

Tuesday - June 3, 1997 - 3:00 p.m.

#### 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 Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

#### CONSENT:

Provisions for Possession & Consumption of Malt Beverages and/or Unfortified Wine at Riverfest 1997 at the RiverLink Bridge

Summary: The consideration of a resolution for the possession and consumption of open containers of malt beverages and/or unfortified wine for Riverfest '97 to be held on the RiverLink Bridge, June 28, 1997.

For the second year, Riverlink, Inc. will co-sponsor with the City of Asheville Riverfest '97 to bring attention to the current condition and activities along the French Broad River. Beginning in 1996, this event has been facilitated by the Parks and Recreation Department. RiverLink, Inc. has requested permission to allow possession and consumption of beer and wine during this event from 4:00 p.m. to 10:30 p.m. Beer and wine sales will end one hour before the time of closing.

The Asheville Parks and Recreation Department staff recommends approval of this request.

#### Extension of Parking Violations Management Agreement

Summary: Consideration of a proposal to extend the current Parking Violations Management Agreement between Complus Data Innovations, Inc. and the City of Asheville for two years, with options for two more one year extensions.

In April 1992 the City entered into an agreement with Complus Data Innovation, Inc. for parking citation services. The agreement was for a period of three years with two additional automatic one year extensions. Complus provides the City with data automation equipment (handheld ticket writing devices, bar code reader, desktop computer with parking citation management software and modem), communications links with Complus' nationwide citation management system, nationwide research of vehicle owners and addresses and mailing of delinquent citation notices. In exchange for these services, the City reimburses Complus a percentage of the revenue received from citations issued through the Complus system (14.5% for tickets issued to North Carolina registered vehicles and 20% for out of state vehicles). Estimated reimbursement to Complus in Fiscal Year 96-97 will be approximately \$33,000 and the proposed Fiscal Year 97-98 budget includes an appropriation of \$35,000. Complus' equipment and delinquent citation follow-up services have been instrumental in improving the City's parking citation collection rates and increasing associated revenues.

The proposed extension, under the same terms as currently in effect, is for a period of two years (through April 1999) with automatic options for two more one year periods.

Staff recommends City Council approve the proposed extension and authorize the

City Manager to execute the enabling addendum to the current agreement. -2-

## Speed Limit Changes

Summary: The consideration of changing speed limits on the following streets: Mt. Vernon Circle, Marietta Street, Frederick Street, Howland Road, Stockbridge Road, Madison Avenue, Lindsey Road and Montford Avenue.

The City Traffic Engineer has performed the necessary traffic analyses associated with the following locations as per the Manual on Uniform Traffic Control Devices and the North Carolina Supplement. We are seeking authorization from the City Council to change these speed limits.

### Establish 20 MPH

- (1) Mt. Vernon Circle (entirety)
- (2) Marietta Street (entirety)
- (3) Frederick Street (entirety)
- (4) Howland Road (entirety)
- (5) Stockbridge Road (entirety)
- (6) Madison Avenue (entirety)

### Establish 25 MPH

- (1) Lindsey Road (entirety)

### Establish 30 MPH

- (1) Montford Avenue (entirety)

These locations have been reviewed over the past 12 months as per the request of residents and motorists who utilize these roadways. Field surveys and speed studies were conducted and data reviewed based upon the 85th percentile speed, which is the speed at or below which 85 percent of the vehicles are moving. This speed is reviewed in relationship to the median speed and the pace speed range. The pace speed range is the range of speeds at which the largest concentration of motorists drive. These speeds were all reviewed to address the speeding problems in these areas.

#### 1. Montford Avenue:

A speed study was conducted along Montford Avenue per the request of citizens. The posted speed limit along this roadway is 35 MPH. The Speed Study indicates that the 85th percentile speed is 38 MPH and the pace range is 31-40 MPH. The residential nature of this roadway and it's width suggests that the safe operating speed limit should be 30 MPH. The Asheville Police Department concurs with our recommendations. We will continue to monitor this area for additional improvements.

#### 2. Mt. Vernon Circle:

A speed study was conducted along Mt. Vernon Circle per the request of citizens in this area. There is no posted speed limit along Mt. Vernon Circle. The Speed Study indicates that the 85th percentile speed is 23 MPH and the pace range is 16-25 MPH. The residential nature of this roadway and it's width

suggests that the safe operating speed limit should be 20 MPH. The Asheville Police Department concurs with our recommendation.

-3-

3. Lindsey Road:

A speed study was conducted along Lindsey Road per the request of the Asheville Police Department. There is no posted speed limit along Lindsey Road. The Speed Study indicates that the 85th percentile speed is 28 MPH and the pace range is 21-30 MPH. The residential nature of this roadway and it's width suggests that the safe operating speed limit should be 25 MPH. The Asheville Police Department concurs with our recommendation. We will continue to monitor this road for further improvements.

4. Stockbridge Road:

A Speed Study was conducted along Stockbridge Road per the request of citizens in this area. There is no posted speed limit on this roadway. The Speed Study indicates that the 85th percentile speed is 23 MPH and the pace range is 6-15 MPH. The residential nature of this roadway, it's alignment and width suggest that the safe operating speed limit should be 20 MPH. The Asheville Police Department concurs with our recommendation.

5. Marietta Street:

A Speed Study was conducted along Marietta Street as per the request of citizens in this area. There is no posted speed limit along this roadway. The speed study indicates that the 85th percentile speed limit is 28 MPH and the pace speed range is 21-30 MPH. The residential nature of this roadway and its width suggests that the safe operating speed limit should be 20 MPH. The Asheville Police Department concurs with our recommendations.

6 Frederick Street:

A Speed Study was conducted along Frederick Street per the request of the citizens of this area. There is no posted speed limit on this roadway. The speed study indicates that the 85th percentile speed is 23 MPH and the pace speed range is 16-25 MPH. The residential nature of this roadway and its width suggest that the speed limit be 20 MPH. The Asheville Police Department concurs with our recommendations.

7. Howland Road:

A speed study was conducted along Howland Road per the request of citizens. There is no posted speed limit along this roadway. The Speed Study indicates that the 85th percentile speed is 28 MPH and the pace speed range is 21-30 MPH. The residential nature of this roadway and its width suggests that the safe operating speed limit should be 20 MPH. The Asheville Police Department concurs with our recommendations.

8. Madison Avenue:

A speed study was conducted along Madison Avenue as per the request of citizens in the area. There is a 35 MPH speed limit posted along this roadway. The Speed Study indicates that the 85th percentile speed is 23 MPH and the pace range is 16-25 MPH. The residential nature of this roadway, its alignment, and its width suggests that the safe speed limit should be 20 MPH. The Asheville Police Department concurs with our recommendation.

The Public Works Department recommends the approval of these speed limit changes.

-4-

Mr. James Cheeks, Traffic Engineer, explained his traffic analysis regarding Montford Avenue and why staff was requesting the speed limit be reduced from 35 mph to 30 mph, when a petition was received requesting the speed be reduced to 25 mph. Some considerations were the width of Montford, parking on both sides of the street, the number of intersecting streets and the types of vehicles that use Montford. He felt that reducing the speed to 30 mph was the speed limit that would work best for Montford and at 30 mph we can get the maximum amount of police enforcement.

Vice-Mayor Field asked Mr. Cheeks to request NC DOT to place some "reduce speed limit" signs on Patton Avenue where the speed reduces quickly from 50 mph to 20 mph.

At the request of Mayor Martin, Mr. Cheeks explained the nature of some of the 44 accidents over 3-1/2 years on Montford Avenue.

Vice-Mayor Field asked Mr. Cheeks to check on a request she received from the Police Chief in Biltmore Avenue about reducing the speed on his road.

Upon inquiry of Councilman Hay, Mr. Cheeks said that there is now a flashing yellow and flashing red light at the intersection of Cumberland and Chestnut Streets. He will continue to monitor that intersection to see if it will warrant a four-way stop.

Ms. Fairfax Arnold, Montford resident, urged Council to lower the speed limit on Montford Avenue to 25 mph. She cited that there are a lot of children on the street traveling to the store, recreation center and Montford Park. She felt that Montford Avenue is conducive to speed and dangerous to children. She felt that 25 mph is a more appropriate speed for that street, regardless of whether it is hard to enforce or not.

Vice-Mayor Field suggested lowering the speed to 30 mph and then do another traffic study in 6 months to see if it warrants a further reduction to 25 mph.

Budget Amendment re: Delinquent State Novelty Tax

Summary: The Asheville Civic Center owes sales tax on novelties to the State of North Carolina in the amount of \$29,733.82 for which funding is not currently available.

Many events at the Asheville Civic Center include the sale of novelties. Sales tax is due to the State of North Carolina on the sale of such novelties. It has been the practice at the Civic Center to collect such sales tax from the novelty vendors. It is, therefore, the responsibility of the Asheville Civic Center to remit such sales tax to the State of North Carolina on a timely basis. For the period June, 1994 through February, 1997, the sales tax from novelties was collected from the vendors but not remitted to the State. The amount of such taxes due for the period is \$29,733.82 and is currently due and payable. Sales tax due since February, 1997 has been and is being remitted in a timely manner. The Civic Center is seeking additional funding in order to make the payment to the State of North Carolina for the back sales tax due as such funds are not appropriated in the current year. An appropriation of General Fund Contingency is required to meet the funding request.

-5-

Staff recommends the approval of the \$ 29,734 funding request by the Asheville Civic Center for the Fiscal Year 1996/97. This appropriation will leave a General Fund Contingency uncommitted balance of \$16,919.

Budget Amendment re: Historic Architectural Survey

Summary: The consideration of a budget amendment to update Asheville and Buncombe County's 1978 architectural survey.

Nearly 20 years ago, the City of Asheville and Buncombe County conducted a survey of our historic resources. That inventory included very few buildings and neighborhoods within the City of Asheville while many parts of Buncombe County were under surveyed. The N. C. Dept. of Cultural Resources has granted \$10,000 to HRC for a new architectural inventory. The City will match the grant with \$10,000 and HRC is requesting an additional \$10,000 from Buncombe County.

To better understand our development patterns and our historic areas such as: West Asheville, Kenilworth, Proximity Park, Victoria Place, Norwood Park, Shiloh, South French Broad, West End/Clingman, neighborhoods adjacent to McCormick Field, Beaver Lake, and Beverly Hills should be surveyed. Most of these neighborhoods reflect the lifestyles of the middle and working class citizens of Asheville during the late 19th and early 20th centuries.

In the county, Upper and Lower Hominy, Leicester, Limestone, Fairview, Avery's Creek, Broad River, Weaverville, and Black Mountain deserve documentation beyond the cursory work carried out in the 1978 survey. These areas represent a rural way of life that is quickly disappearing.

It is important that every community and neighborhood is proud of their cultural and architectural heritage. So many of Asheville's African-American neighborhoods were destroyed during the Urban Renewal era of this country. Only a handful of these neighborhoods --- Victoria Place, South French Broad, East End, and Shiloh remain intact and reflect the role blacks played in Asheville's development.

With the coming of the railroad in the 1880s Asheville and Buncombe County boomed. That economic boom encompassed four decades from the 1890s through the 1920s. It was not only the wealthy retirees, summer tourists, or those stricken with tuberculosis who came to Asheville and Buncombe County but also the working man and woman, who came in search of jobs. Our history was written on the working persons brow; their history, neighborhoods, and communities must also be respected and understood.

The survey will take about 10 months to complete. The survey will help with the identification of significant architectural and geographic features, settlement patterns, economic activities, population growth, characteristic architectural and land use features in our urban neighborhoods and rural communities. Detailed maps will be produced to show characteristics such as: age, land use, and architectural or historical significance. Every structure within the survey area will be photographed. Results of the survey will be published in a new edition of Cabins & Castles. Both the City and the County will share in the revenues derived from the sale of the book.

Funds have not been budgeted for this project. Therefore, a budget amendment, in the amount of \$30,000, will be required with an appropriation of \$10,000 for the City's participation in the cost, and -6-

also to recognize as revenue funds from the N. C. Dept. of Cultural Resources in the amount of \$10,000 and Buncombe County in the amount of \$10,000.

Staff recommends approval of the budget amendment.

#### Demolition of 94 Aurora Drive

Summary: The consideration of an ordinance directing that the Director of the Building Safety Department to demolish and remove the structure located at 94 Aurora Drive.

This structure is located in Kenilworth with an address of 94 Aurora Drive. Over the years, the Building Safety Department has received numerous complaints from neighboring property owners. The structure is a two-story conventional house that has been extensively damaged by fire resulting in substantial deterioration and dilapidation. The unfit structure repeatedly and continuously attracts vagrants as illegal occupants. The Code Enforcement Officer's efforts to eliminate this nuisance has been frustrated by the inability to locate the current owner and a lack of knowledge of the whereabouts of the record owner. After requesting assistance from the Legal staff and receiving same in July of 1995, notice to the absentee owner was mailed and a hearing was conducted before the Code Enforcement Officer on August 17, 1995.

Subsequent to the August 17, 1995, hearing, the Code Enforcement Officer was contacted by the owner's niece, Susan Medling Sansosti. Ms. Sansosti informed the Code Enforcement Officer that her Grandmother, Leila C. Medling was deceased and that her father and uncle were the heirs to their mother's estate. Ms. Sansosti further advised Code Enforcement Officer that she had talked with her father and uncle and they were both in agreement that the structure located at 94 Aurora Drive should be demolished. Ms. Sansosti applied for a demolition permit on 4/29/96 and started her search for a contractor. However, Ms. Sansosti stated that neither she nor her father and uncle were financially able to cause the structure to be demolished and removed. Ms. Sansosti stated that she, her father and her uncle had no problem with the City immediately proceeding with the demolition of the structure. John David Medling and Donald Eugene Medling along with their wives, have executed appropriate forms to allow the City to dispense with all further procedures required by law to protect the interest of the property owners. Donald Eugene Medling and John David Medling desire for the City to immediately proceed with the demolition and removal of the structure and to place a lien against the property for the cost of the demolition. The Historic Resource Commission has been contacted and have no interest.

#### General information:

- Fair market value of house is \$26,800.00.
- Value to rebuild the house only is \$82,524.00.
- Land value without the house is \$18,500.00.
- Estimated cost to demolish is \$13,500.00
- The Affordable Housing Agencies were notified.

The Building Safety Director recommends adoption of an ordinance directing the demolition of 94 Aurora Drive.

#### Demolition of 116 Clingman Avenue

Summary: Consideration of a resolution setting a public hearing on June 24, 1997, to demolish 116 Clingman Avenue.

-7-

#### Demolition of 20 Galax Avenue

Summary: Consideration of a resolution setting a public hearing on June 24, 1997, to demolish 20 Galax Avenue.

#### Demolition of 72 Clingman

Summary: Consideration of a resolution setting a public hearing on June 24, 1997, to demolish 72 Clingman Avenue.

Mayor Martin asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda.

#### JUNKED VEHICLE TEAM PRESENTATION AND ORDINANCE

Ms. Julia Cogburn, Planning & Development Director, introduced members of the Abandoned and Junked Vehicles Process Management Team who presented Council with amendments to the current ordinance which will improve the enforcement process.

A Process Management Team organized and started meeting in October to examine the existing processes regarding enforcement of our ordinances concerning junked and abandoned vehicles. The team was to recommend measures for improving the purpose, effectiveness and efficiency of these processes.

The Team reviewed in detail and flow charted the current process. The team then identified that the current ordinance needed revisions in order to address the following issues:

- Too many Departments involved in the process;
- The time frame for actions was too long;
- Communication with customers could be improved;
- The appeal and towing process needed some revisions.

The Team recommends that the Building Safety Department be removed from the process, and that the Planning & Development Director and Chief of Police shall be responsible for the overall administration and enforcement of the ordinance. The Zoning Division of the Planning & Development Department will be responsible for the inspection and communication of violations with the vehicle or property owner(s). The Police Department will be responsible for administering the removal and disposition of vehicles from either public or private property when required.

Individual team members then gave an overview of the flowchart of the current process, the flowchart of the proposed process and outlined the major changes to the ordinance, those being, the change in the administration of the ordinance, change in the notice provisions and change in the hearing process..

The team recommended that the effective date of implementation of the ordinance be July 1, 1997.

Assistant City Attorney Martha McGlohon responded to questions relating to the

sale and disposition of unclaimed vehicles, noting that disposition of the vehicle by the tow truck operator or towing business shall be carried out in accordance with state statutes.

Vice-Mayor Field expressed concern about vehicles being tagged as junked that are being restored or used for parts. Ms. McGlohon said -8-

that the Zoning Enforcement Office will have to make those determinations.

Ms. Cogburn said that in addition to the notice affixed to the windshield, a courtesy notice of violation will be either hand delivered or sent to the owner.

Upon inquiry of Councilman Worley, Ms. McGlohon said that the definition of "Aesthetic junked motor vehicle" and "Junked motor vehicle" come from the state statutes.

Vice-Mayor Field that it was positive step that we do not charge for the towing of the vehicles in that some people may want to get rid of their vehicles but don't know how.

City Manager Westbrook felt that this ordinance will be a model for the state and will meet the expectations of the community.

Mayor Martin asked that the record show that City Council has

received this information and instructs the City Manager to place this item on the next formal City Council agenda.

RECOMMENDATION FROM THE CIVIC CENTER TASK FORCE COMMITTEE ON THE FUTURE OF THE CIVIC CENTER - HUNTER INTERESTS INC. PROPOSAL AND BUDGET AMENDMENT

Councilman Hay, also Chairman of the Task Force on the Future of the Civic Center, reported that on November 19, 1996, the Task Force on the Future of the Civic Center gave its first report to City Council. Among other things, the Task Force reported that it had found that the community sees the need for the continuation of a multi-purpose civic center, essentially as we have now, although major improvements are necessary and, further, due to limitations in the existing facility, we stand to lose events which could be of economic benefit to the community and could help pay for the operation of the Civic Center. The Task Force recommended that City Council direct the Task Force to proceed on the premise that Asheville needs a multi-purpose civic center which can also generate economic benefits for the community, and that the Task Force be authorized to commission a market analysis which would demonstrate which economic opportunities, if any, are being lost and what would attract and/or hold them.

City Council adopted the recommendations of the Task Force, and the Task Force has proceeded under that authority. The primary focus of the Task Force's efforts during the last several months has been to identify and engage a consulting group which could conduct a market analysis. A national search has been conducted by the Task Force, which began with attendance by two of the Task Force members at a conference conducted by the National Council for Urban Economic Development in Tempe, Arizona, entitled "If You Build It, Will They Come?". The report from those Task Force members, which included information regarding the types of consultants available and the nature of similar efforts in other communities, served as the beginning point for the Task Force's search for an appropriate consultant.

The Task Force reviewed proposals and information from as many as 40 different



consulting groups throughout the country, and eventually interviewed four groups. After careful consideration of credentials and past performances, information gathered in interviews, and the specifics of the proposals made by the various groups, the Task Force recommended the engagement of Hunter Interests Inc., of Annapolis, Maryland. -9-

The Task Force members attending the conference in January met Mr. Don Hunter at that time, and added his firm to the list of as a result of that initial contact. Since that time, Hunter Interests Inc. has met with the Task Force twice and submitted the proposal which is before City Council at this time.

The Task Force is looking for a number of things in a consultant. The Task Force believed that it needed a consultant with a national reputation whose report would be credible not only to our community but also to potential lenders and others who would use the report to make future plans. The Task Force also believed that it was essential that the group understand our community, have experience with similar projects, and appreciate the scale and needs of our Civic Center. Finally, it was of importance to the Task Force that it have a good personal relationship with the individuals with whom it would be working. Hunter Interests Inc., and in particular the representatives of the company who met with the Task Force, met each of these criteria.

Hunter Interests Inc. has a long resume of both consulting and development projects. Among those of the most interest to the Task Force were the work the company had done with the Roanoke Convention and Conference Center and the Tallahassee, Florida Civic Center expansion. Those projects were for cities similar in size to Asheville and resulted in creative solutions which were specific to the needs of those communities.

Hunter Interests Inc.'s proposal is broken into two phases, as requested by the Task Force. In the first phase, it will conduct a

market overview to understand and identify the markets offering the greatest use of the Civic Center, as well as a summary of the competitive issues which should be taken into consideration. The second phase is a detailed market analysis, including a report and presentation with recommendations and proposed projects.

The Task Force believes that Hunter Interests Inc. represents the best choice for conducting the market analysis authorized by City Council, and recommends that City Council engage it on the terms outlined in the proposal.

Upon inquiry of Mayor Martin, City Manager Westbrook said that the budget amendment, in the amount of \$35,000, is for both phases and if phase two is not implemented, the money will not be spent.

Upon inquiry of Councilman Cloninger, Councilman Hay said that the analysis would be completed within four-five months after execution of the agreement.

RESOLUTION NO. 97-82 - RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS FOR THE MAYOR AND COUNCIL MEMBERS AND SETTING A PUBLIC HEARING THEREON

City Attorney Oast said that at the direction of City Council, he prepared two versions of a resolution of intent to adopt an ordinance amending the City's Charter in order to provide for four-year staggered terms for City Council. One resolution provides for four-year terms for those Council members other than the Mayor; the other one provides for a four-year term for all members of Council, including the Mayor. As proposed in the resolutions, the terms of three Council members would expire every two years. Under the first resolution,

the Mayor's term would expire every two years so that, in every election, four seats on the Council would be open. The second resolution would stagger the - 10-

terms of Council members in the same way, but the Mayor's term would only expire every four years.

Determining which Council Members serve four years and which serve two years depends on who receives the highest vote total in the 1997 election. In the second draft resolution, whether the Mayor's next term is two or four years also depends on the number of votes received.

The statutory authority for amending the City's Charter to change its form of government in this way is contained in G.S. 160A-101. Section (4) of that statute makes specific provisions for four-year staggered terms.

G.S. 160A-102 provides that the changes authorized by G.S. 160A-101 may be made by adopting an ordinance following a public hearing, which hearing must be held between 10 and 45 days after adoption of the Resolution of Intent. The Resolution, if adopted, should also set the date of the public hearing, and both versions contain language to that effect. The ordinance may not be adopted at the public hearing, but may be adopted as early as the next regular meeting after the public hearing. The statute provides, but does not require, that such ordinances may be effective only if approved by a vote of the people, and further provides that a special election may be called for that purpose within 90 days.

Notice of adoption of the ordinance must be published within ten days after its adoption. The only timing requirement contained in the law is that the ordinance must be finally adopted and approved at least 90 days before the first election held thereunder. Election day in 1997 is November 4 and the primary is October 7, which means that final action on the ordinance should probably be taken not later than July 9, 1997. However, the filing period for the 1997 election opens on July 7, and it is recommended that Council take final action on or before that date, to avoid any claim that individuals seeking election did not know the length of the terms when they filed.

With the above-stated time restrictions in mind, Council may adopt a Resolution of Intent at this worksession. Council's rules need to be waived, however, in order to consider and adopt this Resolution at this work session. A public hearing could not occur until after June 13, and the week of June 16 would be an appropriate time for that hearing. Since Council has a work session scheduled for June 17, which is more than 10 days from your June 3 work session, that would be an appropriate and legally acceptable date for the public hearing.

The ordinance may not be adopted at the public hearing, but may be adopted as early as the next regular meeting after the public hearing, which would be Council's formal session on June 24. Notice of adoption of the ordinance must be published within 10 days of its adoption.

He then passed out draft ordinances giving effect to each of the forms described in the resolution.

Upon inquiry of Councilman Hay, City Attorney Oast said that City Council could adopt the resolution of intent today setting a public hearing to consider an ordinance amendment. Following the public hearing Council can make a decision when adopting the ordinance about whether to make it subject to a referendum of the people.

-11-

Mayor Martin spoke in support of four year staggered terms and explained that it would accomplish continuity, be less expensive to run for City Council and make the Council more efficient. He also spoke in support of the Mayor's position being a four year term. He felt it would weaken the Mayor's position and further politicize the Mayor's position to keep it two years. He felt four year terms was important for the stability of our government.

Vice-Mayor Field said that she voted against this issue last time it was before City Council because she said that we are a representative democracy and we give the citizens a right to vote and have a voice every two years. She has also heard from several people to reduce the cost of elections and agreed with the Mayor that it will be less expensive in the election process. She also felt that in the balance of things, if the Council is four years staggered and the Mayor is two years, that means that every two years the community gets the opportunity to vote the majority of Council members off of City Council. However, another balancing factor is the equation is the concern of politicizing the Mayor's race.

Councilman Worley said that he leaned towards going to four year terms, however, he was concerned about the manner in which Council will proceed. He realized Council could put it to a referendum and maybe that's the best way, but he wasn't certain. He wanted to wait to see what kind of public response Council receives and encouraged public response by letters, telephone calls and comments at the public hearing. He asked for guidance from the community on whether Council should go ahead with four year terms effective in this fall election or put it on the ballot.

City Attorney Oast noted that a petition by 5,000 registered voters could put the issue on the ballot. That would probably delay the effective date until 1999.

Councilman Skalski strongly recommended this matter be placed on the ballot and ask for comments from the public. He referenced three national polls that show city and local government have a very low trust factor. He also suggested discussing the possibility of district elections.

Vice-Mayor Field stated that the campaign finance reform organizations have voiced their support for four years terms, staggered or not.

Vice-Mayor Field then moved to waive the rules and take formal action on this item at this time. This motion was seconded by Councilman Sellers and carried unanimously.

The record should reflect that City Council previously received a copy of the resolution and it would not be read.

Councilman Worley moved adoption of the resolution of intent which provides for a four-year term for all members of Council, including the Mayor, with said four-year term for the Mayor beginning in 1997. This motion was seconded by Councilman Cloninger.

At the request of Councilman Skalski, Councilman Worley amended his motion to adopt the resolution of intent setting a public hearing for June 17, 1997, which provides for a four-year staggered term for all members of Council, including the Mayor, with consideration being given at said public hearing to the issue of whether to submit the ordinance -12-

to a referendum. Councilman Cloninger agreed to the amended motion and said

motion carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE 84

LEASE AGREEMENT FOR DESIGN AND INSTALLATION OF HVAC EQUIPMENT FOR THE CIVIC CENTER

Mr. Lyle Willis, Contract Administration, asked for Council consideration of entering into a lease agreement for the design and installation of HVAC equipment and energy-saving measures for lighting retrofit for the Asheville Civic Center.

Approximately two months ago, City staff became aware that the existing HVAC system for the Asheville Civic Center arena is on the verge of breakdown due to age and wear. Several options were explored, including lease-purchase method vs. an operating lease of new equipment.

First explored was the lease-purchase agreement. This was conducted by request for proposals from design-build firms to furnish the design, specifications, and quality assurance of construction for installation of energy-saving components for lighting and heating/ventilation/air-conditioning aspects of the Civic Center arena; and to finance and install these energy-saving components through a lease-purchase contract for an eight-year duration.

Due to the lack of response to this RFP and the length of time to re-advertise for proposals required by North Carolina General Statutes regarding "contracting," the lease-purchase method was ruled out, and an operating lease agreement was negotiated with Carolina Power & Light to provide the design and installation of a new HVAC system. CP&L also has offered as part of this lease to retrofit the Civic Center's existing lighting to provide a better and more energy-efficient lighting arrangement for the arena, lobby area and parking structure.

The highlights of the lease agreement are provided in the lease agreement proposal letter from CP&L covering scope of work, financing costs, payment schedule and basic terms.

Funding for this project will be obtained through the Civic Center's operating budget.

Staff recommends that the City Manager be authorized to enter into a lease agreement with Carolina Power & Light to lease for the design and installation of HVAC equipment and energy-saving measures for lighting retrofit for the Asheville Civic Center.

Upon inquiry of Councilman Hay about the impact of this lease agreement regarding the detailed analysis to be performed on the future of the Civic Center, Mr. Willis didn't feel that this would be a concern.

Discussion surrounded the other alternatives and reasons why staff felt this was the best approach at this particular time, which included a financial advantage.

Mayor Martin asked that the record show that City Council has received this information and instructs the City Manager to place this item on the next formal City Council agenda.

OTHER BUSINESS

Minimum Housing Code Enforcement

City Attorney Oast said that he would be happy to address specific questions regarding the building inspection program with City Council in closed session.

All American City

Mr. Richard Nantelle wished City Council the best of luck in their efforts to obtain the designation of All American City.

Councilman Worley stated that whether or not Asheville receives the award, Asheville is the All American City.

Council members thanked Ms. Robin Westbrook and the Chamber of Commerce for their efforts in trying to achieve this designation.

CLOSED SESSION

At 5:03 p.m., Councilman Worley moved to go into closed session for the following reasons: (1) to establish or to instruct the City Council's staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease. Statutory authority is G.S. 143-318.11 (a) (5); and (2) to consult with an attorney employed or retained by the City Council in order to preserve the attorney-client privilege between the attorney and the City Council - Statutory authority is G.S. 143-318.11 (a) (3). This motion was seconded by Councilman Sellers and carried unanimously.

At 6:30 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Councilman Sellers and carried unanimously.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:30 p.m.

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CITY CLERK MAYOR

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