

Tuesday - June 27, 1995 - 5:00 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; Assistant City Attorney Patsy Meldrum; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Mayor Martin gave the invocation.

I. PROCLAMATIONS: None

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO ADOPTION OF THE 1995-96 ANNUAL OPERATING BUDGET

ORDINANCE NO. 2220 - ORDINANCE ADOPTING THE BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1995-96

Mayor Martin opened the public hearing at 5:10 p.m.

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

Audit/Budget Director Bob Wurst said that this ordinance reflects the recommended General Fund budget in the amount of \$48,318,277, as presented to the Council on April 25, 1995. He said the Asheville-Buncombe Water Authority and the Buncombe County Board of Commissioners have approved the Water Operations Fund budget in the amount of \$16,633,603, which is incorporated in our budget. He said the Transit Fund is included at full requested funding of \$2,078,700. He then summarized the other major operating funds of the City. The ordinance as recommended sets the tax rate at \$.57/\$100 valuation (as in the current fiscal year with no increase). He said that there is no use of fund balance in balancing this budget for the coming year. He explained that the budget does include approximately \$700,000 for the City's Pay Plan. He said the budget does reinstate funding for streets and sidewalks. We presently estimate that we will do this summer 4.25 miles of street resurfacing and 5,400 linear feet of sidewalk reconstruction.

He said the budget, as being presented, includes the funding at the current levels for all the outside agencies.

Councilman McClure noted that in this budget, Council not only put money in for stormwater construction materials, but for some actual work to be done. He noted that we are able to fund this without the \$5 user fee that has been discussed. City Manager Westbrook said that we will be adding a crew of three plus \$82,000 in operational costs for this project.

In response to Councilman McClure, Mr. Wurst said that the City will have about a \$7 Million General Fund fund balance at the end of this fiscal year. He said we are not projecting to use any in the budget for next year. Assuming everything comes in well during the year, we should be able to add additional amounts to the fund balance.

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Mayor Martin asked Mr. Wurst to explain the importance of the City retaining its AA bond rating. Mr. Wurst did just that, saying that he felt the \$7 Million fund balance will provide enough reserve to keep our current bond rating, and we expect that to grow more over the next few years. But, right now, he thinks it's probably adequate. He felt that this budget is fiscally responsible and this budget will maintain our bond rating barring unforeseen occurrences.

Vice-Mayor Peterson congratulated the City Manager and his staff on the budget. He said that four years ago they were looking at a 7-cent tax increase, which they voted against. He said that this Council has cut taxes by two cents and still has able to put more money into streets and other projects. He felt Council has streamlined government without cutting services.

Councilwoman Sitnick said that "as far as I can see, other than a couple of little commas and dots here and there, we've got a pretty fat free budget." After reading a section in the ordinance which authorized the City Manager to expend up to \$20,000 from the general contingency fund for an emergency, she asked what would constitute an emergency. Mr. Westbrook responded that a flood, fire emergency or a blizzard might constitute an emergency.

Mr. Jerry Rice, representing Taxpayers for Accountable Government, asked if this budget has been balanced on a 95% tax collection rate. Mayor Martin responded that it had because that was the collection rate last year. Mr. Rice then said that as of June 26, 1995, the collection rate was 96.97% and he wondered if it would be appropriate to reduce the tax rate to \$.56/\$100. He said that if Council adopted this budget at the 96.97% collection rate, the City will have a windfall of \$367,000 and he felt that should be given to the taxpayers. Mayor Martin responded that Council approves the budget on the collection rate of the last year, regardless of what the tax collection rate is at the present time. Mayor Martin explained that during the year there are things that come up that are unexpected, so before we do a tax decrease, we need to be sure that we can meet all of our current obligations. And, if, in fact, the City does have a windfall, they will deal with it next year.

Vice-Mayor Peterson said if we do have a surplus, the City has plenty of things to spend the money on - City Hall roof, police and fire station, and street and sidewalk repairs. He stated that this Council is trying to spend money on things that they know they'll need in the future.

The following outside agencies funding requests were discussed individually. The Council Committee recommendations are shown below.

Councilman Swicegood said that all the outside agencies provide a good service and it was hard for him to cut any of their funding. However, the money that is cut will go into a stormwater fund or street and sidewalk repairs.

Councilwoman Field said that the Committee could not come to consensus on all the agencies and they felt the whole Council should participate in the process. Her recommendation included funding the majority of the agencies at the recommended level that the City staff had come up with, except for the Buncombe County Drug Commission and the Community Loan Fund. Both of those organizations were put on notice last year that we were going to give them some money last year but that this year we would not continue with their funding. The Drug Commission -3-

does some great jobs but they are asking for \$13,500 and they have several million dollars coming from federal funding. She felt that Council had clearly

directed them to find some other sources of funding.

Asheville Area Chamber of Commerce

Request 1995/96 Recommended 1995/96 Field McClure Swicegood

105,000 90,000 90,000 90,000 90,000

Councilwoman Sitnick said that all of the eight agencies that requested funding were either cut a percentage, cut in half, or cut out completely except for the Chamber of Commerce. She asked members of the Council Committee why they didn't cut the Chamber of Commerce as well.

Councilman McClure said that the \$90,000 is to cover the cost of operation of the visitors center, which is an extension for the City of Asheville that the Chamber of Commerce is running. The Committee felt the center was valuable because of tourism.

Councilman Swicegood also said that last year he was in favor of not funding the Chamber at all. However, under new leadership, changes have been made and he now feels comfortable with this funding.

Upon inquiry of Councilwoman Sitnick if \$90,000 was total funding for the visitors center, Councilwoman Field replied that it was only the City's share. Councilwoman Sitnick then asked how much the County participated in the funding for the center. She said that since the Asheville taxpayer pays City and County taxes and they seem to pay for a lot of these things double, she just wanted to make sure that the Asheville taxpayer is not paying for this whole thing - that this is an equitable amount for the City of Asheville to be paying.

Shortly thereafter, Mr. Wurst provided Council with a copy of the Chamber's financial statement. Councilwoman Sitnick again said that we are cutting every other agency that has requested funding, except for the Chamber. "I don't mean to sound elites about this, but we're not cutting the organization that probably has more funding than any of the others."

Mr. Wurst said that the \$90,000 is our share of the convention and visitors bureau and the visitors center.

Councilwoman Field believed that what the Chamber does is come to the City and ask us to fund the conventions and visitors bureau and the visitors center. Then they go to the County and ask them to fund some other element or other department, so that we are not funding the same things.

Councilwoman Sitnick then discovered, from the financial statement, that the Convention & Visitors Bureau was requesting \$100,000 and the Visitors Center was requesting \$45,000, totaling \$145,000; however, their total request for both functions to the City was \$105,000.

Councilwoman Field moved to fund the Chamber of Commerce \$90,000. This motion was seconded by Councilman Watts and carried on a 7-0 vote.

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Asheville Area Rescue Squad

Request 1995/96 Recommended 1995/96 Field McClure Swicegood

25,000 22,500 22,500 16,875 11,250

Upon inquiry of Councilwoman Field, Fire Chief John Rukavina explained that historically the Rescue Squad provided services that the Asheville Fire and Police Department's did not and the contract with the City has been for services for both departments. Those departments have advanced to the point where the primary services that the Rescue Squad provide are search and rescue, assisting the police department in recovery of possible stolen items that might have been put in the river and a lot of the work they do is back-up emergency transportation for Buncombe County EMS. He believed that Buncombe County is now billing users of the Rescue Squad service at Buncombe County's customary rate for ambulance service. They still provide some support to the Fire Department in extraction of people trapped in car accidents and in providing lighting at emergency scenes. Their primary role at this point is essentially being a back-up emergency transportation for Buncombe County.

Upon inquiry of Councilman Swicegood, Mr. Wurst said that Buncombe County is charging \$90 per run and is remitting the money to the Rescue Squad. Mr. Wurst thought that the previous funding had been through United Way, but that had been dropped and now that funding has been picked up by the revenue from the \$90 per trip charge.

Councilwoman Field moved to fund the Asheville Area Rescue Squad \$22,500. This motion was seconded by Councilman Watts and defeated on a 3-4 vote, with Vice-Mayor Peterson, Councilwoman Sitnick and Councilmen McClure and Swicegood voting "no".

Councilman Swicegood moved to fund the Asheville Area Rescue Squad \$11,250. This motion was seconded by Vice-Mayor Peterson and carried on a 5-2 vote, with Mayor Martin and Councilwoman Sitnick voting "no".

Asheville-Buncombe Community Relations Council

Request 1995/96 Recommended 1995/96 Field McClure Swicegood

67,000 67,000 67,000 33,500 33,500

Councilman Swicegood didn't feel like it was the taxpayer's obligation to support these agencies. His standpoint was that the City needs to get back to basic government.

Councilman McClure, agreeing with Councilman Swicegood, felt it wasn't fair to cut the funding out completely for all agencies since they have received funding for a number of years. However, he too felt we needed to get back to basic government and one unanimous commitment made by committee was that any savings will go into stormwater drainage problems and into sidewalks. We want to start providing services back to our taxpayers.

Councilwoman Field said that the Community Relations Council is something that was generated by the Asheville City Council. She felt it did an excellent job of providing some services that are important within our community and in her opinion, they deserve to be funded at the level of \$67,000.

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Councilwoman Sitnick was interested to know what the proportion is of the City and County funding and how it breaks down. She said the Community Relations Council provides a service for this community that's rather an intangible. She chairs the Mayor's Stormwater Committee and fully supports the savings going to stormwater drainage repair. She also chairs the Mayor's sidewalk committee so she is aware of the need for sidewalks. But, she also knows the need for citizens in this community who experience bigotry, intolerance, racism and

hatred to have an unaligned, neutral place to go where they don't feel intimidated to report those incidents and to have a group of people who are committed and dedicated to helping them deal with those kinds of situations that exist in a plentiful fashion in this community. So, she agreed with Councilwoman Field that the Community Relations Council really serves a purpose that no other organization, private or public, serves and she would vote for full funding. Also, her efforts to be efficient and conservative are well known on this Council and while she would favor diminishing monies to outside agencies, she felt that cutting an agencies allocation in half, all at once, is pretty shocking to that agency's budget. She felt that perhaps we can do this in a more reasonable fashion and maybe cut it a percentage this year and then another percentage next year, while encouraging those agencies to find alternative funding. She couldn't support funding them \$33,500. Perhaps she could support a percentage reduction, otherwise she would have to vote for \$67,000.

Mayor Martin said that the Community Relations Council requested \$92,000 from Buncombe County and the County's recommended amount was \$88,882. Councilwoman Field believed that the County adopted their annual budget with the recommended amounts.

Councilman Swicegood noted that approximately 75-100 outside agencies request funds from Buncombe County and he definitely didn't want the City to get into that kind of situation.

Mayor Martin said that the City opted to support the Community Relations Council several years ago to resolve conflicts. He felt it does fulfill a valuable need in our community. He did see room for minor cuts, but would hate to see the City cut them to the point that they would have to lay off staff.

Vice-Mayor Peterson moved to fund the Asheville-Buncombe Community Relations Council \$33,500. This motion was seconded by Councilwoman Swicegood and failed on a 3-4 vote, with Mayor Martin, Councilman Watts, and Councilwomen Field and Sitnick voting "no".

Councilwoman Sitnick moved to fund the Asheville-Buncombe Community Relations Council \$60,000. This motion was seconded by Councilman Watts and carried on a 4-3 vote, with Vice-Mayor Peterson and Councilmen McClure and Swicegood voting "no".

Buncombe County Drug Commission

Request 1995/96 Recommended 1995/96 Field McClure Swicegood

13,500 13,500 0 0 0

Ms. Barbara Zimmerman, Education Coordinator for the Buncombe County Drug Commission, briefed Council on some of the programs of the Drug Commission and urged Council to continue it's funding support. She read a letter from Gayland Erlickman, health educator with the Buncombe County Health Department, which described some of the programs the -6-

Health Department and the Drug Commission co-sponsor. She also had a letter from Chris Sands, an intern, who wrote about the success of the Commission's substance abuse prevention program for 3rd and 4th graders at Jones and Randolph schools.

Ms. Fern McCrimmon, Interim Executive Director of the Health Adventure, talked about how the funds were used from the Drug Commission. She said that funds from the Commission and the Buncombe United Community Based Incentives ("CBI")

Program, has enabled them to reach between 14,000-15,000 kindergarten through 5th grade students educating them about the risks and the dangers of alcohol and tobacco. She certainly hoped that the City will continue to support the Buncombe County Drug Commission.

In response to Councilwoman Sitnick about how much funding the Health Adventure receives from the Drug Commission, Ms. McCrimmon said that this year they will get \$4,100 - which is \$1.00 per student. It costs the Health Adventure \$7.50 per student to be able to provide programs, but the Health Adventure raises the additional funds through other sources.

Mr. Bruce Two Eagles stated that, had it not been for the grant from the CBI program last year, he would not have been able to reach children on a national level in his educational series posters dealing with substance abuse. He stressed how important education is for young children and urged Council to continue funding this worthwhile organization.

Ms. Becky Stone, Director of Target Theater, explained the importance of the Target Theater for the education of teenagers regarding substance abuse and HIV education. This year the Theater will request half of their budget from the Drug Commission (\$7,500) and stressed that a high number of youth are being able to be reached with the support and funding of the Drug Commission. She urged Council to fund the Commission and continue it's support of the youth.

Mr. Tim Sinatra, representing the Salvation Army Boys and Girls Club, spoke about how the Drug Commission financially backed a program called the Adventure Corp. They were able to reach 300 at-risk youth last year. The program is basically a drop out prevention program and deals with many issues facing youth. Through the Commission's start-up funding the Salvation Army is now able to establish this program on an annual basis.

Ms. Elizabeth Pendleton, Drug Free Workplace Coordinator at the Buncombe County Drug Commission, explained to Council about the drug free workplace program which offers a very important service to the small business community in Asheville.

Mr. Bernace Roberts, Chairman of the Buncombe County Drug Commission, gave Council additional figures which showed the wide range of participation that the community is involved in, in terms of the work the Drug Commission is doing. He urged Council to continue the Commission's funding.

Mr. Vaughn Ownbey, Executive Director, answered various questions about the two leased kiosks and their locations - one at the Biltmore Square Mall and one at the Health Adventure. He noted that the kiosk at the Health Adventure is the most popular and used item in the Health Adventure. Councilwoman Sitnick suggested placing the other kiosk, -7-

currently located at the mall, might have a better impact at a middle or high school.

Upon inquiry of Councilman McClure, Mr. Ownbey also responded to questions relative to the Commission's library and 174 card-holders, which are substance abuse professionals, teachers, etc. They are just now beginning to measure the impact of how many people are affected by the information that's extracted from the resource center. He said the refurbishment of the library is through a federal grant of about \$7,000/year - adding materials to it continually. He did state that videos run from \$300-\$900 each. He also stated that an initiative has begun this year relative to increasing their card-holders base.

Ms. Glenda McDowell urged Council to consider funding the Drug Commission.

Mr. John Hayes, Director of Hillcrest Enrichment Program, voiced his opposition to the funding for the Drug Commission. He didn't feel they have justified the \$2.6 Million they have received over the past four years. He felt the community was involved in getting the money, but not involved in the implementation of programs. He felt they overlooked the community after they got started.

Councilwoman Field said that the Commission was informed last year when Council cut them back from their requested \$30,000 to \$13,500, that City Council would not fund them this year.

Councilwoman Sitnick said that "I received 43 phone calls requesting that we not fund the Buncombe County Drug Commission, and every one of those 43 people gave me their names. What I would like to recommend to Council that we do, at a later date, is that we look at some of the local funding programs that the Drug Commission participated in, like the Health Adventure, like Bruce Two Eagles' posters, and evaluate them as to their impact and effect. And, perhaps decide at a later date and after we have looked at the budget and seen whether we have any discretionary funds, to perhaps contribute to some of the best and most effective programs that are being sponsored by the Drug Commission. The Target Theater is one of them. I've been a witness to three of their performances. They're riveting, they're goose-bump producing and I believe that they're necessary. We have a severe, serious, substantial drug abuse and alcohol abuse problem in our community and if we don't begin to abate it with our young people then I dread to fear what our future is like. And, so, I would ask Council to consider, at a later time, the possibility of evaluating some of those local programs and not just abandoning them, but supporting them with money and with recognition."

Mayor Martin said when we started the Buncombe County Drug Commission a number of years ago, it was because we recognized that we had a severe drug problem, that it was growing and we needed to address it in a community-wide effort. Since that time, perhaps we have become inured to the problems that present themselves. He, too, has received calls from the public urging Council not to fund the Commission, but he sees a lot more funding of programs, other than those that those people were calling about. He felt Council sends a poor message when we cut out funding or support completely. When you are able to reach children, regardless the number, in an education effort, he felt it was worthwhile to give it some support. While he understands we need to save money and streamline budgets, he felt we also need to send a message to our community in what we support and what we don't support.

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Councilman Swicegood moved not to fund the Buncombe County Drug Commission. This motion was seconded by Councilman McClure and carried on a 6-1 vote, with Mayor Martin voting "no".

Community Arts Council

Request 1995/96 Recommended 1995/96 Field McClure Swicegood

27,000 27,000 27,000 13,500 13,500

Ms. Linda Wilkerson, Arts Alliance, stated that the funds granted to organizations in the community are not hand-outs - they are investments in people. She gave examples of how the City is getting something for the money they invest. She felt it makes sense for Council to continue to support the area of referral and resource in the arts community because it helps us and all of our affiliate organizations leverage funding that gives back to the community.

Councilwoman Field said that she is the Council liaison to the Arts Alliance Board so she is privy to the amount of work they do in the community. They get a tremendous amount of grant money from the state and from larger organizations to help emerging artists in this community to help with teaching programs that have proved very successful. She said the \$27,000 requested by the Arts Council is for the administration of the Arts Council - those are things that they cannot get grants for. She felt this was a very appropriate allocation for the Arts Council.

Councilman McClure said that this is not a matter of whether it's a worthy cause or not because he felt all the outside agencies are worthy causes. In his opinion, it is a priority of placing funds. He said that he takes his personal time to assist in their fund drive and down-sizing on contributions is a trend nation-wide and this is a trend that we are going to have to start.

Councilman Swicegood said that out of all the outside agencies that have requested funding, he felt like this was one of the best organized and hard-working groups. It was hard for him to cut money out on any of these groups, and that was why his recommendation was to cut only half from the Arts Council.

Councilwoman Sitnick said that someone talked "about an investment and we have, as a Council, an economic development policy and we have chosen to use our funds in various ways for economic development. Given the fact that one of the four major economic development activities occurring in this City right now is Hand Made in America. I wonder whether or not cutting this fund, quite so much, is necessary. While I would agree we need to prioritize our monies, and I wish we had gobs of it to do everything we wanted to. We pay a lot of attention, and we give a lot of emphasis to the three r's, and that's an expression of our minds. Arts are an expression of our hearts, arts are an expression of our spirit. And, when I look at the \$147,000 in federal funding that went into that, what shall we call it, the scrap metal configuration, that thing put in front of the Federal Building right now, I am absolutely amazed, appalled, shocked that we are spending that kind of money on that particular kind of art. I think art is very important. I think it brings communities together. And so, again while I realize we have priorities that are infrastructure in nature, and basic services in nature, I would really rather see being less shocking in our decline of monies here, and recommend that we give the Arts Council \$20,000 this year, instead of \$13,500, so that their boat is not rocked quite as much."

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Councilwoman Sitnick moved to fund the Community Arts Council \$20,000. This motion was seconded by Councilwoman Field and motion carried on a 4-3 vote, with Vice-Mayor Peterson and Councilmen McClure and Swicegood voting "no".

Community Loan Fund

Request 1995/96 Recommended 1995/96 Field McClure Swicegood

35,000 27,000 0 0 0

Councilman Swicegood said that the Committee felt like this is a function that a bank can take care of.

Councilman McClure also said that the Community Loan Fund is also being expanded to Buncombe County and the County is going to be involved.

Councilman McClure moved not to fund the Community Loan Fund. This motion was seconded by Councilman Swicegood and carried unanimously.

Crime Stoppers of Asheville

Request 1995/96 Recommended 1995/96 Field McClure Swicegood

21,823 21,823 18,000 0 0

Councilwoman Field said that she is the City Council representative on the Crime Stoppers Board. She said that they had reduced their request slightly from their 1994/95 request and she agreed that the funding, not only for Crime Stoppers but for all the other agencies, should be reduced gradually.

Upon inquiry of Councilwoman Sitnick, Councilwoman Field said that the Crime Stoppers, in addition to helping solve crimes, do education programs in the schools. The County's participation is in-kind services with one staff position from the Sheriff's Department and office facilities, which includes telephone service and a 24-hour answering service.

Councilman Watts supported Crime Stoppers because they get a lot of the information behind the scenes. Without Crime Stoppers help, many crimes would not be solved. He felt this was a very good program in the community.

Councilman Watts moved to fund Crime Stoppers of Asheville \$18,000. This motion was seconded by Councilwoman Field and carried on a 4-3 vote, with Vice-Mayor Peterson and Councilmen McClure and Swicegood voting "no".

RiverLink

Request 1995/96 Recommended 1995/96 Field McClure Swicegood

16,000 16,000 16,000 8,000 0

Mr. Ed Metz, Chairman of RiverLink, stressed that the mission statement of RiverLink is the economic and environmental revitalization of the French Broad which should benefit all of Asheville and its citizens. He felt that they have returned to the City many-fold it's -10-

investment. Two years ago the City funded RiverLink \$18,000 and we have returned back to City approximately \$140,000, through grants. He said that RiverLink accesses and will continue to access grants that City governments cannot and he felt that this public-private relationship benefits the City as well as RiverLink.

Councilman McClure asked Mr. Metz to explain RiverLink taking on long term debt to acquire property in the amount of \$160,000. Mr. Metz explained that RiverLink will be refinancing approximately \$100,000 their headquarters building. He also explained Riverlink's proposal to purchase the cotton mill. He said the asking price for the cotton mill is \$110,000, but there is a separate parcel that was not totally destroyed by the fire for \$60,000. Mr. Metz explained that \$30,000 is an assumption of a Clyde Savings mortgage with favorable terms and the other \$30,000 has been received from a benefactor of RiverLink and they consider that to become a RiverLink endowment and there would be no repayment.

Councilman McClure said that RiverLink has done a tremendous job for this City, but in his opinion, felt that the City is subsidizing the purchase of property for a non-profit organization and he has a problem with that. He felt that the City's funding should be used in cleaning up the river, and not used for long term debt for purchase of property.

Councilman Swicegood said that since RiverLink is a non-profit and receives

City funding, he felt they acted irresponsible in letting a political meeting take place in their offices. He felt like RiverLink has done a good job, however, he could not support funding them.

Councilwoman Field said that she was sure all Council knew of the kind of grants that RiverLink has brought to the City. She felt that this is an investment. She felt they are a fine organization and her suggested \$16,000 funding is that part of their budget that they can't get through grant money.

Mayor Martin said that this is the only outside agency, that he could recall, that has given the City back \$140,000 for use in other projects.

Councilwoman Sitnick said that "RiverLink has not only given the City \$140,000 and like the Mayor said, I can't think of anybody, individual or group, that has given us any amount, but, they have probably provided 15,000-20,000 hours of volunteer efforts on behalf of the City. We're giving a gentlemen \$5,000 of City money for a visioning process that the river, I imagine, is going to be a large part of. I think that the river is one of those four major economic development areas that I referred to earlier - Hand Made in America, the Grove Arcade, South Pack Square and the River - they are four major economic development potentials for this community that are unequaled, other than individual development and growth. I think \$16,000 is a small enough amount of money to give to an organization that has actually come before us and stood at the podium and handed us checks totaling \$140,000."

Vice-Mayor Peterson agreed with Councilman Swicegood that RiverLink is not a political organization. They receive money from government agencies.

Vice-Mayor Peterson moved to not fund RiverLink. This motion was seconded by Councilman Swicegood and failed on a 3-4 vote, with Mayor Martin, Councilman McClure, and Councilwomen Field and Sitnick voting "no".

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Councilman McClure moved to fund RiverLink \$8,000. This motion was seconded by Councilman Swicegood and failed on a 3-4 vote, with Mayor Martin, Councilman Watts, and Councilwomen Field and Sitnick voting "no".

Councilwoman Field moved to fund RiverLink at \$14,000. This motion was seconded by Councilwoman Sitnick and failed on a 3-4 vote, with Vice-Mayor Peterson and Councilmen McClure, Swicegood and Watts voting "no".

Vice-Mayor Peterson moved to fund RiverLink \$4,000. This motion was seconded by Councilman Swicegood and carried on a 4-3 vote, with Mayor Martin and Councilwomen Field and Sitnick voting "no".

Asheville Transit Authority

Request 1995/96 Recommended 1995/96 Field McClure Swicegood

780,523 873,820 794,180 794,180 794,180

An unidentified lady presented Council with a petition containing almost 700 names which read "Don't Cut the Bus Budget! Don't Reduce Services! We the undersigned petitioners, request that City Council sustain its 1993 level of funding to the Asheville Transit Authority! The bus service provides us with essential transportation to our jobs, furnishes transportation for our school children and provides us with access to meet our vital health care needs!"

Ms. Althea Goode, representing people who live in public housing, asked Council

not to cut the Transit budget and asked Council to add more service because there are no buses after 6:00 p.m. Most people who can't afford cars depend totally on the bus system.

Mayor Martin explained that Council is not cutting the budget, but actually the recommended figure is increasing it somewhat.

Ms. Julie Osborne urged Council to continue the bus service and asked Council to consider other methods to make the Transit Authority profitable to the City.

Mr. Steve Arpin spoke in support of the bus system and adding more money to promote the system so people will use it. He also asked Council to think about a different type of land use regarding transportation.

Mr. John McBride urged Council to fund the Transit Authority at it's 1993/94 level, which was \$850,265. He said that if the City cuts the buses, there will be more unemployment because people will not be able to get to their jobs.

Ms. Pat Skalski passed out to Council a "Fact Sheet". She then stated facts and reasons why Council should not decrease funding for transit services, but increase the funding in the Asheville area. She said that her figures were derived from the Citizen-Times, and from public radio By-Line and also talking to Lonnie Blair, Transit Authority General Manager.

Councilman McClure said that he was unsure about the figures Ms. Skalski was using and the actual figures. The actual documents he had shows that actually ridership has decreased by 16% in Asheville.

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Vice-Mayor Peterson said that this Council is very committed to our transit system with new buses and a new transit center.

Councilwoman Field explained that last year the total federal, state and City of Asheville subsidy came to \$1,351,560. The federal and state subsidy is going to be lowered, so what the City did was raise ours so that we are subsidizing them at the same rate as last year - \$1,351,560 total. In addition, we have put aside some money, that we are not putting in their budget this year, to help pay for some purchase of property for the transit site, which should be coming to Council next year. Last year we funded the Transit Authority at \$707,430 - this year we're funding them at \$794,180. What the Transit Authority had requested was an increase of about 23-1/2% over last year. What we are recommending is an increase of about 12-1/4% over last year. The 1992/93 level was \$790,951 and we are slightly lower than the 1993/94 level of \$850,265.

Councilman McClure stated that ridership is down and revenues have decreased. He said the Transit Authority needs to take some steps to become more efficient. The City cannot continue to make up the loss of funding from the state or federal cuts due to the lack of ridership. We need to make sure that we do not continue to subsidize this until some steps are made to make the bus system more efficient. When you only have 1.93 people riding a bus per mile, then it is not an efficient system. He was not saying that it's not a necessary system - only not an efficient system.

Councilwoman Sitnick once again stated her "unhappiness at the particular buses that have been purchased for the City this time. Prior to the purchase, prior to the contract, I had requested that we look into the possibility of buying buses that were more fuel efficient, that were cleaner, that used a compressed gas, or propane, or clean fueled - the possibility of doing co-fueling with the County for all of our vehicles. That did not happen this time. I'm not happy

that we signed away the liquidated assets because of the delay in delivery. I would only ask that, again, at a future date but in the very near future, this Council sit down and work with members of the Asheville Transit Authority and those people who ride the buses who can give us the nitty-gritty information about what's needed and where. That we look into ways that we can, as Councilman McClure said, make the system more efficient, make it more effective, look into alternatives, possibilities like smaller vans for routes that are not heavily used, look for ways to provide bus service in this City beyond 6:00 p.m., look for ways that we can provide bus service in this City on weekends, and other things that have been brought to the attention of this Council. I would only ask that at our very earliest opportunity, we've got an incredible amount of resource in this community, wise people, experienced people, to work with the Council, to work with the Transit Authority, to find ways to improve the mass transit opportunities in Asheville. And also, to do what Ms. Osborne recommended earlier - to find ways to promote the bus system so that people will use it more."

Mayor Martin said that Councilwoman Sitnick brought up some good points. He said that a letter was received indicating that the propane, or natural gas, buses would be nearly twice as expensive. He felt that until the costs come down to the point where they aren't so prohibitive, it would be foolish of us to seriously consider that form of transportation. We do, however, need to keep an open mind.

Councilwoman Sitnick said that she has information coming to her from a number of sources which show that cleaner fuel buses last longer -13-

and the fuels are much cheaper when you do them in a co-fueling manner with the surrounding area, like the County. We need to just look into that and evaluate it.

Vice-Mayor Peterson moved to fund the Asheville Transit Authority \$794,180. This motion was seconded by Councilman Watts and carried unanimously.

Mayor Martin closed the public hearing at 7:37 p.m.

Councilwoman Sitnick said that she would like to request "regarding all of these funds that we give to outside agencies, as well as the money we give to private economic development recipients, that the City Council requests of all recipients of City money, that they come before us in six months to justify and validate what their impact is, and what the effect of those monies are. I would like to request that City Council, at a later time, consider this request on my part, so that we make sure that everybody we're giving money to, whether it's an agency or a company or a business recipient of economic development funds, comes to City Council and lets us know exactly what they're doing with those monies."

Mayor Martin felt that was a very reasonable request and it has been something Council has endeavored to do over the last two years. He, too, felt it was important to keep track of monies that we spend in the community and get some feedback from the various outside agencies.

Councilman Swicegood thanked the City Manager and all employees for being more efficient. He felt that was one reason why Council could offer a pay raise without raising taxes.

Councilman McClure commended the City Manager and staff and noted that we will not be raising taxes and still have a fund balance reserve.

City Manager Westbrook said that he needed some direction in the savings of

\$161,213 from the cuts made to the outside agencies.

Councilman Field moved to appropriate the approximate \$81,000 to the second phase of the street paving program and half of the remaining amount (\$40,107) to stormwater drainage repair and the other half of the remaining amount (\$40,106) to sidewalks. This motion was seconded by Councilwoman Sitnick and carried unanimously.

Councilwoman Sitnick invited members of the public to get copies of the budget, look it over, and suggest any other ways that the City can save by being more efficient or more effective. We welcome those comments. If anyone has any ideas about how to find new sources of revenue, we'd really welcome those comments.

Vice-Mayor Peterson moved for the adoption of Ordinance No. 2220. This motion was seconded by Councilman McClure.

On a roll call vote of 7-0, Ordinance No. 2220 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 124

At this time, 7:40 p.m., Mayor Martin announced a ten minute recess.

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B. PUBLIC HEARING RELATIVE TO REZONING 2 HERMAN STREET, 149 LIVINGSTON STREET AND 133 LIVINGSTON STREET FROM R-3 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT

ORDINANCE NO. 2221 - AN ORDINANCE TO REZONE 2 HERMAN STREET, 149 LIVINGSTON STREET AND 133 LIVINGSTON STREET FROM R-3 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT

Mayor Martin opened the public hearing at 7:53 p.m.

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

Mr. Tony Nicholson, Urban Planner, said that the New Mount Olive Baptist Church is requesting the rezoning of 2 Herman Street, 149 Livingston Street and 133 Livingston Street from R-3 Residential to R-4 Residential. These three lots total 6.6 acres.

The Church originally requested the rezoning of just their 3.8 acre property but after discussions with staff in Planning and Legal, they determined that the request would likely be considered illegal spot zoning. Therefore, the petitioner ultimately requested the rezoning of the three properties.

On April 20, 1995, 52 notices were sent to property owners making them aware of the public hearing to be held on May 3, 1995, by the Planning & Zoning Commission. At the public hearing three residents spoke opposed the rezoning for the following reasons: (1) afraid of impact on neighborhood of commercial encroachment; (2) concerned about increased traffic and potential for traffic accidents on Livingston Street and on Beech Hill Street; and 3) desire to have new housing in that area, but not any more businesses. Two dozen residents stood to show their support for the rezoning at the public hearing.

The Planning staff recommended approval of the rezoning request because although the 2010 Plan shows low density residential land uses for the area, the area contains a mixture of uses and is surrounded on three sides by single

and multi-family housing. In addition, the 2010 Plan recommends mixed uses within one block of the subject properties. Also, the R-4 zoning district allows a limited number of non-residential uses and better reflects the existing uses within the area. However, the Planning & Zoning Commission ("Commission") voted 4-2 to deny the rezoning request.

When Councilwoman Sitnick asked Mr. Nicholson why the Commission voted in that fashion, Mr. Nicholson could only guess that they were sympathetic to the concerns of the neighbors.

Mr. Nicholson said that on May 8, 1995, Reverend O.T. Tomes of New Mount Olive Baptist Church appealed the Planning & Zoning Commission decision to the City Council.

Mayor Martin noted that he received a phone call from Ms. Ann Hunting Williams, 48 Gaston Street, expressing her opposition to the rezoning request.

Mayor Martin said that he has received two petitions which read: "We, the undersigned, strongly believe that providing access to medical care is a primary need in the neighborhood. We support New Mount Olive Baptist Church and ABCCM in their plans to bring ministry services to our neighborhood" A note with the petition containing 58 signatures -15-

read "members who are in support of the clinic but do not reside in the neighborhood"; another note with the petition containing 63 signatures read "residents who reside in proximity to property where clinic is to be built."

Upon inquiry of Councilwoman Sitnick about what uses would be permitted in the Commercial Service district, Mr. Nicholson said that primarily any type of commercial use that does not permit any industry or residence.

Rev. Tomes said that his church has planned over a year to provide medical services and preventive education to the community in partnership with the ABCCM Doctors' Medical Clinic. They had received a letter on September 22, 1994, indicating that this was a permitted use under the R-3 zone since ABCCM was considered a church and this was a direct extension of the church's ministry.

According to a recent study by Health Partners, this census tract has the highest number of medically under-served persons in the County. The church, along with ABCCM, has been a part of a year-long planning process to identify not only the area of greatest need, but the ways in which to impact this need. In April of 1995, the Health Partners' request to the Robert Wood Johnson Foundation identified the ABCCM Clinic as the lead agency with the greatest opportunity to successfully impact the medically under-served through a clinic at our location, 149 Livingston Street. Area pastors and members of New Mount Olive Baptist Church who live in the neighborhood support this vital service.

Rev. Tomes said that there will be no federal dollars or no governmental funds involved in the operation or construction of this clinic.

The following people spoke in support of the clinic:

Ms. Edna Campbell, resident on Hibernia

Ms. Nancy Arnold, 20-D Erskine Street Apartments

Ms. Ethel Lee, 59-C Erskine Street Apartments

Ms. Betty Smith, 2-A Black Street

Ms. Hedy Broadwater, 91 Congress Street

Mr. Betty Lytle, 27 Water Street, Apt. 2

Mr. James Smith, resident directly across from the church

Ms. Ray, area resident

Mr. Phil Smith, attorney representing the ABCCM, spoke in support of the clinic and stressed the importance of the location of the clinic. The clinic will be able to serve 80 people a day. They have had four neighborhood meetings and they will be good neighbors.

Mr. Scott Rogers, Executive Director of ABCCM, said that no controlled substances will be stored on site at the clinic. They have addressed a number of issues related to the community's concerns about security. They have invited the neighborhood to be part of planning for the security lighting, etc. We have a security patrol in connection with the shelter that patrols the streets after hours. He said that ABCCM will work with the neighborhood and community to make sure that we extend the kind of services and cohesiveness that brings about a more stronger, more responsible area.

The following residents spoke, not against the clinic, but against the location of the clinic for various reasons, including, but not limited to: increase in traffic; when property owners bought their

property on Beech Hill Street, they didn't feel they had to worry about buildings being built in front of them because this was zoned R-3; there is no need for a clinic in this area because there are two major medical institutions already there, along with numerous other medical buildings, offices and health care facilities; many unforeseen problems as a result of a clinic; more drug activity; noise; speeders; no sidewalks; more lighting will not deter drug activity; and there is a need for affordable housing in the area.

Mr. Larry McAdams, 6 Beech Hill Street

Ms. Thomasine Smith, 4 Beech Hill Street (also presented a petition containing 16 names which reads "Should this clinic be built? We are greatly concerned that at night when the clinic is closed this will be another site for drug dealers and users to hang out, which will add to the break-ins, killings and rapes, and become another nightly hang-out for persons who have nothing to do, but sell and use drugs. We already have enough of this in our neighborhood and don't want anymore. We are all working people, homeowners, and taxpayers, who would like to enjoy a little peace and quietness after a long days work, when we return home. So we ask that you consider our request and concerns, and not rezone the property at Herman Street, site of New Mt. Olive Baptist Church." Resident at 254 Livingston Street

Ms. Sandra Smith, resident on South French Board

Ms. Sandra Martin Davis, 60 Gaston Street

Upon inquiry of Councilwoman Field, Mr. John Ellis, architect for the project, said that the building has a very residential character. He explained that they did look at the different security issues regarding lighting glaring into the neighbors homes, traffic, and fencing.

Ms. Patsy Meldrum, Assistant City Attorney, reminded the Council that in determining in whether or not to rezone property, Council's duty is to look at whether or not it's in compliance with the comprehensive land use plan and to look at all the uses that would be permitted under the rezoning classification being requested, rather than the specific project which is planned for the site.

Councilman Watts commented that the Police Department is very aware of the drug problem in that area and has been using undercover officers to help clean it up. He strongly supported the clinic.

Upon inquiry of Councilwoman Sitnick, Ms. Meldrum explained what spot zoning is and the balancing tests used to determine if something is illegal spot zoning. In summary, her view is that it's not likely that this would be considered illegal spot zoning.

Councilwoman Sitnick said that based on the third balancing test of benefits and detriments which result from the rezoning to the owner of the property, to the neighbors of the property, and to the surrounding community, "one of the things that Council members do who are members of the Housing and Community Development Committee have learned is that there are people who are not availing themselves of the services of the Buncombe County Health Department for various reasons. And while there are hospitals in the area, hospitals and clinics have very different functions. And one of the things that has been brought -17-

to our attention is that neighborhood based clinics really serve an important purpose, especially after you have a meeting like we did earlier this evening, regarding transportation in this community and the fact that there are many hours that it doesn't exist. So, based on that I'm going to consider supporting this petitioner's request. Especially because I am convinced that the African American community as O.T. stated earlier suffers higher incidents of many of the diseases that are on the wane in the non-African American community. For that, and based on the third balancing test, I will support this."

Mayor Martin said that there are few institutions or organizations in this community who have contributed as much to the needs of the homeless, the destitute, and sometimes even the hopeless, as ABCCM has. He was also proud to say that New Mt. Olive Church is providing an important contribution in another sector. He was pleased that we have two organizations of such character to cooperate in our community to this end.

Mayor Martin closed the public hearing at 8:50 p.m.

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

Vice-Mayor Peterson moved for the adoption of Ordinance No. 2221. This motion was seconded by Councilman McClure.

On a roll call vote of 7-0, Ordinance No. 2221 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 129

C. PUBLIC HEARING RELATIVE TO CLOSING AN UNOPENED PORTION OF WATER STREET

RESOLUTION NO. 95-100 - RESOLUTION CLOSING AN UNOPENED PORTION OF WATER STREET

Mayor Martin opened the public hearing at 8:51 p.m.

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

Mr. Larry Ward, Public Works Director, said that a petition has been received from Herbert A. and Lois J. Marsh requesting that a portion of Water Street be permanently closed. The portion of Water Street petitioned to be closed is not

open as a street, but does have a private driveway located upon it which serves a single family residence. The property owner at the end of the portion of Water Street being petitioned to be closed did not join in the petition and was notified of this public hearing on May 26, 1995.

The Public Works staff recommends approval of the petition to close an unopened portion of Water Street based on the following: The portion of Water Street petitioned to be closed serves only three properties, two of which have signed the petition. The owner that did not sign the petition has property which could be accessed by the Water Street right-of-way but at the present has a chain link fence on this line and the Water Street line. The access to the property is off Oakland Avenue. Access from the Water Street right-of-way would require substantial grading to gain access. -18-

Mayor Martin closed the public hearing at 8:54 p.m.

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

Councilman Watts moved for the adoption of Resolution No. 95-100. This motion was seconded by Councilman McClure and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 319

D. PUBLIC HEARING RELATIVE TO CLOSING A PORTION OF AN UNOPENED ALLEY OFF ELIZABETH STREET

RESOLUTION NO. 95-101 - RESOLUTION CLOSING A PORTION OF AN UNOPENED ALLEY OFF ELIZABETH STREET

Mayor Martin opened the public hearing at 8:56 p.m.

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

Mr. Larry Ward, Public Works Director, said that a petition has been received from property owners along a portion of an unopened alley off Elizabeth Street that the portion of alley be permanently closed to public use. One property owner did not join in the petition and was notified of this public hearing on May 26, 1995.

The Public Works staff recommends approval of the petition to close a portion of an unopened alley off Elizabeth Street.

Mayor Martin closed the public hearing at 8:58 p.m.

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. 95-101. This motion was seconded by Councilman Swicegood and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 321

E. PUBLIC HEARING RELATIVE TO CLOSING AN UNOPENED ALLEY OFF ANNIE STREET, A PORTION OF WESTWOOD PLACE AND A PORTION OF TOXAWAY EXTENSION

RESOLUTION NO. 95-103 - RESOLUTION CLOSING AN UNOPENED ALLEY OFF ANNIE STREET, A PORTION OF WESTWOOD PLACE AND A PORTION OF TOXAWAY EXTENSION

Mayor Martin opened the public hearing at 8:59 p.m.

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

Mr. Larry Ward, Public Works Director, said that a petition has been received from M. Realty requesting that an unopened alley off Annie Street, the portion of Westwood Place between Hazel Mill Road and its dead-end, and a portion of Toxaway Extension between Hazel Mill Road and its intersection with the eastern portion of Toxaway Extension that -19-

leads to Toxaway Street be permanently closed. Three property owners did not join in the petition and they were notified of this public hearing on May 26, 1995.

No through access would be denied to the public with the exception of the portion of Toxaway Street Extension which is not opened as a City maintained street and which is not passable at present. Through access will still be available between Hazel Mill Road and Toxaway Street by way of the portion of right-of-way not being closed.

The Public Works staff recommends approval of the petition to close an unopened alley off Annie Street, a portion of Westwood Place, and a portion of Toxaway Extension.

Upon inquiry of a resident of 16 Toxaway Street, Mr. Ward assured him that Hazel Mill Road will not be closed.

Mr. David Matney, attorney representing the owner, noted that they are also requesting that the City relinquish any easement it may have regarding a turn-around on Westwood Place.

Mayor Martin closed the public hearing at 9:04 p.m.

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. 95-103. This motion was seconded by Councilwoman Sitnick and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 324

F. PUBLIC HEARING RELATIVE TO CLOSING A PORTION OF DELL STREET, A PORTION OF AN UNNAMED ALLEY OFF DELL STREET, A PORTION OF DAVENPORT ROAD, A PORTION OF VERMONT COURT AND A PORTION OF RUSSELL AVENUE

RESOLUTION NO. 95-104 - RESOLUTION CLOSING A PORTION OF DELL STREET, A PORTION OF AN UNNAMED ALLEY OFF DELL STREET, A PORTION OF DAVENPORT ROAD, A PORTION OF VERMONT COURT AND A PORTION OF RUSSELL AVENUE

Mayor Martin opened the public hearing at 9:05 p.m.

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

Mr. Larry Ward, Public Works Director, said that a petition has been received from property owners owning property along a portion of Dell Street, a portion of an unnamed alley off Dell Street, a portion of Davenport Road, a portion of Vermont Court and a portion of Russell Avenue requesting that these portions be permanently closed to public use.

The petitions received includes signatures of all property owners adjoining the portions of streets being petitioned for closing. The petitions also include signatures of 38 property owners in the area of the street closings who also support the petitions. Any property owner who would be indirectly affected by the closing, with the exception of 26 owners, have signed the petition. None of the streets or alleys -20-

requested to be closed are actually open for use. The terrain of the area where the petitioned closings are located would make the opening of these streets virtually impossible without tremendous cost. No property owner in the area would be deprived of reasonable means of ingress or egress from their property. Two property owners did not join in the petition and they were notified of this public hearing on May 26, 1995.

The Public Works staff recommends approval of the petition to close a portion of Dell Street, an unnamed alley off Dell Street, a portion of Davenport Road, a portion of Vermont Circle, and a portion of Russell Avenue.

Mayor Martin closed the public hearing at 9:07 p.m.

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. 95-104. This motion was seconded by Councilman Watts and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 326

G. PUBLIC HEARING RELATIVE TO ANNEXATION OF PROPERTY LOCATED NORTH OF BEAVERDAM ROAD AND BEING THAT PART OF THE BEAVERDAM RUN PROPERTY NOT INCLUDED IN THE ANNEXATION AREA DESCRIBED IN ORDINANCE NO. 2038

ORDINANCE NO. 2222 - ORDINANCE ANNEXING PROPERTY LOCATED NORTH OF BEAVERDAM ROAD AND BEING THAT PART OF THE BEAVERDAM RUN PROPERTY NOT INCLUDED IN THE ANNEXATION AREA DESCRIBED IN ORDINANCE NO. 2038

Mayor Martin opened the public hearing at 9:08 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 the Beaverdam Run Homeowner's Association has submitted a petition for the annexation of all that portion of Beaverdam Run not previously annexed into the City of Asheville. The area petitioned for annexation consists of 34 acres and is adjacent to the existing corporate limits. The current tax value of the area is \$733,200 and there are two units on it. This annexation will become effective on June 30, 1995.

Mayor Martin closed the public hearing at 9:09 p.m.

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

Councilman Watts moved for the adoption of Ordinance No. 2222. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2222 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 131

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H. PUBLIC HEARING RELATIVE TO CLOSING A PORTION OF AN UNOPENED ALLEY BETWEEN RIVERVIEW DRIVE AND EUCLID BOULEVARD

RESOLUTION NO. 95-102 - RESOLUTION CLOSING A PORTION OF AN UNOPENED ALLEY BETWEEN RIVERVIEW DRIVE AND EUCLID BOULEVARD

Mayor Martin opened the public hearing at 9:10 p.m.

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

Mr. Larry Ward, Public Works Director, said that a petition has been received from property owners owning property adjoining a portion of an unopened alley right-of-way running parallel to Haywood Road between Euclid Boulevard and Riverview Drive requesting that the portion adjoining their property be permanently closed to the public use. The petition submitted includes signatures of all property owners along the portion of the alley requested to be closed with the exception of one. This one owner was notified of this public hearing on May 26, 1995. The lot owned by the person who did not sign the petition is 25 feet wide by 100 feet deep and has an assessed value of \$1,900. The alley is located in a ravine and is not opened for use. There is a stream that runs along the alleyway. The portion of the alley off Riverview Drive which will remain is not open and access from Riverview Drive would be virtually impossible. Closing the portion of the alley would not deny any property owner not signing the petition reasonable means of ingress or egress to their property.

The Public Works staff recommends approval of the petition to close a portion of an unopened alley between Riverview Drive and Euclid Boulevard.

Mayor Martin closed the public hearing at 9:11 p.m.

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

Councilman Watts moved for the adoption of Resolution No. 95-102. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 323

I. PUBLIC HEARING RELATIVE TO ANNEXATION OF PROPERTY LOCATED AT BILTMORE PARK (GLEN OAKS 2 AT BILTMORE PARK)

ORDINANCE NO. 2223 - ORDINANCE ANNEXING PROPERTY LOCATED AT BILTMORE PARK (GLEN OAKS 2 AT BILTMORE PARK)

Mayor Martin opened the public hearing at 9:12 p.m.

City Clerk Burluson 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 6. The area petitioned for annexation consists of 19 acres. This annexation is adjacent to Section 5 of Biltmore Park, but will not be contiguous to the City until the annexation of Section 5 becomes effective on August 21, 1995. Therefore, this petition will be handled as a satellite annexation. The -22-

annexation does include the 38 lots, single-family subdivision referred to as Glen Oaks, Phase 2. The effective date for the annexation will be December 27, 1995. Given the estimated tax value of the property at \$250,000 per lot, this would increase the tax base by \$9,500,000.

Mayor Martin closed the public hearing at 9:14 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. 2223. This motion was seconded by Councilman McClure.

On a roll call vote of 7-0, Ordinance No. 2223 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 133

J. PUBLIC HEARING RELATIVE THE DEMOLITION OF THE STRUCTURE LOCATED AT 25 RIDGE STREET

ORDINANCE NO. 2224 - AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH 25 RIDGE STREET

Mayor Martin opened the public hearing at 9:15 p.m.

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

Fire Chief John Rukavina said that 25 Ridge Street was inspected on September 3, 1993, and found the following conditions: the dwelling is abandoned; the dwelling is being occupied by vagrants; is accessible to children; has no electricity; and is unfit for human habitation. Proper notices have been sent to the property taxpayer of record and on December 7, 1994, the owner was given 30 days to repair or demolish. No action has been taken to date.

Councilman McClure asked if we could coordinate our demolitions with Douglas Ballentine of Preservation Hall. He said that the Preservation Hall will actually go in and take doors, mantels, etc., and they will pay us for those items. Fire Chief Rukavina said that we are following up on that. As a matter of fact, we're also working with Buncombe County because issues have been raised about disposal of demolition debris and the County is looking to keep as many things out of the landfill as possible.

Mayor Martin closed the public hearing at 9:16 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. 2224. This motion was seconded by Councilman McClure.

On a roll call vote of 7-0, Ordinance No. 2224 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 136

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III. UNFINISHED BUSINESS: None

IV. NEW BUSINESS:

A. RESOLUTION NO. 95-105 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUNCOMBE COUNTY TO PROVIDE FIRE PROTECTION SERVICES FOR THE SKYLAND FIRE PROTECTION SERVICE DISTRICT

City Manager Westbrook said that Buncombe County has created a new fire protection service district known as the Skyland Fire Protection Service District (which includes the Biltmore Estate), effective July 1, 1995, and has asked the City of Asheville to enter into an agreement with them to provide fire protection and first responder services to said District in exchange for the payment to the City of the ad valorem tax revenues and the sales tax revenues generated by the District.

Mr. Westbrook said that the total property value is listed as \$34,594,600. With the tax rate established at 8.5 cents and the collection rate at 97%, the total dollars involved would be \$28,523 for Fiscal Year 1996. Also there will be some sales tax revenues which will be approximately \$35,000 a year for the City. Since the contracts must be in place by July 1, 1995, this becomes an urgent matter. If the City does not want to enter into a contract, Skyland Fire Department is ready to accept.

Staff is recommending that we take over fire protection service for Biltmore Estate effective July 1, 1995, which will bring in approximately \$35,000 a year this first year. It is our intent, after the first couple of years, if we find that it costs us more than that to provide that service, to go back for an adjustment.

When Councilman Swicegood asked if the City would have to respond to EMS calls for the 700,000-800,000 visitors each year, Fire Chief Rukavina said that this is for fire protection service and first responder services only. He said the total number of calls per year is approximately 36 to 50.

Fire Chief Rukavina said that we are anticipating no additional costs for this service at this point. In fact, in many cases, up until about January of this year, we were being called in on a mutual aid basis for Buncombe County in any event. There is an extremely limited public water supply there, so that's something the City will want to look at if we go beyond this year in the agreement. However, the Fire Department has reviewed this agreement and we have the resources to provide the services.

Upon inquiry of Councilman Swicegood about how the City will be paid for any possible expansion of the Biltmore Estate, Mr. Westbrook said that when their property tax increases, the County will pick it up on their tax books and the City gets 8-1/2 cents on their revised total property value.

Upon inquiry of Councilman McClure, Fire Chief Rukavina said the Fire Department has done some limited pre-planning in the event of a disaster simply as a defensive measure. We also, in the past, have helped Biltmore Estate with some employee training in terms of their internal fire protection. We are familiar with the estate and will become much more familiar with it, if Council desires to contract with the County.

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When Vice-Mayor Peterson asked if the City would be liable if something really disastrous happens, Mr. Westbrook responded that the City would not be. He said the City would use all available City resources to fight a fire, plus we would call in mutual aid with the volunteer fire departments, much as we did with the fire down on the Riverfront. Also, Fire Chief Rukavina said that in the

agreement, there is a reference made to what adequate fire protection is and we think we came up with a good definition for that which minimizes the City's exposure.

In response to Vice-Mayor Peterson, Mr. Westbrook said the contract provides for the City to provide the County with a notice of what we want the tax rate to be and there would be a budget session with the County and the Commissioners would set it. We would have a chance to put forth our argument on why it should be higher or lower, or make a change in it.

When Councilman Swicegood asked if this agreement would cost the City anymore manpower, Fire Chief Rukavina said no, it would not. In terms of the amount of activity generated, we think that we can handle that with the positions we currently have budgeted. The workload should be very minor.

Upon inquiry of Councilman Swicegood, Mr. Westbrook said that Biltmore Forest would be more expensive to serve because there are 1,700 individual dwelling units.

Councilman Swicegood was disappointed that this has been presented to the City in such short notice with action requested by the Council by July 1, 1995. He was also concerned about the possible need for additional equipment at a future date.

Councilwoman Sitnick had a concern about the distance just to get to the main estate because by car it takes about 17-18 minutes to get from the entrance to the building. Fire Chief Rukavina said that there is an alternate entrance for service and emergency vehicles and again, based on our previous responses time there, our response time tends to be comparable with other parts of the City.

Councilwoman Sitnick questioned if, given the character of the estate and the size of the building, there were a fire there, would be we tying all our equipment and personnel? Fire Chief Rukavina said that one of the things that we constantly have to plan for - exactly that kind of situation. What we try to do is commit fire apparatus to a major fire so that the balance of the City always has protection. And that's something that we would have to be very careful to plan for in this case, if we were to provide the protection.

When Councilwoman Sitnick asked if \$35,000 was a break-even number, Mr. Westbrook said he didn't know because there has never been a fire out there. In any case, that's the amount the County has enacted. If there is a fire out there, the City's going to have to fight it because no one else has a bucket truck or an elevated ladder. To the County, it's a rural fire district situation and they're contracting with the City to do that. Our point is we're going to fight the fire anyway because of our equipment and if the City elects not to contract to do it, another rural fire company would get the \$35,000 and we'd still wind up fighting the fire.

To address Councilman Swicegood's concern regarding additional equipment, Mr. Westbrook said that City staff wouldn't come to Council for additional equipment without the County tax rate paying for it. -25-

Councilwoman Field moved for the adoption of Resolution No. 95-105 with said contract to commence July 1, 1995, for a term of one year, automatically renewable thereafter for successive one year terms. This motion was seconded by Councilman Swicegood and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 328

V. CONSENT:

Ms. Patsy Meldrum, Assistant City Attorney, responded to questions from Councilman Swicegood relative to a settlement of the Lodal garbage truck.

A. APPROVAL OF THE MINUTES OF THE WORKSESSION HELD ON JUNE 6, 1995, THE REGULAR MEETING HELD ON JUNE 13, 1995, AND THE WORKSESSION HELD ON JUNE 20, 1995

B. RESOLUTION NO. 95-106 - RESOLUTION RE BIDS FOR REFUSE COLLECTION VEHICLE

Summary: Staff recommends that award be made to the low bidder, Southern Truck Service, Charlotte, N.C., in the amount of \$118,996 for a 1995 'Crane Carrier' model 'LET Tandem' cab and chassis with a 'Heil' model 5000-20 hydraulic packer body and a 'Barker' model 602 pumping unit. The following bids were opened on May 30, 1995:

Vendor Net Cost

Southern Truck Service, Charlotte, NC \$118,996.00

Heil Environmental Ind., Chattanooga, TN \$121,307.00

Heil Environmental Ind., Chattanooga, TN (alternate bid) \$122,893.00

White GMC Trucks, Hickory, NC \$126,168.26

White GMC Trucks, Hickory, NC (alternate bid) \$124,937.26

RESOLUTION BOOK NO. 22 - PAGE 329

C. MOTION SETTING A PUBLIC HEARING FOR JULY 11, 1995, TO AMEND THE ZONING ORDINANCE TO ADOPT A NEW ZONING DISTRICT, R-3A RESIDENTIAL SINGLE-FAMILY HIGH DENSITY

D. MOTION SETTING A PUBLIC HEARING FOR JULY 11, 1995, TO AMEND THE ZONING ORDINANCE TO REZONE TWO LOTS AT 18 PISGAH VIEW ROAD FROM R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT

E. RESOLUTION NO. 95-107 - RESOLUTION REAPPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Summary: This resolution will reappoint Betty Tenn Lawrence to an additional three year term. Her term will expire July 1, 1998, or until her successor has been appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 331

F. RESOLUTION NO. 95-108 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE AREA CIVIC CENTER COMMISSION

Summary: This resolution will reappoint Barbara Halton and appoint Tim Moffitt, Jimmy Sullivan and Tom Bailey to the Civic Center Commission. Their terms will be three years respectively, terms to expire June 30, 1998, or until their successors have been appointed and qualified. -26-

RESOLUTION BOOK NO. 22 - PAGE 332

Councilwoman Field moved for the adoption of the Consent Agenda. This motion was seconded by Councilman McClure and carried unanimously.

ORDINANCES:

A. ORDINANCE NO. 2225 - BUDGET AMENDMENT RELATIVE TO RECREATION CENTERS

Summary: This budget amendment, in the amount of \$39,100, provides "bookkeeping" for funds raised by Recreation Center organizations and used by them for special events or other center activities.

ORDINANCE BOOK NO. 15 - PAGE 138

Councilwoman Field moved for the adoption of the Ordinance Consent Agenda. This motion was seconded by Councilman Swicegood.

On a roll call vote of 7-0, the Ordinance Consent Agenda passed on its first and final reading.

VI. OTHER BUSINESS:

A. CLAIMS

City Manager Westbrook said that the following claims were received by the City of Asheville during the week of June 8-15 1995: CP&L (Streets), Eugene V. Weitzel (Water) and Roger Hawkins (Water).

He said the following claims have been received during the week of June 15-21, 1995: Joseph Childery (Water), Paul Ledford (Water), Wendy Jackson (Parks and Recreation), and Jeir Watson (Water).

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

B. CLOSED SESSION

At 9:45 p.m., Councilwoman Field moved to go into closed session to (1) 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 and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; (2) hear a complaint, charge or grievance by an employee; (3) give instructions to an attorney concerning the handling of a judicial action entitled Hobson v. APAC v. City of Asheville; and (4) give instructions to an attorney concerning the handling of a claim by Deborah Mathis-Sutton. This motion was seconded by Councilman McClure and carried unanimously.

At 10:45 p.m. Councilwoman Field moved to come out of executive session. This motion was seconded by Councilman McClure and carried unanimously.

At 10:48 p.m., Councilwoman Field moved to continue this meeting until Wednesday, July 5, 1995, at 2:00 p.m. in Room 209 of the City Hall Building. This motion was seconded by Councilman McClure and carried unanimously.

CITY CLERK MAYOR
