

Tuesday - August 1, 1995 - 2:10 p.m.

Room 623 - City Hall Building

WORKSESSION

Present: Vice-Mayor Chris Peterson - Presiding; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood (arrived at 2:35 p.m.) and Councilman Herbert J. Watts; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Mayor Russell Martin

The entire City Council congratulated Councilman and Mrs. Swicegood on the arrival of their new baby boy. Joseph Carr Swicegood III was born on Sunday, July 30, 1995.

BELE CHERE

All of Council expressed their appreciation to Chip Scott, Festival Coordinator, and all the volunteers that made Bele Chere 1995 a success. Members of Council praised the Police Department, Public Works Department and ALE officers for their participation in Bele Chere.

Mr. H. K. Edgerton said that historically the Eagle/Market Street area has been closed off during Bele Chere and requested that further Bele Cheres include the African Americans, in particular by having the Eagle/Market Street be a part of Bele Chere Festival. He also asked that the City contribute more financially to the Goombay Festival in order to make it as much as a success as Bele Chere. He felt that was just another example of exclusion of African American people in the process.

Councilman Watts said that he has addressed the over-crowding issue of the Goombay Festival with Mr. Scott.

FOUR YEAR STAGGERED TERMS

City Attorney Slawter said that the North Carolina General Statutes authorize the City Council to modify the form of city government in several ways by following the same procedure that was followed last year for the change to non-partisan elections. Any such change enacted by the Council may be made subject to a referendum if the Council desires. When the Council previously discussed a change to four-year staggered terms, the Council expressed a desire to place that issue on the November 1995 ballot. A resolution scheduling a public hearing in order to initiate the process is needed to begin that process. This resolution makes no change regarding the term of the Mayor.

He then said that in order to begin the staggered terms, the three members of Council elected to the Council in the 1997 election who received the highest number of votes will serve a term of four years and the other three members of Council elected in the 1997 election will serve a term of two years. As of the 1999 election and thereafter, three Council members would be elected for four year terms every two years. The Mayor's term of office would remain two years.

Councilman McClure agreed that this matter should be placed on the 1995 ballot.

When Councilwoman Field asked if some people could run for two year terms and others run for four year terms, City Attorney Slawter -2-

said that it could be an option, however, this is the most popular way to handle the change.

Councilwoman Sitnick also spoke in favor of putting this issue to a vote of the people. She said that four years would give Council an opportunity to carry forward with new ideas. She felt that a two year term is not enough time to follow through on the many issues that come before the Council. She also felt that the Mayor's term should be four years.

Vice-Mayor Peterson suggested voting separately on the issue of the Council members serving four-year staggered terms and the issue of the Mayor serving a four-year term.

At Councilwoman Sitnick's request, City Attorney Slawter said that of the State's 510 cities, 258 have staggered four-year terms; the next most common term of office is the two-year term, which 214 cities have. Only 26 have unstaggered four-year terms. Of the 22 cities with populations over 25,000, 11 have staggered four-year terms, eight have two-year terms, and three have unstaggered four-year terms.

Councilwoman Sitnick said that to commit for four years is a tremendous sacrifice for people who have to earn a living. She felt that since Council's pay is only \$6,000 a year, a lot of people are kept at bay because of personal income loss. She felt that a Council member should not only be the wealthy, elite or retired. She felt that Council's salaries are important and perhaps that should also be addressed on the November ballot. She also felt that the Mayor's job should be full-time.

Councilman McClure moved to proceed with appropriate action at the next Council meeting to initiate the process of placing on the November ballot the issue of four-year staggered terms for Council members. This motion was seconded by Councilman Watts and carried on a 4-1 vote, with Vice-Mayor Peterson voting "no".

Councilwoman Sitnick moved to proceed with appropriate action at the next Council meeting to initiate the process of changing to a four-year term for the Mayor. This motion was seconded by Councilwoman Field and was defeated on a 2-3 vote, with Vice-Mayor Peterson, and Councilmen McClure and Watts voting "no".

Mr. Ralph Bishop felt that it was inconceivable that anyone would run for City government that did not have the time or money.

At 2:35 p.m., Councilman Swicegood arrived at the meeting.

REGIONAL WATER AGREEMENT

Vice-Mayor Peterson stated that this item will be deleted from the agenda until the City Attorney has had ample time within which to review the lengthy agreement.

MIDDLEBROOK/OLD HAW CREEK ROAD INTERSECTION IMPROVEMENTS

Mr. Larry Ward, Assistant Public Works Director, said that in 1995, plans for a single family residential subdivision were submitted for the site on the northwest corner of Old Haw Creek Road and Middlebrook by Biltmore Development Company. In review of the plans, Public Works requested that the developer be required to participate in the intersection improvements in the same 50% manner as the two prior -3-

developers proposed. Since the scope of the developments had changed from

apartment complexes to single family subdivision, it was not required that the developer in the cost of the intersection improvements.

The residents of Haw Creek have requested that even though the developer cannot be required to participate, that the City proceed with improving the intersection.

City Engineer has completed detailed plans and cost estimates for the intersection. The developer has agreed to provide the grading for the intersection with the City completing the placement of the stone base and pavement. Utility adjustments would be the responsibility of the utility owner.

It is recommended that Council approve proceeding with the project in this manner. The grading cost are estimated to run approximately \$10,000 and the cost to place the crushed aggregate base course, compact it and pave with 2" of I-2 asphalt is estimated to be approximately \$10,000. The utility relocations would be at the cost of the utility company. The estimated \$10,000 to complete the City's portion of the work is available in the Street Division's current operating budget.

Councilman McClure moved to authorize the City to proceed with this project in the above manner. This motion was seconded by Councilwoman Sitnick and carried unanimously.

Upon inquiry of Mr. H. K. Edgerton, Mr. Ward said that a list of streets to be upgraded in this fiscal year is available in his department.

RESOLUTION ACCEPTING A REPORT ON THE DISPOSAL OF CITY-OWNED PERSONAL PROPERTY

Ms. Danette Thompson said pursuant to procedures established on June 25, 1985, for disposing of personal property valued at less than \$500, this report identifies city-owned personal property disposal for the Risk Management and Water Resources Departments during the period of January 1, 1995 - June 30, 1995.

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

OTHER BUSINESS:

Unified Development Ordinance

Councilman McClure said that on August 8, 1995, Mr. Bill Farris will be bringing the unified development ordinance to Council as an update only.

Councilwoman Sitnick complimented Councilman McClure, who is Chairman of the UDO Committee, for keeping the project moving and keeping it open and receptive to public input and comment.

Councilwoman Field was also impressed on how well the process proceeded.

-4-

Richmond Hill - Possible Park

Vice-Mayor Peterson said that he has seen preliminary drawings of a futuristic park on a portion of the Richmond Hills property. He asked that the issue be placed on an upcoming Council worksession agenda.

When Councilman Swicegood questioned where does this park fall since Council

has requested an appraisal of the property for possible sale, City Manager Westbrook said that once the appraisals are done, Council can decide what they want to sell, if they want to sell, or what portion they want to sell.

Upon inquiry of Vice-Mayor Peterson about the need for a survey, Councilwoman Field said that there is probably a boundary survey available of the Richmond Hills property, but if a park is to be built, a topographical survey will more than likely be needed.

Biltmore Village Request

Vice-Mayor Peterson said that he has received a request from Robert Griffin asking to be placed on a worksession agenda. He will be requesting additional funds from the City in order to make the 50 historical light fixtures sturdier and to get a UL rating on them so as to meet Carolina Power & Light's requirements.

Meetings; Public Information; Agenda Topics

Councilwoman Sitnick asked City Council to consider moving the September 12, 1995, City Council meeting to Randolph Elementary School in the Montford community. She felt that because the rezoning request for the Head of Montford has been delayed on several occasions, she felt Council would be more accessible to the public wishing to attend.

She asked if there was surplus in this year's budget that some be spent on public information. She suggested a weekly information page for citizens.

She then passed out a list of items "to include on the agenda". She briefly explained each of the following items: school summit, meeting regarding picketing ordinance, license tree trimmers, meeting regarding Housing Authority, meeting regarding extra-territorial jurisdiction, information on City arborist, information on impact fees, environmental impact statement, economic impact statement, formal/worksession/straw vote, boards and commissions, "Arnie" slogan contest, and H.B. 90 "Posting" policy.

She said that she and Councilman McClure will be putting together a concept on how the school summit can take place, noting that Council can only listen to citizens and request information from the School Board. Even though City Council does make the School Board appointments, it cannot dictate to them on how to run the school system.

Tourism Development Authority

Councilman Swicegood moved to take appropriate action on the Council's formal agenda to reappoint Loyd Kirk to the Tourism Development Authority, if Mr. Kirk is interested in reappointment. This motion was seconded by Councilwoman Field and carried unanimously.

-5-

Ralph Bishop

Mr. Ralph Bishop spoke to Council again about the citizens not being given an opportunity to be heard at worksessions, where he believed all the matters are voted on.

Closed Session

At 3:25 p.m., Councilwoman Sitnick moved to go into closed session to (1)

discuss matters related to the expansion of industries in the area served by the City and (2) instruct City staff, regarding position to be taken by City concerning the price and other material terms of property under consideration for purchase by the City; property located at 41 Eve Lake Drive in Asheville. This motion was seconded by Councilwoman Field and carried unanimously.

At 4:01 p.m., Councilwoman Sitnick moved to come out of closed session. This motion was seconded by Councilwoman Field and carried unanimously.

ADJOURNMENT

Vice-Mayor Peterson adjourned the meeting at 4:01 p.m.

CITY CLERK MAYOR

Tuesday, August 1, 1995 - 7:00 p.m.

North Asheville Community Center

Present: Vice-Mayor Chris Peterson - Presiding; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, and Councilman Herbert J. Watts; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Mayor Russell Martin and Councilman Joseph Carr Swicegood

The entire City Council congratulated Councilman and Mrs. Swicegood on the arrival of their new baby boy. Joseph Carr Swicegood III was born on Sunday, July 30, 1995.

All of Council expressed their appreciation to Chip Scott, Festival Coordinator, and all the volunteers that made Bele Chere 1995 a success, in particular the Police Department and the Public Works Department.

The following topics were raised by residents and addressed by City Council and City staff: how the 2010 Plan and the visioning process will work together; how can a community become organized to fight the widening of Merrimon Avenue which will change the character of the area; concern about buildings being built behind each other causing more driveways onto Merrimon Avenue; how can the appearance of Merrimon Avenue be improved; how is the sign ordinance enforced; how can the -6-

speed limit on Merrimon Avenue be enforced; the need to stop commercial encroachment into residential areas in North Asheville; the need to fully explore the residential overlay maps with relation to the UDO ordinance; explanation of the unified development ordinance; value of neighborhood input; need for developers and neighbors to try to work out differences; need for transitional zones; concern over Woodfin water quality; the reasoning behind having a primary - just skip the primary and save money; opposition to Johnson Road rezoning; potholes on upper end of Larchmont; appreciation to Police and Community Together (PACT) team; the problems with the school system; and appreciation to City Council for answering questions in an open and honest fashion.

Vice-Mayor Peterson adjourned the meeting at 8:37 p.m.

CITY CLERK MAYOR
