

Tuesday - May 6, 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:

SUMMER YOUTH SERVICE GRANT APPLICATION

Summary: The consideration of a grant application through the N. C. Dept. of Environment, Health and Natural Resources to provide food service in the Summer Day Camp and Playground Programs.

Funds are available through the N. C. Dept. of Environment, Health and Natural Resources, Division of Maternal and Child Health, Child and Adult Care Food Program to provide breakfast, lunch, and snacks.

The Summer Day Camp Program will provide supervised licensed child care, recreation, enrichment activities, and food service for children in kindergarten through 5th grade, June 9 through August 8, 1997, Monday through Friday, 7:30 am to 6 pm. The cost of the program is \$65 per week for city residents, \$75 per week for non-city residents. Sites will be located at Claxton, Hall Fletcher, Jones, Randolph, and Vance Elementary Schools; and Reid Recreation Center. Breakfast, lunch and snacks will be provided daily at no extra cost. The number of meals and amount of reimbursement will vary based on the total meals actually served each month.

The Summer Playground Program will provide supervised recreation activities for children ages 6 to 12, June 16 through August 7, Monday through Friday, 10:30 am to 5:30 pm. Free of charge with a one time \$10 activity fee. Sites will be located at Shiloh, East Asheville, Murphy-Oakley and Burton St. Community Centers; Martin Luther King, Weaver and Walton St. Parks; and Woodridge Apts., Mountainside Apts., Pisgah View Apts., and Klondyke Homes. Lunch will be provided daily with no extra cost. The number of meals and the amount of reimbursement will vary based on the total meals actually served each month.

The Parks and Recreation Department recommends the City of Asheville apply for the Summer Food Service Program for Children through the North Carolina Department of Environment, Health and Natural Resources.

AUDIT CONTRACT

Summary: N. C. Gen. Stat._sec. 159-34 requires that local governments of North Carolina have their accounts audited each fiscal year and submit a copy of the audit to the Local Government Commission.

In 1993 the local audit firm of Crisp Hughes & Co., L.L.P., won the bid for the City's audit with the option, dependent upon the quality of service, to be re-engaged annually for a period of three to five years. They performed the FY '93, FY '94, FY '95 and FY '96 audits and have now submitted an engagement letter for the FY '97 audit. The FY '97 audit fee has been estimated at, and limited to, \$52,000. Funds are appropriated in the budget of the Accounting

Division of the Finance

Department. The fee includes an audit in accordance with generally accepted auditing standards which includes an assessment of the City's internal control procedures, testing for compliance with N. C. Gen. Statutes, testing for compliance with pronouncements of the Governmental -2-

Accounting Standards Board, Standards for Audit of Governmental Organizations, Programs, Activities and Functions, the Guidelines for Financial and Compliance Audits of Federally Assisted Programs and the Federal Office of Management and Budget's Compliance Supplement for Single Audits of State and Local Governments.

Staff recommends adoption of the ordinance and re-appointment of the audit firm Crisp Hughes & Co., L.L.P.

BUDGET AMENDMENT RE: PURCHASE OF EQUIPMENT FOR POLICE DEPARTMENT

Summary: The consideration of a budget amendment to allocate funds to the Police Department for purchase of equipment funded under the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance local law enforcement block grants program.

The City, through the Police Department, has applied for and has been awarded a federal grant in the amount of \$116,231.00 for an equipment purchase project allowed under Bureau of Justice Assistance guidelines. As a condition of the grant award, the City agreed by resolution on July 23, 1996, to appropriate a local matching contribution of \$12,915.00 bringing project funding to a total of \$135,146.00, which includes interest gained while the federal amount remains in a trust fund established by the City. The purpose of the project is to purchase equipment items to be used by the Police Department. Specific equipment items to be purchased will be determined through a process involving the department's formation of an advisory board and a public hearing which will be scheduled at a later time.

Staff recommends adoption of the budget amendment to appropriate funds to the Police Department for purchase of equipment funded under the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance local law enforcement block grants program.

AMENDMENT TO WATER AUTHORITY CAPITAL PROJECT ORDINANCE

Summary: Amendment of Capital Project Ordinance 82-25 (35 Fund) to provide funding for: the North Conference Room renovation and to decrease the contingency; and the Bee Tree Dam Renovations, the Department of Transportation's Biltmore Viaduct Project, and the Reservoirs/Tunnel Repairs Project.

The consideration of an ordinance amending Capital Project Ordinance 82-25 to reflect funding for four (4) water related projects.

By Resolution 82-25 dated October 5, 1982, the Authority authorized and budgeted for various capital projects to be funded by investment earnings, contributions from other funds and appropriated fund balance.

The following four water related projects require a budget amendment in the amounts listed:

- North Conference Room Renovation (Increase Funding) \$ 50,000

Video system and lighting control

20 additional chairs

Lighting system

Computer

Completion of audio system and phase I of renovation

Storage units for equipment/supplies

- Bee Tree Dam Renovations (Engineering and Design) 315,390
- Department of Transportation's Biltmore Viaduct Project 160,000
- Repairs to the Burnette Dam Tunnel and Renovation 65,000

of the Mine Hole Gap and Young's Cove Reservoirs

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Costs for renovations of the North Conference Room were higher than expected because of its historical significance. Funding will be from the Contingency by the same amount.

Funding for all other projects listed is available from capital projects that were completed under budget. Capital project ordinance 82-25 should be restated to reflect a decrease in appropriations for the following projects: Annexation-Phase I (West Area), Annexation - Phase III (Brevard Road), and the Swannanoa 8" Water Line.

Regional Water Authority approved the North Conference Room Renovation on February 18, 1997 and the Bee Tree Dam Renovations, DOT Biltmore Viaduct and the Reservoirs/Tunnel Repairs on April 15, 1997.

Recommendation is to approve amending and restating Capital Project Ordinance 82-25 in order to provide funding for the North Conference Room Renovations, Bee Tree Dam Renovations, Department of Transportation's Biltmore Viaduct and Reservoirs/Tunnel Repairs.

BUDGET AMENDMENT RE: CHEROKEE ROAD WALL REPAIRS

Summary: The consideration of a budget amendment to cover the design phase of the rehabilitation of the Cherokee Road stone retaining wall.

The Public Works Department has determined that a 20' x 200' long retaining wall along Cherokee Road is in need of rehabilitation. The retaining wall was constructed approximately one hundred years ago and is failing. The road has been closed until repairs of the wall can be finished.

On March 5th, the Public Works Department was notified that a retaining wall along Cherokee Road was moving and a portion of road was slipping causing cracks in the roadway. Upon evaluation, it was determined that due to the age of the wall, installation of various utilities, increase of vehicle loading on the roadway, and water infiltration were causing the failure. Over the past two months, the wall has continued to move an additional six (6) inches. The wall is located in the Albemarle Park Historic District.

The rehabilitation of the wall will require the design services of a

professional engineering firm. Design proposals were received on April 21st. Two proposals were received and two firms responded that there were not able to submit proposals. No other firms responded to the request. The Public Works Department has selected the lowest estimate proposal submitted by Day Engineering Services, P.A., working in conjunction with William Wescott, P.E. (historic preservation/ engineering) to perform all necessary testing, acquire all applicable permits (including Certificate of Appropriateness), design the rehabilitation, prepare all plats for easements, prepare plans and specifications for the rehabilitation of the wall, determine an estimate to perform the work, and to administer project construction.

The Public Works Department does not have budgeted funds to cover this project. At this time, \$24,000 (\$21,800 proposal amount and \$2,200 for contingencies) for the design phase of the project must be appropriated to move forward. The design will take approximately three weeks. Upon completion of the design, the Public Works Department will request additional funding for the construction phase. The total project will hopefully be completed at the end of four months.

The Public Works Department staff recommends the adoption of the budget amendment to cover the design phase of the rehabilitation of the Cherokee Road stone retaining wall.

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

RECOGNITION OF OFFICIALS FROM SAUMUR, FRANCE

Ms. Bernadette Williams introduced officials from our Sister City in Saumur, France. The delegation consisted of: Mr. Patrick Maire, Deputy Mayor, International Relations, accompanied by his wife Mrs. Catherine Charreau; Mr. Edmond Baur, member of City Council; Mrs. Catherine Girard, Director of Urban Planning & Development; Mrs. Danielle Mesnard, member of City Council; and Mrs. Danielle Pecourt, Deputy Mayor, School Affairs. Mayor Martin presented each visitor with a gift and one for the Mayor of Saumur, France. They in turn presented Mayor Martin with a gift.

AMERICAN RIVERS HERITAGE PROGRAM

Ms. Karen Cragolin, Executive Director of RiverLink, explained the President Clinton's American Heritage Rivers Program in which he will designate 10 American Heritage Rivers to help communities along them revitalize their waterfronts and clean up pollution. Asheville is blessed to have the French Broad River flow through the middle of our City. The French Broad River is one of the oldest rivers in the United States and has the distinction of being the only river in the United States to flow North. The French Broad River has helped define our history and will play an even more vital role in our future as a sustainable community. RiverLink, which is spearheading the economic and environmental revitalization of this important regional resource, is pleased to be involved in a public private partnership with the City of Asheville. With the designation of the French Broad River as one of the American Heritage Rivers, resources such as programs, grants, and technical assistance will enable our community to work on behalf of a restored, revitalized river.

Ms. Cragolin was pleased that this effort of designation has been endorsed by North Carolina Governor Jim Hunt and also Tennessee Governor Don Sundquist and

that both states will be working together.

Mayor Martin asked that the record show that City Council has

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

DISCUSSION OF CONSOLIDATED PLAN FOR SUBMITTAL TO HUD

Mr. Marvin Vierra, Community Development Director, said that the City will be applying for \$1,587,000 in CDBG and \$995,000 through the HOME program for the coming year. Anticipated program income will increase available revenue for CDBG activities by \$350,000 and by HOME \$20,000.

Council action will authorize submittal of Consolidated Plan to HUD. Deadline for submittal is May 30, 1997. 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 and Community Development Committee has reviewed applications from Agencies for CDBG funds and recommends CDBG funding allocation as described as follows:

The following table provides a breakdown of the projects and funding source for the year beginning July 1, 1997:

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<u>PROJECT</u>	<u>AGENCY</u>	<u>CDBG</u>	<u>HOME</u>	<u>MATCH</u>	<u>OTHER</u>
Renter Education/Case Management	AHC	75,000	0	0	67,825
Homeowner Education/Counseling	AHC	31,000	0	0	30,000
Asheville Area Habitat for Humanity	AAHH	80,000	0	0	588,000
Fair Housing & Employment	ABCRC	25,000	0	0	175,000
West End/Clingman Infrastructure	MHO.	250,000	0	0	0
City Wide Rehab	COA	500,000	0	0	240,000
Credit Counseling	CCCS	9,000	0	0	300,075
South Pack Square Redevelopment	E/MSDC	136,255	0	0	15,100
Homeless Program	HH	36,000	0	0	596,835
Hillcrest Enrichment	HACA	47,500	0	0	102,440
Affordable Homeownership	MHO	200,000	0	0	3,915,340
Emergency Repair	MHO	50,000	0	0	94,000
NHS Cottage Works	NHS	63,750	0	0	60,000
NHS New Constr Single Family	NHS	198,750	24,500	6,125	150,000
Head of Montford Development	NHS	12,500	0	0	0
Contractor Development Program	NHS	12,500	0	0	0

Legal Services	PLS	20,000	0	0	0
New Hope Community Health Center	NHCHC	13,000	0	0	88,000
West End/Clingman Acquisition	MHO		260,000	65,000	0
Mountainside Apartments Rehab	HACA		95,425	18,856	1,253,800
C D Administration	COA	176,745	0	0	0
Buncombe Co Rural Housing Rehab	BC	0	254,658	63,664	35,000
New Construction Single Family	COH	0	50,000	12,500	0
New Construction Rental Housing	HAC	0	50,000	12,500	0
HAC Acquisition/Rehab/Resell	HAC	0	74,750	18,687	0
Madison Co Homeowner Rehab	MC	0	56,417	14,104	0
HOME Administration	COA	0	71,360	0	0
Consortium Member Gov't Admin		0	28,140	0	0
CHDO Capacity Building		0	49,750	0	0
TOTAL		1,937,000*	1,015,000**	211,436	7,711,415

* Includes \$350,000 program income

** Includes \$20,000 program income

The Asheville Regional Housing Consortium has reviewed applications from Agencies and local governments for HOME funds and recommends HOME funding allocation as described on the proposed project listing.

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A summary of the proposed Consolidated Plan was published in the Asheville-Citizen Times on March 28, 1997, requesting public comment to be submitted to the Community Development Division by April 30, 1997. Three community public hearings have been conducted by the staff on the Consolidated Plan.

Upon inquiry of Mayor Martin about HUD requesting that we have a higher emphasis on economic development in our disbursement of CDBG funds, Councilman Hay said that the Housing & Community Development Committee will be addressing this in the fall and that some of the projects chosen for funding do provide economic development.

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

ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS MANUAL

Mr. S. Douglas Spell, Assistant City Manager/Interim City Engineer, said that

the Unified Development Ordinance (UDO) makes reference to a document containing design guidelines and technical specifications. This reflects staff's desire to prepare a formal document that would provide a resource to designers, developers and contractors involved in new construction or expansion of existing infrastructure.

He said that the Asheville Standard Specifications and Details manual has been prepared by City Staff. The preparation of this document has been coordinated by the Engineering Department and has been reviewed by various departments including Building Safety, Finance, Fire, Parks and Recreation, Planning and Development, Public Works and Water Resources. Staff comments were incorporated into a draft manual that was made available to the development community on April 15, 1997. Approximately 260 letters were mailed to businesses, developers, designers and contractors that had applied for related type permits or submitted plans to the City in the past three years. In his letter, he requested these parties/individuals review the draft manual and forward written comments to his attention no later than April 25, 1997. These comments were reviewed by staff with concurring comments incorporated into the final draft for City Council review and consideration. Also, a public meeting was held on May 1, 1997, to review the document and receive comments. He provided City Council with a summary of the information received from the public comments.

The Asheville Standard Specifications and Details manual consists of design guidelines and technical specifications for construction related to streets, sidewalks, water systems, storm drainage, parking lots, and pavement structure. The City standards outline the minimum construction standards which would be allowed in the City limits and extraterritorial zoning jurisdiction. The standard specifications would be applicable on both public and private property. For example, private streets and parking lots would be required to meet minimum pavement structure requirements. The rationale for this is due to the safety to the public, as well as to meet a standard to accommodate delivery vehicles or fire trucks. As a second example storm drainage on private property would be required to meet City standards due to the adverse impact improperly sized or installed pipe could have on public right of way or upstream properties.

The Engineering Department would be the primary department responsible for enforcement of the City standards through the Construction Inspectors. The City Engineer would be responsible for any requested variance or deviation from the City standards, except where otherwise noted. In some cases such as waiving the requirement for sidewalks, the City Council would be the only authority that could grant any non-conformance to the City standards. Additionally, the City -
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Engineer could make minor revisions to the City standards and would publish annual updates to the manual.

City staff recommends that the Asheville Standard Specifications and Details manual become effective on May 27, 1997, consistent with the effective date of the UDO. Following adoption of the Asheville Standard Specifications and Details manual, the Engineering Department would be responsible for the distribution of the manual. Copies will be available upon request for individuals/businesses to obtain a copy at a one time cost of \$25.00. The manual will be in a three (3) ring binder and all updates will be available to individuals/businesses at no cost.

City staff recommends the adoption of the Asheville Standard Specifications and Details manual with implementation in accordance with the items reviewed in this staff report.

Upon inquiry of Vice-Mayor Field, Mr. Spell said that the Manual reflects true practice and where there was no continuity, staff recommended what they thought would be in the best interests of the City.

At the request of Councilman Cloninger, City Attorney Oast said that he would investigate the City's liability regarding the specifications being applicable on private property noting that it would probably be similar to the City's enforcement of the Building Code regulations.

Councilman Worley expressed concern of imposing additional restrictions on private property.

Mayor Martin asked that the record show that City Council has

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

MUNICIPAL BUILDING AND OLD WATER MAINTENANCE BUILDING DESIGN SERVICES

Mr. Lyle Willis, Contract Administrator, said that the Parks and Recreation Department is seeking authorization from City Council to enter into the Construction Documents and Bidding Phase of the existing contracts with the design firms ENG/6A and Padgett & Freeman Architects P.A., for design services to develop construction bid documents and to solicit bids for renovation of the Municipal Building and the Old Water Maintenance Building, respectively.

On August 7, 1996, the City of Asheville entered into contract with Six Associates Inc., d/b/a ENG/6A, for design services for renovation of the Municipal Building, located at 100 Court Plaza. The revised scope of work and related fees for this design services contract cover three phases of work, consisting of:

1. Preliminary Phase, estimated at \$116,000;
2. Construction Documents and Bidding Phase, estimated at \$382,000; and
3. Construction Management Phase, estimated at \$194,000.

The Preliminary Phase, which has been completed, consisted of measuring and documenting existing conditions, reviewing all programming aspects of the building's occupants (the Fire and Police Departments), and developing schematic designs for owner review and approval. This phase of work concludes with the presentation and approval of the drawings and elevations being presented.

Construction costs for the project based on these design plans are approximately \$13 million.

On November 5, 1996, the City of Asheville entered into contract with Padgett & Freeman Architects P.A., for design services for -8-

renovation of the Old Water Maintenance Building, located at 174 S. Charlotte St., to allow for relocation of the Asheville City Schools maintenance offices from the Municipal Building to the lower floor of the Old Water Maintenance Building. The revised scope of work and related fees for this contract cover total design services, with a design fee of approximately \$105,000.

The completed design elevations and floor layout drawings consisted of measuring and documenting existing conditions, reviewing all programming aspects of the building's occupants (Asheville City Schools and storage for the

City's Water Resources Department and Purchasing Division), and developing schematic designs for owner review and approval. This phase of work concludes with the presentation and approval of the drawings and elevations being presented.

Construction costs for the project based on these design plans are approximately \$1 million.

City staff has reviewed and made necessary changes to these documents for both buildings listed above. Staff requests City Council's concurrence so that the next phase of work may begin for both projects. City staff has reviewed funding sources and anticipates funding of these projects in FY 1997-98 and 1998-99.

Upon approval of the plans, City staff will assist ENG/6A and Padgett & Freeman Architects P.A. in completing the construction bid documents and the subsequent bid solicitation. The old Water Maintenance Building project is scheduled for construction work to be initiated in July 1997. The Municipal Building project is scheduled for construction work to be initiated in October 1997.

Staff recommends that the City Manager be authorized to enter into the Construction Documents Phase of the existing contracts with ENG/6A and Padgett & Freeman Architects P.A., for design services to develop construction bid documents and to solicit bids for renovation of the Municipal Building and the old Water Maintenance Building, respectively.

Ms. Patty Glazer reviewed the scope of work for the Stephens-Lee Recreation Center and answered various questions from Council regarding the renovations.

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

APPROVAL OF TWO EXTERIOR SIGNS AT CIVIC CENTER

Mr. Lyle Willis, Contract Administrator, said that staff is requesting City Council to consider the replacement of informational signage at the Asheville Civic Center.

A Civic Center signage study was commissioned and completed in September 1996, with recommendations to improve the existing interior and exterior signage at the Asheville Civic Center. Based on those recommendations, the City entered into a contract for construction of ADA signage with Graphic Systems International Inc. of Greensboro, North Carolina. The estimated cost for the signage improvements is in the amount of \$25,921. Funds are budgeted for this project in the Civic Center operating budget.

Among the signs to be constructed for and placed at the Civic Center is one exterior marquee sign that would replace one that is currently at the Civic Center. The second exterior sign would be a directory and would announce upcoming events and state information regarding the facilities that are housed within the Civic Center complex. The new Asheville Symphony Orchestra sign directory is to be mounted in the lobby area and is separate from and supplementary to the -9-

existing sign mounted to the left of the entrance which states "Thomas Wolfe Auditorium." This existing sign would remain.

The Civic Center Commission sent a request on behalf of the Symphony to have all signs that currently read "Thomas Wolfe Auditorium," be changed to read

"Thomas Wolfe Symphony Hall." City staff requests clarification from Council as to the final wording of signage designating the Thomas Wolfe Auditorium, because this wording affects several signs being constructed and installed under this new contract.

Staff requests City Council review of the drawings of the proposed new signage that would replace existing signage at various locations throughout the building and requests direction from City Council regarding the request by the Civic Center Commission.

Vice-Mayor Field had no problem with the name change but wondered if the non-profits (e.g., the dance and theatre companies) would feel excluded if the name was changed. She suggested inviting the Chairman of the Civic Center Commission to the formal meeting next week. She also suggested that contact be made to the major non-profits in the City to see if they have a concern with the name change. She just wanted to make sure that the name change is acceptable to the community.

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

TESTING AND REMOVAL OF ASBESTOS AND LEAD-BASED PAINT FOR OLD WATER MAINTENANCE BUILDING

Mr. Lyle Willis, Contract Administrator, asked for City Council to consider a contract for the removal of all asbestos and lead-based paint from the Old Water Maintenance Building and the sandblasting of the exterior brick of that building.

On November 11, 1996, the City of Asheville entered into a contract for design services with Padgett & Freeman Architects, P.A., to provide services for the Old Water Maintenance Building and to provide construction specifications incorporating the relocation of Asheville City Schools maintenance offices into the first floor of the Old Water Maintenance Building located at 174 S. Charlotte Street.

In an effort to provide a clean construction site for remodeling and renovation, it is necessary to test for and remove existing asbestos and lead-based paint prior to the start of construction. By having the City enter into contract with a specialized firm, instead of relying upon the general contractor to subcontract this work, we will hold down overall construction costs.

The City received proposals for this hazardous waste testing and removal from Webster Environmental Inc. and NEO Corporation as follows:

NEO Corporation Waynesville, North Carolina	\$ 112,600
Webster Environmental Inc. Ruffin, North Carolina	\$ 205, 537

The City also requested that the firm of Padgett & Freeman check with other local sources to determine approximate abatement costs. It was determined that the bid from the NEO Corporation was in line with -10-

costs from these other local sources, and that NEO Corporation would be best-suited for this project.

Staff recommends that the City Manager be authorized to enter into a contract with NEO Corporation for the testing and removal of asbestos and lead-based paint from the Old Water Maintenance Building.

Mayor Martin asked that the record show that City Council has

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

DISCUSSION OF UNIFIED DEVELOPMENT ORDINANCE SCHEDULING

Ms. Julia Cogburn, Planning & Development Director, said that staff is requesting further guidance from City Council regarding future UDO worksessions. The Planning & Zoning Commission worksession on the new mapping held on May 5, 1997, was very beneficial.

Councilman Worley moved to schedule a worksession immediately following the formal meeting on May 13, 1997, which begins at 5:00 p.m. in the Council Chamber of the City Hall Building. The worksession will be held in Room 623 of the City Hall Building for the purpose of discussing the new zoning maps for the Unified Development Ordinance. This motion was seconded by Councilman Skalski and carried unanimously. Planning and Development Department staff will have recommendations for Council's approval at the meeting.

RESOLUTION NO. 97-58 - RESOLUTION RENAMING DEAVERVIEW PARK IN MEMORY OF ROGER D. FARMER

Mr. Irby Brinson, Director of Parks & Recreation, said that the Parks and Recreation Advisory Board wishes to rename Deaverview Park in honor of Roger D. Farmer.

At the April 14 Parks and Recreation Advisory Board meeting, the Board unanimously approved the recommendation from West Asheville Little League Association to rename Deaverview Park in memory of Roger D. Farmer. Roger Farmer was a coach of youth baseball, basketball and football for 21 years. His enthusiasm for teaching children the skills of the sports, but more importantly the skills of life, was well-known. Roger was instrumental in making sure that the children he coached kept up their grades or they were not allowed to play. Roger had the love and respect of each child he coached and would spend countless hours dealing with each child individually and collectively.

Over 100 signatures were collected from parents and former players endorsing the renaming of Deaverview Park in memory of Roger Farmer. Roger passed away last year immediately following the regular season of play for the West Asheville Little League. This honor will be shared not only by his family but also by the West Asheville community.

The Asheville Parks and Recreation Advisory Board recommends approving the renaming of Deaverview Park in memory of Roger D. Farmer.

Councilman Worley 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.

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

Councilman Worley moved for the adoption of Resolution No. 97-58. This motion was seconded by Councilman Sellers and carried unanimously.

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INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY - INSPECTION SERVICES FOR DEERFIELD RETIREMENT COMMUNITY

Assistant City Manager S. Douglas Spell said that consideration is requested of an Interlocal Agreement with Buncombe County for the purpose of performing building inspection functions for the Deerfield Retirement Community project.

The Deerfield Retirement Community consists of a total acreage of approximately 79.6 acres located along Hendersonville Road south of Valley Springs Road. A proposed development plan was reviewed by the City for the portion of the project within the City and approved on July 11, 1995. The proposed project consists of the construction of a health center, assisted living apartments, community center, chapel, and cottages on individual lots. Approximately 25 acres of the project site is located outside the corporate limits of the City of Asheville and is within the jurisdiction of Buncombe County. Due to the City/County line bisecting the project, building inspections services would be extremely complicated for this project. The result would be that the City would inspect the portion of the project located in the City limits, the County would inspect the portion of the project located in Buncombe County, and fire inspections by the City of Asheville would occur on the project as a whole since we would be the primary fire protection provider. This inspection process would be further complicated due to the major communication components for the proposed apartment buildings being located on one side of the jurisdictional line requiring inspections by both jurisdictions.

In order to simplify the inspections process, the City and County have discussed the possibility of entering into an "Interlocal Agreement" whereby the City would inspect this project in its entirety. Additionally, the City has received a voluntary annexation petition whereby all portions of the property located outside the corporate limits would be annexed into the City. However, this could not occur prior to the construction associated with this project being initiated and the contractor obtaining all necessary permits. Therefore, staff has prepared an "Interlocal Agreement" between the City of Asheville and Buncombe County which would encompass the City performing building inspection services for the proposed Deerfield Retirement Community project.

Staff recommends that City Council authorize the City Manager to execute an Interlocal Agreement pertaining to building inspection services for the Deerfield Retirement Community subject to final approval by City Council.

Mayor Martin asked that the record show that City Council has

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

BOARDS AND COMMISSIONS

As an official duty of the Vice-Mayor to oversee the process of board and commission appointments and for her and the committee members to make recommendations to the entire Council, she recommended that if someone has served one term, is interested in reappointment and has met the attendance requirements, that that person be reappointed to serve a second term.

Subject to the City Clerk verifying the criteria above, the Committee recommended the following: J. Howard Collins, Nancy Williams and Stephen Toomey be reappointed to the Asheville Area Civic Center Commission; Eugene Presley, Joe Enderle and Harold Garland be reappointed to the Board of Electrical Examiners; Shirley Early and Pam Nickless be reappointed to the Asheville-Buncombe Historic Resources -12-

Commission; and Thomas McMahon, William Stewart, Jim Orr and Samuel Camp be reappointed to the Recreation Board.

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork for appointments as outlined above by Vice-Mayor Field.

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to appoint Susan Dodson to fill an unexpired term on the Carriage Permit Advisory Board.

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to appoint Nancy Kauffman to the Civil Service Board.

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to appoint Ronnie A. McAbee Sr. (journeyman electrician) and Terry Ponder (utility representative) to the Board of Electrical Examiners.

Mayor Martin instructed the City Clerk to prepare the proper paperwork to reappoint Annette Coleman to the Housing Authority.

City Council also instructed the City Clerk to arrange interviews for Timothy Fiele, Laura Anderson and David Newell for the Asheville Downtown Commission; and Toby Heaton and Michael Harney for the Buncombe County Drug Commission.

CLOSED SESSION

At 4:52 p.m., Councilman Worley moved to go into closed session (1) to consult with an attorney employed or retained by the City Council in order to preserve the attorney-client privilege between the City and its attorney. The parties to the lawsuits about which the Council expects to receive advice are the City of Asheville, Taylor-Murphy Construction Company and WNC Regional Air Pollution Control Agency - the statutory authority is G.S. 143-318.11 (a) (3); (2) to discuss matters relating to the location or expansion of a business or industry - the statutory authority is G.S. 143-318.11 (a) (4); and (3) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease - the statutory authority is G.S. 143-318.11 (a) (5). This motion was seconded by Vice-Mayor Field and carried unanimously.

At 5:25 p.m., Councilman Cloninger moved to come out of closed session and adjourn the meeting. This motion was seconded by Councilman Sellers and carried unanimously.

After announcing the meeting adjourned, City Attorney Oast announced that the City would be taking a dismissal of the actions pending against Taylor-Murphy Construction Company and the WNC Air Pollution Control Agency.

JOINT MEETING OF THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION AND CITY COUNCIL

At 5:30 p.m. in the Council Chamber of the City Hall Building, City Council met

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with the Asheville-Buncombe Historic Resources Commission and Electronic Interiors to discuss audio-visual design services to renovate the Council Chamber in the City Hall Building. This meeting adjourned at approximately 6:00 p.m.

CITY CLERK MAYOR
