

Tuesday - February 21, 1995 - 4:00 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure (came into meeting at 5:00 p.m.), Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Vice-Mayor Peterson gave the invocation.

I. PROCLAMATIONS:

A. REGIONAL DESIGNATION AWARD IN THE ARTS

Ms. Maggie O'Connor, Historic Resources Director, said that on January 31, 1995, the Atlanta Committee for the Olympic Games Cultural Olympiad announced the recipients of the 1995 Regional Designation Awards in the Arts. Among this years 30 recipients is the Historic Resources Commission of Asheville and Buncombe County.

HRC's award winning project, "An Architect and His Times, Richard Sharp Smith: A Retrospective," is an exhibition of at least 50 original drawings by Richard Sharp Smith, celebrating his contributions to Asheville and the region and commemorating the 100th anniversary of the completion of the Biltmore House.

Vice-Mayor Peterson said that he has seen these drawings and hoped the City could find a permanent location for exhibition.

Councilwoman Sitnick stated that his drawings actually attract tourists to the Asheville area and hoped an exhibition space could be found.

Councilwoman Field suggested some display space at Pack Place might be a suitable location for the drawings.

On behalf of the City Council, Mayor Martin congratulated Ms. O'Connor and the HRC Commission.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO AMENDING THE ZONING ORDINANCE REGARDING THE DEFINITION OF "SIGN"

ORDINANCE NO. 2189 - ORDINANCE AMENDING SECTIONS 30-2-1 AND 30-9-2 OF APPENDIX A OF THE CODE OF ORDINANCES REGARDING THE DEFINITION OF "SIGN"

Mayor Martin opened the public hearing at 4:15 p.m.

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

Ms. Julia Cogburn, Planning Director, said that on January 4, 1995, the Planning and Zoning Commission reviewed and recommended -2-

unanimously the wording amendment. This amendment changes the definition of "sign" found in the City's Zoning Ordinance to add the following language:

This definition shall not be interpreted to include awnings except for the portion of an awning which contains a message, logo, emblem, or similar wording or symbols which highlights such message, logo, emblem, or similar wording or symbols. Furthermore, this definition shall not be interpreted to include architectural features of a building even when such features (i.e. roof style/color) are identifiable with a certain establishment.

She said adding this language clarifies that the sign regulations do not apply to architectural features and awnings (except that portion of the awning identified).

The Planning staff and Planning and Zoning Commission both recommend the amendment.

Mayor Martin closed the public hearing at 4:17 p.m.

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. 2189. This motion was seconded by Councilwoman Sitnick.

On a roll call vote of 6-0, Ordinance No. 2189 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 29

B. PUBLIC HEARING RELATIVE TO AMENDING THE ZONING ORDINANCE TO ESTABLISH STANDARDS FOR THE REPLACEMENT OF EXISTING MANUFACTURED HOMES IN ALL ZONING DISTRICTS

ORDINANCE NO. 2190 - ORDINANCE AMENDING APPENDIX A OF THE CODE OF ORDINANCES FOR THE REPLACEMENT OF MANUFACTURED HOMES ON INDIVIDUAL LOTS

Mayor Martin opened the public hearing at 4:17 p.m.

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

Mr. Gerald Green, Senior Planner, said that on January 4, 1995 meeting, the Asheville Planning and Zoning Commission reviewed and recommended approval of an amendment to Appendix A (Zoning Ordinance) of the Code of Ordinances of the City of Asheville. The recommended revision addresses standards for the replacement of existing manufactured homes throughout the city. Currently, the City's ordinance requires that all new and replacement manufactured homes meet the same standards.

The recommended revision establishes different standards for replacement homes than for new manufactured homes. Replacement manufactured homes may be single-wide homes while new manufactured homes must continue to be double-wides. All other standards remain the same for new and replacement manufactured homes. Other standards include requirements that the homes have roofs with a minimum 3:12 pitch, that -3-

the homes be attached to a permanent foundation, that the siding of the manufactured homes be similar to that used on site built homes, and that the towing apparatus be removed.

The Planning staff and the Planning and Zoning Commission both recommend the amendment.

Mr. Green responded to questions from Councilman Swicegood on manufactured vs. modular homes.

Mayor Martin closed the public hearing at 4:18 p.m.

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. 2190. This motion was seconded by Councilman Watts.

On a roll call vote of 6-0, Ordinance No. 2190 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 31

C. PUBLIC HEARING RELATIVE TO EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING A CONTIGUOUS AREA LOCATED WEST ON OVERLOOK ROAD AND KNOWN AS THE HOLT AT BILTMORE PARK AND GLEN OAKS 1 AT BILTMORE PARK

ORDINANCE NO. 2191 - ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING A CONTIGUOUS AREA LOCATED WEST ON OVERLOOK ROAD AND KNOWN AS THE HOLT AT BILTMORE PARK AND GLEN OAKS 1 AT BILTMORE PARK

Mayor Martin opened the public hearing at 4:19 p.m.

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

Mr. Paul Benson, Urban Planner, said that Biltmore Farms Inc. has submitted a petition for the annexation of an area located west of Overlook Road - Biltmore Park, Section 5. The area petitioned for annexation consists of 39.054 acres and is adjacent to the existing corporate limits. This annexation is adjacent to the first four sections of Biltmore Park recently annexed by the City. The applicant has requested that the effective date of annexation be set for six months after adoption of the annexation ordinance which will be August 21, 1995.

Mayor Martin closed the public hearing at 4:21 p.m.

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. 2191. This motion was seconded by Councilman Swicegood.

On a roll call vote of 6-0, Ordinance No. 2191 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 35 -4-

III. UNFINISHED BUSINESS:

A. ORDINANCE NO. 2188 - SECOND READING OF AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING NONCONFORMING SIGNS

Mayor Martin stated that Councilman McClure had requested that the second

reading be postponed until he arrived at the meeting. Vice-Mayor Peterson moved to postpone the second reading of Ordinance No. 2188 until Councilman McClure was present. This motion was seconded by Councilwoman Sitnick and carried unanimously.

#### IV. NEW BUSINESS:

##### A. RESOLUTION NO. 95-20 - RESOLUTION REVISING CERTAIN USER FEES

Mr. Bob Wurst, Audit/Budget Director, said that staff met with a committee of Council in August 1994, and reviewed recommendations for fee increases and new fees in several areas. City Council adopted those recommended fee changes in August. City staff has since met with the Council committee several times to review additional fee recommendations. The City's Fees and Charges Manual will need to be amended to include increases of existing fees or implementation of new fees in the Public Works Department and the Parks and Recreation Department. These fee adjustments will be implemented on July 1, 1995, except for the removal of the cap for street cut permit fees which shall be effective immediately.

He said the street cut permits are in line with regard to the cost of the program, so we will generate a little over \$300,000 in revenue which is very close to the cost of administering the program. Revenues and expenses will be monitored and if they need to be revised in the future, we will come back to Council.

He said the other change is in the area of Parks and Recreation. The reason for the larger increase at Stephens-Lee was the time it took to set up for events there because they don't have enough chairs, tables, etc. We decided that was true of all locations and we don't recover the cost for rental of any recreation center. Therefore, the Committee agreed to drop back to \$200 which is in line with the other recreation centers for this type of use. Also, in addition to the flat rental of \$200 for each facility that has a gym, the Parks and Recreation Advisory Committee may require a \$50.00 deposit, refundable if the group cleans up the facility after the event.

When Councilman Swicegood questioned the \$25 white good collection fee and would it make people dump illegally just to get out of paying the \$25 charge. City Manager Westbrook said that responsible people will pay the fee and the irresponsible people will continue to dump them illegally.

Mr. Ray Kisiah, Director of Parks and Recreation, said that this offering to groups of clean-up is not new - they have been doing that for several years at Memorial Stadium and it works quite well. The details will be worked out by the Parks and Recreation Advisory Board. The Advisory Board did vote in principle to support the charges with the specific details to be worked out at their March meeting.

A member of the Parks and Recreation Advisory Committee stated that the Committee did support the majority of the fees being raised, however, they noticed that the fee for Stephens-Lee Recreation Center -5-

was doubled. He said he would have no problem with that if the facility was standard, however, it is a building that was almost condemned which sits in a predominately black neighborhood. He felt that fee was unjust. He realized that Council has allocated money to renovate that Center but still feels that \$200 is too much. He felt like the cleaning up charge should be included in the \$200 rental fee since they are being paid to clean up. He asked Council to investigate the fee for the Stephens-Lee Recreation Center further.

Mr. Everette Parrish also felt that the fee at Stephens-Lee Recreation Center was much too high in its present condition since it has little to offer the citizens. He pointed out the heating and cooling problems, the no handicapped accessibility and the bathrooms are deplorable.

Upon inquiry of Mayor Martin, Mr. Kisiah said that the average fee for this Center is approximately \$175 per occasion. He suggested Council give the Advisory Board policy guidelines and let them work out the details, for example, if Council's intent is to recover the costs, then they can certainly document the cost.

Vice-Mayor Peterson stated that the City is losing money at all of its recreation centers and even with the fee increases, the City will still lose money. He said the Council all agree that Stephens-Lee in its present condition is not a good center, however, the basketball court is in very good shape and Council is allocating money for renovations. He stressed again that all the centers are being charged the same amount.

Councilman Swicegood felt the \$200 fee was very fair and even a bargain compared to the rental fees charged by other facilities in the area. He too noted that Council has allocated money towards renovation of the Center.

Some discussion surrounded the cost for renting tables and chairs and costs associated with hauling them from center to center.

Councilman Watts also felt that the fee at Stephens-Lee Recreation Center was too high for its present condition.

When Councilwoman Sitnick asked how many times this Center was rented, Mr. Kisiah said that it was rented nine times with special occasion permits. He did note that if the City co-sponsors an event, there is no fee and also noted that alcoholic beverages are not permitted with the City co-sponsors an event.

Councilwoman Sitnick stated that this Council is committed to improving the Stephens-Lee Recreation Center. There is no doubt that we honor its history and its importance to the citizens of the City. As far as alcohol and youth, I have a serious problem. Ray has assured me that when the City sponsors events at the centers that there is no alcohol. I went on record last week at our worksession as being very disturbed at the fact that we sold beer at the circus at the Civic Center. I consider this the same thing. I think it's a bad precedent and a bad message, so I concur that when you have young people around - the best example is not to have alcohol served. What we tried to do on the User Fee Committee was to be fair and that was the word that we used most often. I want to thank Councilman Watts for bringing to our attention last week the fact that an increased charge for the Stephens- -6-

Lee Center was not fair - and we've agreed to make that charge equal across the City. I assure you that the commitment of this Council is to do whatever we can to find funds and to continue our commitment to improving the Stephens-Lee Center.

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. 95-20. This motion was seconded by Councilwoman Sitnick and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 195

B. ORDINANCE NO. 2192 - ORDINANCE AMENDING CHAPTER 15.5 (STORMWATER MANAGEMENT)

## OF THE CODE OF ORDINANCES

Mr. Harold Huff, City Engineer, explained that the stormwater ordinance and associated standard specifications manual were adopted by Council on June 7, 1994, and became effective July 1, 1994. After seven months, it is apparent that minor alterations to various sections of the ordinance may from time to time, on a case by case basis, be desired by both the designing professional and the City Engineer. He recommended the ordinance be amended to address situations of a minor nature which may occur in the future. This would preclude the need to schedule appeal or amendment for City Council's consideration each and every time a minor change is proposed.

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

Councilwoman Field moved for the adoption of Ordinance No. 2192. This motion was seconded by Councilman Watts.

On a roll call vote of 6-0, Ordinance No. 2192 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 38

C. ORDINANCE NO. 2193 - BUDGET AMENDMENT RELATIVE TO MINORITY BUSINESS PROGRAM FUNDING

Mr. Larry Fisher, Finance Director, said that this budget amendment, in the amount of \$89,910, will establish the 1994-95 appropriation for administration of the Minority Business Program of the City.

In May 1994 HUD informed the City by letter that the Minority Business Program was no longer eligible for funding with CDBG program funds. After much discussion, City Manager Westbrook has decided that the program can be run most effectively from the Finance Department, Purchasing Division.

At this time, 5:00 p.m., Councilman McClure arrived at the meeting.

Ms. Marilyn Bass, Minority Business Coordinator, answered various questions by Council relative to the City's progress in reaching its goals and the process involved with vehicles go out for bid. -7-

Councilwoman Sitnick, who is liaison to the Minority Business Commission, said that the disparity study can point out that racism still scars our land. The Minority Business Program can only go so far in ensuring fair, balanced, even-playing field for everybody. I think it takes a greater commitment on the part of the City, on the part of the citizens in the City, to see to it that there's an even-playing field. To address the concerns that still exist regarding the program being moved into the Purchasing Division, I have confidence that staff has made every effort to see to it that the program is maintained and maybe elevated to a higher level. My concern is the monitoring of whether or not the program is working. That's the bottom line. It's fine to have paperwork and studies and staff and ideas about moving programs and maybe finding different sources for funding, but the idea is to make sure that it's actually doing what it's supposed to do. The bottom line here is going to be monitoring. I would like to be clear that it is my feeling that since this is new funding, since this is in a new place, that the monitoring, especially at the out-set, should be frequent, should be often, should be reported back to Council so that we can make sure our commitment to the Minority Business Program and to the findings of the disparity study are really working and not just working on paper.

Councilwoman Field, who has served on the Minority Business Commission and also who served as liaison to the Commission, stated that she had tremendous confidence in Ms. Bass and stated that the City's compliance with the Minority Business Plan has increased since Ms. Bass was hired.

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

Councilwoman Sitnick moved for the adoption of Ordinance No. 2193. This motion was seconded by Councilwoman Field.

On a roll call vote of 6-0, Ordinance No. 2193 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 39

### III. UNFINISHED BUSINESS:

#### A. ORDINANCE NO. 2188 - SECOND READING OF AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING NONCONFORMING SIGNS

Mayor Martin stated that the first reading of this ordinance was held on February 7, 1995.

Ms. Julia Cogburn, Planning Director, briefed the Council by saying that on December 7, 1994, the Planning and Zoning Commission reviewed and approved with a vote of 4-3 a proposed wording amendment to the Zoning Ordinance regarding nonconforming signs. This wording amendment was prepared by staff at the request of the Asheville City Council. The wording amendment grandfathered in all nonconforming signs which comply with the regulations of the City's Sign Ordinance which was adopted in October of 1977. Currently, these signs are subject to coming into compliance ("amortization") in 1997.

Council approved the ordinance on the first reading at its meeting February 7, 1995. Since that time a question came up as to the -8-

potential effect of the ordinance amendment on signs not in compliance with the specifications of the 1977 ordinance but grandfathered by that ordinance.

Council looked at two alternates for clarifying this issue at a worksession on February 14, 1995. Council agreed that the intent of the amendment on nonconforming signs was not to grandfather in signs which did not conform with the 1977 ordinance but which were grandfathered by it. The following statement will clarify this point and is found in Section 30-9-10.B "Non-conforming signs and signs deemed conforming which were allowed to remain by the sign regulations adopted as part of the readoption of Ordinance No. 322, effective October 21, 1977, shall not be allowed to remain in accordance with the provisions set forth herein and shall be made conforming or removed no later than August 28, 1995.

The draft approved by the Planning and Zoning Commission also recommends that language be added which allows for repainting, changing the message, or changing the panels on all nonconforming signs. Currently, signs must come into compliance when such changes or alterations are made. The Planning and Zoning Commission voted 4-3 to recommend the ordinance to you.

Staff recommends that Council amend the amendment on nonconforming signs, prior to taking a second reading on its passage. No new public hearing is required.

Mayor Martin commented that he personally has no problems with on-premise signs

but felt the City needed to get a handle as soon as possible on the large billboards.

Councilwoman Sitnick said that it would be her wish that at some point in the future we could eliminate the use of billboards in historic districts. Historic districts create a whole different attitude in the City, they are certainly important to the tourism industry and perhaps in the future the Council might consider a way for us to, over a period of time, eliminate the use of billboards in historic districts.

Councilwoman Field felt that when the original sign ordinance was going through the process she spoke, as a representative of the Downtown Association, regarding on-premise signs in the downtown community and feared that perhaps the sign ordinance was too strict. It was very difficult to get a sign ordinance that we could at least pass so there are some things that those of us who were part of the downtown let go, and felt that they'd worry about them later. Whatever happens at this meeting, we do need to take a look at some minor glitches in the on-premise sign parts in the sign ordinance. She offered to be a part of that if it happens. The sign ordinance isn't perfect by any means, and in her opinion, if you look at this community now based on what it looked like seven years ago, it is much better and she didn't think anybody has gone out of business because of their sign. The City looks better and we have a very fine community here and she certainly supports the sign ordinance that we have.

Councilwoman Field moved to amend Ordinance No. 2188 to specify that the signs grandfathered by the 1977 ordinance will not be grandfathered by this ordinance. This motion was seconded by Councilwoman Sitnick and carried unanimously.

On a roll call vote of 4-3 (with Mayor Martin and Councilwomen Field and Sitnick voting "no"), Ordinance No. 2188, as amended, passed on its second and final reading. -9-

ORDINANCE BOOK NO. 15 - PAGE 26

V. CONSENT:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 7, 1995, AND THE WORKSESSION HELD ON FEBRUARY 14, 1995

B. RESOLUTION NO. 95-21 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO DISPOSE OF APPROXIMATELY 3 TONS OF SCRAP METALS BY SEALED BID

Summary: The Water Resources Department has requested the Purchasing Division to sell approximately 30 tons of assorted scrap metals that are currently stored at their facility on South Charlotte Street.

RESOLUTION BOOK NO. 22 - PAGE 198

C. RESOLUTION NO. 95-22 - RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY FROM BRIAN K. BAILEY AND WIFE, BONNIE BAILEY

Summary: This action is for approval of a lot adjacent to the Harvest House facility on Kenilworth Road from Brian K. Bailey and wife, Bonnie Bailey. In 1993, a proposal was made to sell the lot to the City for \$1,000. At that time, the lot had a tax value of \$2,200. The City Council at that time was agreeable to the proposal, except that there was a title defect which prevented the Baileys from giving the City clear title to the property. That defect has now been cleared up. The tax value of the lot has increased from \$2,200 to



\$3,200. The acquisition of this lot would enhance the Harvest House facility by adding additional open space for buffer.

RESOLUTION BOOK NO. 22 - PAGE 200

D. RESOLUTION NO. 95-23 - RESOLUTION ESTABLISHING A NEW POLICY AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS AND AWARD BIDS

Summary: This policy will authorize the City Manager, or his designee, to sign all contracts, memorandums of understanding, agreements and other documents which may obligate the City up to an amount of \$30,000 under the following conditions: (1) the funds being obligated by the City Manager are budgeted and not encumbered; (2) all applicable federal, state and local laws and ordinances are complied with procuring the service or goods; and (3) any contract or obligation executed by the City Manager under this policy will be reported to the City Council no later than its next regularly scheduled meeting.

RESOLUTION BOOK NO. 22 - PAGE 201

E. RESOLUTION NO. 95-24 - RESOLUTION AUTHORIZING SUBMISSION OF A HOME INVESTMENT PARTNERSHIPS PROGRAM APPLICATION AND A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR FISCAL YEAR 1995-96 PROGRAM FUNDS

Summary: The City of Asheville currently owns a 17.282 acre tract of land adjacent to the Meadows Apartments. This property is zoned R-3 and was originally scheduled to be developed into the Meadows II Apartments during the mid to late 1970s. Since the City's acquisition -10-

in 1981, the property has remained unimproved. The City has a deeded right-of-way across the Meadows Apartments to the Meadows II property and should be able to grant access to subsequent property owners.

The Community Development Division would subdivide this property into buildable lots upon which pre qualified low- and moderate-income families would construct single-family, detached houses of approximately 1100 square feet per house. It is anticipated this development will contain a total of 36 housing units, and will be constructed over two phases of 18 units each. Qualified families will have incomes between 55% and 80% of the area's median income, and will own the houses in fee simple title. Private bank financing, interim and permanent, will be sought and blended with the public funds.

RESOLUTION BOOK NO. 22 - PAGE 203

F. RESOLUTION NO. 95-25 - RESOLUTION FINDING THE SONDELY ESTATES PROJECT, CONSISTING OF SONDELY PARKWAY, SONDELY DRIVE, SONDELY WOODS PLACE, SONDELY DRIVE SOUTH AND SONDELY DRIVE EAST, COMPLETED, ASSESSING THE TOTAL COST AND CALLING FOR A PUBLIC HEARING ON MARCH 7, 1995, ANNOUNCING THE COMPLETION OF THE PRELIMINARY ASSESSMENT ROLL

RESOLUTION BOOK NO. 22 - PAGE 204

G. RESOLUTION NO. 95-26 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR RECYCLING DROP CENTERS

Summary: On February 7, 1995, the City Council adopted a budget amendment which added two new recycling centers to the two that the City already sponsors. This resolution will authorize the City Manager to enter into agreements to continue to support the City's recycling drop center program. Once the resolution is adopted, the City will enter into an agreement with ABC Recycling who will then be able to move the new recycling centers into place.

RESOLUTION BOOK NO. 22 - PAGE 206

Councilwoman Field moved to approve the Consent Agenda. This motion was seconded by Councilman Swicegood and carried unanimously.

VI. OTHER BUSINESS:

A. CHANGE IN COUNCIL MEETING DAY AND TIME

Vice-Mayor Peterson reminded the Council that at the next formal meeting he would move to change the day and time the City Council meets so as not to conflict with the Buncombe County Commissioners meeting day and time.

Councilwoman Sitnick thanked Vice-Mayor Peterson for bringing this matter to a vote since she has been asking for this change for several years.

It was the consensus of Council to bring this matter up at the next scheduled worksession.

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B. WORKSESSIONS BEING OPEN TO PUBLIC

Councilwoman Sitnick read Section 9 out of the City Charter which deals with meetings being open with opportunity for citizens to be heard. She felt that perhaps there was less attendance at the Council's worksessions because the citizens don't realize there is an informal worksession in between formal meetings. She felt it was important for us to get the word out through the media or to announce it at the formal City Council meetings so that citizens know that at worksessions they also have a reasonable opportunity to be heard. She asked staff to make an attempt to let the citizens know they are welcome at Council's worksessions and that they will have an opportunity to be heard.

C. ANTHONY FISHER - INSPECTIONS COMPLAINT

Mr. Anthony Fisher, Controller for Wholesale Glass and Mirror, by use of pictures, explained to the Council a serious concern he has relative to the conduct of City employees. He asked that the Council investigate his concerns.

City Attorney Slawter said that he would be happy to meet with him concerning this matter.

D. COMMENTS BY RALPH BISHOP

Mr. Ralph Bishop felt that this Council and previous Councils have not upheld their oath of office.

E. CLAIMS

City Manager Westbrook said that the following claims were received by the City of Asheville during the week of February 2-8, 1995: Mary Ellen Miller (Sanitation) and Lamont J. Baird (Police).

He said the following claims were received during the week of February 9-15, 1995: John Tim Kast (Water), David Vinciguerra (Water), Heather Rogers (Streets), Stephanie Parker (Water) and Bernard Arghiere (Water).

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

F. LAWSUITS

City Manager Westbrook said the following lawsuit has been received by the City on February 7, 1995: County of Buncombe v. Wanda Renee Coleman and husband, Isaac Franklin Coleman, Property Owners, et al. (tax foreclosure).

He said that this has been referred to the appropriate legal counsel for action.

G. CLOSED SESSION

At 5:40 p.m., Councilman Swicegood moved to go into closed session to discuss legal matters. This motion was seconded by Councilwoman Field and carried unanimously.

At 7:50 p.m. Councilman Swicegood moved to come out of closed session. This motion was seconded by Councilwoman Field and carried unanimously. -12-

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 7:52 p.m.

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CITY CLERK MAYOR

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