

Tuesday - December 12, 1995 - 2:10 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 William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

#### REPORT FROM COMMON COMMUNITY VALUES COMMITTEE

Mr. Clark Olsen, Chair of the Common Community Values Committee ("CCVC"), stated that this Committee was appointed by the Buncombe County Commissioners in the spring of 1994 with their purpose being to find some way to create a sense of common values and community among the people of Buncombe County. He then summarized the accomplishments of the Committee as follows: Enlisted support of community leaders, developed a statement of common values, and integrated the question of common values and sense of community into the Asheville/Buncombe Visioning and Strategic Plan. Their recommendations for Council action are: Urge adoption of the Vision and Strategic Plan, with a recommendation that the list of Common Values be included in the Vision and Plan, and that the work of the CCVC be extended through that plan; and urge Council to commit the City government to these listed Common Values, and to develop a plan to assess and upgrade current City services so that they are consistent with the values.

Mr. Olsen then answered various questions from Council, some being, but not limited to, what was Asheville residents participation; who participated in the community meetings; how was the community notified of the meetings; how was the Committee going to ask the general public to carry out the common values; and what other cities have experienced.

Mayor Martin thanked Mr. Olsen and the other Committee members and voiced support for the common values.

Upon inquiry of Mr. H.K. Edgerton, Mr. Olsen said that there was no cost to the City in any direct way.

#### NUCLEAR WASTE TRANSPORTATION

Mr. David C. Hester, CP&L's Asheville District Manager, gave a brief synopsis of H.R. 1020 (Nuclear Waste Policy Act of 1995). The main thing that H.R. 1020 would do is direct the Secretary of Energy to establish an interim nuclear waste storage facility, accessible by rail, at the Nevada Test Site (Yucca Mountain) and begin accepting nuclear waste no later than January 31, 1998. He said the Bill streamlines construction and licensing of the facility noting that it does not identify transportation routes. He then went through a fact sheet noting that safety is top priority in transporting high-level nuclear waste. In the last 30 years, more than 2,000 shipments of spent nuclear fuel have been made in the United States and never has there been an accident resulting in released radiation. He explained several items, some being, but not limited to, an environmental impact statement to be completed, federal funding to be provided to affected units of local government, and rail routes approved by the Department of Transportation. He then showed a brief safety video on nuclear waste transportation. He summarized by requesting City Council not take any action that would oppose or jeopardize H.R. 1020 or any companion

Bill on the floor. -2-

Discussion surrounded questions from Council as they related to how much of Asheville's actual electrical power comes from nuclear sources; what is the current status and projection of nuclear power plants; how is Asheville equipped locally to respond in the event of an accident; why, if any transportation is through Asheville, will it be on rail; and isn't low level radiation from the casts already occurring.

Ms. Leni Sitnick said the reason the nuclear industry is asking the states to allow the shipment is because the pools that contain the rods are filling up. There has been almost four decades of neglect regarding these wastes. There has been no money, little technology and no demonstrated storage facilities that have worked. She felt that H.R. 1020 speeds up the construction and licensing and eliminates public input. It will allow politicians to set the safety standards. If an accident occurs, the only thing that local emergency management people can do is set up a road block. With nuclear substances we are all at the whim of the wind. Regarding rail transport, she reminded Council of the terrorist attack on a train in the desert not long ago. Nuclear waste transport is bad for the economy and bad for tourism. She stressed the need to leave the high level fuel rods at the nuclear power plants where they're stored now because the safeties are already in place. She feels that instead of interim storage facilities, we should stop generating the waste and start putting the money into research. She urged Council to oppose H.R. 1020 and consider public health and safety. She noted that the environmental impact statement won't be required until after the interim storage facility is already constructed and has begun operation. She felt it would be foolish to spend billions of dollars to construct the facility and then not license it. She said that federal funding would not come to Asheville because Asheville would not be an "affected unit of local government" as that term is defined in H.R. 1020. Even though no accidents have occurred, with the higher speeds on the highway there is an increased likelihood of an accident. She implored Council to read all the material and listen. Let's say no to an industry that has no boundaries on the waste it generates.

Mr. Ron Lambe, representing the WNC Alliance, read a letter from the Chair, dated December 8, 1995, urging City Council to follow the example set by the Buncombe County Commissioners and pass a resolution opposing H.R. 1020 and all similar legislation which would require high level radioactive waste transportation near or through Asheville. The letter, in part, reads that the transportation of radioactive materials continues to be a concern for our region as I-26 is already one of the most heavily traveled routes in the country for military radioactive materials. H.R. 1020 poses a major health threat to the citizens in Asheville and a possibly overwhelming burden on the emergency response crews. There are also serious liability concerns as well as potential adverse effects on tourism in Asheville. Should the Bill be enacted, it would be very difficult to amend or repeal it. The best defense is to go on record and send a message to our congressional delegation that this Bill is not in the best interests of the citizens of Asheville. It will cost nothing to assert some early preventive measures, and you may save the City a great deal of trouble and costs down the line.

Ms. Mimi Cecil, member of the National Board of Environmental Defense Fund, urged Council to oppose H.R. 1020 and questioned if the notification procedures were sufficient. She felt that if this matter ended up in Court, then maybe the Bill could be improved.

Ms. Kitty Boniski, Environmental Chair for the League of Women Voters (although not speaking on behalf of League), spoke in opposition -3-

of H.R. 1020 stating that on-site storage is the way to do until such time as the real problems can be addressed.

Ms. Clark, Women's International League for Peace and Freedom, (although not speaking on behalf of them), noted that H.R. 1020 leaves a lot of things to be determined later; however, we should be concerned about them now.

Dr. Tim Takaro noted several reasons that this Bill should be opposed, noting that the primary consideration should be public health.

Upon inquiry of Councilman Hay about this being a symbolic act, Ms. Sitnick said that if every community adopted a resolution opposing H.R. 1020, it would show our congressional delegation that this is not the way we should be dealing with high level nuclear waste. We, as a nation, need to wake up and begin to address nuclear waste issues. She suggested Council take their time to review the information presented, but implored them to oppose H.R. 1020.

Councilman Skalski noted that regardless of the way it's done, we, as taxpayers, are going to have to pay for it. He said that he had serious reservations about the way of transportation. He felt that since Council has just received this information (prior information being given to the former Council), he felt more time was necessary to thoroughly investigate both sides.

#### CLOSED SESSION

At 3:23 p.m., Vice-Mayor Field moved to go into closed session to consult with the City Attorney in order to preserve the attorney-client privilege, as authorized by G.S. 143-318.11 (a) (3) and to establish the City's position regarding the acquisition of real property on the southside of Aston Street, as authorized by G.S. 143-318.11 (a) (5). This motion was seconded by Councilman Sellers and carried unanimously.

At 4:20 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Councilman Sellers and carried unanimously.

#### TCI CABLE TRANSFER FROM UACC MIDWEST INC. (d/b/a TCI CABLEVISION OF ASHEVILLE) TO BRENMOR CABLE PARTNERS, L.P.

Ms. Patsy Meldrum, Assistant City Attorney, said that this action would consider the request for a transfer of the franchise for cable television from UACC Midwest, Inc. (d/b/a TCI Cablevision of Asheville) to Brenmor Cable Partners, L.P.

TCI Cablevision of Asheville ("TCI") is owned by UACC Midwest, Inc. TCI sent a letter dated August 30, 1995, to the City Council advising it that UACC Midwest, Inc. had entered into an "Asset Exchange Agreement" pursuant to which the assets of UACC Midwest, Inc. regarding the cable television system would be transferred to Brenmor Cable Partners, L.P. ("Brenmor"). In the letter TCI requested approval of the transfer.

Federal law provides a 120-day period for the City of Asheville to act upon the request for approval of the ownership transfer. The 120-day time period begins with the date the City of Asheville received the request of TCI for the transfer (August 30, 1995). The end of the 120-day period for the City of Asheville would be December 28, 1995. -4-

If the City Council does not act on the transfer request before December 28, 1995, the transfer is deemed approved under federal law, unless all the parties agree to extend the time period for consideration of the approval request. The City Council may approve the transfer, approve it with conditions, deny

approval of the transfer or agree to an extension of the time period to consider the transfer request.

As required by federal law, TCI and Brenmor submitted an application for the City's consent to the transfer on Federal Communication Form 394 ("FCC 394") with the August 30, 1995, letter. On that form, Brenmor must provide certain certifications regarding its legal, financial and technical qualifications to operate a cable television system.

As part of that application process, Brenmor also submitted certain financial statements. After a review of those statements, City staff requested financial statements from InterMedia Partners, who will be the General Partner of Brenmor.

The City Council previously authorized contracting with a consultant to assist us in the renewal of our franchise with TCI. That consultant is Rice, Williams Associates. As part of their services, they performed a compliance analysis to determine whether or not TCI has complied with the franchise requirements. In that some issues remain about the compliance of TCI with the franchise requirements, Rice, Williams Associates recommends that any transfer approval include certain conditions to address those compliance issues.

The City Attorney's Office compiled the information received regarding the legal, financial and technical qualifications of Brenmor. Based upon the collection of that information, a letter was sent to TCI and Brenmor on December 1, 1995, requesting a response to issues raised therein. In response to that letter, a meeting to address those issues was held earlier today with representatives of TCI, Brenmor (and InterMedia), the City and Buncombe County.

As of this date, the City is awaiting further information from Brenmor regarding the legal qualification standards. Pending receipt and review by the City's legal staff prior to December 19, 1995, the legal qualification standards will hopefully be met.

As far as the technical standards, Rice, Williams Associates will be doing more tests after the first of the year. City staff reviewed references from other franchising authorities regarding the ability of Brenmor (InterMedia) to provide services to cable television subscribers. Except for Greenwood, South Carolina, and Blount County, Tennessee, other authorities were generally pleased. Ms. Meldrum reported that Brenmor will probably meet the technical standards.

With regard to the financial qualifications, the City's Finance Director is out of town and unable to review the addition information Brenmor provided to the City yesterday. Therefore, Brenmor has agreed to provide the City with financial help from the City's audit firm of Crisp, Hughes & Co. At this point, Ms. Meldrum was unable to give Council any opinion on whether Brenmor can meet the financial qualification standards.

Ms. Meldrum stated that on December 19, the City Council may approve the transfer without any conditions, approve it with conditions, -5-

or deny approval of the transfer with findings that Brenmor failed to meet either the legal, technical or financial standards, or both parties may agree to an extension of the time period to consider the request.

Mr. Bruce Stewart, general counsel from InterMedia, spoke about the commitment which will be made by Brenmor in the southeast area. InterMedia is committed to continuing the renewal process of the franchise agreement. He stated several advantages of transferring the system to Brenmor.

When Vice-Mayor Field asked TCI General Manager Dan Martin why TCI wanted to sell this franchise, Mr. Martin said it was basically for competitive strategy.

Mr. Stewart then answered various questions from Council and the public about Brenmor's possible willingness to have City Council meetings televised, what their position is on the re-building of the system, and Brenmor's plans as it relates to Internet access.

Mayor Martin urged Mr. Stewart to work with Ms. Meldrum in clearing up any of the outstanding issues regarding this request prior to December 19, 1995.

#### SMALL AREA PLAN FOR WEST END/CLINGMAN AVENUE

Mr. Paul Benson, Urban Planner, said that in October of 1994 the City Council directed the staff to prepare a neighborhood plan for the "Chicken Hill" area. Since that time the staff, with the guidance of a ten person steering committee, has conducted a planning process for that area. As a result, a draft plan has been prepared and endorsed by the steering committee. If this plan is adopted, it would be an amendment to the City's comprehensive 2010 Plan.

During the planning process, a residents survey and six community meetings were held to obtain public input. The Planning & Zoning Commission held a public hearing on the plan on October 11, 1995.

The steering committee, has endorsed the draft plan. The Planning staff recommended adoption. The Planning & Zoning Commission, by a vote of 4 in favor, 2 opposed and 1 abstention, voted to recommend that the plan not be adopted.

Mr. Benson then showed Council a slide program of the area and answered various questions from Council.

Councilman Skalski suggested adding language in the plan that encouraged home ownership and the maintenance of those homes. Mr. Benson said that he would be happy to work with Councilman Skalski in adding that language.

On behalf of Council, Mayor Martin thanked the Planning staff, as well as the Steering Committee, for all the work that went into preparing this plan. He recognized three of the Steering Committee members in the audience - Ms. Karen Cragolin, Mr. Howard Hanger and Mr. Brian McCarthy.

It was the consensus of Council to proceed with appropriate action at the next formal Council meeting, said action being to set a public hearing.

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#### PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT

Ms. Pat Leckey, City Accountant, presented City Council with the Comprehensive Annual Financial Report for the City of Asheville. As required by G.S. 159-34, outside auditors Crisp, Hughes & Co, L.L.P., of

Asheville, N.C., performed an audit of the City of Asheville for fiscal year ended June 30, 1995. They gave the City a "clean" audit opinion.

#### AUTHORITY TO CITY MANAGER TO APPROVE ADMINISTRATIVE SETTLEMENTS FOR ACQUISITION OF REAL PROPERTY

Mr. Ed Vess, Coordinator of Field Services, said that the acquisition of real property under the power of eminent domain is often a necessary tool in

carrying out projects for public purposes. That is especially true of redevelopment projects. The use of federal funds for such acquisition requires compliance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 ("Uniform Act"), as amended. It is desirable, as well as required by Uniform Act Regulations, that every reasonable effort be made to acquire real property expeditiously by negotiation. However, it is sometimes not possible to obtain an agreement to sell at the established just compensation. As an alternative to judicial resolution of a difference of opinion on the value of property, the Uniform Act Regulations permit the purchase price to exceed the amount offered as just compensation when reasonable efforts to negotiate an agreement at that amount have failed and an authorized agency official approves such administrative settlement as being reasonable, prudent and in the public interest.

The authorization of the City Manager to approve administrative settlements will expedite the settlement process and eliminate the need to take those settlements which have very minor financial impact to City Council. Settlements having greater financial impact or sensitive circumstances may still be referred to City Council as the City Manager deems appropriate.

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

AUTHORITY FOR CITY STAFF TO EXECUTE DOCUMENTS RELATION TO HOUSING REHABILITATION LOANS

Mr. Ed Vess, Coordinator of Field Services, said that the administration of rehabilitation loans requires the execution of various documents from time to time such as insurance checks and releases related to payment of damage claims on property for which the City holds a deed of trust, subordination agreement documents, loan assumption documents, final inspection certificates, and foreclosure documents. Loans paid in full must be marked paid and satisfied and canceled of record.

The authorization of the Planning and Development Director and the Community Development Director to execute those documents, after ascertaining that the City's interest has been protected, will expedite the process and allow the City to respond more quickly and efficiently to customers.

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

AUTHORITY TO CITY MANAGER TO LEASE OR RENT CITY PROPERTY FOR TERMS OF ONE YEAR OR LESS

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Mr. Ed Vess, Coordinator of Field Services, said that from time to time the City receives offers to lease City property for various purposes on a temporary basis. The lease or rental of City property for short periods of time is consistent with sound property management when such use of the property and the income derived is appropriate. Under

G.S. 160A-272 the City Council may delegate authority to the City Manager to lease or rent City property for terms of one year or less. Delegating authority for short term leases and rentals to the administrative level will result in the more efficient use of time for administrative staff as well as City Council.

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

formal Council meeting.

AUTHORITY FOR CITY STAFF TO EXECUTE DOCUMENTS RELATING TO THE SALE OF REDEVELOPMENT LAND

Mr. Ed Vess, Coordinator of Field Services, said that the sale of redevelopment property other than non-buildable parcels requires that the redeveloper (purchaser) complete certain improvements on the property, i.e. constructing or rehabilitating a structure, in accordance with the redeveloper's construction plan for the property which is approved by the City prior to conveyance. The contract for sale of land and the deed of conveyance contain reversion clauses which provide for the reacquisition of the property by the City should the redeveloper fail to complete the improvements. The reversion clauses in the contract and deed prevent the sale or mortgaging of the property (except for construction financing) until the improvements have been completed and the contract further provides that a Certificate of Completion be issued to evidence the satisfactory completion of the improvements. It is the responsibility of the redeveloper to request the Certificate of Completion. In many cases an impending sale or refinancing are contingent upon the Certificate of Completion when the request is made.

The authorization of the Planning Director and Community Development Director to execute the Certificates of Completion after ascertaining that the improvements have been completed will expedite the approval process and allow us to respond more quickly and efficiently to our customers.

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

PHASE I ENVIRONMENTAL STUDY FOR SOUTH PACK SQUARE

Mr. Marvin Vierra, Community Development Director, said that the Eagle/Market Streets Development Corporation has requested that a Phase I environmental site assessment be developed for the South Pack Square Redevelopment Area (22 acres). The Assessment will be in accordance with standard minimum requirements established by ASTM E-1527 - Standard Practice for Environmental Site Assessments. The Assessment will determine if there is potential for possible hazardous material in the area. Proposals for conducting the Assessment were received from four firms and reviewed by the City's Housing and Community Development Committee. The Committee recommends contracting with Froehling and Roberson, Inc., which is a certified minority business and submitted the lowest cost based on the work requested by the City.

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

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PHYSICIAN SERVICES CONTRACT

Mr. John Miall, Risk Management Director, said that this resolution will authorize the City Manager to sign an agreement for physician services through the Health Services Division effective 1-1-96, for a period of 6 months.

In January, 1995 the staff reported to Council that the Health Services Division was one of several areas to be considered for privatization. Since that time an assessment of the existing operation has been undertaken by an outside source with expertise in the health care field.

Several months ago the City sent out an RFP to all primary care physicians in

the community asking for proposals and costs for providing direct care through the City's Health Services office. The proposal included the provision of basic health care to dependents of employees as well.

Dr. Paul Martin has provided us with a proposal to meet all of our needs in this regard. After a six month period of his being on-site at designated hours, an evaluation of the cost-effectiveness of this arrangement will be conducted by staff, the consultant, and the City's administrator for its health benefits program. If the evaluation indicates significant cost savings over the period of the contract, a plan to privatize the operation and locate it off-premises will be developed.

The previous assessment of the current operation indicates that after accounting for prevailing market rates for health services, and factoring in the cost of the Health Services Division, that annual savings for health care last year were approximately \$94,000.

The proposed agreement here will cost the City \$36,000 for six months. This money will come from the accrued reserves in the Employee's Health and Benefits Trust Account, and will require no appropriation from the City.

At the present time the division is staffed by a full time nursing supervisor, and a part time registered nurse. The part time position was filled last spring upon the resignation of the second of two full time positions previously filled, and represents staff's effort not to fill the second nurse's position with a full time person until this effort at privatization is fully evaluated. If this effort is successful, we anticipate one of the nursing positions being retained in the Personnel Department to manage the contract for services, and to supervise the medical services provided as part of the evolving managed care system. This should avoid the displacement of any full time employees if the function is finally privatized.

Staff, the consultant, and the Operation's Advisory Committee all recommend the adoption of this resolution.

When Vice-Mayor Field inquired about a possible joint venture with the County, City Manager Westbrook said that first we need to see if the process works with the City.

Mr. Mike McManus, President of Strategic Planning and Research Consultants, and Mr. Miall answered questions from Mr. H. K. Edgerton as they related to soliciting minority businesses in this field.

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

#### COUNTY APPOINTEES VOTING ON CITY ISSUES

Ms. Julia Cogburn, Planning Director, said that City Council requested information on the issue of County appointees to the Board of Adjustment and the Planning & Zoning Commission.

Several months ago staff provided Council with a report on the extraterritorial jurisdiction. This report outlined the purpose behind and authority to exercise extraterritorial land use regulation jurisdiction.

In the report it was noted that Buncombe County has appointed representation on both the Board of Adjustment and the Planning & Zoning Commission. In G.S.



160A-362, it is set forth that when a city elects to exercise extraterritorial zoning or subdivision regulation powers, it shall in the ordinance creating or designating its planning agency(ies) provide a means of representation for residents of the extraterritorial area to be regulated - both on the planning board and the board of adjustment. The statutes provide that the County representatives may have the same rights, privileges and duties as other members of these boards, or they may function only with respect to matters within the extraterritorial area. The statutes do not set forth the number of representatives required.

In Asheville, the composition of the Planning & Zoning Commission and the Board of Adjustment is as follows. Planning & Zoning Commission: Seven members - five appointed by City Council and two appointed by the County Commissioners. Board of Adjustment: Five regular members - four appointed by City Council and one appointed by the County Commissioners. Seven alternate members - five appointed by City Council and two appointed by the County Commissioners.

The County representatives in Asheville, by ordinance, have equal rights, privileges and duties as all members on the board on which they serve.

Planning staff surveyed other North Carolina cities most closely in size to Asheville to get a broader perspective on how most cities handle the voting rights issues for extraterritorial representatives. In addition, Mr. Richard Ducker, with the Institute of Government, was consulted. Mr. Ducker did not have statistics, but felt that the majority of cities that exercise ETJ allow the County appointed ETJ representatives to vote on all issues. He did state, in the alternative, that he felt a significant number of cities did limit the authority of county representatives to vote only on ETJ issues. The information from cities called is:

Henderson: (pop. 16,000) - Somewhat unusual case due to the relatively large amount of ETJ, 12,000 acres vs. 4,000 acres in city. Membership is split evenly between county and city. County appointees may vote on only ETJ cases. Three quarters of cases are in ETJ area.

Jacksonville: (pop. 78,000) - One mile of ETJ in most directions. Relatively limited membership for county appointees (1 each on Board of Adjustment and Planning & Zoning Commission). County appointees may vote on all issues.

Fayetteville: (pop. 76,000) - Not relevant as there is a joint city-county planning agency. -10-

High Point: (pop. 70,000) - Very little ETJ, only two acres, surrounding counties have zoning. Two of nine planning commissioners are county appointees, they may vote on ETJ cases only.

Rocky Mount: (pop. 49,000) - Special legislation for ETJ extension, they have up to three miles in some areas. Jurisdiction extends into two counties. Membership is split between six city

appointees and three from each county. County members may vote on all cases. 30%-40% of cases are in ETJ area.

Greenville: (pop. 45,000) - One mile of ETJ in all directions. Six city/three county planning commissioners. County appointees may vote on all cases.

Wilmington: (pop. 56,000) - No ETJ. County has comprehensive zoning. City and county are considering consolidation.

Gastonia: (pop, 54,800) - ETJ limited by adjoining municipalities. County

members have full voting privileges. County representation recently reduced from two to one of a total of eight members on the planning commission, based on the relative population of the ETJ area.

Durham: (pop. 181,835) - Not relevant. No ETJ. County has zoning.

Even the small sampling in this survey reveals that there is a great deal of variation in how cities, even of comparable size, handle ETJ. Thus, the primary indication of this survey is that there exists a range of options for handling ETJ and county representation.

Ms. Cogburn said that there is a lot of staff enforcement time in the ETJ area. Twenty-five percent of budget for inspection services is spent in the ETJ, while 5-10% of planning services budget is spent in the ETJ area.

Vice-Mayor Field said that Council really needs to consider just how effective is the ETJ area that we have and is it something we want to keep. She suggested that this item be discussed at Council's upcoming retreat.

#### FIRST FLOOR CONFERENCE ROOM RENOVATION UPDATE

Mr. Mike Brookshire, Civil Engineer for the Water Resources Department, said that for several years the Asheville-Buncombe Water Authority has desired to have a room designated for the various Water Authority meetings. Not only the Water Authority, but also City Council and other City departments are in need of alternate designated meeting rooms. An opportunity to meet these needs now exists through the proposed renovation of the North Floor Conference Room on the first floor of the City Hall.

Components of the proposed renovation include: new carpet, new lighting system, draperies, painting, new furniture (desks and chairs), development of a small kitchen space and a basic audio/visual system. The estimated cost of these improvements is \$50,000. Where possible, City personnel will supply the labor for some of the renovation effort. In fact, the painting of the room, needed regardless of other improvements, has already begun with Parks and Recreation personnel.

The Water Authority will be responsible for financing this project and will recover the cost via amortized yearly credits on rents paid to -11-

the City. This is the same arrangement that was made for the renovation of the Water Resource Department space in City Hall in 1990.

It was the consensus of Council to endorse the proposed renovation plan of the North Floor Conference Room and authorize the staff to proceed.

#### BOARD AND COMMISSION APPOINTMENTS

At the suggestion of Councilman Hay, it was the consensus of Council to delay taking any actions on the immediate upcoming board and commission vacancies until January in order to place at least one more ad in the CityPage, etc. to solicit applications.

Mayor Martin appointed Councilman Hay as Chair and Councilmen Sellers and Skalski to a Mayor's Committee on Board and Commission appointments. A purpose of the Committee will be to look at the necessity of maintaining all the City's boards and commissions and if the appointment process can be improved.

#### CONSENT:

Intent to close unnamed alley connecting two other unnamed alleys running between Blake Street and West Chestnut Street in the block between Montford and Cumberland and setting a public hearing on January 23, 1996

Agreement with NC Department of Transportation for relocation of water lines on Airport Road

Summary: NC Department of Transportation ("NC DOT") is bidding a project for the reconstruction of Airport Road from I-26 to US 25 (Hendersonville Highway). Construction of this project is scheduled to begin in January of 1996. The City has extensive existing water facilities along Airport Road that will have to be relocated to accommodate this road reconstruction project. Also, this corridor coincides with a portion of the route for the proposed 24-inch waterline from the planned Mills River Water Treatment Plant. NC DOT has included this new 24-inch waterline installation plus the relocation of other existing water facilities as a component of the road reconstruction project.

Prior to NC DOT performing these water system improvements and relocations, a Utility Agreement between the City and NC DOT must be executed. This Utility Agreement authorizes NC DOT to make water system improvements and relocations and establishes the terms of payment for same. The City is financially responsible for all water system improvements affected by NC DOT and for the relocation of all existing water facilities that are within NC DOT right-of-way. A portion of this project has been budgeted for in the Asheville-Buncombe Water Authority's Capital Construction Budget with the remainder to be paid for by the upcoming revenue bond issue.

Budget amendment relative to three video recorder/cameras for the Police Department

Summary: This budget amendment, in the amount of \$14,250, is to allocate funds for the Governor's Highway Safety Program for the purchase of three vehicle video recorder/cameras for the Police Department. This expenditure is to be fully reimbursed by the Governor's Highway Safety Program.

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Budget amendment relative to Amboy Road boat access

Summary: This budget amendment, in the amount of 20,000, is to establish a budget for funds received from the N. C. Wildlife Resources Commission to design a boat ramp and access area at Amboy Road.

Budget amendment relative to the Asheville Urban Trail

Summary: This budget amendment, in the amount of \$56,720, is to establish a budget for the Urban Trail IV project. All costs for project will be funded by private donations/participation.

State Airport Modified Grant Agreement

Summary: This will be the Third Modified State Grant Agreement with the N. C. Department of Transportation for Phase III terminal expansion. The additional \$300,000 needed will bring the amount of the grant to \$1,133,260. It will also extend the time of completion of the state grant from January 1, 1996, to January 1, 1997.

Skyview Place Designated for One-Way Traffic

Summary: Skyview Place is about 750 feet in length and is located between and

adjoins Town Mountain Road to the east and Sunset Drive to the west. Skyview Place is part of the City's street system but has no platted public right-of-way and asphalt varies in width from about 14 feet to 20 feet in areas where on-street parking is used.

This request would alleviate many of the traffic problems associated with this narrow, hilly roadway. This would not cause any undue hardships on the residents and motorists who utilize the road. Residents have been notified by certified mail and their comments have been favorable.

The Traffic Engineer will designate Skyview Place as a one-way roadway (north bound) effective January 1, 1996.

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

OTHER BUSINESS:

City Council Retreat

As a result of a Council committee, Councilman Cloninger moved to hold the City Council's annual retreat at Kanuga Conference Center beginning at Noon on Friday, February 2, through Noon on Sunday, February 4, 1995. This motion was seconded by Vice-Mayor Field and carried unanimously.

Councilman Worley did stated that an in-town versus an out-of-town retreat was discussed by the committee.

Resolution in support of peace

At the request of Daniel Breen, Mayor Martin asked Council if they would be agreeable to adopting a resolution extending Asheville's deepest sympathies and condolences to the Yitzhak Rabin family and the nation of Israel.

It was the consensus of Council to proceed with appropriate action at the next formal Council meeting. -13-

H.K. Edgerton - Possible Joint Venture with Private Enterprise

Mr. H.K. Edgerton suggested Council discuss at their retreat the possibility of entering into a joint venture with the private enterprise regarding revitalization.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:35 p.m.

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CITY CLERK MAYOR

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