

Tuesday - May 26, 1998 - 5:00 p.m.

Regular Meeting

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor Edward C. Hay Jr.; Councilman M. Charles Cloninger; Councilman Earl Cobb; Councilwoman Barbara Field; Councilman Thomas G. Sellers; and Councilman O.T. Tomes; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Cobb gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING THE MONTHS OF MAY THROUGH NOVEMBER, 1998 AS "SHOW YOUR COLORS, AMERICA! MONTHS"

Mayor Sitnick read the proclamation proclaiming the months of May - November, 1998, as "Show Your Colors, America! Months" in the City of Asheville.

B. PROCLAMATION PROCLAIMING JUNE 4-11, 1998, AS "NURSE ASSISTANTS' WEEK' AND JUNE 4, 1998, AS "CAREER NURSE ASSISTANTS' DAY"

Councilman Cloninger read the proclamation proclaiming June 4-11, 1998, as "Nurse Assistants' Week" and June 4, 1998, as "Career Nurse Assistants' Day" in the City of Asheville and presented a proclamation to Ms. Chris Barger, Director of Nursing at Greentree. Ms. Barger briefed the Council on some activities taking place during the week.

C. PROCLAMATION PROCLAIMING JUNE 12-13, AS "RELAY FOR LIFE DAYS"

Councilwoman Field read the proclamation proclaiming June 12-13, as "Relay for Life Day" in the City of Asheville and presented a proclamation to Ms. Mary Mesnard, 1998 Relay for Life Chairperson, and Ms. Shannon C. Fagan, Area Executive Director for the American Cancer Society. They briefed the Council on some activities taking place during those days.

D. PROCLAMATION PROCLAIMING MAY 29, 1998, AS "CHILD WATCH DAY"

Mayor Sitnick read the proclamation proclaiming May 29, 1998, as "Child Watch Day" in the City of Asheville and presented a proclamation to Ms. Perry Van Dyke who briefed the Council on some activities taking place during the day.

II. CONSENT:

A. MOTION SETTING A PUBLIC HEARING ON JUNE 9, 1998, RELATIVE TO ADOPTION OF THE 1998-99 ANNUAL OPERATING BUDGET

B. ORDINANCE NO. 2473 - BUDGET AMENDMENT TO THE WATER MAJOR CAPITAL PROJECT ORIDNANCE (35 FUND) TO REFLECT THE TRANSFER OF REVENUE BOND RELATED PROJECTS TO THE 29 FUND, TO REIMBURSE THE 30 FUND FOR 1998-98 DISTRIBUTION SYSTEM -2-

IMPROVEMENTS, TO FUND THE GLENDALE WATER LINE (NC DEPT. OF TRANSPORTATION PROJECT), AND TO PROVIDE FUNDING FOR FUTURE N.C. DEPT. OF TRANSPORTATION PROJECTS THROUGH FUTURE "CONTRIBUTIONS FROM OTHER FUNDS"

Summary: The consideration of a budget amendment to the Water Major Capital Project Ordinance 82-25 (35 Fund) to reflect the transfer of revenue bond related projects to the 29 Fund, to reimburse the 30 Fund for 97/98 Distribution System Improvements, to fund the Glendale Water Line (NC DOT), and to provide funding for future NC DOT projects through future "Contributions From Other Funds".

By Resolution 82-25 dated October 5, 1982, the Authority authorized and budgeted for various capital projects to be funded by Investment Earnings, Contributions From Other Funds, and Appropriated Fund Balance. This is a request to amend CPO 82-25 to reflect the following changes:

- Transfer the following expenses to the 29 Fund (Water Bond Capital Improvements Fund): the Phase II Master Plan Project (\$565,779) and the South Buncombe Pump Station Phase II Project (\$203,797). These bond related projects in the amount of \$769,576 were funded in the 35 Fund prior to receiving \$33 million in revenue bond proceeds in 1996. It is now necessary to transfer these expenses to the 29 Fund in order to provide adequate funding in the 35 Fund for other capital projects. This will result in an increase of \$769,576 in equity in pooled cash in the 35 Fund.
- Reflect the reimbursement of \$470,663 to the 30 Fund (Operating Budget) per the revised FY 97/98 Operating Budget. On September 16, 1997, the Authority approved the transfer of \$470,663 from the 30 Fund (Operating Fund) to provide funding for the 97/98 Distribution System Improvements. As a part of the revisions to the Operating Budget that were approved in December 1997, the Authority authorized the postponement of the 97/98 Distribution System Improvements and the transfer of the \$470,663 back to the operating budget.
- To fund Glendale Water Line (NC Department of Transportation Project) in the amount of \$5,000. This is a replacement of a 6" waterline that was abandoned when the old bridge was torn down. This project includes a new bridge and a new 6" water line. We are expected to contribute 20% and NC DOT will contribute the other 80%.
- To authorize funding for the following future NC Dept. of Transportation Projects in the amount of \$2,891,960:

à Biltmore Viaduct \$160,000

à I-40 at US 25A (Sweeten Creek) 295,504

à NC 151 Pisgah Hwy 121,440

à US 74/I-40 Interchange (Phase I) 994,179

à US 74 Phase II 1,088,176

à US 70/74 Tunnel Road & Haw Cr. 232,661

The Regional Water Authority approved a resolution amending and restating Capital Project Ordinance 82-25 on March 17, 1998.

Staff recommends adoption of the budget amendment which will reflect the transfer of revenue bond related projects to the 29 Fund, to reimburse the 30 Fund for 97/98 Distribution System Improvements, to fund the

Glendale Water Line (NC DOT), and to provide funding for future NC DOT projects through future "Contributions From Other Funds".

ORDINANCE BOOK NO. 16 - PAGE 457

-3-

C. RESOLUTION NO. 98-53 - RESOLUTION AUTHORIZING THE EXECUTION OF A UTILITY AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE IMPROVEMENTS OF U.S. 25A (SWEETEN CREEK ROAD), SR 3081 (ROCK HILL ROAD) AND SR 3079 (ROBERTS ROAD) NEAR ASHEVILLE

Summary: The consideration of a resolution to authorize the Mayor to sign a municipal agreement with the N. C. Dept. of Transportation ("NC DOT") for improvements of US 25A (Sweeten Creek Road), SR 3081 (Rock Hill Road) and SR 3079 (Roberts Road.)

The NC DOT's preliminary estimate was \$76,000 for the sidewalk with the City's portion being 40% of estimated cost of \$30,400. The City shall participate in 40% of the cost of the sidewalks. The NC DOT shall participate in 60% of the cost of the sidewalks up to a maximum of 2% of the actual construction cost. All costs which exceed the 2% cap shall be borne by the City. Construction is scheduled to begin in 1999.

The funds (\$30,400) for this project has been budgeted in line item 62-430-15-488-02-4410.

A water line may need to be relocated as a result of this construction, but the design is not complete at this time. When the design is finalized then staff will request City Council and the Regional Water Authority to approve funds necessary to relocate the water line.

Staff recommends that City Council authorize the Mayor to sign the Municipal Agreement for improvements of US 25A (Sweeten Creek Road), SR 3081 (Rock Hill Road) and SR 3079 (Roberts Road).

RESOLUTION BOOK NO. 24 - PAGE 387

D. RESOLUTION NO. 98-54 - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR IMPROVEMENTS TO THE US 74, SR 2775 (REED CIRCLE) AND SR 3136 (CANE CREEK ROAD) FOR THE RELOCATION AND UPGRADE OF WATER LINE THAT WILL BE IN CONFLICT WITH HIGHWAY CONSTRUCTION

Summary: The consideration of an agreement with the NC Dept. of Transportation for improvements to the US 74, SR 2775 (Reed Circle) and SR 3136 (Cane Creek Road) for the relocation and upgrade of water lines that will be in conflict with highway construction.

The NC Dept. of Transportation will design and relocate the water line during construction of street and highway improvements. The project includes the relocation of 2,997 linear feet of 6-inch water mains, 109 linear feet of 8-inch water mains, and 16,514 linear feet of 12-inch water mains with valves and other appurtenances along the US 74, SR 2775 (Reed Circle) and SR 3136 (Cane Creek Road) for construction of a highway. The preliminary estimated cost of upgrade of the water lines is \$1,088,176.00. This agreement states that the Municipality (City of Asheville) will reimburse NC DOT for cost associated with the relocation of water lines in three (3) equal annual installments plus interest on the unpaid balance, with the first payment due upon completion of the project. NC DOT will submit an itemized invoice, within sixty days, to the City of Asheville for cost incurred during construction. This project has been approved as a future commitment by the Regional Water Authority of Asheville, Buncombe and Henderson. This project starts April of 1998. This agreement states that the Municipality obligates itself to service and maintain facilities along the highway within the NC DOT right of way limits in accordance with the mandate of the North

Carolina General Statutes. -4-

Staff recommends that City Council authorize the Mayor to sign the Municipal Agreement for improvements to US 74, SR 2775 (Reed Circle) and SR 3136 (Cane Creek Road).

RESOLUTION BOOK NO. 24 - PAGE 388

E. RESOLUTION NO. 98-55- RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR IMPROVEMENTS AT NC 151/PISGAH HIGHWAY FROM SOUTH OF SR 1117 (FOWLER MOUNTAIN ROAD) TO 0.2 MILES SOUTH OF US 19-23-74 TO RELOCATE WATER LINES THAT WILL BE IN CONFLICT WITH HIGHWAY CONSTRUCTION

Summary: The consideration of an agreement with the NC Dept. of Transportation for improvements at NC 151/Pisgah Highway from south of SR 1117 (Fowler Mountain Road) to 0.2 miles south of US 19-23-74 to relocate water lines that will be in conflict with highway construction.

The NC Dept. of Transportation will include in its construction contract provisions to relocate and adjust certain city-owned water lines located along the project area. This project includes the relocation of 715 linear feet of 8-inch water mains, and 1,820 linear feet of 6-inch water mains, valves and other appurtenances along NC 151/Pisgah Highway. The preliminary estimated cost of relocation of the water lines is \$121,440.00. This agreement states that the Municipality (City of Asheville) will reimburse for cost associated with the relocation of water line and upon completion of work NC DOT will submit an itemized invoice to the City of Asheville for cost incurred during construction. This project has been approved as a future commitment by the Regional Water Authority of Asheville, Buncombe and Henderson. This project started October 27, 1997 and will be completed in June, 2000. This agreement states that the Municipality obligates itself to service and maintain facilities along the highway within the NC DOT right of way limits in accordance with the mandate of the North Carolina General Statutes.

Staff recommends that City Council authorize the Mayor to sign the Municipal Agreement for improvements on NC 151/Pisgah Highway from south of SR 1117 (Fowler Mountain Road) to 0.2 miles south of US 19-23-74, Project Number R-2116B.

RESOLUTION BOOK NO. 24 - PAGE 389

F. RESOLUTION NO. 98-56 - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR IMPROVEMENTS AT US 74 FROM I-40 INTERCHANGE SOUTHWEST TO SR 2775, WHICH INCLUDES MINE HOLE GAP FOR THE RELOCATION AND UPGRADE OF A 6-INCH AND 8-INCH WATER LINE THAT WILL BE IN CONFLICT WITH HIGHWAY CONSTRUCTION

Summary: The consideration of an agreement with the NC Dept. of Transportation for improvements at US 74 from I-40 Interchange southwest to SR 2775, which includes Mine Hole Gap for the relocation and upgrade of a 6-inch and 8-inch water line that will be in conflict with highway construction.

The NC Dept. of Transportation will design and relocate the water line during construction of street and highway improvements. The project includes the relocation of 6,850 linear feet of 12-inch water mains, 11,750 linear feet of 8-inch water mains and 3,250 linear feet of 6-inch water mains valves and other appurtenances along US 74 due to widening of highway -5-

to five lanes. The preliminary estimated cost of upgrade of the water lines is \$994,179.00. This agreement states that the Municipality (City of Asheville) will reimburse NC DOT for cost associated with the relocation of water lines and upon completion of work NC DOT will submit an itemized invoice to the City of Asheville for cost incurred during construction. This project has been approved as a future commitment by the

Regional Water Authority of Asheville, Buncombe and Henderson. This project starts February, 1998 and will be completed in February 2001. This agreement states that the Municipality obligates itself to service and maintain facilities along the highway within the NC DOT right of way limits in accordance with the mandate of the North Carolina General Statutes.

Staff recommends that City Council authorize the Mayor to sign the Municipal Agreement for improvements of US 74 from I-40 interchange southwest to SR 2775 which includes Mine Hole Gap.

RESOLUTION BOOK NO. 24 - PAGE 390

G. RESOLUTION NO. 98-57 - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR IMPROVEMENTS TO THE INTERSECTION OF US 70-74 (TUNNEL ROAD) AND SR 2863 (HAW CREEK LANE) FOR THE RELOCATION AND UPGRADE OF WATER LINE THAT WILL BE IN CONFLICT WITH HIGHWAY CONSTRUCTION

Summary: The consideration of an agreement with the NC Dept. of Transportation for improvements to the intersection of US 70-74 (Tunnel Road) and SR 2863 (Haw Creek Lane) for the relocation and upgrade of a water line that will be in conflict with highway construction.

The NC Dept. of Transportation will design and relocate the water line during construction of street and highway improvements. The project includes the relocation of 540 linear feet of 30-inch water main with valves and other appurtenances along the intersection of US 70-74 (Tunnel Road) and SR 2863 (Haw Creek Lane) for construction of a highway. The preliminary estimated cost of upgrade of the water lines is \$232,660.50. This agreement states that the Municipality (City of Asheville) will reimburse NC DOT for cost associated with the relocation of water lines in three (3) equal annual installments plus interest on the unpaid balance, with the first payment due upon completion of the project. NC DOT will submit an itemized invoice to the City of Asheville for cost incurred during construction. This project has been approved as a future commitment by the Regional Water Authority of Asheville, Buncombe and Henderson. This project starts March of 1998. This agreement states that the Municipality obligates itself to service and maintain facilities along the highway within the NC DOT right of way limits in accordance with the mandate of the North Carolina General Statutes.

Staff recommends that City Council authorize the City Manager to sign the Municipal Agreement for improvements to the intersection of US 70-74 (Tunnel Road) and SR 2863 (Haw Creek Lane) interchange.

RESOLUTION BOOK NO. 24 - PAGE 391

H. RESOLUTION NO. 98-58 - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR IMPROVEMENTS OF I-40 AT US 25A (SWEETEN CREEK ROAD) FOR THE RELOCATION AND UPGRADE OF WATER LINE THAT WILL BE IN CONFLICT WITH HIGHWAY CONSTRUCTION

-6-

Summary: The consideration of an agreement with the NC Dept. of Transportation for improvements of I-40 at US 25A (Sweeten Creel Road) for the relocation and upgrade of water lines that will be in conflict with highway construction.

The NC Dept. of Transportation will design and relocate the water line during construction of street and highway improvements. The project includes the relocation of 312 linear feet of 6-inch water mains, 970 linear feet of 8-inch water mains, 165 linear feet of 16-inch water mains and 2,964 linear feet of 24-inch water mains with valves and other appurtenances along I-40 at US 25A (Sweeten Creek Road for

construction of an interchange. The preliminary estimated cost of upgrade of the water lines is \$295,504.00. This agreement states that the Municipality (City of Asheville) will reimburse NC DOT for cost associated with the relocation of water lines and upon completion of work NC DOT will submit an itemized invoice to the City of Asheville for cost incurred during construction; which shall be paid within sixty (60) days of the date of invoice. This project has been approved as a future commitment by the Regional Water Authority of Asheville, Buncombe and Henderson. This project starts fall of 1998. This agreement states that the Municipality obligates itself to service and maintain facilities along the highway within the NC DOT right of way limits in accordance with the mandate of the North Carolina General Statutes.

Staff recommends that City Council authorize the Mayor to sign the Municipal Agreement for improvements of I-40 and US 25A (Sweeten Creek Road) interchange.

RESOLUTION BOOK NO. 24 - PAGE 392

I. RESOLUTION NO. 98-59 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A FIFTH MODIFIED GRANT AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR PHASE III TERMINAL EXPANSION

Summary: The City is required by law to execute certain contracts and agreements for the Airport Authority. This Fifth Modified Grant Agreement is to allow the Authority to receive additional matching funds from the Dept. of Transportation ("DOT") for the Phase III Terminal Expansion.

Airport Director Jim Parker advises that the Terminal Expansion project was financed almost entirely with bond money, and that it was completed several years ago. The estimated cost of the project was \$3.63 million and DOT's projected commitment under the State Aid to Airports program is approximately half of the estimate. Because of budgetary limitations, this entire amount was not available when the project was completed, and DOT has been making "installment" allocations of \$300,000 or \$200,000 on a yearly basis, as funds become available. In order for these allocations to continue, the Grant Agreement must be extended for another year, even though the project has been completed.

The \$200,000 allocation for this year will still not complete the DOT's program commitment.

RESOLUTION BOOK NO. 24 - PAGE 393

J. RESOLUTION NO. 98-60 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR PHASE III OF RUNWAY 16

Summary: This grant from the Federal Aviation Administration, in the amount of \$652,731 consists of a project to construct extended runway safety area, Runway 16 (Phase III). -7-

RESOLUTION BOOK NO. 24 - PAGE 394

K. ORDINANCE NO. 2474 - ORDINANCE REDUCING THE SPEED ON LINDSEY ROAD TO 15 MILES PER HOUR AND ON CHEROKEE ROAD TO 20 MILES PER HOUR

Summary: The City 's Traffic Engineer has performed the necessary traffic analyses associated with the above mentioned locations as per the Manual on Uniform Traffic Control Devices and the North Carolina Supplement. We are seeking authorization from the City Council to change these speed limits.

Change to 15 MPH: Change to 20 MPH:

(1) Lindsey Road (Entirety) (1) Cherokee Road (Entirety)

These locations have been reviewed over the past 12 months as per the request of residents and motorists who utilize these roadways. Field surveys and speed studies were conducted and data reviewed based upon the 85th percentile speed, which is the speed at or below which 85 percent of the vehicles are moving. This speed is reviewed in relationship to the median speed and the pace speed range. The pace speed range is the range of speeds at which the largest concentration of motorists drive. These speeds were all reviewed to address the speeding problems in these areas.

1. Lindsey Road

A speed study was conducted along Lindsey Road per the request of citizens in this area. The residential nature of this roadway vertical/horizontal alignment and width suggest that the speed limit needs to be 15 MPH. The Asheville Police Department concurs with our recommendation.

2. Cherokee Road

A speed study was conducted along Cherokee Road per the request of citizens in this area. The residential nature of this roadway vertical/horizontal alignment and width suggest that the speed limit needs to be 20 MPH. The Asheville Police Department concurs with our recommendation.

ORDINANCE BOOK NO. 16 - PAGE 459

L. ORDINANCE NO. 2475 - BUDGET AMENDMENT TO PROVIDE FUNDING FOR THE 1998 SUMMER YOUTH PROGRAM

Summary: This budget amendment, in the amount of \$100,000, is to provide funding for the 1998 Summer Youth Program.

ORDINANCE BOOK NO. 16 - PAGE 460

M. MOTION SETTING A PUBLIC HEARING ON JUNE 9, 1998, TO REZONE TWO PROPERTIES LOCATED ON CHATHAM ROAD AND W.T. WEAVER BOULEVARD FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY

-8-

N. MOTION SETTING A PUBLIC HEARING ON JUNE 9, 1998, TO REZONE TWO LOTS AT 23 BEAR CREEK DRIVE FROM HIGHWAY BUSINESS TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY

O. MOTION SETTING A PUBLIC HEARING ON JUNE 9, 1998, TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO IDENTIFY CHILD DAY CARE CENTERS AS A PERMITTED USE, SUBJECT TO SPECIAL REQUIREMENTS IN THE OFFICE DISTRICT

P. MOTION SETTING A PUBLIC HEARING ON JUNE 9, 1998, TO CONSIDER A MODIFICATION OF THE SUBDIVISION STANDARDS TO PERMIT THE CREATION OF A FLAG LOT WITH A FLAGPOLE WIDTH OF 15 FEET AT 63 CUMBERLAND AVENUE

Q. RESOLUTION NO. 98-61 - RESOLUTION APPROVING THE CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE ASHEVILLE DOWNTOWN ASSOCIATION'S 1998 EVENTS

Summary: The consideration of a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine for the 1998 events of the Asheville Downtown Association at the locations and times specified in the resolution.

For many years, the Asheville Downtown Association has co-sponsored with the City of Asheville events to bring both the public and visitors to the downtown area. These events include: *Moonlight Over Downtown*, *Honda Hoot Public Rally*, and four *Downtown After Five* activities. The Asheville Downtown Association has requested permission to allow possession and consumption of beer and wine during these events as they have been allowed in the past.

RESOLUTION BOOK NO. 24 - PAGE 395

R. ORDINANCE NO. 2476 - BUDGET AMENDMENT TO ESTABLISH A BUDGET FOR THE AMBOY ROAD GREENWAY

Summary: The consideration of a budget amendment, in the amount of \$60,000, to establish a budget for the construction of a greenway that will connect the Amboy Road Park and the French Broad River Park.

ORDINANCE BOOK NO. 16 - PAGE 462

S. ORDINANCE NO. 2477 - BUDGET AMENDMENT TO APPROPRIATE EXPENDITURES FOR NON-RESIDENT FEES WHICH HAVE BEEN COLLECTED FOR VARIOUS PARKS AND RECREATION PROGRAMS

Summary: The consideration of a budget amendment to appropriate expenditures for non-resident fees which have been collected for various Parks and Recreation programs.

ORDINANCE BOOK NO. 16 - PAGE 464

T. ORDINANCE NO. 2478 - BUDGET AMENDMENT TO APPROPRIATE REVENUES AND EXPENDITURES FOR THE RACQUET CLUB ROAD PROJECT

-9-

Summary: The consideration of a budget amendment to appropriate revenues and expenditures for Racquet Club Road Project.

ORDINANCE BOOK NO. 16 - PAGE 466

U. ORDINANCE NO. 2479 - BUDGET AMENDMENT TO APPROPRIATE FUNDS FROM THE COMMUNITY FOUNDATION OF WESTERN NORTH CAROLINA IN THE SUMMERTIME KIDS PROGRAM

Summary: The consideration of a budget amendment, in the amount of \$1,000, to appropriate funds from the Community Foundation of Western North Carolina for the Summertime Kids program to provide enrichment activities for the Summer Teen Program.

ORDINANCE BOOK NO. 16 - PAGE 468

Mayor Sitnick said that members of Council have been previously furnished with copies of the resolutions and ordinances on the Consent Agenda and they will not be read.

Vice-Mayor Hay moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Field and carried unanimously.

III. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE APPROVAL AND PERMIT FOR A DUPLEX

AT THE CORNER OF LONDON ROAD AND SHADY OAK DRIVE

At the request of staff due to an advertising error, Councilman Tomes moved to reschedule this public hearing until June 9, 1998. This motion was seconded by Councilman Sellers and carried unanimously.

B. PUBLIC HEARING RELATIVE TO THE DEMOLITION OF 22 SULPHUR SPRINGS ROAD

ORDINANCE NO. 2480 - ORDINANCE TO DEMOLISH 22 SULPHUR SPRINGS ROAD

Mayor Sitnick opened the public hearing at 5:20 p.m.

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

Mr. Terry Summey, Director of Building Safety, said that the structure located at 22 Sulphur Springs Road is a dilapidated structure. The Owners Gabriel and Livia Ferrari have not responded to the order of the Director Designee of the Building Safety Department to repair or demolish this structure. This structure was inspected by Building Safety Department staff on August 21, 1997, with the aid of a administrative search warrant. The Building Safety Inspector sent a correction order to the property taxpayer of record on August 22, 1997. There was no response. A formal hearing was then scheduled and held on December 10, 1997. The owners did not appear. Based on the evidence presented at that hearing, the Building Safety hearing officer moved to order the owners to obtain a building permit for demolition or repair of said structure within 15 days of receipt. The owners would then have an additional 60 days to commence work. As of April 20, 1998, no application for a building permit had been submitted -10-

to the permit office. Building Safety Inspectors found the following conditions, which have been documented by videotape:

- The dwelling does not have electrical service and the electrical wiring was removed.
- The dwelling has an internal and external accumulation of garbage.
- The dwelling does not have a safe source of hot water supply.
- The dwelling does not have stairways connecting the 2nd floor and 1st floor as well as the 1st floor and the basement level except a standard workman's ladder. The openings are not covered to keep persons from falling through.

A letter was sent notifying all nonprofit agencies listed in the Minimum Housing Code for their assistance in this matter. No response has been received.

N.C.G.S. 160A-443(5) authorizes the City Council to direct by ordinance the demolition of a dilapidated structure such as 22 Sulphur Springs Road subsequent to failure of the owners Gabriel and Livia Ferrari to demolish or repair as described above. N.C.G.S. 160A-443(6) authorizes placement of a lien on the property to recover the cost of a demolition so ordered by City Council.

The following is an overview of some general information regarding this property:

- Fair market value of structure is \$26,400.00;
- Estimated value to rebuild the structure only is \$70,928.00;
- Land value without the structure is \$29,500.00; and

- Estimated cost to demolish the structure is \$9,000.00.

The Director of Building Safety Department recommends adoption of the ordinance to demolish 22 Sulphur Springs Road.

Upon inquiry of Councilman Tomes if every effort has been made to meet with the owners so see why he has not been able to repair the violations, Mr. Summey said that based on written information, there have been discussions dating back to the early 1990's. In 1995 the owners had temporary electrical service and a permit to bring it up to Code. However, the permit expired and the temporary electrical service was removed. Then in 1997, the City began its attempt to inspect the house again to see if it met Code. At that point in time, the owners refused to let the City inspect the house and they had to obtain an administrative warrant to do the inspection. He personally spoke to the owners at length about the condition of the house and what needed to be done to bring it up to Code. He felt that Mr. Ferrari's beliefs are contrary to the standards the City has in their Housing Code. Mr. Summey felt Mr. Ferrari is fully aware of the things that need to be done but he has shown no interest in repairing anything.

Upon inquiry of Councilman Cobb, Mr. Summey said that the house was involved in a fire in the late 1980's. It is his understanding that the Ferraris bought the house after the fire from the previous owners and the Ferraris are occupying the house without ever obtaining approval to move into it.

-11-

Mr. Gabriel Ferrari, co-owner of 22 Sulphur Springs Road, stressed to Council that he has been "persecuted over nine years because he brought the work commanded by the heavenly father." He said when they bought the house, they did not know that a man died in the house. He has experience in fire investigation and has seen traces of arson where the man died. Because it is his duty, he has sent letters to the District Attorney advising of his findings. He said in 1997 a conspiracy began of Asheville city officials against him. He said what Mr. Summey reports is 80% not true. He said that 3/4 of the house is dedicated to the school of surviving skills which is a Buncombe County, non-profit, non-tuition religious adult school. He suggested a compromise of power in the front left wing and one portion of the house.

Mayor Sitnick asked if there was a reason the house has not been brought up to Code considering the number of occasions, number of requests and number of years where the Building Inspections Department and the Housing Code Department has informed them of the violations. She asked if Mr. Ferrari understood that the City has a consistent rule for everyone who lives in Asheville and that everyone has to abide by the same laws.

Mr. Ferrari said the last conversation he had with Larry Lowe, a retired housing inspector, he said that he could not finish repairs until the criminal investigation was through. To do otherwise would force him to get rid of the evidence at the house. He felt it was not a matter of refusing to comply to the City Code, he felt it was a criminal matter. He said he would finish the repairs if he could get the power turned back on.

When Councilman Tomes asked what the status of the investigation was, Mr. Ferrari said that the District Attorney refused to investigate. He said, however, that the State Attorney, the Director of the FBI, Janet Reno, and the International Association of Human Rights know about the persecution he has endured here in Asheville.

Upon inquiry of Councilman Sellers, Mr. Summey said that he has no knowledge of an on-going investigation. City Attorney Oast said that the only knowledge he has of that investigation is that following the fire, there was a fire inspection both as to cause and to the extent of the damage. As far as he knows, that has been concluded. The rest of the incidents Mr. Ferrari is alluding to, he is not aware of.

Councilwoman Field asked if the City orders the demolition, what rights do the owners have. City Attorney Oast said that the ordinance can be contested in the same way that other ordinances Council adopts can be contested. If Council adopts the ordinance today, it would not mean that the house would be demolished tomorrow. There would be some period of time (probably months) where, because if the owner refuses to vacate, the City would have to evict him and we would also have to solicit proposals for the demolition, etc.

Mayor Sitnick said that electrical wiring has a great deal to do with safety and she doesn't know what that would have to do with an investigation of a fire nine years ago. The dwelling has internal and external accumulate of garbage which has nothing to do with an investigation. That has to do with respect for the owner's and neighbor's property. The dwelling does not have a safe source of hot water supply. Again, bringing the house up to Code to have hot water doesn't appear to be to be part of any on-going or concluded investigation. The fact that there are no stairways connecting the second floor to the first floor or the first floor to the basement level, doesn't seem to have anything to do with a concluded or an on-going investigation. The openings that lead to those floors are not covered and could pose a safety concern to the people who live there. Her concern is that the owners are speaking about an investigation of something that occurred nine years ago - none of which has to do with the building safety inspector's desire to have the house brought up to Code.

-12-

Mr. Ferrari said the house has two stairs in the basement and then explained that he was put in jail so that the City could get into his basement to see if he had an arsenal there. It was then that he realized that the City wanted to condemn the building and place an explosive device in the basement. He said the hot water was in place but the City disconnected the gas when he was under false arrest. Regarding the accumulation of garbage, he said he was demolishing 700 feet of old wood fence around the property and was going to take it to the dump. However, the floor on his van was destroyed and the City refused to help him get rid of the old fencing. He has since rented a vehicle to remove the debris.

Councilman Cobb asked about the two vehicles in the front of his property without tags and asked if the bus in the backyard was tagged. Mr. Ferrari said that he just bought the bus and it will be tagged. He said that he will probably get rid of the van but the other vehicle might be fixed. He then stated that he would probably get rid of them both.

When Councilman Cobb asked why the Ferraris did not attend the hearing on December 10, 1997, Mr. Ferrari said that he was scared and thought they wanted to kill him.

Mayor Sitnick said that it was her understanding that if Council votes to demolish this residence today, Mr. Ferrari still has time to bring the house up to Code. City Attorney Oast said that there will be some time because of our processes between the effective date of the ordinance and when the demolition is effected. He said that Mr. Ferrari could obtain the appropriate building permits to bring the house up to Code. It is the kind of thing that happens a lot of times, when houses are found to be dilapidated as this one is. He did point out to Council that there was a hearing at which point Mr. Ferrari could have contested whether the house was dilapidated or not. There was a right of appeal from that to the Board of Adjustment and from there to Superior Court. However, Mr. Ferrari didn't take advantage of that hearing.

Ms. Livia Ferrari, co-owner of 22 Sulphur Springs Road, said that her husband is speaking the truth and there are a lot of lies in the report. She was told that the house has a sound foundation and sound structure and her husband did more than the Code required. She said three years ago her electricity was cut off illegally. They did nothing wrong. As soon as they moved, someone stole the building permit from City Hall. It is clear that someone wants the house demolished.

Mayor Sitnick asked why the Ferraris didn't come in for the hearing on December 10 so they could express

the things they are expressing now. Mrs. Ferrari responded that her husband was afraid to go to the hearing. She also said that they were sick that day and called in the morning and said they couldn't come.

When Mrs. Ferrari said that her husband wants electricity in some of the house, Mayor Sitnick explained that everyone has to obey the same rules. Everyone has to have electricity throughout their house and since they are asking for electricity in only part of the house, they are asking for special treatment. Mayor Sitnick reiterated that had they gone to the hearing on December 10, they would have had the opportunity to go before the Board of Adjustment and request the variance you are requesting now.

Mrs. Ferrari said that they wanted to go, but "they wanted to kill" them.

-13-

Mr. James Boehm, adjoining property owner, said that there was all kinds of trash, rats and snakes that come onto his property from the yard at 22 Sulphur Springs Road. He said that the garbage is not gone from the property, just covered up with tarps. He has signs all over his property, several directed toward his house with his house number on it making threats to his family. He has signs threatening toward the City itself. For the past nine years, he has been living in the house in direct violation of the Code and has had nine years to correct the Code violations and he hasn't done any of it.

When Mayor Sitnick asked why it has taken nine years for the City to do anything, Mr. Summey said that he was not sure when Mr. Ferrari started living there, however, sometime after 1995 it came to his attention they were living there. The neighborhood started complaining about all the issues regarding this property and that's really what brought this to light. Normally they don't take action on someone who is living in a structure, even if it's substandard. He said they would go in and try to eliminate the things that are substandard. In this case, when they went in, the immediate thing that stood out was there was a gas water heater not vented properly. They could have been killed from the carbon monoxide so they cut the gas off. The City does try to eliminate hazards that they see. Again, they do continue to let people live in houses they should not live in. However, in this case there is no effort on the owners part to bring anything up to Code so they are to the point of where demolition is what they are seeking.

Councilman Tomes recognized that they may be a language problem and wondered if there was a reputable scholar that could be contacted to help mediate this process. He senses that when Mr. Ferrari is talking about the school, he is talking about a religious practice of his faith. He wants to be sensitive of that, but also to help him understand that we cannot, even with religious practices, have two sets of standards.

Mr. Summey felt that Mr. Ferrari understands a lot of the things required of him, but the things that need to be done need to be done by a licensed contractor to correct the work. Mr. Ferrari doesn't understand Codes. For instance, even the plumbing system is not vented property. It is just a multitude of things throughout the house that Mr. Ferrari has done but they don't meet the Code. The only really way he could bring this up to standards is for him to be able to hire a contractor to come in and do the work. There is not even a smoke detector in the house - just basic life safety things that should be there before the house is even occupied.

Again, Councilman Tomes wondered if the City could find someone to clearly help Mr. Ferrari understand the concerns here. Mr. Summey said that Mr. Ferrari's issue is more of a life style issue. He is trying to live a self-sufficient lifestyle without a lot of the things that most people have. Mr. Ferrari told him that he didn't want an electrical system per the Code because it is hazardous to his health and causes cancer.

Councilman Tomes said that if Mr. Ferrari is going to occupy the dwelling, that there are specific requirements that must be met. He explained that Mr. Ferrari can have the service terminated as long as it comes up to Code. Councilman Tomes is just trying to process cultural differences that he is sensing to make sure that we have covered all bases.

Mr. Summey said that he told Mr. Ferrari that if he brought his house up to electrical code, he could go to the circuit breaker and cut his electricity off. It would be his choice, but the house would be brought up to Code. He could still live the lifestyle he chooses to live, however, he chooses not to do that.

-14-

Councilwoman Field said that another issue is that this is an urban environment and if his house catches on fire, then that is a threat to his neighbors. He is not living out in the country where you are 1/2 acre away from the next residential use. There was to be some respect for the requirements of the rest of the people who live in this neighborhood. It sounds like he totally understands what needs to be done.

When Mayor Sitnick asked if the signs in the yard are permitted uses, Mr. Summey replied that there are violations on all the signs.

Mayor Sitnick closed the public hearing at 6:17 p.m.

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

Councilman Sellers moved for the adoption of Ordinance No. 2480. This motion was seconded by Councilman Cobb.

Councilman Tomes hoped that during the process of moving toward demolition, that Mr. Ferrari would be willing to comply with the request. If the house can be brought up to Code, he would like to see that pursued even if we have to put a time constraint on that to ensure that he complies and then let him make the decision after having complied whether he wants to utilize the electricity or not.

Mayor Sitnick requested that the Ferraris strongly consider bringing the house up to Code so that the City doesn't have to proceed with demolishing their home. She said they have heard from the inspectors that the house is not up to Code. She hoped that the Ferraris would work with Building Inspections to bring the house up to Code.

When Mr. Ferrari said that he needed power, Councilwoman Field said that temporary power can be obtained with a building permit.

The motion made by Councilman Sellers and seconded by Councilman Tomes carried unanimously.

ORDINANCE BOOK NO. 16 - PAGE 470

C. PUBLIC HEARING TO ZONE SECTION 9 OF BILTMORE PARK RS-4 RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY AND RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY

ORDINANCE NO. 2481 - ORDINANCE TO ZONE SECTION 9 OF BILTMORE PARK RS-4 RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY AND RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY

Mayor Sitnick opened the public hearing at 6:20 p.m.

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

Mr. Bruce Black, Urban Planner, said that this is consideration of an ordinance to zone Section 9 of the Biltmore Park Subdivision to RS-4 Residential Single-Family Medium Density District and RS-8 Residential Single-Family High Density District.

-15-

This is newly annexed land, and this is the first zoning for this property. The use is currently residential.

The eastern part of Section 9 consists of 29 residential lots, most of which exceed one quarter acre in size. None of the lots is one half acre or larger, thus precluding zoning of RS-2 Residential Single Family Low Density District. To zone the area RS-8 Residential Single-Family High Density District would not be in keeping with the plated character of the area.

The character of the area is more in keeping with the neighboring lots to the north and east of the area, and which are already zoned RS-4. Although some lots may be non-conforming, the setbacks shown on the recorded subdivision plats meet the requirements of the RS-4 District. Under certain circumstances, the Unified Development Ordinance could create the need for the non-conforming lots to be merged with neighboring lots to create conforming lots. This is presently being explored with the applicant.

The remainder of Section 9, 27 residential lots totaling 4.046 acres, is plated at a density greater than four units per acre, and with the exception of three lots, slightly less than eight units per acre. The plated setbacks of the three lots, which are less than one eighth acre in size, meet the requirements of the RS-8 district. Under certain circumstances, the Unified Development Ordinance could create the need for the non-conforming lots to be merged with neighboring lots to create conforming lots. This is presently being explored with the applicant.

The City Planning and Development staff recommends RS-4 and RS-8 zoning for Section 9 of the Biltmore Park Subdivision. At their meeting of May 6, 1998, the Planning and Zoning Commission recommended 5-0 to approve the proposed zoning.

Upon inquiry of Councilman Cloninger about who the owners of the lots are in case there is a possible conflict of interest, Mr. Black said that he did not know who the owners were.

Mayor Sitnick closed the public hearing at 6:25 p.m.

Mayor Sitnick 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. 2481. This motion was seconded by Councilman Tomes and carried unanimously.

ORDINANCE BOOK NO. 16 - PAGE 482

D. PUBLIC HEARING TO ZONE SECTION 10 OF BILTMORE PARK RS-2 RESIDENTIAL SINGLE FAMILY LOW DENSITY

ORDINANCE NO. 2482 - ORDINANCE TO ZONE SECTION 10 OF BILTMORE PARK RS-2 RESIDENTIAL SINGLE FAMILY LOW DENSITY

Mayor Sitnick opened the public hearing at 6:26 p.m.

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

Mr. Bruce Black, Urban Planner, said that this is the consideration of an ordinance to zone Section 10 of the Biltmore Park Subdivision to RS-2 Residential Single-Family Low Density District.

-16-

This is newly annexed land, and this is the first zoning for this property. The use is currently residential. Section 10 is 3.935 acres. This section has been joined to Lot 15, already in the City, and already zoned RS-2. Section 10 is also adjacent to an area already zoned RS-2.

The City Planning and Development staff recommends RS-2 zoning for Section 10 of the Biltmore Park Subdivision. At their meeting of May 6, 1998, the Planning and Zoning Commission recommended 5-0 to approve the proposed zoning.

Mayor Sitnick closed the public hearing at 6:27 p.m.

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

Councilman Tomes moved for the adoption of Ordinance No. 2482. This motion was seconded by Councilwoman Field and carried unanimously.

ORDINANCE BOOK NO. 16 - PAGE 474

E. PUBLIC HEARING TO APPLY THE MANUFACTURED HOME OVERLAY TO TWO LOTS AT 9 EAST STARNES COVE ROAD IN A RS-4 RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY DISTRICT

ORDINANCE NO. 2483 - ORDINANCE TO APPLY THE MANUFACTURED HOME OVERLAY TO TWO LOTS AT 9 EAST STARNES COVE ROAD IN A RS-4 RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY DISTRICT

Mayor Sitnick opened the public hearing at 6:28 p.m.

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

Mr. Carl Ownbey, Urban Planner, said that this is the consideration of an ordinance to apply the Manufactured Home Overlay to two lots at 9 East Starnes Cove Road in a RS-4 Residential Single Family Medium Density District.

The composition of this residential neighborhood has several manufactured homes scattered throughout the surrounding area with a manufactured home park (which has the Manufactured Home Rental Community and the Manufactured Home overlay) adjoining this property to the east.

The 2010 Plan indicates the surrounding area to be low density residential which the current RS-4 zoning permits. These two lots were rezoned in September of 1995 from commercial to residential.

This property borders the city limits of Asheville.

The Planning staff reviewed the rezoning request and recommended approval of the Manufactured Home Overlay district for these two lots. At the May 6, 1998, Planning & Zoning

Commission meeting, the Commissioners voted unanimously to approve the application of the Manufactured Home Overlay District to PIN Nos. 9628.17-01-4281 and 5047.

Ms. Michelle Watts, petitioner, spoke in support of this overlay request. -17-

Mayor Sitnick closed the public hearing at 6:33 p.m.

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

Councilman Hay moved for the adoption of Ordinance No. 2483. This motion was seconded by Councilman Cobb and carried unanimously.

ORDINANCE BOOK NO. 16 - PAGE 475

F. PUBLIC HEARING TO APPLY THE MANUFACTURED HOME OVERLAY TO TWO LOTS ON PORTER ROAD IN A RS-8 RESIDENTIAL SINGLE FAMILY HIGH DENSITY DISTRICT

ORDINANCE NO. 2484 - ORDINANCE TO APPLY THE MANUFACTURED HOME OVERLAY TO TWO LOTS ON PORTER ROAD IN A RS-8 RESIDENTIAL SINGLE FAMILY HIGH DENSITY DISTRICT

Mayor Sitnick opened the public hearing at 6:34 p.m.

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

Mr. Carl Ownbey, Urban Planner, said that this is the consideration of an ordinance to apply the Manufactured Home Overlay to two lots on Porter Road in a RS-8 Residential Single Family High Density District.

The composition of this residential neighborhood has several manufactured homes scattered throughout the surrounding area. The 2010 Plan indicates the surrounding area to be low density residential which the current RS-8 zoning permits.

The UDO requirements for establishing a "Manufactured Home Overlay":

- the homes should be architecturally compatible with the existing residential structures;
- manufactured homes should comprise at least 20% of the homes in this area (there are 3 existing residents of which 1 is a manufactured home);
- vacant land should be available for location of manufactured homes (there is adequate space on either of the 2 lots for additional manufactured homes);
- vacant land should be available for location of manufactured homes (there is adequate space on either of the 2 lots for additional manufactured homes); and
- the area must be a minimum of 5 acres.

This property is outside the city limits of Asheville.

The Planning staff reviewed the rezoning request and recommended approval of the Manufactured Home Overlay District for these two lots. At the May 6, 1998, Planning & Zoning

Commission meeting, the Commissioners voted unanimously to approve the application of the Manufactured Home Overlay District to PIN Nos. 9657.11-75-0780 and 9657.12-75-5629.

Discussion surrounded the design standards which need to be met in the manufactured home overlay district specifically noting that the property cannot be turned into a trailer park.

-18-

Mr. Jess Morrison, representing his daughter and her husband, urged City Council not to allow mobile homes in the area. He was not against anyone owning a home, he just did not want trailers put on that property.

Ms. Ann Whitted, petitioner, urged City Council to allow the manufactured home overlay district.

Mr. Carroll Rogers felt that the reason why there is not much opposition from the neighbors is that the petitioner told them the manufactured homes would be located on a different location than what is really planned. He was concerned that there is a possibility of 64 mobile homes on that property.

Ms. Sam Scroggs was concerned that the area not be built up with trailers. He has no problem, however, if the design standards for a manufactured home overlay district are met.

Mayor Sitnick closed the public hearing at 6:54 p.m.

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

Councilman Tomes moved for the adoption of Ordinance No. 2484. This motion was seconded by Councilman Sellers and carried unanimously.

ORDINANCE BOOK NO. 16 - PAGE 477

G. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE AS IT RELATES TO THE DEFINITION OF ANTENNAS AND TELECOMMUNICATION TOWERS

At the request of City staff, Councilman Cloninger moved to continue this public hearing, without further advertisement, until June 23, 1998. This motion was seconded by Councilman Sellers and carried unanimously.

IV. UNFINISHED BUSINESS:

A. RESOLUTION NO. 98-62 - RESOLUTION AUTHORIZING THE CONVEYANCE OF 137.21 ACRES TO HENDERSON COUNTY REFERRED TO AS THE BREVARD ROAD SITE

Assistant City Manager Doug Spell said that this is consideration of executing a deed transferring property on Brevard Road to Henderson County as a part of the Water Agreement.

On November 11, 1995 the Regional Water Authority, City of Asheville, Buncombe County, and Henderson County entered into the Water Agreement. This agreement was a part of the overall provision of water service via the Mills River Water Treatment Plant.

At the January 20, 1998, City Council worksession, staff presented this item to Council for consideration. The City Council requested additional information which staff provided via a memorandum dated January 26, 1998, including copies of prior water agreements.

One condition which is a part of the aforementioned Water Agreement pertains to the City of Asheville transferring by deed property to Henderson County on Brevard Road (NC 191). The stipulation -19-

outlined in Section XXII of the Agreement indicates that Henderson County must convey the property to MSD to be used for a wastewater treatment plant site within ten (10) years or convey it to a regional water and sewer authority of which Henderson County, the Authority and Asheville are a part. If neither of these

conditions are complied with within the 10 year date of the transfer of the deed to Henderson County the property automatically reverts back to the City of Asheville.

The City Attorney's office has reviewed the deed prepared by the attorney for the Regional Water Authority. The deed has been prepared to take into account the automatic reversion to the City of Asheville in the event the property is not utilized in accordance with the stipulations of the agreement.

Staff recommends that City Council authorize the Mayor to execute the deed transferring the property to Henderson County in accordance with the Water Agreement dated November 11, 1995.

Mr. Spell noted that as a result of questions raised by City Council at their worksession last week, he furnished them with a memo which hopefully addressed their concerns.

When Councilman Sellers asked how and when the City acquired the property, Mr. Spell said that the property was acquired in 1992 for \$999,999. It was purchased with anticipation of an intake on the French Broad River and a water plant being constructed on the site.

Upon inquiry of Councilman Tomes, Mr. Spell said that in our area of our Mills River Water Treatment Plant there has been some discussion of procedures for pesticide mixing and some discussion of actually looking at constructing some handling facilities for pesticides. The Water Authority, as part of their budget deliberations, included some funds to research that and make a grant application.

When Councilman Tomes asked if the quality of the water will be impacted, Mr. Spell said that the particular mixing stations he is referring to are on the Mills River which is tributary to the French Broad River. At this point, the state testing has not identified any specific violation of chemical spills to the river. Obviously if those occurred, there would be concern.

Mr. Spell explained again the two parameters in the Water Agreement that speak to the property after the City of Asheville transfers it to Henderson County. They have 10 years to convey it to MSD. At the time it is conveyed to MSD, there is another 10 year period where MSD has to construct a wastewater treatment plant on the property within that subsequent 10 years. The second is that the property could be deeded to a regional water and sewer authority of which Henderson County, the Authority and Asheville are a part. If neither of these conditions are complied with within the 10 year date of the transfer of the deed to Henderson County the property automatically reverts back to the City of Asheville.

When Councilwoman Field asked what the consequences would be if the City chose not to transfer the property to Henderson County, City Attorney Oast said that it would be a violation of the Water Agreement and the consequences that entails. Also, there is the possibility of the City being sued for specific performance under the contract. Councilman Cloninger felt that not transferring the property would greatly jeopardize our ability to enter into any future regional agreements because other governing bodies might question whether we would carry through with what we promised to do.

Upon inquiry of Councilwoman Field, Mr. Spell said that if a wastewater treatment plant is built, they would have to fulfill all the requirements of the EPA and the NC Dept. of Environment and Natural Resources ("DENR").

-20-

Councilwoman Field said that it was her understanding that DENR has toughened up on their enforcement regarding spills and fines for violators.

Mayor Sitnick said that the agreement does includes language regarding the conveyance of this site to Henderson County. The reason that she did not remember this was in fact that the only indication that was

found in the minutes with regard to this provision is in the specific language included in the agreement, but that there was no specific reference was made by City staff as to the subject property being deeded from the City of Asheville to Henderson County. The reason she didn't remember this is because she did not read the 20-30 page document - she relied on City staff to tell Council the most pertinent facts.

Mayor Sitnick said that the agreement was structured so that the City of Asheville would deed the property to Henderson County to assist them in trying to get sanitary sewer service in northern Henderson County either via MSD or a regional water and sewer authority. She asked if there were efforts being made at that time to form a regional water and sewer authority. Mr. Spell said that there was an actual resolution adopted to initiate a study of a regional water and sewer authority.

Mayor Sitnick questioned the fact that Buncombe County, to which City taxpayers pay taxes, has retained a consulting engineering firm to investigate the provision of sanitary sewer to northern Henderson County and southern Buncombe County. She asked if Henderson County participating in the cost of the engineering firm or is Buncombe County paying for it all. Mr. Spell said that it was his understanding that it is being paid by Buncombe County only.

The basis, according to County staff, is that any new industry or economic development that occurs in northern Henderson County would be of benefit to the residents of Buncombe County.

Mayor Sitnick felt that the City certainly needs to abide by an agreement even though her opinion of the Agreement has changed. She is looking at the regionalism of this and as the Mayor of Asheville, she's looking to see what's in it for Asheville. She said that in 10 years a lot of things happen and she wants to make sure that the provision in the agreement for this property to revert back to the City of Asheville doesn't get forgotten. She asked the City Attorney to prepare some type of document that we can present to Henderson County just as a reminder - not to interfere with the previous agreement, but just to make sure that in 10 or 20 years we don't forget that provision. In addition, she is concerned that that particular piece of property might be poorly located, too high, for sewer treatment. What occurs if that happens? With those concerns in mind, she would have no problem in directing City staff to authorize the transfer in accordance with the agreement, but would certainly ask if the City Attorney address her concerns while preparing the deed.

City Attorney Oast said that a draft deed has been prepared which incorporates the provisions in the agreement which calls for the reversion to the City of Asheville. He said that he would be happy to go back and look at the deed to make sure that they address Mayor Sitnick's concerns.

Councilwoman Field said it was very difficult to balance the need for a regional approach to infrastructure with the needs or the important considerations of the taxpayers of the City of Asheville, who also pay taxes in Buncombe County. She said that Asheville is bigger than just the boundaries of Asheville - it really is all of Western North Carolina. She felt as good neighbors we need to consider how we help. She thinks it's very positive that MSD is looking at some kind of regional approach to utility planning for the future.

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

-21-

Councilman Cloninger moved for the adoption of Resolution No. 98-62. This motion was seconded by Councilman Sellers and carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE 397

V. NEW BUSINESS:

A. RESOLUTION NO. 98-63 - RESOLUTION ADOPTING THE CITY OF ASHEVILLE-COUNTY OF BUNCOMBE MINORITY BUSINESS PLAN

Mr. Bill Schaefer, Finance Director, said that in 1993, the City contracted with Research and Evaluation Associates, Inc. for a "Minority Business Study to Support City of Asheville Minority Business Plan". The study's purpose was to determine whether there was sufficient evidence of discrimination in the award of contracts and procurement of supplies, materials and services during the past to justify continuance of the then-existing Minority Business Plan and, if so, to identify any modifications to the plan which would be required to place the plan on a legally defensible basis. The City's current Amended Minority Business Plan, dated December 6, 1994, incorporated revisions recommended by the disparity study. In July 1996 the City and County established a joint Minority Affairs Office. In November 1996, the Minority Business Commission held a retreat at the YMI Cultural Center to begin the process of developing a joint Minority Business Plan to provide policy and direction for a joint City/County minority business program. They used the City's existing 1994 plan as the baseline from which to develop the new joint plan. Subsequently, the Commission held a series of meetings with various constituencies, including representatives of minority businesses, the general public, and City and County staffs, to receive their comments and recommendations regarding the joint plan. The Draft City of Asheville - County of Buncombe Minority Business Plan was approved by the Minority Business Commission on April 23, 1998, and adopted by the County on May 12, 1998. Significant changes from the 1994 Plan are:

Inclusion of Buncombe County in all aspects of the Plan. Note: separate goals are

established for the City and County (Section VII.D.3; page 17 of draft). The City goals are at the same as adopted in the 1994 Plan.

Minority Business Commission Membership: Increases membership from 9 to 13 (Section IV.A.3; page 4 of draft).

Retains: Council of Independent Business Owners, Associated General Contractors of America, Women in Construction, Asheville Area Chamber of Commerce, Asheville-Buncombe Community Relations Council, American Institute of Architects and Asheville Business Development Center.

Deletes : Black Business and Professional League and YMI Cultural Center.

Adds: Minority Business Alliance, NAACP, Eagle Market Streets Development Corporation and three certified minority business owners (one each from the four categories for which goals have been established: construction, professional services, procurement, and other services).

Staff Evaluations: Requires as part of the evaluation of all those staff members who are

directly involved in the procurement and contracting process, that good faith efforts towards goal attainment be a consideration in evaluations and that City and County Managers meet semi-annually, at the request of the Commission, to discuss specific concerns (Section IV.B.3; page 6 of draft). -22-

Certification of Minority Business Firms: Changes responsibility for certification of

firms from the Minority Business Commission to the Minority Affairs Office and clarifies procedures and responsibilities for appeals of certification denial (Section VII; pages 12 through 16).

Enforcement: Strengthens enforcement options: Bids containing no documentation of

good faith efforts shall be deemed non-responsive. Expands sanctions for failure to make or maintain good faith efforts to add provisions for removal of bidders from bid lists and/or debarment for a period of one year (Section VI; pages 17 - 19).

Grievance Procedure: Clarifies the procedures and responsibilities. Provides that when

a grievance has been submitted, the bid process shall be held in abeyance and no award will be made until such time as the grievance is resolved or a final decision regarding the grievance is made by the City or County Manager (Section IX; page 19).

Additionally, numerous changes have been made to improve clarity, to streamline procedures and to generally enhance the plan's functionality in fulfilling its purposes of widening opportunities for participation, increasing competition, and ensuring the proper and diligent use of public funds.

Staff recommends the City Council adopt the resolution which replaces the current City of Asheville Minority Business Plan with a joint City of Asheville - County of Buncombe Minority Business Plan.

Mr. Schaefer asked for one amendment to the Plan - the General Statute reference on page 3 under verifiable goal should read "The same as defined in N.C. Gen. Stat. sec. 143-128." He said the change deleted the subsection "(c) 4".

When Councilman Tomes noted that he has received a few calls from people who feel they were not adequately or properly notified of the Plan, Mr. Schaefer stated that the Plan and process has been open to all and quite widely known throughout the minority community.

Ms. Dee Williams, owner of Dee Williams & Company, said that having the right to participate allows people to know a lot more about the Plan. She said they were the ones that noticed that there was no G.S. 143-128. She said that it was sunset on June 30, 1995. She said they cited the pertinent statute they could use along with the executive order. She said the Plan treats them like the red-headed step-child. It is not an economic development plan. It is couched in social work terms. She wants the plan to be synergistic with the City's economic development plan. This plan should have benchmarks. She said the Plan is to last 20 years at the aggregate cost of \$2 million. She felt this Plan is pretty much like the old one that cost over \$1 million and produced largely nothing. The program needs to be benchmarked and appraised every year and if it's not working, it should quit. Some benchmarks include (1) contribute to the expansion of economic growth and industrial capability, while providing the benefits of increasing the tax base and creating living wage jobs; (2) increase market share for those designated firms, measured in terms of a percent of gross receipts in that SIC or market; (3) move some of these firms in the areas where they have been historically underutilized or that present entrance barriers; (4) demonstrate some indication that assistance which is provided will produce, within a reasonable time period, self-sustaining M/WBE firms, capable of remaining in business without the continuous need for remedial assistance; (5) attract resources from the private, state and federal sectors; and (6) produce a reasonable cost to benefits ratio as compared to other alternatives.

Vice-Mayor Hay said that we are currently working on an economic development plan for the City and asked if that economic development plan would address economic development in -23-

the minority business community. City Manager Westbrook said that it would address the economic development in the larger sense and the Minority Business Plan would support it for the minority community.

Mr. Clarence Benton, Publisher of the Asheville Advocate newspaper, said that he talked to 20 people in the minority business community and only 4 have heard about it. He urged City Council not to rush this Plan through and make sure that everyone who wants to be involved is given the chance to participate.

Mr. Schaefer responded to several comments by Ms. Williams: (1) the citation correction was not brought to

their attention by Ms. Williams, it was brought to their attention by staff; (2) the City's legal staff said there is no legal problem with leaving the reference to G.S. 143-218 in the Minority Business Plan; (3) the use of the section is for definitional purposes only and it is still valid; (4) the economic development portions are separate from minority business noting that this is a plan for remediation for those minorities that were defined as needing remediation in the disparity study; (5) the Minority Business Commission wrestled with the staffing issue long and hard as to whether the Plan should define staffing levels or define tasks to be performed by the Minority Affairs Office. It was unanimously endorsed that it should define those actions to be done, not the number of people or the funding level required to do those - those were the prerogative of staff and the governing bodies on an annual basis; (6) the City and the County are committed to funding what is necessary to carry out and implement the Plan; (7) the membership of the Commission itself, which is made up of representatives from various minority agencies, helped foster the information throughout the minority community; and (8) the Plan has not been rushed through in that it has been in working format for 18 months with public meetings, retreats and small working groups.

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

Councilwoman Field moved for the adoption of Resolution No. 98-63. This motion was seconded by Councilman Sellers.

Vice-Mayor Hay said this Plan structures and defines the City and the County's business relationship with the community. The City and the County are major players in this community in terms of contracts, placing bids, buying supplies, etc. That what this is designed to do. This is really a Plan to avoid discrimination and provide equal opportunity in regard to the business practice of the City and the County. Economic development for the minority community is a high priority item for the City and this should relate to that. If we try to build economic development into this Plan, then we get away from the point of the plan itself, which is to structure the way the County and the City do business. business.

Councilman Tomes was encouraged and wanted to make sure that the Plan was implemented.

Mayor Sitnick said this is a good Plan and a great improvement over the past Plan. She thanked everyone for their input. The document is only as good as the people who implement it. There is a commitment on the part of this Council to make sure that not only do we have a good working Minority Business Plan but that our overall economic development plan for this community does have benchmarks, is fair, creates an atmosphere of outreach that includes everyone in the community.

The motion made by Councilwoman Field and seconded by Councilman Sellers carried unanimously. -24

RESOLUTION BOOK NO. 24 - PAGE 389

B. RESOLUTION NO. 98-64 - RESOLUTION APPOINTING A MEMBER TO THE WNC REGIONAL AIR POLLUTION CONTROL BOARD

Summary: The term of Nilous Avery as a member on the WNC Regional Air Pollution Control Board expires on June 15, 1998.

After each Council member voiced their nominations, they each spoke in support of their choices.

Mayor Sitnick nominated Nelda Holder.

Councilman Tomes nominated Michael Hootstein.

After Vice-Mayor Hay asked if anyone in the audience would like to comment on this matter and hearing

none, he asked for a vote to appoint Nelda Holder - Mayor Sitnick, Vice-Mayor Hay, Councilman Cloninger, Councilman Cobb, Councilwoman Field and Councilman Sellers voted in favor of Nelda Holder.

Councilman Tomes voted in favor of Michael Hootstein.

The resolution will appoint Nelda Holder to serve as a member of the WNC Regional Air Pollution Control Board to serve a six year term, term to begin on June 16, 1998, and end on June 15, 2004, or until her successor is appointed.

RESOLUTION BOOK NO. 24 - PAGE 400

C. RESOLUTION NO. 98-65 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE REGIONAL AIRPORT AUTHORITY

Summary: The terms of Otis Michael and Charles Parker, as members on the Asheville Regional Airport Authority, expire on June 30, 1998.

After each Council member voiced their nominations, they each spoke in support of their choices.

Councilman Sellers nominated Bill Moore.

Mayor Sitnick nominated Marilyn Nason.

Councilman Tomes nominated Albert Anderson.

Councilman Cobb nominated Clay Dover.

After Vice-Mayor Hay asked if anyone in the audience would like to comment on this matter and hearing none, he called the roll for each member of Council to vote for their preferred candidate.

Councilman Cloninger voted for Albert Anderson and Clay Dover.

Councilman Sellers voted for Bill Moore and Albert Anderson.

-25-

Councilwoman Field voted for Bill Moore and Albert Anderson.

Vice-Mayor Hay voted for Bill Moore and Albert Anderson.

Councilman Tomes voted for Bill Moore and Albert Anderson.

Councilman Cobb voted for Clay Dover and Albert Anderson.

Mayor Sitnick voted for Bill Moore and Marilyn Nason.

Albert Anderson received six votes; Bill Moore received five votes; Clay Dover received two votes and Marilyn Nason received one vote. The resolution will appoint Albert Anderson and Bill Moore to serve as members of the Asheville Regional Airport Authority, to serve each serve a four year term, terms to begin on July 1, 1998, and end on June 30, 2002, or until their successors are appointed.

RESOLUTION BOOK NO. 24 - PAGE 401

D. RESOLUTION NO. 98-66 - RESOLUTION REAPPOINTING MEMBERS TO THE CARRIAGE PERMIT

ADVISORY BOARD

Vice-Mayor Hay said that the terms of Deanna Kraft and Linda Wiggs expire on June 25, 1998. This resolution will reappoint Dr. Kraft and Ms. Wiggs to each serve a three year term, respectively, terms to expire June 25, 2001, or until their successors have been appointed.

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

Councilman Tomes moved for the adoption of Resolution No. 98-66. This motion was seconded by Councilman Cobb and carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE 402

E. RESOLUTION NO. 98-67 - RESOLUTION APPOINTING A MEMBER TO THE CITIZENS/POLICE ADVISORY COMMITTEE

Summary: There currently exists a vacancy on the Citizens/Police Advisory Committee.

After each Council member voiced their nominations, they each spoke in support of their choices.

Councilman Sellers nominated Fairfax Arnold.

Councilman Tomes nominated Betty Budd.

After City Clerk Burleson called to Council's attention that this appointment must be a person from the Central area, City Council instructed her to advise Ms. Budd of the error in interviewing for the vacancy and that City Council was very impressed with her interview and she will be first for consideration for the south vacancy on this Committee.

-26-

After Vice-Mayor Hay asked if anyone in the audience would like to comment on this matter and hearing none, he asked for a vote to appoint Fairfax Arnold - Vice-Mayor Hay, Councilman Cloninger, Councilwoman Field, and Councilman Sellers voted in favor of Fairfax Arnold.

Mayor Sitnick, Councilman Cobb, Councilman Tomes voted in favor of Betty Budd.

Fairfax Arnold received four votes and Betty Budd received three votes. Therefore, the resolution will appoint Fairfax Arnold as a member of the Citizens/Police Advisory Committee to serve the unexpired term of Mr. Joe Chandler, whose term will expire on June 30, 1999, or until her successor is appointed.

RESOLUTION BOOK NO. 24 - PAGE 403

F. RESOLUTION NO. 98-68 - RESOLUTION APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD

Summary: The term of Beth Arrowood as Chairman of the Civil Service Board expired on May 21, 1998.

Vice-Mayor Hay said that the Boards & Commissions Committee asked that City Council appoint the Chair to the Civil Service Board at their next formal meeting. He said that the Chair is appointed from the existing membership and we can go forward with the appointment of the member at this meeting.

City Attorney Oast said that there will be an election for the City employee representative on May 28, 1998.

Mayor Sitnick nominated Bill Fulp.

After Vice-Mayor Hay asked if anyone in the audience would like to comment on this matter and hearing none, he asked for a vote to appoint Bill Fulp and the vote was unanimous. Therefore, the resolution will appoint Mr. William F. Fulp to serve as a member of the Civil Service Board, to serve a two year term, term to expire May 21, 2000, or until his successor is appointed.

RESOLUTION BOOK NO. 24 - PAGE 404

G. RESOLUTION NO. 98-69 - RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

Vice-Mayor Hay said that the terms of Mr. Jimmy Sullivan, Mr. Tim Moffitt, Mr. R. Carl Mumpower and Ms. Laverne Laney expire on June 30, 1998. Mr. Steve Toomey has resigned as a member on the Civic Center Commission, leaving unexpired term until June 30, 2000.

Councilman Cloninger moved to reappoint Mr. Mumpower and Ms. Laney to each serve a three year term, terms to expire on June 30, 2001, or until their successors have been appointed. This motion was seconded by Councilman Sellers and carried unanimously.

After each Council member voiced their nominations, they each spoke in support of their choices.

Mayor Sitnick nominated Christopher Slusher and Joyce Dorr. -27-

Councilwoman Field nominated Paul Hornyak.

Councilman Cloninger nominated Clay Dover.

Vice-Mayor Field nominated Muriel Gomez.

There was some discussion about possible conflicts of interest of Ms. Gomez and Mr. Slusher. City Attorney Oast said that conflicts of interest are determined on a case by case basis.

After Vice-Mayor Hay asked if anyone in the audience would like to comment on this matter and hearing none, each Council member voted for three candidates. Joyce Dorr and Paul Hornyak each received six votes; Christopher Slusher and Clay Dover each received four votes; and Muriel Gomez received one vote. Since there was a tie between Christopher Slusher and Clay Dover, Vice-Mayor Hay asked for a show of hands in favor of Christopher Slusher - 4 hands were raised. By a show of hands in favor of Clay Dover - 3 hands were raised. Therefore, the resolution will (1) appoint Christopher Slusher to the Civic Center Commission to serve the unexpired term of Mr. Toomey, term to expire June 30, 2000, or until his successor has been appointed; (2) appoint Joyce Dorr to the Civic Center Commission to serve a three year term, term to begin on July 1, 1998, and end on June 30, 2001, or until her successor has been appointed; and (3) appoint Paul Hornyak to the Civic Center Commission to serve a three year term, term to begin on July 1, 1998, and end on June 30, 2001, or until his successor has been appointed.

RESOLUTION BOOK NO. 24 - PAGE 405

H. RESOLUTION NO. 98-70 - RESOLUTION REAPPOINTING MEMBERS TO THE POLICE OFFICERS AND FIREFIGHTERS DISABILITY REVIEW BOARD

Vice-Mayor Hay said that the terms of Stephanie Cooper, Michael Keleher and James Lewis, as members on the Police Officers and Firefighters Disability Review Board, expire on July 19, 1998. This resolution will reappoint Ms. Cooper, Dr. Keleher and Mr. Lewis to each serve a two year term, respectfully. All terms will

expire on July 19, 2000, or until their successors have been appointed and qualified.

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

Mayor Sitnick moved for the adoption of Resolution No. 98-70. This motion was seconded by Councilman Cloninger and carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE 406

I. RESOLUTION NO. 98-71 - RESOLUTION REAPPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Hay said that the terms of Mr. Brian Peterson, Ms. Betty Lawrence and Mr. Chris Knorr expire on July 1, 1998. This resolution will reappoint Ms. Lawrence and Mr. Knorr to each serve an additional three year term, respectively. Their terms will expire July 1, 2001, or until their successors have been appointed.

The vacancy left by Mr. Peterson will be advertised in the next quarter of upcoming vacancies. -28-

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

Councilman Tomes moved for the adoption of Resolution No. 98-71. This motion was seconded by Councilman Cobb and carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE 407

J. RESOLUTION NO. 98-72 - RESOLUTION APPOINTING MEMBERS TO THE TREE/GREENWAY COMMISSION

Summary: The terms of Scott Pierson, Dennis Wilson, Adina Goodwin and Henry Mitchell expire on August 1, 1998. This resolution will appoint Kasty Latven, Forrest MacGregor and Regina Lusk to each serve a three year term respectively. Their terms will expire on July 1, 2001, or until their successors have been duly appointed.

The vacancy left by Mr. Wilson will be advertised in the next quarter of upcoming vacancies.

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

Councilman Tomes moved for the adoption of Resolution No. 98-72. This motion was seconded by Councilman Sellers and carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE I408

VI. OTHER BUSINESS:

A. REPORT FROM BOARDS & COMMISSIONS COMMITTEE

Vice-Mayor Hay said that the Boards & Commissions Committee recommends that a resolution be prepared for the next formal meeting to read that you must be a City resident to be eligible to be on a City board or commission.

Vice-Mayor Hay said that the vacancy on the Planning & Zoning Commission will be advertised for 30 days

with an appointment in mid or late July.

B. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 12, 1998, AND THE WORKSESSION HELD ON MAY 19, 1998

Councilman Cloninger moved for the adoption of the minutes of the regular meeting held on May 12, 1998, and the worksession held on May 19, 1998. This motion was seconded by Councilwoman Field and carried unanimously.

C. CLAIMS

The following claims were received by the City of Asheville during the week of May 8-14, 1998: Caton McBride (Water), Betty Underwood (Water), Richard Gilbert (Water), Sonja Long (Parks & Recreation), Beverly Black (Traffic Engineering) and Evelyn Brank (Water).

These claims have been referred to Asheville Claims Corporation for investigation.

-29-

D. CLOSED SESSION

At 8:22 p.m. Councilwoman Field moved to go into closed session to discuss matters relating to the location or expansion of industries or other businesses within the area served by the City Council - statutory authority is G.S. 143-318.11 (a) (4). This motion was seconded by Councilman Sellers and carried unanimously.

At 8:48 p.m., Councilman Tomes moved to come out of closed session. This motion was seconded by Councilman Sellers and carried unanimously.

VII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 8:48 p.m.

CITY CLERK MAYOR
