

Tuesday - March 9,1999 - 5:00 p.m.

Regular Meeting

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor Edward C. Hay Jr.; Councilman Earl Cobb; 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: Councilwoman Barbara Field (National League of Cities Congress of Cities meeting in Washington, D.C.) and Councilman M. Charles Cloninger (Making Cities Livable Conference in St. Augustine, Florida)

**INVOCATION**

Mayor Sitnick gave the invocation.

**I. PROCLAMATIONS:**

**A. RECOGNITION OF PLAYERS AND COACHES INVITED TO INVITATIONAL INTERNATIONAL BASKETBALL TOURNAMENT IN ASHEVILLE'S SISTER CITY SAUMUR, FRANCE**

Mayor Sitnick recognized Dr. Robert Merrill, the players and coaches who will be attending the first Invitational International Basketball Tournament in Asheville's Sister City Saumur, France.

**B. PROCLAMATION PROCLAIMING MARCH 7-13, 1999, AS "GIRL SCOUT WEEK" IN THE CITY OF ASHEVILLE**

Councilman Sellers read the proclamation proclaiming March 7-13, 1999, as "Girl Scout Week" in the City of Asheville. He presented the proclamation to Ms. Patsy Meldrum, President of the Pisgah Girl Scout Council, and Ms. Judy Vernon, Girl Scout Troop #26 Leader, who briefed City Council on some activities taking place during the week.

**C. PROCLAMATION PROCLAIMING MARCH 7-13, 1999, AS "DENTAL ASSISTANTS RECOGNITION WEEK" IN THE CITY OF ASHEVILLE**

Councilman Cobb read the proclamation proclaiming March 7-13, 1999, as "Dental Assistants Recognition Week" in the City of Asheville. He presented the proclamation to Ms. Enana Houston, President of the Dental Assisting Class at A-B Technical College.

**D. PROCLAMATION PROCLAIMING MARCH 15-19, 1999, AS "FINANCIAL FITNESS WEEK" IN THE CITY OF ASHEVILLE**

Vice-Mayor Hay read the proclamation proclaiming March 15-19, 1999, as "Financial Fitness Week" in the City of Asheville. He presented the proclamation to Mr. Tom Parker who briefed City Council on some activities taking place during the week.

**E. PROCLAMATION PROCLAIMING MARCH, 1999, AS "WOMEN'S HISTORY MONTH" IN THE CITY OF ASHEVILLE**

Mayor Sitnick read the proclamation proclaiming March, 1999, as "Women's History Month" in the City of Asheville.

## **F. RECOGNITION OF COUNCILMAN TOMES**

Mayor Sitnick recognized Councilman Tomes as being awarded the Outstanding Person of the Year by the Land-of-Sky Regional Council.

## **II. CONSENT:**

Mr. Tom Lewis, Chairman of the Carrier Heights Neighborhood Association, asked that Item G. be removed from the consent agenda to be discussed individually.

## **A. RESOLUTION NO. 99-40 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH METROSITE MANAGEMENT, LLC, FOR THE MARKETING AND MANAGEMENT OF CITY PROPERTIES FOR THE LOCATION OF COMMUNICATION FACILITIES**

Summary: The consideration of a resolution authorizing the City Manager to enter into a management agreement with MetroSite Management, LLC, for the marketing and management of City properties for the location of communications facilities.

In late 1998, the City of Asheville solicited proposals for the marketing and

management of City properties for the location of communications facilities. Two qualified proposals were submitted; one by CityScape Siting and Management, Inc. and one by MetroSite Management, LLC. After reviewing the proposals, comparing the merits of each, and assessing the ability of each firm to achieve the objectives identified by the City, staff is recommending that an agreement be entered into with MetroSite Management for the marketing and management of City properties for the location of communications facilities. Staff's recommendation is based on the following factors:

- MetroSite conducts an audit of City property to identify the appropriateness of each property for the location of communications facilities. CityScape requires that City staff identify the properties which are to be marketed;
- Based upon the information submitted in the proposal, MetroSite conducts more aggressive marketing of City property for communications facilities;
- MetroSite's plan of action is more comprehensive and meets more of the objectives established by the City for this effort; and
- MetroSite provides for the input and approval of the City on lease negotiations and agreements while CityScape reserves the exclusive right to enter into lease agreements.

Although MetroSite's management fee is higher than CityScape's (33.3% of gross lease revenue versus 25%), it is felt that the higher fee is offset by the audit of City property conducted by MetroSite and the firm's aggressive marketing campaign. As part of our recommendation, staff requests that MetroSite's plan of action either be included as part of the final management agreement or referenced by the management agreement.

Staff recommends that a management agreement be developed and entered into with MetroSite Management, LLC for the marketing and management of City properties for the location of communications facilities. The plan of action prepared by MetroSite and submitted as part of their proposal should be either included as part of the final management agreement or referenced by the management agreement.

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**B. RESOLUTION NO. 99-41 - RESOLUTION AUTHORIZING A CONTRACT WITH MATTERN & CRAIG FOR ENGINEERING SERVICES FOR EXTENSION OF A 24-INCH TRANSMISSION WATER MAIN ALONG BREVARD ROAD**

Summary: The consideration of a resolution concurring with the Regional Water Authority's action on February 16, 1999, to approve the award of an engineering services contract to Mattern & Craig, not to exceed \$30,000, for engineering to complete a 24" water main extension along Brevard Road.

On December 15, 1998, the Water Authority adopted a budget resolution amending the 29 Fund to allow available contingencies for the Mills River Water Treatment Plant to be transferred for engineering expenses to extend an existing 24" water line in Brevard Road. This extension will be part of a future major transmission loop as recommended in the long-term Master Plan adopted by the Water Authority in 1995. This particular section of work will start in front of Biltmore Square Mall, extend under I-26 with a cased bore under the highway, and tie into an existing 6" main near Jim Barkley Toyota. The project will also include removal of a failed 6" pipe hanging under the Brevard Road bridge over I-26.

Eventually, a 24" transmission main will be extended along Brevard Road from I-240 to near Long Shoals Road, and will become part of a major transmission corridor from Henderson County as the Mills River Water Treatment Plant expands. The short section described above is needed now to restore a loop severed when the pipe on the bridge over I-26 failed due to age. By extending a 24" pipe now, we eliminate the need for a second costly bore under I-26 later.

Mattern & Craig has previously worked for the Water Authority in this area after the pipe failed on the bridge, and is very familiar with the work required. A favorable fee not to exceed \$30,000 has been negotiated with Mattern & Craig which will provide engineering services through the completion of construction.

City staff recommends City Council's concurrence with the Regional Water Authority's action on February 16, 1999, to approve the award of an engineering services contract to Mattern & Craig, not to exceed \$30,000, for engineering to complete a 24" water main extension along Brevard Road.

**RESOLUTION BOOK NO. 25 - PAGE 169**

**C. RESOLUTION NO. 99-42 - RESOLUTION AMENDING THE FEES AND CHARGES MANUAL REGARDING THE RECREATION CENTER RENTAL FEE AND THE PARK PERMIT FEE**

Summary: The consideration of a resolution revising the Fees and Charges Manual to amend the community center rental fees and temporarily waive park permit fees.

On January 19<sup>th</sup>, the City's Fees & Charges Committee held a public meeting to discuss revising the City's community center rental fee and park permit fee.

The City currently charges a minimum rental fee of \$150 to various groups and organizations for private use of community centers during non-operating hours. This fee provides for three hours of usage, with an additional fee of \$25 for each hour thereafter. Staff was asked by City Council to re-examine the current fee to determine how it compared with community center rental fees in other North Carolina cities. Based on survey data collected by Parks & Recreation staff, the Fees & Charges Committee is recommending that City Council -4-

revise its current community center rental fee to \$50 per hour with no minimum fee. Usage that is less than a full hour will be prorated and charged in 30 minute increments.

The City also charges a \$25 park permit fee to individuals or groups requesting the use of a park facility for a private function or event. This fee is set to defray the cost of additional maintenance and clean-up that the City incurs when a private function or event is held in a City park. *Food Not Bombs*, a non-profit organization, recently requested that due to the humanitarian nature of their service, they be allowed to use the City/County Plaza facility to serve food to homeless persons without paying the \$25 park permit fee. Under current City policy, waivers of park permit fees are not granted for any individual or organization that uses a park facility for a private event, regardless of the nature of that event. In addition, it should be noted that services to the homeless are already being provided and supported in Asheville through various homeless shelters and programs. In light of *Food Not Bombs'* request, however, the Fees & Charges Committee is recommending waiving the park permit fee for 90 days to allow *Food Not Bombs* time to identify a funding source in which to pay the park permit fee in the future. Upon the conclusion of the 90 day waiver, *Food Not Bombs* will be required to pay the park permit fee for any future events held at Asheville park facilities as is required of all other individuals and organizations.

City staff recommends City Council approve the recommendations of the Fees & Charges Committee.

#### **RESOLUTION BOOK NO. 25 - PAGE 170**

#### **D. RESOLUTION NO. 99-43 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE USE AND DEVELOPMENT OF A SKATEBOARD PARK AT THE CORNER OF FLINT AND CHERRY STREETS**

Summary: For almost two years, the Skateboard Task Force has been working toward the development of a permanent skateboard park. The criteria that was established early on specified a need to find a location that was close to the downtown area in order to assist in solving the problems with skateboarders in the downtown business area. City Council authorized staff to develop a temporary site located at the top of the Civic Center Parking Deck. This temporary site has been open since August of 1998 and has been a tremendous success. The park averages 40 - 50 participants during good weather and has virtually stopped complaints received by the Police Department and downtown merchants concerning skateboarders. Staff has met with representatives from the N. C. Department of Transportation and discussed preparation of an encroachment agreement which would allow the City to use this property to develop the park. Staff has also contacted Bell South who currently uses the area for parking and solicited their approval to this proposal if additional parking can be found for them at other locations. Staff is proposing that the gravel lot located on the west side of Flint and Cherry Streets be enhanced and expanded to include additional parking spaces not only for Bell South employees but also for overflow parking for the Civic Center. The Task Force has presented a conceptual design for the Skateboard Park to the Montford Community Club and has received overwhelming support from them for this location. It is anticipated that the cost for the park will be approximately \$150,000 - \$200,000 with additional funding needed for parking improvements to the parking area on the west side of Flint and Cherry Streets. Staff is soliciting private donations to assist in the funding for this project.

The Skateboard Task Force is soliciting City Council to (1) support to proceed with the development of the Skateboard Park at the corner of Flint and Cherry Streets (2) authorize the City Manager to enter into any agreements with the North Carolina Department of Transportation -5-

for the use and development of this property; and (3) keep the temporary site located at the top of the Civic Center Parking Deck open until a permanent site is built.

#### **RESOLUTION BOOK NO. 25 - PAGE 171**

#### **E. RESOLUTION NO. 99-44 - RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE AN OFFER TO PURCHASE TWO LOTS ON SARA STREET**

Summary: The consideration of a resolution authorizing the City Clerk to advertise an offer to purchase two vacant lots on Sara Street.

A bid from MGS, LLC, in the amount of \$10,700.00, is not less than the established minimum prices for the property on Sara Street.

The two lots comprising 10,400 square feet are zoned residential and located in the Montford community. The topography is gently sloping down from street grade.

Approval of the resolution will initiate the sale of the Sara Street lots through the upset bid process as provided in N. C. Gen. Stat. sec. 160A-269.

Planning staff recommends adoption of the resolution authorizing the City Clerk to advertise an offer to purchase two vacant lots on Sara Street.

**RESOLUTION BOOK NO. 25 - PAGE 173**

**F. ORDINANCE NO. 2551 - BUDGET AMENDMENT RELATIVE TO THE CITY'S PUBLIC INFORMATION OFFICER**

Summary: Over the past three to four months we have been trying to make staffing changes to accomplish a higher level of effort with regard to the Public Information Officer (PIO). The incumbent in that position (Community and Public Involvement) has assumed additional duties over the past several years. Those duties include cable television, Community Oriented Government, special projects involving media/advertising related matters, and others. It has become evident over that period of time as a result of the additional work, especially cable television, that we are not meeting the Council's or the organization's expectations of providing quality PIO services. It is anticipated cable television becoming even more involved in the future. As you know, we want to expand the programming on the governmental channel. In addition we are working with Council to provide the framework for the educational and public channels. In order to provide a full range of PIO services to the City, the City Manager would like to add a position whose responsibility would entirely be the PIO function. He has discussed this with each Council member over the past several weeks and feel that Council's expectations, and that of the organization, are greater than the service level we are currently providing. Since this is a mid-year addition to the budget, it would require a budget appropriation of \$12,541. This appropriation is for one and a half month's salary, personal computer and related specialized software, and other items necessary to start a new employee in this type of job. We anticipate the recruiting, selection, and hiring process to take approximately ten weeks; therefore, our target date for having someone in the position is May 15, 1999.

Staff recommends Council appropriate \$12,541 in order to fund the Public Information Officer position.

**ORDINANCE BOOK NO. 17 - PAGE 274**

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**G. MOTION SETTING A PUBLIC HEARING ON MARCH 23, 1999, TO CONSIDER A CONDITIONAL USE PERMIT FOR TRINITY BAPTIST CHURCH**

This item was removed from the Consent Agenda to be discussed separately.

**H. MOTION SETTING A PUBLIC HEARING ON MARCH 23, 1999, TO ZONE SECTION 12 OF BILTMORE PARK RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT**

**I. MOTION SETTING A PUBLIC HEARING ON MARCH 23, 1999, TO REZONE 49 ACRES LOCATED OFF**

## **GERBER ROAD FROM INDUSTRIAL DISTRICT TO COMMERCIAL INDUSTRIAL DISTRICT**

Mayor Sitnick said that members of Council have been previously furnished with a copy of the resolutions and ordinances and the Consent Agenda and they would not be read.

Councilman Sellers moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Tomes and carried unanimously.

## **ITEM REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL DISCUSSION**

### **MOTION SETTING A PUBLIC HEARING ON APRIL 13, 1999, TO CONSIDER A CONDITIONAL USE PERMIT FOR TRINITY BAPTIST CHURCH**

The consideration before Council at this time is the setting of a public hearing on March 23, 1999, for a Conditional Use approval and permit, as outlined in the Unified Development Ordinance (UDO), for Trinity Baptist Church located at 216 Shelburne Road in West Asheville.

This project is for the expansion of the existing church facility. The project will include a 2400 seat sanctuary, youth classrooms, and a recreational facility. The project has been submitted and reviewed under Level Three - subsection 7-5-9(A) of the UDO by the Technical Review Committee. They approved this project with several conditions which the developer has addressed and resubmitted revised site plans. This property is within the City Limits of Asheville.

City Council must take formal action as set forth in subsection 7-5-5 (E) 2 and shall state if the proposed conditional use meets or does not meet each of the standards set forth in subsection 7-16-2 (C). Those standards are outlined below:

#### Conditional Use Standards:

1. That the proposed use or development of the land will not materially endanger the public health or safety;
2. That the proposed use is reasonably necessary for the health and general welfare, such as by enhancing the successful operation of the surrounding area in its basic community functions or by providing an essential service to the community or region;
3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property;
4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density and character of the area or neighborhood in which it is located;
5. That the proposed use or development of the land will generally conform with the Comprehensive Plan and other official plans adopted by the City; -7-
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities; and
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

*Recommended findings on these standards will be submitted to Council in a staff report prior to the public hearing.*

The Planning staff and the Technical Review Committee state that this project meets all the technical

standards for development in the RM-6 zoning district.

City staff recommends City Council set a public hearing on March 23, 1999, to consider a Conditional Use approval and permit for Trinity Baptist Church located at 216 Shelburne Road in West Asheville.

Mr. Tom Lewis, Chairman of the Carrier Heights Neighborhood Association, asked that this public hearing be scheduled at a later date in order to give their attorney more time to prepare their report. He also noted that their attorney has a conflict with the March 23, 1999, date.

A representative from Trinity Baptist Church said that they have been working diligently in these matters and asked that the public hearing be scheduled on March 23, 1999.

Upon inquiry of Councilman Cobb, City Attorney Oast said that the Neighborhood Association has filed an appeal with the Board of Adjustment relating to another permit that was granted on the same property. The substance of the appeal is that it challenges the Zoning Administrator's determination that the proposed use is a church use. The Board of Adjustment will hear that matter on April 26, 1999.

Mayor Sitnick that this is a very complicated issue and we have been very understanding for a number of requests that have come before us for delays and for postponements and we want to make sure that everyone has enough time to present their case. Therefore she would vote in favor of setting the public hearing on April 13, 1999.

Councilman Tomes moved to schedule the public hearing for a Conditional Use approval and permit for Trinity Baptist Church on April 13, 1999. This motion was seconded by Vice-Mayor Hay and carried on a 4-1 vote, with Councilman Sellers voting "no".

### **III. PUBLIC HEARINGS:**

#### **A. PUBLIC HEARING RELATIVE TO REZONING 25 WHITE PINE DRIVE FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT**

Mayor Sitnick opened the public hearing at 5:34 p.m.

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

Mr. Mike Matteson, Urban Planner, said that this is the consideration of an ordinance to rezone 25 White Pine Drive from RM-8 Residential Multi-Family Medium Density District to Highway Business District.

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James Kim (owner) and Arthur Carter (petitioner) are requesting to rezone 25 White Pine Drive from RM-8 Residential Multi-Family Medium Density District to Highway Business District. The property totals approximately 1.53 acres and is currently vacant. Surrounding zoning consists of Highway Business to the east, Regional Business to the south, RM-8 to the north and RS-4 to the west. Surrounding land uses are commercial to the south and east, single-family residential to the west and multi-family residential to the north. The property is located between the Kenilworth Forest neighborhood and the commercial corridor along Tunnel Road.

The RM-8 zoning district is a medium density multi-family residential district which permits residential development at a density not to exceed eight units per acre. The Highway Business zoning district was established to address the needs of commercial development along major thoroughfares. A wide range of commercial uses is permitted within the Highway Business zoning district.

The Planning and Development staff is recommending denial of the rezoning request for the following reasons:

- There is already significant traffic on this portion of the street due to the Asheville Mall entrance. The City of Asheville Public Works Department has noted existing traffic safety problems which could become worse with any additional traffic.
- The Highway Business zoning district allows a very wide range of uses. The rezoning could have a negative effect on both the Kenilworth Forest Neighborhood, as well as the apartments which are already bordered by commercial development to their east.
- The existing multi-family zoning provides a good transition between Tunnel Road and the single-family neighborhood to the west.

At their November 4,1998, meeting, the Planning and Zoning Commission voted unanimously to recommend denial of the rezoning request.

Mayor Sitnick said that on March 4, 1999, a letter was received from Art Carter to Gerald Green as follows: "As we discussed Wednesday, March 3, 1999, I am asking for a postponement of our hearing with the City Council, Tuesday, March 9, 1999 concerning the property at 25 White Pine Drive. We are making this request for two reasons: first, several people associated with preparing the presentation, including myself, have been ill with the flu. Secondly, there have been some developments pertaining to access that may make it possible for other options concerning this property. Please notify me if there is a problem concerning this request for postponing the hearing."

Upon inquiry of Vice-Mayor Hay about why this was presented to the Planning & Zoning Commission in November and the public hearing is being held in March, Mr. Matteson explained that Mr. Carter requested the public hearing be scheduled for March so that they could have a traffic engineer design all the options of putting traffic on Tunnel Road.

Mr. Jimmy Boyd, 26 East Shore Drive, said that he was opposed to continuing this matter any further. At Mr. Boyd's request, five audience members raised their hand to agree with him.

Mr. Art Carter, representative of the Real Estate Group of Asheville and also owner of the subject property, said that he is asking for a continuance in order to have a more detailed presentation regarding the traffic situation, however, he is prepared to address the Council at this time.

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Because Mr. Carter was prepared to address Council, it was the consensus of City Council not to postpone the hearing.

Upon inquiry of Vice-Mayor Hay, Mr. Matteson said that during the UDO mapping, staff proposed this area to be zoned RM-16, however, the Neighborhood Association was opposed to that and the area was ultimately zoned RM-8.

Mr. Carter said that during the Planning & Zoning Commission hearing in November, the only objection by the neighborhood was that they did not want traffic on White Pine Drive because of the steep hill and already existing traffic problems. His proposal is that they want to access to Tunnel Road. He said the property the nail salon is on is zoned commercial and they will have access and egress through that property to Tunnel Road.

Mr. Fred Martin, immediate past President of the Kenilworth Forest Community Club, spoke in opposition to



the rezoning request noting that anything in the Highway Business District can be built on that property. He was concerned about the already existing traffic problem on White Pine Drive and strongly objected to any rezoning of that property.

Mr. Norman Lewis, adjoining property owner, was also concerned about what could be built on that property if it is rezoned and was totally opposed to the rezoning request.

Ms. Virginia May, 27 White Pine Drive, spoke in opposition of the rezoning and felt that if the property were to be rezoned, that commercial district would be right up against a residential district.

Mr. Phil Noblett, 297 White Pine Drive and former President of the Kenilworth Forest Community Club, spoke in opposition of the proposed rezoning. He stressed there is already an ingress/egress problem on Tunnel Road, especially at that location of the nail salon property. He felt that people would want to avoid trying to get onto Tunnel Road and come onto White Pine Drive and get to the traffic signal. He felt that the proposed zoning change would encroach into the residential neighborhood.

Mr. Jimmy Boyd spoke in opposition to the rezoning noting that the nail salon property is owned by Exxon, not by the owner of the subject property requesting to be rezoned.

City Attorney Oast cautioned City Council that the underlying ownership of property is not part of Council's consideration on the rezoning request, because the parcel that is being requested to be rezoned could be sold tomorrow and the access could be cut off.

Councilman Tomes voiced concern of the encroachment into the residential neighborhood.

Mayor Sitnick said that her main concern is the neighborhood encroachment and the already existing traffic problems of exiting and entering the property from Tunnel Road.

Mr. Carter said that the nail salon property is owned by the owners of the property being requested to be rezoned and that Exxon does not own that property. He said that they would be willing to give a one-foot buffer on the Springside Park and White Pine Drive portions of the property to ensure that they will be no traffic onto White Pine Drive.

Mayor Sitnick closed the public hearing at 6:04 p.m.

Mayor Sitnick said that members of Council have previously received a copy of the ordinance and it would not be read. -10-

There being no motion made to rezone the property, the decision of the Planning and Zoning Commission stands to deny the rezoning petition.

## **B. PUBLIC HEARING RELATIVE TO REZONING PROPERTY LOCATED ON LIVINGSTON STREET, SOUTH FRENCH BROAD AVENUE AND CHOCTAW STREET FROM OFFICE BUSINESS DISTRICT TO OFFICE II DISTRICT**

Due to a conflict of interest, Vice-Mayor Hay moved to excuse Councilman Tomes from voting. This motion was seconded by Councilman Cobb and carried unanimously.

City Attorney Oast explained that Councilman Cloninger and Councilwoman Field are both out of town and Councilman Tomes is excused from voting. Therefore, under the General Statutes in order to adopt an ordinance to rezone this property on the first reading, it would require an affirmative vote of five members of Council and there is only a four member quorum present. Even if all four Council members vote in favor of the rezoning, the rezoning request would still have to advance to the next formal meeting at which time City

Council would have to vote again.

Mayor Sitnick was concerned that if the public hearing was held today, the other two Council members would not have the benefit of hearing all comments before they were required to vote.

Councilman Cobb moved to continue this public hearing until March 23, 1999. This motion was seconded by Councilman Sellers and carried unanimously.

### **C. PUBLIC HEARING CONSIDERING THE AMENDMENT TO THE CHARTER AND RELATED LAWS OF THE CITY OF ASHEVILLE TO PROVIDE FOR SELECTION OF THE MAYOR AND CITY COUNCIL BY NON-PARTISAN ELECTION AND RUNOFF**

Mayor Sitnick opened the public hearing at 6:10 p.m.

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

City Attorney Oast said that this is the consideration of an amendment to the City Charter to change the method of election of Mayor and Council to General Election – Runoff.

He reviewed with Council the current method of election (non-partisan primary and general election) and the method under consideration (general election and run-off).

a. Legal Authority. Part 4 of Article 5 of Chapter 160A permits a municipality to modify certain aspects of its form of government by amending its Charter. This is accomplished by adopting an ordinance following a public hearing. One of the forms of government that may be changed in this way is the manner of election of the Mayor and Council. Past recent changes have included; at large election of the mayor; non-partisan elections; and four-year staggered terms.

b. Process. Currently, the manner in which the Mayor and Council are elected is by primary-general election. In order to change this to the general election - runoff method, Council must first adopt a resolution of intent to consider an ordinance effecting the change. At the time the resolution of intent is adopted, the Council must also set a date for a public hearing on the -11-

proposed change, to be held within 45 days. The public hearing must be advertised at least once, not less than 10 days prior to the date of the hearing. At a regular meeting following the public hearing, but not more than 60 days thereafter, the ordinance effectuating the change may be adopted. This will involve amending Section 6 of the Charter.

At its meeting on February 23, 1999, Council adopted Resolution No. 99-37, the Resolution of Intent to consider an ordinance making the proposed change, and setting the public hearing for March 9, 1999. As pointed out above, the ordinance cannot be adopted at this meeting; the earliest that a vote on the ordinance could occur would be the formal meeting on March 23.

c. Effect on timing of election; filing. Pursuant to G.S. 163-279, for cities using the non-partisan primary-general election method, the general election is held on the first Tuesday after the first Monday in November, and the primary is 4 weeks earlier. When the method is changed to general-runoff, the runoff is held on the first Tuesday after the first Monday in November, and the general election is four weeks earlier. It appears that the filing date for elections under this system would be the same as it currently is. G.S. 163-294.2(c).

d. Effect on voting. Assistant City Attorney Patsy Meldrum has explained through illustrations how the election-runoff system works, as compared to the primary-election system currently in use. She has provided you with information on election returns and voter turnout in cities where the election-runoff system is used.

e. Other issues. The statute provides that the ordinance amendment may be put to a vote of the people, either by Council, or by a petition signed by 10% of voters qualified to vote in municipal elections. Obviously, if this occurs, the timing of the process will be altered.

After the public hearing, Council may schedule a vote on the proposed change, and staff will draft a proposed ordinance. As noted, the earliest this could occur would be your March 23 meeting; it must occur, if at all, within 60 days, or by May 8.

At the request of Vice-Mayor Hay, Ms. Meldrum reviewed the information City Council requested from New Hanover County Board of Elections regarding the voter turnout for the last six municipal elections of the City of Wilmington.

Ms. Laura Whitley, Mr. Brian Peterson and Mr. David Whitley all were opposed to City Council making any changes in their election process at this time. Some reasons were that they felt the October general election would result in a lower voter turnout, especially since people are familiar with the general elections being held in November for national elections; this change may make it more difficult for lesser known candidates; there will be more significant adverse affect on minority candidates, and Council needs to keep the election process consistent and easy to follow.

Mayor Sitnick closed the public hearing at 6:22 p.m.

Upon inquiry of Vice-Mayor Hay, City Attorney Oast said that City Council (1) can schedule a vote on the proposed change which must occur, if at all, within 60 days, or by May 8; or (2) do nothing and the election process will remain the same.

Vice-Mayor Hay said that he was the Council member who requested changing the election method of City Council be investigated. After going through the process and having his questions answered, he felt that City Council should not make a change in the election method at this time.

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Councilman Tomes thanked Vice-Mayor Hay for bringing this issue up for discussion, however, he, too, felt that our current election method should remain.

Councilman Cobb felt that moving the general election to October will reduce voter turnout and felt that this issue should be put to a vote of the people. He would like to see Council limit campaign expenses. City Attorney Oast responded that limiting campaign expenses is not something that can be done by Charter amendment.

Councilman Sellers supported the election method remaining the same as it currently is.

It was the consensus of Council not to schedule a vote on the proposed change.

#### **D. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF NON-CONTIGUOUS CITY-OWNED PROPERTY KNOWN AS THE "RICHMOND HILL PROPERTY"**

#### **ORDINANCE NO. 2552 - ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE TO INCLUDE CITY-OWNED PROPERTY KNOWN AS THE "RICHMOND HILL PROPERTY"**

Mayor Sitnick opened the public hearing at 6:32 p.m.

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

Mr. Paul Benson, Urban Planner, said that this is the consideration of a resolution stating the intent of the City of Asheville to consider the annexation of noncontiguous property known as the "Richmond Hill Property."

In order to annex City-owned property, the North Carolina General Statutes specify that the City Council initiate the process by adopting a resolution stating its intent to annex the property, and to fix a date on a public hearing to permit any resident of the City to appear and be heard on the question of the desirability of the annexation.

This annexation area would be a satellite annexation as it is not directly adjacent to the existing corporate limits. The standards for such annexations are specified in N. C. Gen. Stat. sec. 160A-58.1 and include: (1) The annexation area may not be more than 3 miles from the existing corporate limits; (2) The annexation area may not be closer to another city or town; (3) The city must be able to provide the same services to the annexation area that it provides in the rest of the city; (4) If the area is part of a subdivision, the entire subdivision must be included; and (5) The sum of the area in satellite areas may be no more than 10% of the area in the primary corporate limits. This area meets these standards.

The Richmond Hill property consists of 183 acres located between Richmond Hill Drive, Adams Hill Road and the Norfolk Southern Railway tracks along the French Broad River. It is located approximately 70' west of the existing City limits along Richmond Hill Drive. Both water and sewer lines are not extended to the property, but are available approximately 250' to the east of the property.

Mayor Sitnick closed the public hearing at 6:35 p.m.

Mayor Sitnick said that members of Council have previously received a copy of the ordinance and it would not be read. -13-

Councilman Tomes moved for the adoption of Ordinance No. 2552. This motion was seconded by Vice-Mayor Hay and carried unanimously.

#### **ORDINANCE BOOK NO. 17 - PAGE 276**

#### **E. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF NON-CONTIGUOUS CITY-OWNED PROPERTY KNOWN AS THE "BENT CREEK PROPERTY"**

#### **ORDINANCE NO. 2553 - ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE TO INCLUDE CITY-OWNED PROPERTY KNOWN AS THE "BENT CREEK PROPERTY"**

Mayor Sitnick opened the public hearing at 6:36 p.m.

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

Mr. Paul Benson, Urban Planner, said that this is the consideration of a resolution stating the intent of the City of Asheville to consider the annexation of noncontiguous property known as the "Bent Creek Property."

In order to annex City-owned property, the North Carolina General Statutes specify that the City Council initiate the process by adopting a resolution stating its intent to annex the property, and to fix a date on a public hearing to permit any resident of the City to appear and be heard on the question of the desirability of the annexation.

This annexation area would be a satellite annexation as it is not directly adjacent to the existing corporate limits. The standards for such annexations are specified in N. C. Gen. Stat. sec. 160A-58.1 and include: (1) The annexation area may not be more than 3 miles from the existing corporate limits; (2) The annexation

area may not be closer to another city or town; (3) The city must be able to provide the same services to the annexation area that it provides in the rest of the city; (4) If the area is part of a subdivision, the entire subdivision must be included; and (5) The sum of the area in satellite areas may be no more than 10% of the area in the primary corporate limits. This area meets these standards.

The Bent Creek property consists of two tracts of land which together are located between Brevard Road and I-26 along the French Broad River. One tract consists of 137 acres and the other tract consists of 1.78 acres. The tracts are located approximately 4,500' south of the existing City limits in the Biltmore Square Mall area. The two tracts together are served by both water and sewer.

When Mr. Brian Peterson asked if this satellite zoning would change any requirements that the City has to adhere to if they wanted to annex any property in between the satellite area and the existing corporate limits, City Attorney Oast said that any contiguous annexation would have to satisfy the annexation standards.

Mayor Sitnick closed the public hearing at 6:40 p.m.

Mayor Sitnick said that members of Council have previously received a copy of the ordinance and it would not be read. -14-

Councilman Tomes moved for the adoption of Ordinance No. 2553. This motion was seconded by Councilman Sellers and carried unanimously.

#### **ORDINANCE BOOK NO. 17 - PAGE 279**

#### **IV. UNFINISHED BUSINESS:**

##### **A. RESOLUTION NO. 99-45 - RESOLUTION SUPPORTING THE TIMELY COMPLETION OF THE I-26 CONNECTOR PROJECT**

Mayor Sitnick read the resolution stating that the I-26 interstate project will be completed by the year 2002 and the completion of this section of I-26 will complete a missing link in the interstate system. She said that as the economic and cultural center of Western North Carolina, Asheville needs the completion of the I-26 interstate system. The Asheville City Council requests that the North Carolina Department of Transportation reevaluate its recent decision to postpone funding of the I-26 connector in Asheville. After reevaluation of the connector project, the City Council requests that immediate funding for the I-26 connector be contemporary and coordinated with the completion and opening of Interstate 26.

Councilman Cobb said that he has never been against the I-26 connector in this project going into Ohio. When this was originally discussed there were four alternative routes. He personally feels like the one west of Asheville, by-passing Asheville, was the best choice. He hoped that City Council questioning whether where the route goes did not stop the money from the N.C. Dept. of Transportation. He said that he has notes from Raleigh that all the connectors across the entire State have been delayed two years because they ran out of money. He said that we do need the money and we need it now. We need to get the project complete. He hoped that with all of the N.C. Dept. of Transportation's expertise will select the route that will have the least impact on the quality of life of Asheville.

Mayor Sitnick said that "I would first like to go on record by saying that this is a personal statement from me and does not reflect any opinions held by other members of the Asheville City Council. I would like to first say that at no point have I ever asked the DOT or any member of the DOT to halt or delay the I-26 Connector project. It is clear to anybody who knows that the I-26 Corridor is almost complete, that we cannot be building a road to nowhere and we must accommodate whatever flow of traffic occurs on the I-26 Corridor when it comes to the Asheville area. But frankly, I must also say that I don't appreciate the fact that I have been told that because questions have been asked by myself and other members of City Council that we

have halted the project by expressing concern and asking for answers that have been asked of us by our constituents. Most of the phone calls I have been getting are from members of the business and residential community thanking City Council for asking the questions we have been asking. They have been unsatisfied by the information they have received at the public hearing and at the National Guard Armory many months ago and wanted us to satisfy their concerns and, that's what we did.

"I feel, personally, that we were upholding our responsibility and accountability to the tax payer by asking these questions. Perhaps some of these questions should have been asked by the business community as well. I have received many, many phone calls from Asheville business owners and residents alike with questions that run the gamut regarding the impact of the I-26 Connector. Topics including air pollution, noise, construction dirt, the transporting of hazardous waste and nuclear materials through our City, the increase in drug trafficking when highways go through cities, the increase of accidents involving large trucks (like the accidents and truck safety issues that have been profiled in our local newspaper recently). There are questions about the increase in litter that occurs when we bring traffic through town and about

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where folks will live and move their businesses to. The people have also been asking why are we building this road THROUGH the City for trucks that really want to just get to the other side of the City. There are also people who are wondering why the State is spending so many millions of dollars to accommodate traffic from outside of our State when that money could be better used to pave roads and repair sidewalks and build new sidewalks and greenways and bicycle paths.

"Those are some of the questions that I have been hearing from the people who elected me to represent them and, quite frankly, I would have felt remise if I had not asked these questions. Considering the fact that we are topographically challenged here in Asheville and are in an inversion factor 78% of the time, the questions about our air quality are questions that are important to ask. The Governor and The Secretary of the Department of Environment and Natural Resources will be holding a Summit here in April on Mountain Air Quality, so clearly, there is a concern statewide about the conditions of our air here in the mountains.

"I want to make it perfectly clear that as important an issue as the roadway discussion is, I consider it equally important that a City Council, asking questions of the DOT, would essentially be punished for asking those questions by having an important project delayed. I also find it curious that a little ole City Council here in Asheville can stop the DOT dead in its tracks all the way to Raleigh. The DOT historically has had opponents and proponents to their projects and I don't know that public opposition to a project has ever really stopped them from doing the things they felt they needed to do.

"At this point, it is my hope as Mayor of the City of Asheville, that the questions we are asking will be answered, that the project is completed in a timely manner, using the best route to bring us into the 21<sup>st</sup> Century. I want to make sure that we are making a decision that will carry us two or three decades into the future This Connector will be impacting our City, our area, and our region for many, many, years to come and I hope that we do it right for the long term. Things have changed in the seven or eight years since the Committee looked at this and we need to know what those changes imply regarding roads that are going to be coming through the middle of our beautiful City."

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

Councilman Sellers moved for the adoption of Resolution No. 99-45. This motion was seconded by Councilman Tomes and carried unanimously.

**RESOLUTION BOOK NO. 25 - PAGE 174**

## **V. NEW BUSINESS:**

### **A. ORDINANCE NO. 2554 - ORDINANCE ESTABLISHING AN EDUCATIONAL ACCESS CHANNEL COMMISSION**

Ms. Robin Westbrook, Public and Community Information Coordinator, said that this is the consideration of an ordinance establishing an Educational Access Channel Commission.

The Cable Franchise Agreement adopted by City Council designates three initial access channels to be used for public, educational and/or government programming. In November, 199, the Asheville City Council directed staff to meet with the education community to gather input concerning the formation of an Education Access Channel Commission. Notices were sent to Asheville City Schools, Buncombe County Schools, University of North Carolina at Asheville -16-

(UNCA), Asheville-Buncombe Technical College (AB Tech), the Asheville branch of Shaw University, the Council of Asheville Independent Parochial Schools, the local representative of North Carolina Home School Educators, and the Francine Delany Charter School. State and local officials were contacted to ensure that the accurate contacts were identified. Notices were also printed in the Asheville Citizen-Times and in CityWorks.

The first meeting was held on December 14, 1998. Representatives from Asheville City Schools, Buncombe County Schools, UNCA, AB Tech, and Citizens for Media Literacy were in attendance. A second meeting was held on January 14, 1999. The same members attended as well as Bob Brummond. All those on the original mailing list received notices of both meetings. The following recommendations were made concerning the ordinance establishing the Education Access Channel Commission.

#### Recommendations from the education community

- A 9 person Commission with membership as follows:

2 members representing Asheville City Schools

2 members representing UNCA

2 members representing AB-Tech

1 member representing Buncombe County Schools

2 members at-large representing the public and organizations such as private schools, charter schools, home schools, MAHEC, The Health Adventure, etc.

- Delete the requirement of at least 60% educational programming and no more than 40% athletic programming. The programming mix, which includes athletics, should be determined by the Commission.
- The Commission members should serve four year staggered terms.
- The Commission should solicit wide-spread community input.

#### Recommendations from others interested in the Educational Access Channel Commission

- An 11 person Commission with membership as follows:

2 members representing Asheville City Schools

2 members representing UNCA

2 members representing AB Tech

1 member representing Buncombe County Schools

4 members at-large representing the public and organizations such as private schools, charter schools, home schools, MAHEC, The Health Adventure, etc.

- The programming mix, which includes athletics, should be determined by the Commission. This mix should be of substantial educational interest.
- The Commission members should serve four year staggered terms.
- The Commission should solicit widespread community input.

City staff recommends City Council adopt an ordinance establishing an Educational Access Channel Commission. -17-

Councilman Cobb, Councilman Tomes and the City Manager request the following membership be compromise of: 2 members representing Asheville City Schools; 2 members representing University of North Carolina at Asheville; 2 members representing Asheville-Buncombe Technical Community College; 2 members representing Buncombe County Schools; and 3 members at-large representing the public and organizations such as private schools, charter schools, home schools, MAHEC, The Health Adventure, and the cable company holding the franchise.

All Council members spoke in support of the potential of this channel and the commission.

Mr. Jack Fobes said that all three channels (government, educational and public access) should be seen as a whole for the common purpose of promoting and enhancing community learning. He said that he has provided Council with copies of proposed amendments to the ordinance which he thinks would stress the fact that the three channels are related, there is a common purpose, and would clarify the role and functions of this Educational Access Channel Commission. Developments are proceeding very rapidly and he's sure that before long Council will want to change this Educational Access Channel Commission into something much broader. He felt we needed a broad oversight for all three channels and he would have suggested a preparatory committee to investigate the experience of other communities regarding at least the public access channel before any kind of Request for Proposals was prepared.

Ms. Westbrook passed out a chart consisting of other cities and how their government, educational and public access channels are run. Said chart revealed that in North Carolina, Charlotte's educational channel is operated by Charlotte-Mecklenburg Schools, Raleigh's channel is operated by a local college, Greensboro's channel is operated by Guilford County Schools, and Greenville's channel is operated by East Carolina University.

Mayor Sitnick stressed that City Council is very committed to each of the three channels and recognizing that all three obviously be educational in one way or another, probably each channel will get much more intense focus by being held accountable to education, to government issues, and to public access opportunities. There will be a commission appointed to oversee the public access channel. She hoped that with the educational channel that we make sure that most of it is educational. She does not want to delete the requirement that a major percentage of the educational channel be devoted to education.

Ms. Westbrook said that the Educational Access Channel Commission would establish guidelines and come



back to City Council for adoption of those guidelines. City Manager Westbrook also noted that Ms. Westbrook will make the Commission members aware that it is Council's guidance that the channel be mostly educational when they establish their make-up of the guidelines.

Mr. Tim Amos, Assistant Superintendent of the Asheville City Schools, read the following statement from the Asheville City Board of Education dated March 9, 1999: "The Asheville City Board of Education strongly supports the formation of an Educational Access Channel Commission. We also strongly believe that the Council has taken the correct approach and that the Educational Commission should remain separate from that of the Public Access Channel. The missions and philosophies of the two organizations providing programming are different. Additionally, the manner in which the two channels will be set up will be vastly different. Indeed, -18-

it would be an injustice for both Educational and Public Access to have a Commission which could not devote 100% of its energies to the unique requirements of each.

"The educational organizations that have been meeting together since November have the same focus and goals in educational programming and, in fact, to combine the two entities might muddy the waters and dilute the effectiveness of each group in providing for the needs of its constituents. Already in the short time that the representatives of the educational institutions have been meeting they have formed a cohesive working relationship.

"Since 1993, our Board has gained considerable experience in providing high quality location origination cable TV Programming in the Asheville Area. We now look forward to working within the framework of the Commission and are eager for the group to begin. We feel comfortable saying that in the near future, working together, the educational organizations can increase the amount of high quality educational programming offered to our community."

A Professor of Mass Communication at UNC-A said that UNC-A feels a very strong sense of support for an autonomously administered Educational Channel. He passed out to Council a Federal Communications Commission Cable Television Fact Sheet regarding public, educational and governmental access channels.

Ms. Rebecca Campbell felt that all weight should be given to autonomous commissions on each of the three channels. She urged City Council visit the sites that actually have public access channels to see how they are operated first-hand. She also felt that there is a need to have a separation of purpose but amalgamation of functions such as the recommendation for a county-wide or regional commission with one facility where the three could operate and consolidate resources.

Upon inquiry of Councilman Tomes, City Manager Westbrook said that Ms. Westbrook would investigate a few more cities regarding the public access channel and report back to Council to see if any member would like to visit the site.

Councilman Cobb assured the public that City Council will act responsibly to fairly distribute the funds that we have to each group so that each will have a chance to be successful.

At the request of Councilman Cobb, Ms. Meldrum explained why staff will not recommend that the proposed amendments be made to the ordinance as requested by Mr. Fobes.

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

Councilman Cobb moved for the adoption of Ordinance No. 2554. This motion was seconded by Councilman Tomes and carried unanimously.

**ORDINANCE BOOK NO. 17 - PAGE 282**

**B. RESOLUTION NO. 99-46 - RESOLUTION AUTHORIZING CITY STAFF TO PROCEED WITH INVESTIGATING THE PURCHASE OF PROPERTIES KNOWN AS THE LAKE CRAIG AND JOHN MOYER PROPERTIES**

Mr. Irby Brinson, Director of Parks & Recreation, said that this is the consideration of a resolution to proceed with investigating the purchase of properties known as the Lake Craig and John Moyer properties. -19-

Mr. Brinson said that for several years, the Parks and Recreation Department has been working towards the purchase of 68 acres in East Asheville known as the Lake Craig property.

The property is located near the Swannanoa River adjacent to the Recreation Park operated by Buncombe County Recreation Services. The Lake Craig Task Force was formed in 1996 and is made up of RiverLink, Western North Carolina Soccer Foundation, Western North Carolina Youth Sports Complex, and the City of Asheville. The intended use for this property would be to develop soccer fields and other facilities on this site. The Parks, Recreation and Greenway Bond has earmarked \$2 Million for the Lake Craig property. There are still some outstanding issues, for example, property surveys have to be obtained and there is a need for a feasibility study, and soil compaction and tests.

In addition, approximately 1 year ago, the Public Works Department approached Parks and Recreation Department with regard to developing a partnership to expand this project to include the purchase of property owned by John Moyer.

Ms. Suzanne Molloy, Assistant Director of Public Works, explained that after working with a charter team and evaluating our customers' needs, the Public Works Department has decided to develop a Natural Resource Facility to provide a central location for a composting/mulching facility, a small educational eco-park to showcase the usage of recycled materials and backyard composting demo-sites, and to utilize a site for beneficial fill activities for long-term park development needs. The 78-acre tract will help in the proper management of the City's organic resources and inert debris that can be re-used and recycled. The current methods for managing these materials is not sustainable. White Fawn Reservoir is closing due to its reaching its capacity.. Henson's is relocating and the City's passive leaf composting site on Broadway is too small. Should the city not develop a facility, a transfer station would have to be sited to transfer all of these materials to the Buncombe County Landfill at an estimated annual cost of \$700,000 a year. The Moyer property is a logical alternative due to it's central location, prior land usage and potential for park develop. Benefits of site include: located within the city; convenient access for crews and residents; Swannanoa River Greenway link; potential for long-term use; cost savings over current operations; and revenue opportunities.

Ms. Molloy explained the following site development requirements which must be addressed: infrastructure development (roads, bridges); Blue Ridge Parkway Viewshed; composting and mulching must be allowed at parks facilities (UDO); and stormwater management/wetland remediation.

Mr. Brinson said that the next steps would be: surveys and appraisals; community input from public input sessions, informational material, and on-site open house; engineering and planning studies; and phased site construction.

The Parks and Recreation Department and the Public Works Department request City Council's approval to (1) proceed with investigating the purchase of both the Lake Craig Property and the John Moyer Property; (2) work with adjacent property owners and other interested parties in discussing plans for the property and to solicit their input prior to bringing this back to City Council for formal adoption; and (3) authorize the City Manager to enter into a Memorandum of Understanding with the members of the Lake Craig Task Force.

Mayor Sitnick said that if the eco-park proves successful, it should be submitted in the U.S. Conference of Mayors' Best Practices Book.

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

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Vice-Mayor Hay moved for the adoption of Resolution No. 99-46. This motion was seconded by Councilman Sellers and carried unanimously.

## **RESOLUTION BOOK NO. 25 - PAGE 175**

### **C. CONSIDERATION OF WAIVING THE ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS MANUAL SIDEWALK REQUIREMENT FOR SWEETEN CREEK MINI-STORAGE AT 2600 SWEETEN CREEK ROAD**

At the request of the applicant, Councilman Cobb moved to continue this item until the March 23, 1999, City Council meeting. This motion was seconded by Councilman Tomes and carried unanimously.

## **VI. OTHER BUSINESS:**

### **A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 23, 1999, AND THE WORKSESSION HELD ON MARCH 2, 1999**

Councilman Sellers moved for the adoption of the minutes of the regular meeting held on February 23, 1999, and the worksession held on March 2, 1999. This motion was seconded by Councilman Cobb and carried unanimously.

### **B. CLAIMS**

The following claims were received by the City of Asheville during the week of February 19-25, 1999: Richard Cosgrove (Sanitation), Urban Housing Management (Parks & Recreation), James Ducker (Water), Country Kitchen (Water) and Dana Humes (Streets).

The following claims were received during the week of February 26-March 4, 1999: Terry Owen (Water) and George Loftis (Water).

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

## **VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

Mayor Sitnick announced the press conference on March 25, 1999, to launch the Great Asheville-Buncombe Clean-Up. She encouraged everyone to call the City's Solid Waste Coordinator Karen Rankin, Quality Forward or the Chamber of Commerce to get a list of events that are currently scheduled.

Mayor Sitnick said that the Vision process has stated their "Let's Talk" community dialog meetings. She said that this is an opportunity for citizens to express their feelings on issues.

## **VIII. ADJOURNMENT:**

Mayor Sitnick adjourned the meeting at 7:36 p.m.

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## CITY CLERK MAYOR

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