

Tuesday - August 23, 1994 - 4:00 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; City Attorney William F. Slawter; Interim City Manager William B. Farris; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Councilman Swicegood gave the invocation.

I. PROCLAMATIONS:

A. RESOLUTION NO. 94-155 - RESOLUTION IN MEMORY OF JESSE GREER RAY SR.

Councilman Watts told brief stories of Mr. Ray and his service to this community. He then read the resolution in memory of Jesse G. Ray Sr. and presented it to Mrs. Ray and his family.

Resolution No. 94-155 was adopted by acclamation.

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B. PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING AWARD

City Manager presented Finance Director Larry Fisher with the Certificate of Achievement for Excellence in Financial Reporting Award. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

He also presented R. Patricia Leckey, City Accountant, with the Award of Financial Reporting Achievement. Ms. Leckey was designed the individual primarily responsible for preparing the award-winning comprehensive annual financial report.

C. PROCLAMATION PROCLAIMING AUGUST 26-28, 1994, AS "GOOMBAY! FESTIVAL DAYS"

Mayor Martin proclaimed August 26-28, 1994, as "Goombay! Festival Days" in the City of Asheville and presented the proclamation to Rev. L. C. Ray, Interim Executive Director of the YMI Cultural Center.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO A PUBLIC HOUSING PROJECT OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AT THE CORNER OF VIRGINIA AND BROTHERTON AVENUES

Mayor Martin reminded the audience that this public hearing was rescheduled until September 27, 1994, at 7:00 p.m. in the Banquet Room of the Asheville Civic Center.

B. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE CHARTER AND RELATED LAWS OF THE CITY OF ASHEVILLE TO PROVIDE FOR FOUR-YEAR TERM FOR THE MAYOR AND FOUR-YEAR STAGGERED TERMS FOR THE COUNCIL MEMBERS

Mayor Martin opened the public hearing at 4:30 p.m.

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

City Attorney Slawter said that on July 19, 1994, the City Council adopted Resolution No. 94-135, scheduling a public hearing for August 23, 1994 on the issue of four-year staggered terms. Following this public hearing, if the Council decides to proceed as proposed, this ordinance will make the necessary changes in the City Charter to accomplish this. The ordinance cannot be adopted earlier than the next regular meeting of the City Council after August 23, and must be adopted, if at all, within sixty days following the public hearing.

The ordinance would amend the City Charter so as to provide for a four-year term for the Mayor, beginning in 1995. The ordinance further provides for four-year staggered terms for the Council Members with the three Council Members receiving the highest number of votes in the 1995 election to serve four-year terms, the remaining three Council Members elected in 1995 to serve two-year terms, with three Council Members to be elected in 1997 and each two years thereafter for four-year terms.

The provisions of the City Charter providing for the election of the Vice Mayor would continue to provide for that position to be filled following each regular municipal election. The Vice Mayor would thus serve for two years in that capacity. The authority to expand the Vice Mayor's term to four years is questionable, and the Council might not want to do so anyway, since there is a possibility of at least three new members of Council being elected each two years, and a Vice Mayor elected by one Council might not be the choice of the majority of the Council two years later.

The provisions of the General Statutes which authorize the Council to amend the City Charter to make these changes allow the amendments to be effective upon adoption of the ordinance, or upon submission of the question to the voters by referendum, whichever the Council may choose. If the Council should decide to submit the issue to the voters, a date for an election should be scheduled by the adoption of a resolution on the same date as the adoption of the ordinance. In the event that the Council adopts the ordinance making the Charter amendments, but does not schedule a referendum, a referendum may be called for upon the submission of a petition signed by at least 10% of the registered voters, or 5,000 voters, whichever is less. Any such petition would have to be filed within thirty days after publication of the notice of adoption of the ordinance.

Councilman Watts felt he needed more time to study the issue and suggested a worksession be scheduled.

Councilwoman Sitnick asked for information on the outcome of how other cities have fared when the question of four-year staggered terms went before the public in a referendum versus Council adoption of an ordinance.

Councilwoman Sitnick felt that being on City Council was an incredible job with responsibilities such as boards and commissions -3-

meetings, Council meetings, Pre-council meetings, evening community meetings, meetings with constituents, speeches, ribbon-cuttings, reading all the material that is necessary, writing notes, doing filing, getting and returning phone

calls, attending to written correspondence from constituents, networking in the community, and going to all the events which are sometimes 15-20 invitations a week. She wondered whether or not if Council were to adopt going to four-year staggered terms whether we would have to have some other things on the table for discussion and consideration. For instance, in order to make the process accessible to the diverse and broad-base community, those willing to serve and serve properly according to the time that's required would be giving up a lot of time if they had regular jobs. She said there are members on this Council who do that now, and doing it for two years is quite a commitment and quite a devotion to serving the public. She wondered if four years would require a commitment beyond what people who have jobs or businesses could do. She stated that these are just questions, not really statements. She wondered whether or not we would have to consider the possibility and the feasibility of making City Council a full-time job with full paid benefits and those kinds of things. She realized that the City has become larger and more complex than it was in years past and four years is a long time to commit oneself to this kind of job. If the opportunity is to be embraced by people that do have other jobs and have to earn a living and would be giving up four years to serve on Council then we would have to discuss all of those other possibilities and options in order to make a decision that would be appropriate and would allow the process to be participated in by everyone in the community. She stated that that would be one of her concerns with a four year commitment.

Mayor Martin said that the Buncombe County Commissioners currently serve four-year terms, and they don't seem to have any problem in attracting candidates for Commissioners. He said it is a commitment that anyone who runs for public office has to take seriously and it does take more time than one would expect. He felt, however, there is a learning curve that must be addressed inasmuch as it takes sometimes from six to twelve months for a new Councilmember to get "up to speed". That leaves not quite a year to do an efficient job that Council is charged to do. He also felt the staggered part assures stability. If Council has four-year staggered terms, then there is no instance when everyone could be voted off at the same time. He felt there needs to be some institutional memory of the way something was done in the past so that a new Council coming on would not start from ground zero. He said that four-year staggered terms is the prevalent term of office in the State of North Carolina and he suspected more cities will go to this type term. Obviously it is less expensive to run every four years than every two years if one wants to run again. For these reasons and especially for the stability of the government in this city, he brought this issue up and was open to any discussions on it in order to answer any questions and get objective criticism.

Vice-Mayor Peterson spoke about his support of nonpartisan elections. He felt that it is a necessity that we need in our government in continuing to restructure and change the way government has been done in the past. He stated that with all the different factions that have gone on in the past year, he did have some difficulty in accepting four years. He thought four year terms might be something good in the future, but wasn't sure if this Council should be the Council to vote on a four-year term. He agreed with Councilman Watts on the scheduling of a worksession on this topic.

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Councilwoman Field said that she had mixed feelings about this issue. She felt running for office every four years is certainly a lot easier for the candidate. However, if you run for office every two years, it gives the community a chance to support you, to say that you've done a good job, and to put you back in for another two years. It gives the community a chance to vote and to say who they choose. She stated some concerns about the staggered term elections. Some candidates would not be running with any state or national

election possibly causing less interest. And because of the less interest, the amount of voters could be even lesser than the 22% which voted in the last City Council election. She stated that the County Commissioners receive more than twice the amount of pay the City Council members receive and that perhaps is why they have no trouble in getting candidates. She said she would not even consider going to a full-time City Council because, in the first place, she didn't think the Council had that much to do to justify a full-time position. She did, however, feel that serving on Council is more than a part-time position, and that perhaps this Council has had to deal with some difficult issues recently consuming more time than usual. But, once you get the hang of it, it's not all that time consuming. She, too, would be interested in having a worksession on this topic.

Councilwoman Sitnick said she also supported a worksession especially to keep the process open and receive public comment beyond today. She felt the 50-70 hours a week she works on Council is not part-time but that is what is required to do it all and be responsive to the people. She said that the whole issue of being paid in a full-time way has nothing to do with pay and getting people to commit, so much as it has to do with extending the process to people who are not independently wealthy. She felt that if Council is going to represent a diverse community then it has to have a diverse Council. And, the only way to do that and have people not earning a living on the outside is to be able to give them the opportunity to earn a living on this side.

Upon inquiry of Councilman McClure on the cost of an election, City Attorney Slawter said that the cost would be approximately \$25,000.

Mr. Ralph Bishop spoke against four-year terms and stated that even two year terms were too long. He suggested six months to 90 days.

Mayor Martin closed the public hearing at 4:50 p.m.

Mayor Martin said that on September 20, 1994, Council will consider the first reading of an ordinance making the necessary changes in the City Charter to four-year staggered terms. He said that the Council would also schedule a worksession on this matter.

C. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING ORDINANCE NO. 1501 WHICH AMENDED THE CHARTER OF THE CITY OF ASHEVILLE TO PROVIDE FOR DIRECT ELECTION OF THE MAYOR BY ALL THE QUALIFIED VOTERS OF THE CITY OF ASHEVILLE

Mayor Martin opened the public hearing at 4:51 p.m.

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

City Attorney Slawter said that on July 19, 1994, the City Council adopted Resolution No. 94-146, scheduling a public hearing for August 23, 1994 on the issue of amendment to the City Charter so as to clarify when a second primary is required in City elections. Following this -5-

public hearing, if the Council decides to proceed as proposed, this ordinance will make the necessary changes in the Charter so as to clarify this procedure. The ordinance cannot be adopted earlier than the next regular meeting of the City Council after August 23, 1994, and must be adopted, if at all, within sixty days following the public hearing.

The ordinance would amend Ordinance No. 1501 which was adopted on March 19, 1985, providing for the direct election of the Mayor, rather than election of the Mayor from among the members of the Council. Ordinance No. 1501 carried

forwarded old language in the City Charter which required a runoff in a primary if no candidate receives a majority of the votes. Pursuant to general State law, a candidate receiving the highest number of votes who receives at least 40% of the votes (a "substantial plurality"), is determined to be the winner of a primary without a second primary.

During the most recent City Council election, a question arose regarding the interpretation of these provisions. This ordinance would clarify that State law controls.

The provisions of the General Statutes which authorize the Council to amend the City Charter to make these changes allow the amendments to be effective upon adoption of the ordinance, or upon submission of the question to the voters by referendum, whichever the Council may choose. If the Council should decide to submit the issue to the voters, a date for an election should be scheduled by the adoption of a resolution on the same date as the adoption of the ordinance. In the event that the Council adopts the ordinance making the Charter amendments, but does not schedule a referendum, a referendum may be called for upon the submission of a petition signed by at least 10% of the registered voters, or 5,000 voters, whichever is less. Any such petition would have to be filed within thirty days after publication of the notice of adoption of the ordinance.

Mayor Martin closed the public hearing at 4:53 p.m.

Mayor Martin said that on September 20, 1994, Council will consider the first reading of an ordinance making the necessary changes in the City Charter to clarify when a second primary is required in City elections.

D. PUBLIC HEARING TO DESIGNATE ST. MARY'S EPISCOPAL CHURCH, RECTORY AND GROUNDS LOCATED AT 337 CHARLOTTE STREET AS A LOCAL HISTORIC LANDMARK

ORDINANCE NO. 2136 - AN ORDINANCE TO DESIGNATE ST. MARY'S EPISCOPAL CHURCH, RECTORY AND GROUNDS LOCATED AT 337 CHARLOTTE STREET AS A LOCAL HISTORIC LANDMARK

Mayor Martin opened the public hearing at 4:54 p.m.

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

Ms. Maggie O'Connor, HRC Director, said that on June 8, 1994, the Historic Resources Commission unanimously recommended to City Council that St. Mary's Episcopal Church, rectory and grounds located at 337 Charlotte Street be designated as a local historic landmark.

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Designed by noted Asheville architect Richard Sharpe Smith, and built in 1914, St. Mary's Episcopal Church is a very fine example of the picturesque red brick English Gothic-style church. In 1925, the English cottage-style rectory, also designed by Mr. Smith, was built in a garden-like setting designed by an associate of Frederick Law Olmstead. Both buildings are set in beautifully landscaped grounds designed by Chauncey Beadle. St. Mary's is one of the few churches in the south founded for the purpose of Anglo-Catholic worship and the only such church in North Carolina.

Councilwoman Sitnick was pleased that this designation has been made. She felt it is important to preserve historic areas for future generations.

Mayor Martin closed the public hearing at 4:57 p.m.

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

Councilwoman Sitnick moved for the adoption of Ordinance No. 2136. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2136 passed on its first and final reading.

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E. PUBLIC HEARING FOR THE REVIEW OF THE REVISED CABLE TELEVISION RATE SCHEDULE SUBMITTED BY TCI CABLEVISION

RESOLUTION NO. 94-156 - RESOLUTION EXTENDING THE TIME FOR A DECISION REGARDING THE RATE SCHEDULE OF TCI CABLEVISION OF ASHEVILLE FOR THE BASIC SERVICE TIER AND ALL EQUIPMENT, INSTALLATION AND OTHER SERVICES FOR THE BASIC SERVICE TIER

Mayor Martin said that the City received the rate schedule on August 15, 1994, and additional time is necessary in order to review the schedule.

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

Vice-Mayor Peterson moved for the adoption of Resolution No. 94-156, which extends the time period for review of the rate schedule of TCI Cablevision of Asheville until September 20, 1994. This motion was seconded by Councilman McClure and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE

III. UNFINISHED BUSINESS:

IV. NEW BUSINESS:

A. RENOVATION PLANS FOR STEPHENS-LEE RECREATION CENTER

Ray Kisiah, Director of Parks and Recreation, said that the Stephens-Lee Recreation Center does not now meet building codes, safety

standards, or the Americans with Disabilities Act requirements. A committee was formed of representatives from the Stephens-Lee neighborhood, Stephens-Lee Alumni Association, and Parks and Recreation staff to review the existing building and to plan for the physical -7-

renovations necessary in order to meet the requirements of a neighborhood recreation program for the Stephens-Lee area. A request for proposals for architectural and design services was sent to all architectural firms in the Asheville area and to selected minority firms in the Greenville/Spartanburg area. After an exhaustive review process, the committee recommended Jane Mathews and Patti Glazer as architects for this project. The architects met with City staff and the committee on several occasions and have completed the drafting of a revised floor plan and extensive program of renovations for the Stephens-Lee building in order that it will not only meet the recreational needs and interests of the people of the Stephens-Lee area but would also meet the legal requirements of the building code and the Americans with Disabilities Act.

The amount of \$350,000 is currently budgeted in the 1994/95 Capital Improvements Program for this renovation, however, total project costs are approximated at \$1.7 million.

Ms. Patti Glazer then outlined briefly the renovation study.

Councilwoman Field felt the amount of \$75.00 per square foot was high and wondered if a cost was known on what it would cost to re-build new rather than renovate. Mr. Kisiah replied that the charge to the Parks and Recreation Department was to look at renovation, not new construction. He also stated that the Stephens-Lee Alumni Association did not want a new building,

Mr. Kisiah responded to questions as the related to asbestos removal and lead base paint abatement costs.

Councilman Watts stated that as a graduate from Stephens-Lee, he supported the renovation of the building which has a history in Asheville.

Vice-Mayor Peterson inquired if any federal or state grants have been applied for in connection with this renovation project. Mr. Kisiah responded that they have submitted a proposal in the EZEC program. Other than that, he did not know of any other grants for a project of this nature.

Mr. Joe Chandler, Neighborhood President, pleaded with City Council to spend the money to renovate this building that holds many dear memories and will, more importantly, keep the kids off the street. He stressed that the did not want a new building - only to renovate this historic building.

Mr. Everette Parrish, Stephens-Lee Alumni Association, urged Council to renovate the building which is located in the heart of Asheville.

Mayor Martin thanked the community for their interest in this project and stated that Council will study the matter further.

B. ORDINANCE NO. 2137 - ORDINANCE AMENDING PORTIONS OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO REFLECT THE NAME CHANGE FROM THE DOWNTOWN DEVELOPMENT DEPARTMENT TO CITY DEVELOPMENT DEPARTMENT

City Manager Farris said that this ordinance will amend portions of the Code of Ordinances to reflect the name change from Downtown Development Department to City Development Department.

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The City of Asheville has determined to expand the responsibilities of the Downtown Development Department to include other areas in the City of Asheville and the City Manager has caused the name of that department to be changed to City Development. Certain provisions of the Code of Ordinances need to be amended to reflect that name change.

Councilwoman Sitnick questioned that if the name is changed, will there be any other substantive changes - for instance, to assure the proper representation of other areas in the City.

City Manager Farris' understanding of that is it is a policy question that would need to be addressed by City Council. The administration of the City is simply tasked by this Code revision to support the Downtown Development Commission. If Council wishes to change the membership or representation of that Commission, then that is a separate question. City Development would still be responsible for providing for staff support.

Vice-Mayor Peterson stated that he has been contacted by business owners on Tunnel Road who feel they have received no recognition from the Downtown Commission. They too would like to be included for sidewalks, trees, lighting, etc.

Councilwoman Field, member of the Downtown Commission, explained that she felt what the Downtown Commission did was to have the first meeting with the groups that were already organized, such as West Asheville and Biltmore Village. The Commission is requesting that any other group that wants to organize, they will help facilitate that process. The Tunnel Road business owners need to contact either City Development or Brady Blackburn who is Chairman of the Downtown Commission, to let their interest be known.

Councilwoman Sitnick stated that the whole point of changing the name to City Development was not just to change the surface activity of Downtown Development but to make sure that every business area of this community was represented equally in a meaningful way. The reasons for the request were so that there was an even distribution of interest, concern and application of what the City feels and does to these other areas.

City Manager Farris said that the important change that he sees with the Department is that it's work program has changed and that's what the administration of the City has control over. Obviously if the City has an umbrella commission, it can't be called the Downtown Commission because it is for the entire City. He felt the issues of the development downtown, or other areas of the City, are different kinds of situations. He didn't think the Council wanted to have a big commission that deals with all that, but have each area with its own representation. He felt it was necessary for the City to work with people to have a vested interest in those areas in order to be successful.

Councilwoman Sitnick agreed that each area should have its own commission with perhaps a combined meeting two or three times a year. But, her understanding of the name change was so that the same attention

and emphasis that was placed on filling the buildings in downtown, and improving the conditions in downtown were spread out across the City in order to extend economic vitality to these other areas. She wanted to make sure that the attitude change occurs along with the name change.

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City Manager Farris said the changes in term of resources available are minimal. He didn't think that, realistically speaking, the City in "Year One" could expect to have little revitalization projects going on all over the City. He felt the City has to take them one at a time and we are now making plans to do some work on Haywood Road. He felt the City needed to be successful in whatever it does and Haywood Road is an area where we can be successful and where there is interest already there. He envisioned Tunnel Road being almost a Public Works emphasis than maybe traditional downtown revitalization. He hoped that rather than having a department that is involved in all of these different things that we have teams that have representation from several departments that go together and work on these issues and resolve them. Perhaps the major responsibility on Tunnel Road may be Public Works, but on their team would be planning, downtown revitalization and other departments.

Councilman Swicegood agreed with Councilwoman Sitnick's comments and stressed that the name change was a good way to start being more user friendly and developing a better working relationship.

Vice-Mayor Peterson also agreed with prior comments about being user friendly and equal representation from each area.

Councilwoman Sitnick said she felt individual commissions would better represent their neighborhoods. There were lots of comments during the campaign that put Council here having to do with people feeling left out in the City - with people feeling like they were the ugly stepchild and they got what was left or nothing at all. Her point is that we need to have a fully vital City where economic development really benefits everyone and where we create a City that has a lot more interest. Most cities that you go to will have a downtown area and then an area that specializes in some kind of funky district or some kind of a wonder high-class shopping district - they have districts with different feelings to them and different personalities. That's what makes a City interesting. The other reason for her comments is that rather than having all of the potential economic development activities competing with each other, being jealous of each other, trying to sabotage each other. The idea is, for instance, downtown, the Riverfront, the South Pack Square Revitalization Project, the Grove Arcade, the Hand-Made in America, to all come together and work together through a City Development Department in order to enhance the entire City across the board - bringing in equal City-wide representation to this Department. This is apart from a commission. Whether the City has a Downtown Development Commission and a West Asheville Development Commission, etc., is separate from what she is talking about.

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

Councilwoman Field moved for the adoption of Ordinance No. 2137. This motion was seconded by Councilwoman Sitnick.

On a roll call vote of 7-0, Ordinance No. 2137 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 285

C. RESOLUTION NO. 94-157 - RESOLUTION AMENDING THE FEES AND CHARGES MANUAL TO REVISE CERTAIN USER FEES

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Ms. Cindy Batson, Internal Auditor, explained that this resolution will amend the Fees and Charges Manual to include increases of existing fees or implementation of new fees in the following areas: parking services, building safety, collection services, police services, soil erosion and sedimentation control and City-wide copy and report fees.

At the direction of City Council, a team of City staff has reviewed both existing and proposed fees and prepared a report indicating where changes are possible. This report has been reviewed with the Council Committee. Some of the fees included in the report can be implemented immediately (September 1, 1994) and some need additional review.

Other areas which need additional study will be presented to the Council Committee with a recommended effective date of January 1, 1995.

City Manager Farris responded to Vice-Mayor Peterson's question as it related to the Civic Center.

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

Councilman Swicegood moved for the adoption of Resolution No. 94-157. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 11

D. ORDINANCE NO. 2138 - BUDGET AMENDMENT RELATIVE TO CHANGE ORDERS TO CONTRACT NO. 10 FOR STREET AND SIDEWALK WATER IMPROVEMENTS

City Manager Farris said that this budget amendment, in the amount of \$317,418, authorizes an increase in appropriation for Contract No. 10 to accommodate changes in water and sewer lines that occurred as a result of the street construction. These changes were approved as they do not exceed the contingency in the Contract 10. However, since these changes are water and sewer related, we request that Council increase the appropriation by the amount of the change orders because there is a corresponding revenue to these expenses. This increase in appropriation allows us to maintain our contingency.

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

Councilman Swicegood moved for the adoption of Ordinance No. 2138. This motion was seconded by Councilman McClure.

On a roll call vote of 7-0, Ordinance No. 2138 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 287

E. RESOLUTION NO. 94-158 - RESOLUTION SETTING A PUBLIC HEARING ON OCTOBER 4, 1994, RELATIVE TO AN ELECTED SCHOOL BOARD

City Attorney Slawter said that this resolution will schedule a public hearing regarding the issue of an elected school board. If the City Council should determine that an elected board is preferable to an appointed board, the Council could request that such a change be made by -11-

the North Carolina General Assembly. The City Council does not have the authority to make this change on its own.

Councilman McClure said that questions of an elected school board has come up on several occasions and felt it was time in order to have this public hearing in order to get some public comment.

Councilwoman Field suggested City Council hold a worksession on the pros and cons of an elected school board.

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

Vice-Mayor Peterson moved for the adoption of Resolution No. 94-158, setting a public hearing on this matter for October 4, 1994, at 7:00 p.m. in the Banquet Room of the Asheville Civic Center. This motion was seconded by Councilman Swicegood and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 18

F. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE SUPPLEMENTAL WATER AGREEMENT AND APPROVING AN AMENDMENT TO THE BYLAWS OF THE ASHEVILLE-BUNCOMBE WATER AUTHORITY

At the request of Phil Smith, attorney for the Asheville-Buncombe Water Authority, this item was removed from consideration by Council.

V. CONSENT:

At the request of Mr. Ralph Bishop, the approval of the minutes of the meetings held on 8/9, 8/11 and 9/19, 1994, was removed from the Consent Agenda. Mayor Martin stated that this item would be considered at the next City Council meeting which will be on September 20, 1994.

A. RESOLUTION NO. 94-159 - RESOLUTION OF INTENT TO CLOSE CLARK LANE AND CALLING FOR A PUBLIC HEARING ON 9/20/94

RESOLUTION BOOK NO. 22 - PAGE 19

B. RESOLUTION NO. 94-160 - RESOLUTION REGARDING DISPOSAL OF CITY-OWNED PERSONAL PROPERTY VALUED LESS THAN \$500

Summary: This resolution identifies city-owned personal property disposed of for the period of January 1, 1994, through June 30, 1994.

RESOLUTION BOOK NO. 22 - PAGE 20

C. RESOLUTION NO. 94-161 - RESOLUTION REQUESTING MSD TO REHABILITATE THE SEWER LINE SERVING NOS. 161, 165, 167 and 169 MERCHANT STREET

Summary: As part of the MSD Agreement with the City dated November 21, 1989, MSD shall spend up to \$200,000 in any one fiscal year for the take over and rehabilitation of private sewer systems. Projects will be addressed by MSD on a first come, first serve basis each year.

The City has received a request from the homeowners of Nos. 161, 165, 167 and 169 Merchant Street Azalea Road that the City make a formal request to MSD for rehabilitation of the collector sewer system serving their homes.

RESOLUTION BOOK NO. 22 - PAGE 21

D. RESOLUTION NO. 94-162 - RESOLUTION APPOINTING A MEMBER TO THE POLICE OFFICERS AND FIREFIGHTERS DISABILITY REVIEW BOARD

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Summary: This resolution will appoint Dr. Michael Keleher as a member of the Police Officers and Firefighters Disability Review Board for a two year term, term to expire July 19, 1996, or until his successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 22

E. RESOLUTION NO. 94-163 - RESOLUTION REAPPOINTING A MEMBER TO THE ASHEVILLE TREE/GREENWAY COMMISSION

Summary: This resolution will reappoint Leni Sitnick as a member of the Asheville Tree/Greenway Commission for an additional three year term, term to expire August 1, 1997, or until his successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 23

F. RESOLUTION NO. 94-164 - RESOLUTION REAPPOINTING A MEMBER TO THE TOURISM

DEVELOPMENT AUTHORITY

Summary: This resolution will reappoint John Winkenwerder as a member of the Tourism Development Authority for an additional three year term, term to expire August 30, 1997, or until his successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 24

G. RESOLUTION NO. 94-165 - RESOLUTION APPOINTING A CHAIRMAN TO THE CIVIL SERVICE BOARD

Summary: This resolution will appoint Beth Arrowood as Chairman of the Civil Service Board for a two year term, term to expire May 21, 1996, or until her successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 25

H. MOTION TO RESCHEDULE PUBLIC HEARING ON PUBLIC HOUSING PROJECT OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AT THE CORNER OF VIRGINIA AND BROTHERTON AVENUES FROM SEPTEMBER 20, 1994, TO SEPTEMBER 27, 1994

I. RESOLUTION NO. 94-166 - RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION FOR A TRAFFIC ENFORCEMENT UNIT GRANT WITH THE NC GOVERNOR'S HIGHWAY SAFETY PROGRAM

Summary: This will authorize the City Manager to file a grant application to the Governor's Highway Safety Program for second year funding of the Police Department's STEP Project. The resolution calls for formal appropriation of City funds in the amount of \$48,675.

RESOLUTION BOOK NO. 22 - PAGE 26

J. RESOLUTION NO. 94-167 - RESOLUTION AUTHORIZING THE HOUSING AUTHORITY TO ACCEPT A BID TO PURCHASE DISPOSAL PARCEL 19 IN THE HEAD OF MONTFORD REDEVELOPMENT PROJECT

Summary: This resolution will authorize the Housing Authority to accept a bid to purchase Disposal Parcel 19 on Short Street from Neighborhood Housing Services of Asheville Inc. (NHS) in the amount of \$3,500.

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The total area of land is 6,000 square feet. The proposed development will consist of 900 square feet for a two bedroom bungalow built handicapped accessible. The completed home will be offered for sale by NHS to a low income family.

RESOLUTION BOOK NO. 22 - PAGE 27

Councilman Swicegood moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Watts and carried unanimously.

VI. OTHER BUSINESS:

A. RESOLUTION NO. 94-168 - RESOLUTION DIRECTING THE ADMINISTRATION TO INITIATE AN AMENDMENT TO THE CITY'S ZONING ORDINANCE TO ALLOW DEVELOPERS AND PROPERTY OWNERS TO UTILIZE PERVIOUS MATERIALS FOR OFF-STREET PARKING

City Manager Farris said that this resolution, initiated at the direction of Councilwoman Sitnick, will direct City staff to draft a proposal for amending

the City's Zoning Ordinance as it applies to the provision of off-street parking. Currently the City requires all parking areas to be paved. There is concern that this requirement is too inflexible and works contrary to Council's efforts to control stormwater runoff. The resolution directs staff to study the issue and prepare a report and proposed wording amendment for review by the Asheville Planning and Zoning Commission at their October meeting. Planning and Zoning's recommendation will then be forwarded to you for your consideration.

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

Vice-Mayor Peterson moved for the adoption of Resolution No. 94-168. This motion was seconded by Councilman Swicegood and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 28

B. RESOLUTION NO. 94-169 - RESOLUTION APPOINTING MEMBERS TO THE PLANNING AND ZONING COMMISSION

City Manager Farris said that this resolution will reappoint Roderick Hudgins and appoint Robert M. Swicegood II to the Planning and Zoning Commission for three year terms respectively. Their terms will expire on August 14, 1997, or until their successors have been duly appointed and qualified.

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

Councilman Watts moved for the adoption of Resolution No. 94-169. This motion was seconded by Councilman McClure and carried on a 5-2 vote, with Councilwomen Field and Sitnick voting "no".

Councilwoman Sitnick stated that she was opposed to appointing Robert M. Swicegood II primarily because she felt the City needed some representation from West Asheville on the Planning and Zoning Commission.

RESOLUTION BOOK NO. 22 - PAGE 29

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C. RESOLUTION NO. 94-170 - RESOLUTION AUTHORIZING EXECUTION OF MUNICIPAL AGREEMENT

City Manager Farris said that this resolution will authorize the Mayor to execute an agreement with the N.C. Department of Transportation for the replacement of Bridge #83 over Ross Branch.

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

Councilman Swicegood moved for the adoption of Resolution No. 94-170. This motion was seconded by Councilman McClure and carried unanimously.

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D. SELF-HELP CREDIT UNION

Vice-Mayor Peterson was pleased that the Self-Help Credit Union has been making improvements on some concerns the City Council had expressed earlier to them.

E. CLAIMS

City Manager Farris said that the following claims were received by the City of Asheville during the week of August 10-17, 1994: Shaun P. Donahue (Streets), Dorothy Jackson (Streets), Juanita Roberts (Parks & Recreation), Suzanne N. Dawkins (Parks & Recreation), Carol A. Silva (Water), Starr Furniture (Water), Adele Schmidt (Civic Center), and Maria Keranis (Streets).

He said that these claims would be referred to the appropriate insurers for investigation.

F. EXECUTIVE SESSION

At 6:30 p.m., Councilman Swicegood moved to go into executive session to discuss a personnel issue and a legal issue. This motion was seconded by Councilman McClure and carried unanimously.

At 6:50 p.m., Councilman Swicegood moved to come out of executive session. This motion was seconded by Councilman McClure and carried unanimously.

G. RALPH BISHOP

Upon inquiry of Mr. Ralph Bishop as to whether a quorum was present, City Attorney Slawter said that by State law there was a quorum present. He explained that no one was excused before leaving therefore the law considers everyone as still being there.

Mr. Bishop commented on the salary of the City Manager.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:52 p.m.

CITY CLERK MAYOR
