period, the position of the nuisance abatement officer will be evaluated for consideration of continuation funding by the City.

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

OTHER BUSINESS

Greenway Planning

Ms. Erin McLoughlin, Urban Planner, said that City and County Planners and Parks people have been meeting concerning the potential for joint greenway planning and development. They have been gathering models and information from other cities as to how others have handled such cooperative ventures. Two of the top greenway planners in the county have agreed to meet with the City and County about this issue, at no cost. They would assess our situation and talk to us about greenway planning, moving on a "model" project and other critical issues like the formation of an interlocal agreement, financing, etc.

It was the consensus of City Council to invite the greenway planners to a breakfast meeting with City Council, Buncombe County Commissioners, RiverLink representatives, representatives from the different utilities, and appropriate staff, on Thursday, May 30, 1996, at 7:30 a.m. A place is yet to be determined.

BOARD AND COMMISSIONS:

It was the consensus of Council to instruct the City Clerk to arrange interviews for vacancies on the following boards and commissions: (1) Air Pollution Control Board; (2) Airport Authority; (3) Board of Adjustment; (4) Citizens/Police Advisory Committee; (5) Civic Center Commission; (6) Civil Service Board; (7) Downtown Commission; (8) Drug Commission; (9) Historic Resources Commission; and (10) Recreation Board.

CLOSED SESSION

At 7:05 Vice-Mayor Field moved to go into closed session as authorized by G.S. 143-318.11 (a) (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. This motion was seconded by Councilman Worley and carried unanimously.

At 7:20 p.m., Vice-Mayor Field moved to come out of closed session. This motion was seconded by Councilman Worley and carried unanimously.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 7:20 p.m.

CITY CLERK MAYOR