

Tuesday - December 2, 1997 - 4:00 p.m.

ORGANIZATIONAL SESSION:

Mayor-elect Leni Sitnick welcomed everyone to the organizational session and introduced Dr. Buddy Corbin, Calvary Baptist Church; Rabbi Shmuel Birnham, Beth Israel Synagogue; and Dr. John Grant, Mt. Zion Missionary Baptist Church, each who gave the invocation.

The Honorable Ronald K. Payne, Buncombe County Superior Court Judge, administered the Oath of Office to the following:

Mayor Leni Sitnick

Councilman M. Charles Cloninger

Councilman H. Earl Cobb

Councilwoman Barbara Field

Councilman Edward C. Hay Jr.

Councilman Thomas G. Sellers

Councilman O.T. Tomes

RESOLUTION NO. 97-240 - RESOLUTION OF APPRECIATION FOR MAYOR RUSSELL M. MARTIN

Mayor Sitnick read the resolution.

Resolution No. 97-240 was adopted by acclamation.

Mayor Sitnick presented Mr. Martin with the resolution, a plaque, his name plate and a City pen.

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RESOLUTION NO. 97-241 - RESOLUTION OF APPRECIATION FOR COUNCILMAN JAMES J. SKALSKI

Councilman Cloninger read the resolution.

Resolution No. 97-241 was adopted by acclamation.

Councilman Cloninger presented Mr. Skalski with the resolution, a plaque, his name plate and a City pen.

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RESOLUTION NO. 97-242 - RESOLUTION OF APPRECIATION FOR COUNCILMAN CHARLES R. WORLEY

Councilwoman Field read the resolution.

Resolution No. 97-242 was adopted by acclamation.

Councilwoman Field presented Mr. Worley with the resolution, a plaque, his name plate and a City pen.

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Mayor Sitnick recognized Dr. Wayne Montgomery, Mr. Richard Wood, Mr. Eugene C. Ochsenreiter Jr. , Mr. Larry McDevitt, Mr. W. Louis Bisette and Mr. Kenneth M. Michalove, all former Mayors of Asheville.

Mr. George Breece then read the following letter to Mayor Sitnick:
"Congratulations on your election as Mayor of Asheville. You have earned the trust of the people of your community and you deserve to be proud of this tremendous achievement. I look forward to working with -2-

you as we seek to improve our country. Hillary and I send our best for a very successful term. Sincerely, Bill Clinton." President Clinton also sent Mayor Sitnick the Presidential Pin which Mr. Breece presented to her in memory of her mother.

ELECTION OF VICE-MAYOR

Councilwoman Field nominated Councilman Hay as Vice-Mayor of the City of Asheville.

There being no further nominations, Councilwoman Field moved to elect Councilman Hay as Vice-Mayor. This motion was seconded by Councilman Cloninger and carried unanimously.

Mayor Sitnick announced that a recess would be held for approximately 20 minutes.

REGULAR MEETING:

INVOCATION

Mayor Sitnick gave the invocation.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

III. PUBLIC HEARINGS:

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

A. MOTION SETTING A PUBLIC HEARING ON DECEMBER 16, 1997, RELATIVE TO THE TRANSIT OPERATING ASSISTANCE GRANT APPLICATION

Councilman Cloninger moved to set a public hearing for December 16, 1997, relative to the transit operating assistance grant application. This motion was seconded by Councilwoman Field and carried unanimously.

B. RESOLUTION NO. 97-243 - RESOLUTION FIXING DATE OF PUBLIC HEARING FOR DECEMBER 16, 1997, ON THE QUESTION OF ANNEXATION OF PROPERTY KNOWN AS SECTION 10 OF BILTMORE PARK

Mr. Paul Benson, Urban Planner, said that Biltmore Farms, Inc. has submitted an annexation petition for a 3.9 acre area identified as Biltmore Park, Section 10. This is the tenth annexation petitioned by Biltmore Farms Inc. for property located west of Overlook Road. This area is contiguous to the existing corporate limits, specifically to Biltmore Park, Section 5.

Upon inquiry of Councilman Tomes, Mr. Benson explained that a voluntary annexation is when the property owner has come to the City and has requested annexation.

Vice-Mayor Hay further explained that as sections in Biltmore Park are developed, they are petitioning for annexation. He noted this is the 10th time they have petitioned for annexation.

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

Mr. Ralph Bishop asked that Mayor Sitnick investigate the possibility of having resolutions and ordinances read at the meetings so that people who attend the meetings know what is taking place.

Mayor Sitnick said that she would be happy to discuss the request with the entire Council.

Councilman Tomes moved for the adoption of Resolution No. 97-243. This motion was seconded by Councilman Cloninger and carried unanimously.

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VI. OTHER BUSINESS:

A. APPROVAL OF THE MINUTES OF THE FORMAL MEETING HELD ON NOVEMBER 25, 1997

Because former Councilman James Skalski submitted proposed amendments to the November 25, 1997, minutes, it was the consensus of Council to delay approving or amending those minutes until Council has had an opportunity to review the proposed amendments. Mayor Sitnick said that this item would be postponed until the December 16, 1997, meeting.

B. COMMENTS BY MR. RALPH BISHOP

Mr. Ralph Bishop asked for a statement in writing by a "court order" or a "judicial opinion" that (1) they have abolished G.S. 160A-72; (2) specifically stating that G.S. 160A-72 is unconstitutional; and (3) Asheville does not have to keep full and accurate minutes of Council proceedings.

Mayor Sitnick said that she has talked with some "lawmakers" in Raleigh, in addition to some staff at the Institute of Government, and the law says that you must keep accurate minutes on what is done, but not necessarily what is said. Audio and video tapes of our Council meetings are available.

City Attorney Oast said that the Asheville City Council does keep full and accurate minutes within the meaning of the law. Asheville does abide by Robert's Rules of Order and the Supreme Court cited Robert's Rules of Order with approval and that provides specifically that the minutes are a record of what is done and not what is said.

Mayor Sitnick offered to meet with Mr. Bishop, discuss his concerns and see what can be done to satisfy those concerns.

Mr. Daniel Breen suggested the City investigate some computer software that will transcribe tapes verbatim.

C. COMMENTS BY MR. JOHN REDMOND

Mr. John Redmond asked City Council to investigate concerns that the City of Asheville is trying to remove Mr. Jones, owner of Jolly Cab Company, from his property inappropriately.

City Attorney Oast said that the City of Asheville has an on-going civil action against the property which is occupied by Mr. Jones. This -4-

is a nuisance abatement action and he is not at liberty to comment on it any more at this time. He said that he would be happy to brief Council on this matter in an appropriate manner and at an appropriate time.

VII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 5:25 p.m.

CITY CLERK MAYOR
