

Tuesday - May 25, 1999 - 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; and Councilman Thomas G. Sellers; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilman O.T. Tomes

INVOCATION

Mayor Sitnick gave the invocation.

I. PROCLAMATIONS:

A. RECOGNITION OF WINNING PLAYERS AND COACHES FROM THE INVITATIONAL INTERNATIONAL BASKETBALL TOURNAMENT IN ASHEVILLE'S SISTER CITY SAUMUR, FRANCE

Mayor Sitnick recognized Dr. Robert Merrill, the players and coaches who won three trophies - the Division Trophy, the Coach's Trophy and the Third Place Trophy while attending the first Invitational International Basketball Tournament in Asheville's Sister City Saumur, France.

B. RESOLUTION NO. 99-72 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE FLOYD WORLEY

City Manager Westbrook read a resolution of appreciation to Floyd Worley who has been employed by the City of Asheville for 30 years. Mr. Worley has requested retirement from his position as Meter Technician in the Water Resources Department.

Resolution No. 99-72 was adopted by acclamation.

RESOLUTION BOOK NO. 25 - PAGE 206

C. PROCLAMATION PROCLAIMING "ASHEVILLE AN INTERNATIONAL PEACE ZONE AT THE YEAR 2000"

Mayor Sitnick read the proclamation proclaiming "Asheville an International Peace Zone at the Year 2000." She presented the proclamation to Ms. Lexie Ross, Ms. Linda McClain and Mrs. James McClure Clarke, who briefed City Council on the significance of the proclamation.

D. PROCLAMATION PROCLAIMING MAY 22-28, 1999, AS "NATIONAL SAFE BOATING WEEK"

Vice-Mayor Hay read the proclamation proclaiming the week of May 22-28, 1999, as "National Safe Boating Week" in the City of Asheville. He presented the proclamation to Mr. Kim Latta, who briefed City Council on the some activities taking place during the week.

E. PROCLAMATION PROCLAIMING MAY 27, 1999, AS "OLDER AMERICANS DAY"

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Councilman Cobb read the proclamation proclaiming Thursday, May 27, 1999, as "Older Americans Day" in the City of Asheville. He presented the proclamation to Mr. Dick Patzfahl, Executive Director of the

Buncombe County Council on Aging, who briefed City Council on the some activities taking place during the day.

F. PROCLAMATION PROCLAIMING JUNE 6-12, 1999, AS "NATIONAL HOMEOWNERSHIP WEEK"

Councilwoman Field read the proclamation proclaiming the week of June 6-12, 1999, as "National Homeownership Week" in the City of Asheville. She presented the proclamation to Ms. Geraldine Melendez, President of the West End/Clingman Avenue Neighborhood Association, who briefed City Council on the some activities taking place during the week.

II. CONSENT:

A. MOTION SETTING A PUBLIC HEARING ON JUNE 8, 1999, RELATIVE TO THE 1999-2000 ANNUAL OPERATING BUDGET

B. RESOLUTION NO. 99-73 - RESOLUTION AUTHORIZING THE SALE OF DISPOSAL PARCEL 59X LOCATED NEAR THE CORNER OF ASHELAND AVENUE AND PHIFER STREET TO R. BALLARD INVESTMENTS IN THE AMOUNT OF \$139,000

Summary: The consideration of a resolution authorizing the Mayor to execute necessary documents for the conveyance of Disposal Parcel 59X located near the corner of Asheland Avenue and Phifer Street to Rex Ballard in the amount of \$149,000.

On May 11, 1999, the City Council directed the City Clerk to advertise for upset bids on Disposal Parcel 59X. The advertisement ran in the Asheville Citizen-Times on May 14, 1999, as provided in N. C. Gen. Stat. sec. 160A-269. No response was received. Therefore, the offer to purchase from Rex Ballard in the amount of \$139,000.00 was not upset and the sale to Rex Ballard should be approved.

Community Development staff recommends adoption of the resolution.

RESOLUTION BOOK NO. 25 - PAGE 207

C. ORDINANCE NO. 2573 - BUDGET AMENDMENT TO APPROPRIATE FUNDS RECEIVED FROM THE ASHEVILLE-BUNCOMBE LIBRARY SYSTEM FOR IMPROVEMENTS TO JOINT CITY/LIBRARY FACILITIES

Summary: The consideration of a budget amendment, in the amount of \$6,497, to appropriate funds received from the Asheville-Buncombe Library System back into the capital account for improvements to joint City/Library facilities.

The Parks and Recreation Department has made improvements at the North Asheville Community Center/Library. The Asheville-Buncombe Library has agreed to pay for 1/3 of the cost for these improvements. In addition, the Parks and Recreation staff will be making modifications to the Murphy-Oakley Community Center/Library to include a wheelchair ramp and handrail. The library has agreed to pay for 1/3 of these improvements as well. A budget -3-

amendment totaling \$6,497 is requested to appropriate these funds into the proper account so that staff can proceed with this work.

The Parks and Recreation Department is requesting City Council's approval for the appropriation of \$6,497 received from the Asheville-Buncombe Library System into the capital account for improvements to joint City/Library facilities.

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D. ORDINANCE NO. 2574 - BUDGET AMENDMENT FOR THE FIRE BELL PROJECT ATOP THE CITY HALL BUILDING

Summary: The consideration of a budget amendment, in the amount of \$15,000, for the Fire Bell Project.

The Friends of the Fire Bell/Chimes Committee has instituted a project to automate the Fire Bell atop the Asheville City Building. Once electrified the bell will strike the hour and the half-hour. Total cost of the project is estimated to be \$15,000 with funding to be provided entirely from private donations/grants. This budget amendment will establish a Grant Project Budget totaling \$15,000 to allow for the undertaking of the project.

City staff recommends that the budget for the Fire Bell Project in the amount of \$15,000 be approved.

ORDINANCE BOOK NO. 17 - PAGE 330

E. ORDINANCE NO. 2575 - BUDGET AMENDMENT FOR IMPROVEMENTS FOR MAGNOLIA PARK

Summary: The consideration of a budget amendment, in the amount of \$15,000, for improvements to Magnolia Park.

The Asheville-Buncombe Historic Resources Commission has received a grant from the Janirve Foundation in the amount of \$15,000 which is planned for improvements to Magnolia Park. These improvements consist of (1) constructing and installing 250 feet of classic-styled handmade metal fencing around the front periphery of the park; and (2) constructing a concrete stair and corner entrance to the park at the southeast corner of the park on Magnolia Street. This budget amendment establishes a project budget in the amount of \$15,000 for the improvements.

City staff recommends that the budget amendment for the Magnolia Park Project in the amount of \$15,000 be approved.

ORDINANCE BOOK NO. 17 - PAGE 332

F. RESOLUTION NO. 99-74 - RESOLUTION WAIVING RIGHT-OF-WAY CUT FEES FOR ADOPT-A-SPOT PROGRAM FOR QUALITY FORWARD

Summary: The consideration of waiving the right-of-way Permit Fee for "Adopt-A-Spot" Program sponsored by Quality Forward.

Quality Forward is in the process of working with other agencies to beautify Asheville by planting landscaping in various locations in the City on City right-of-way. Quality Forward has -4-

completed two projects and has plans to complete two additional locations at the intersections of Market and Walnut Streets and O.Henry and Haywood Streets during this year. According to our policy, the approximate cost of the permit for each of the locations would be \$150. Based on the total number of projects projected, the estimated revenue reduction would be \$600. Quality Forward has requested that the fee for these permits be waived. Due to the wording of the ordinance this fee can only be waived by City Council.

and disturbing activity within the right-of-way requires a right-of-way cut permit from the Engineering Department per City Ordinance Section 16-36. The fee for this permit is based upon the amount of area disturbed in the right-of-way.

It is important for Quality Forward to obtain a permit so that the Engineering Department staff can inspect the

site to insure that no harm will be done to the infrastructure. Additionally, it is important to obtain records about work that has been performed in the right-of-way in the event problems occur in the future.

Staff recommends waiving the fee but still requiring that Quality Forward obtain a right-of-way permit so that the sites may be inspected by City staff.

Staff recommends that the City Council waive the right-of-way Permit Fee for "Adopt-A-Spot" Program sponsored by Quality Forward, to include the two projects that have been completed, the two projects planned and any future projects that are included in this program.

RESOLUTION BOOK NO. 25 - PAGE 208

G. RESOLUTION NO. 99-75 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE DOWNTOWN ASSOCIATION'S 1999 EVENTS CO-SPONSORED BY THE CITY OF ASHEVILLE

Summary: The consideration of a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Asheville Downtown Association's 1999 events co-sponsored by the City of Asheville.

The Parks and Recreation Department recommends that the possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine be allowed for the 1999 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.

The Asheville Parks and Recreation Department recommends City Council approve the resolution.

RESOLUTION BOOK NO. 25 - PAGE 209

H. RESOLUTION NO. 99-76 - RESOLUTION RELATIVE TO THE PARKS, RECREATION AND GREENWAYS BOND REFERENDUM

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Summary: The consideration of a resolution certifying and declaring the results of the special bond referendum on the Bond Order Authorizing the Issuance of \$18,000,000 General Obligation Parks, Recreation and Greenway Bonds held for the City of Asheville on May 11, 1999.

At the request of the City Council of the City of Asheville, the Buncombe County Board of Elections conducted a Special Bond Election on May 11, 1999, regarding the Bond Order Authorizing the Issuance of \$18,000,000 General Obligation Parks, Recreation and Greenway Bonds. The Board of Elections' report of results indicating there were 41,411 registered voters; 5,681 of whom turned out to vote; 2,656 cast "yes" votes and 3,022 voted "no". The proposed resolution certifies and declares the results of the referendum and directs the City Clerk to publish the certified results in accordance with the law.

Staff recommends the City Council adopt the resolution.

RESOLUTION BOOK NO. 25 - PAGE 211

I. RESOLUTION NO. 99-77 - RESOLUTION APPOINTING CAROL KING AS CHAIR OF THE ASHEVILLE DOWNTOWN COMMISSION

Summary: Scott Jarvis has resigned as a member and Chair of the Asheville Downtown Commission. This resolution will appoint Ms. Carol King as Chair until her term expires, or until her successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 25 - PAGE 212

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

III. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO THE MINIMUM HOUSING CODE AMENDMENTS AND ASSOCIATED FEES

ORDINANCE NO. 2576 - ORDINANCE AMENDING THE MINIMUM HOUSING CODE OF THE CITY OF ASHEVILLE

RESOLUTION NO. 99-78 - RESOLUTION AMENDING THE FEES AND CHARGES MANUAL

Mayor Sitnick opened the public hearing at 5:42 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 during the past six months, staff and some industry and nonprofit agency representatives have been meeting and discussing changes needed for the enforcement of the Minimum Housing Code. In addition, during the last four months the changes have been discussed at the Council's Housing & Community Development Committee. -6-

The changes being recommended include the following:

- Technical changes to the Code (supported by the representatives);
- Changes to the schedule for inspecting rental properties (no consensus agreement reached);
- Increase staffing support for administering the code;
- Additional and/or changes to the administrative and permits fees (to pay for the additional staff being requested);
- Implement on July 1, 1999, no water turn-ons until rental units have met the Housing Code;

and

- Increase promotion of the Code and any approved changes

He reviewed the following summary of Code changes: (1) New definition: Deflection; (2) Replaced definition: Dilapidated; (3) Clarification on: Bathroom Exhaust Fans; (4) New section: Dryer Vents (effective 7/1/04); (5) New section: Range Hoods; (6) Reduced: Number of receptacles for small kitchens; (7) Changed: Increased layers of roofing to 3; (8) Clarified: That attics are to be adequately ventilated; (9) New section: Security bars on windows (means of egress from bedrooms); (10) Revised: Landings to comply with N.C. State Building Code; (11) Editorial changes: On protective railings for stairs and porches; (12) New section: Security bars on windows; (13) Corrected spelling: Includes no "delamination" or splitting of wood doors; (14) Clarified: When screens are required on windows; (15) New exception: Added exemption to ceiling heights for units built prior to 1936; (16) Clarified: What size window is required for means of egress from occupancies below grade; (17) Corrected: That Vol. 1 Section 19 should be changed to Vol. 1 or Vol. 1 Chapter 4 as N.C. State Building Code specifies; (18) Added two alternate schedules: (a) The revised schedules recommend sampling a percentage of all units owned by a property owner; the units to be inspected will be determined by the City; this benefits the landlord who invests mainly in single family rental units; (b) If the owner can produce current documentation of a regular annual inspection and maintenance schedule of each unit, using a form approved by the City and adequate to maintain the units up to the standards of the Housing Code: the units inspected would be reduced from (i) 15% to 10% - for units less than 15 years old; and (ii) 50% to 20% - for units 15 or more years old; (19) Added: Correction order; findings of fact and order; and (20) Addition: After January 1, 2000, an owner who has not obtained a housing certificate within the 5 year rental schedule shall be assessed a penalty of \$20 for each month that a housing certificate has not been obtained.

He reviewed the following proposed Fees & Charges Manual changes: (1) units inspected during the five year schedule will have the current \$20 Housing Certificate fee waived if the unit passes the initial inspection; (2) units inspected after the five year schedule will have a Certificate fee of \$100; and (3) permit fees will be reduced from \$45 to \$25 per trade (building, electrical, mechanical, and plumbing) at each building where housing code corrections are made.

Current staffing to enforce the Housing Code includes: 3 housing inspectors, 1 housing code coordinator, 1 secretary, 1 part-time secretary (in City Hall Customer Services Division), and 15 third party companies (21 inspectors). The proposed additional staffing will include: 1 housing inspector, one secretary and one research assistant.

Key enforcement tools include (1) no water turn-ons will be approved after July 1, 1999, unless the rental unit has all housing inspection work completed and the housing fees paid; and (2) GIS mapping of the City's residential units (identification of all rental properties).

Key benefits of the changes include: (1) clean up of the text to the Code; (2) adopts an inspection schedule that benefits landlords with multiple units at different locations; (3) reduces the number of units to be inspected if property owners utilize and document an approved annual inspection program on all units which indicates training of their property managers; (4) adopts -7-

reduced fees for permits and properties that are maintained up to Code; and (5) adopts a new civil penalty for rental units receiving certificates after five years (effective January 1, 2000).

Both ordinance and amendment to the fees and charges manual would be effective July 1, 1999.

Mr. Summey answered various questions and comments from Council, some being, but are not limited to: how were out of town landlords notified, what types of notice was used in the past five years to let landlords know about the inspection schedule; what tools does the City use to identify the worst units; what are the consequences of the \$100 per unit fee was waived for 90 days and how much revenue would be lost; and are there additional inspectors that can be certified to help get the inspections completed by July 1, 1999.

The following individuals spoke in support of the enforcement of the Minimum Housing Code amendments

and the new administrative fee schedule:

Mr. David Nash

Mr. Bruce Armstrong

Mr. Jim Barrett, representing the Affordable Housing Coalition (supports Code amendments, however, supports 100% inspections to single family rental units, not sampling a percentage of units to be inspected)

Mr. Joseph Smith

Ms. Geraldine Melendez

Mr. Al Mojonier (supports Affordable Housing Coalition position)

Mr. Richard Nantelle

Ms. Amy Ray

Ms. Beth Maczka, Executive Director of the Affordable Housing Coalition (supports Affordable Housing Coalition position)

Mr. John Hayes

Ms. Barbara Wallace

The following individuals spoke in support of the enforcement of the Minimum Housing Code amendments generally, however, most requested the \$100 per unit fee be waived for 90 days if the inspection was performed prior to July 1, 1999:

Mr. Jody Kuhne

Mr. J. T. Black (felt Code violates Article IV of the Constitution)

Ms. Bonnie Bailey, representing Greater Asheville Area Apartment Association (feels that City should develop a plan to reward property owners who inspect their units on a regular basis so that the property owner doesn't have to pay for passing inspections).

Mr. Phillip Price

Mr. Tom Leslie

Ms. Judy Carter

Ms. Molly Sandridge

Ms. Betty Crawford

Mr. Ron Filka

Mr. Mike Summey (opposed to the way the Code is administered)

There was discussion relative to the change of no water turn-ons being approved after July 1, 1999, unless the rental unit has obtained all housing inspection work completed and the housing fees paid.

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Mr. Dan Pearson, third party inspector, said that due to the procrastination of the landlords, they have put the inspectors in a time bind. He said they will do as many of the inspections as possible, however, they will not be able to complete all the inspections prior to the July 1, 1999, deadline.

Mr. Ron Filka suggested that due to the shortage of manpower, instead of the all the units being inspected by July 1, 1999, that the City use a system similar to the driver's license system in that portions of the community be inspected by July 1, 1999, and then another portion of the community be inspected a little later, and so forth. That way, the current manpower would be available to concentrate their efforts in certain parts of the community at one time.

Mayor Sitnick closed the public hearing at 7:45 p.m.

Councilwoman Field, Chair of the Housing & Community Development Committee, stated that she strongly supports affordable and safe housing and she wants to get all of the units in the City inspected and bring as many units up to Code as possible. She also realizes the need to have the fees support the cost of increased staff. However, she doesn't think that we've solved the enforcement problem and would like the chance to talk with staff a little more or remand it back to the Housing & Community Development Committee to see if they can come up with a solution.

Vice-Mayor Hay felt that the City has worked to raise the awareness level of the July 1, 1999, deadline for at least 2-3 years. He doesn't hear that the landlords saying that they can't get their units inspected by July 1, only that they can't get the work done by July 1 and they don't want to be penalized for that. He would support the \$100 per unit fee be waived for 90 days if the inspection was performed prior to July 1, 1999. Our goal is not to penalize anyone or to generate money, but to identify the units and have them inspected.

Councilman Cobb supported keeping the July 1, 1999, deadline and looking at a 90 day grace period for the landlords to get their work done.

Mr. Summey said that he didn't think the delay would affect that revenue estimate this first year but definitely next budget year they will need to look at the fees.

City Manager Westbrook said that Council's guidance to staff is to use fees so that the property taxes don't go to support activities which should be supported by fees. He said we will be watching this all through the year to make sure that the fees are covering the service and if they are not, we will report it back to Council.

At the request of Councilwoman Field, Mr. Summey explained the recommendation of the Housing & Community Development Committee regarding the sampling a percentage of all units owned by a property owner, stressing that the units to be inspected will be determined by the City and that this will benefit the landlord who invests mainly in single family rental units. If the owner can produce current documentation of a regular annual inspection and maintenance schedule of each unit (using a form approved by the City and adequate to maintain the units up to the standards of the Housing Code), the units inspected would be reduced from 15% to 10% for units less than 15 years old and 50% to 20% for units 15 or more years old.

Mayor Sitnick supported 100% of single family rental units be inspected, and not a sampling of a percentage of units.

Mayor Sitnick said that members of Council have previously received a copy of the ordinance and the resolution and they would not be read. -9-

Vice-Mayor Hay moved for the adoption of Ordinance No. 2576. This motion was seconded by Councilwoman Field and carried unanimously.

ORDINANCE BOOK NO. 17 - PAGE 334

Vice-Mayor Hay moved for the adoption of Resolution No. 99-78, with the following amendment: "For each rental unit receiving housing certificates after the required 5 year inspection schedule in the Housing Code, a certificate fee of \$100 per unit inspected will be charged; however, for those units for which an inspection was conducted prior to July 1, 1999, but the certificate is not issued until prior to October 1, 1999, the \$100 per unit fee will be waived. After 5-1/2 years, an additional fee of \$20 per month per unit will be required." This motion was seconded by Councilman Cloninger and carried unanimously.

RESOLUTION BOOK NO. 25 - PAGE 213

B. PUBLIC HEARING TO CONSIDER REZONING A ONE FOOT STRIP OF PROPERTIES ABUTTING THE NORTH END OF SOUTH GROVE STREET FROM CENTRAL BUSINESS DISTRICT AND REGIONAL BUSINESS DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

City Attorney Oast said that when it became apparent that Councilman Tomes would not be at this meeting, a concern arose as to this public hearing to consider the rezoning of a one-foot strip of properties abutting the north end of South Grove Street from Central Business District and Regional Business District to RS-8 Residential Single Family High Density District. A valid protest petition has been submitted, thus invoking the 3/4's vote of Council, which would require a unanimous vote (6-0) of City Council to adopt this ordinance.

He also said that under Unfinished Business, there is a vote on the second reading of an ordinance to rezone a one-foot strip along five lots on South Grove Street from Office Business District to RS-8 Residential Single Family High Density District.

City Attorney Oast said that in recognition of some of the concerns that City Council raised at the public hearing held on May 11, 1999, staff is willing to undertake a reconsideration of some of the recommendations for dealing with some of the issues that City Council identified and were identified at the public hearing. He said the process by which City Council got to the point of considering this rezoning was one that was driven by concerns expressed by the neighborhood and the solutions that were possible to work, but perhaps not the best solution. In talking with the Planning staff and his office staff, he felt they could develop some solutions that will work possibly better in these kinds of situations and may enable Council to avoid setting a precedent where these kind of one-foot zoning strips become the norm.

Upon inquiry of Vice-Mayor Hay, City Attorney Oast said that in tabling the matter, it preserves Council's option to proceed with the rezoning as proposed or to consider whatever alternatives staff might come up with.

Mr. Craig Justus, attorney representing the Asheville Women's Medical Center, said that he didn't see any point to table this issue because the one-foot concept strip is wrong and they think that Council will hopefully recognize that it is a bad concept from a planning standpoint and it's not fair to the property owners. He felt City Council could deal with the issue of the one-foot strip tonight and if Council rejects it, it still could come back again before City Council at some later point in time. To leave it open indefinitely leaves them somewhat in a lurch. However, if -10-

there is enough concern that City Council has not seen that the one-foot strip is not a good technique, then he would be willing to table the matters.

Councilman Cloninger also that a message should be sent to the Planning & Zoning Commission that the one-foot zoning strip is not a good tool to use.

Councilman Cloninger moved to table this public hearing the rezoning of a one-foot strip of properties abutting the north end of South Grove Street from Central Business District and Regional Business District to RS-8 Residential Single Family High Density District. This motion was seconded by Councilman Cobb and carried unanimously.

At 8:26 p.m., Mayor Sitnick announced a short break.

C. PUBLIC HEARING RELATIVE TO ADOPTION OF A SMALL AREA PLAN KNOWN AS THE HAYWOOD ROAD CORRIDOR PLAN AS AN ADDENDUM TO THE COMPREHENSIVE PLAN FOR THE CITY OF ASHEVILLE (ASHEVILLE CITY 2010 PLAN)

RESOLUTION NO. 99-79 - RESOLUTION ADOPTING A SMALL AREA PLAN KNOWN AS THE HAYWOOD ROAD CORRIDOR PLAN AS AN ADDENDUM TO THE COMPREHENSIVE PLAN FOR THE CITY OF ASHEVILLE (ASHEVILLE CITY 2010 PLAN)

Mayor Sitnick opened the public hearing at 8:47 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 adoption of the Haywood Road Corridor Plan, a small area plan developed by the Planning and Development Department for Haywood Road from Patton Avenue to the French Broad River.

In July of 1998, the Asheville City Council directed the Planning and Development Department to develop a small area plan for the Haywood Road Corridor. Staff has completed a draft plan for the corridor which is largely based upon input and participation from various stakeholders of the community. This input and participation included several advisory committee meetings, a couple of community meetings, and meetings with various groups and individuals from the business community and neighborhood associations.

The Haywood Road Corridor Plan addresses five issues which were identified by the community and advisory committee as being the most important issues. These five issues are:

- land use;
- vehicle and pedestrian circulation;
- landscape and streetscape;
- building facade; and
- economic and community development.

For each of these issues, the plan establishes goals and recommendations. The goals are broad statements of purpose and describe the desired end result of the plan. The recommendations outline ways in which the goals can be accomplished. The plan emphasizes cooperation among the stakeholders as a key to implementation of the plan.

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Upon adoption by the City Council, the Haywood Road Corridor Plan will become part of the Asheville City Plan: 2010 and will serve as a guide for future development and improvements along the corridor.

Copies of the draft plan were distributed to the Engineering Department, Public Works Department, and Community Development Division for review and comment prior to the adoption of the plan by the Planning and Zoning Commission. Copies of the (revised) draft plan were provided to City Council to allow for review of the plan prior to the public hearing.

At their May 5, 1999, meeting, the Planning and Zoning Commission voted unanimously to recommend approval of this small area plan. The Planning and Development Department also recommends approval of this small area plan.

Mr. Richard Nantelle spoke in support of this Plan which will help re-create and revive Haywood Road.

Mayor Sitnick closed the public hearing at 8:56 p.m.

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

Councilman Cobb and Councilwoman Field both spoke in favor of the Plan.

Councilman Cobb moved for the adoption of Resolution No. 99-79. This motion was seconded by Councilman Sellers and carried unanimously.

RESOLUTION BOOK NO. 25 - PAGE 214

D. PUBLIC HEARING RELATIVE TO THE PEDESTRIAN THOROUGHFARE PLAN

RESOLUTION NO. 99-80 - RESOLUTION ADOPTING THE PEDESTRIAN THOROUGHFARE PLAN

Mayor Sitnick opened the public hearing at 8:58 p.m.

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

Ms. Suzanne Molloy, Assistant Director of Public Works, said that this is the consideration of adoption of the *Pedestrian Thoroughfare Plan*.

Over the past several months, the Public Works Department in conjunction with the Metropolitan Planning Organization has hosted a series of public comment sessions, spoken to various civic organizations, and presented the draft *Pedestrian Thoroughfare Plan* to a varying audience. The primary goal of the comment period was to solicit input on financing strategies and final "action step" recommendations to City Council. The secondary goal was to assure that all critical pedestrian needs were identified.

General public comment (written and verbal) on the plan was overwhelmingly positive. The majority of respondents recognized the importance of good pedestrian planning and facilities for the community. As with most plans, controversial public comment was received about suggested funding strategies. -12-

After careful review and compilation of public comment by staff (including Public Works, Planning and Development, Parks and Recreation, and Engineering Departments), final recommendations for implementation and "action steps" were developed by consensus. Based on comments, many financing strategies are no longer being recommended.

The final plan identifies approximately \$38.5 million of pedestrian facilities and improvements needed in the City of Asheville. As with any comprehensive plan, a long-term approach to implementation must be realized. Following is a synopsis of the recommended action steps:

- Establish a full-time position to implement this Plan;
- Revise the *Asheville Standard Specifications and Details Manual* and the *Unified Development Ordinance ("UDO")* to expand the requirements for sidewalk installation to include: all new subdivisions (with more than 2 homes), all new multi-family dwellings, all new commercial developments, and all non-residential improvements where the costs of improvements exceeds 50% of the existing structure value;
- Amend the *Fees and Charges Manual* to include a 'fee in lieu of construction' option for developers;
- Adopt the Cityscape Plan;
- Revise the *Asheville Standard Specifications and Details Manual* to incorporate updated criteria for the design of pedestrian facilities;
- Promote the usage of the special assessment process and encourage the development of local districts for pedestrian and streetscape improvements;
- Aggressively pursue funding from the NCDOT, and other federal, state, and private sources;
- Direct staff to evaluate long-term transportation planning issues in the review of Level 1, 2 and 3 projects;
- Promote the enforcement of existing standards, ordinances, and other related programs that enhance and protect the pedestrian environment;
- Consider development of a bond referendum for pedestrian facilities to include needs outlined in the Master Greenway and Pedestrian Thoroughfare Plan;
- Develop a comprehensive Capital Improvement Program that reflects the adopted funding strategies;
- Negotiate with utility companies to relocate sidewalk obstacles located within the right-of-way;
- Endorse and support the Pedestrian and Bicycle Thoroughfare Master Plan;
- Encourage and improve public transportation and develop inter- and intra-modal connections;
- Encourage multi-use development which includes residential and business facilities;
- Support neighborhood traffic calming initiatives; and
- Strengthen and support the Bicycle Task Force/Pedestrian Task Force.

Making Asheville a more pedestrian friendly environment will require the support of local citizens, businesses, and public and private organizations. While some negative criticism has been received about the recommended action steps, staff believes that the chosen action steps will provide the most equitable tools for the City to fully realize this plan and develop a holistic transportation system.

Staff recommends that City Council adopt the *Pedestrian Thoroughfare Plan* and direct staff to begin implementation of the plan. -13-

Ms. Molloy reviewed some additions and deletions made to the Plan as a result of comments arising from the public meetings. One deletion made, in particular which concern was raised by the Homebuilders Association, was to remove the requirement that developers would be responsible for the replacement of existing dilapidated sidewalks. She said that overall public comment has been fairly supportive of the Plan and the controversy has been mainly around the methods for funding the plan. The Homebuilders Association did state to her that they wish they could comment on the Plan after revisions were made and she did invite them to attend this public hearing to address any additional concerns.

Upon inquiry of Councilman Cloninger, Ms. Molloy explained that what was originally proposed was that if someone was coming in to develop or re-develop a site, that if there was an existing dilapidated sidewalk there, the developer had to replace it. Since there was negative comment about that, staff removed it from the Plan and now the Plan reads that if the existing sidewalk is damaged during construction or if they have to change it significantly, they would be responsible for it then. They would not have to pay the "fee in lieu of construction" and they would be exempt from any sidewalk requirement. The general feeling was that the City already has the sidewalk and the City should maintain and take care of it.

Vice-Mayor Hay asked if Council adopts the Plan, are they committing themselves to each of the action steps. City Attorney Oast said that City Council is only bound to consider the action steps, but not bound to take them, particularly to the extent that they involve ordinance changes or budgetary matters. Adoption of the Plan only establishes direction of the Council.

Ms. Elizabeth Teague, Planner with the Land-of-Sky Regional Council, felt that this Plan is a very good plan and urged City Council to adopt it and aggressively search for grant funding.

Mr. Gerry Hardesty, member of the Pedestrian Task Force, also spoke in support of adoption of the Plan, noting that sidewalks are an important part of the Plan, but it includes much more than just sidewalks. He also urged City Council to implement the Plan in a timely fashion.

Mayor Sitnick closed the public hearing at 9:23 p.m.

Councilman Cloninger felt that if we are going to require people to build new sidewalks, it seems like it is reasonable to ask them to rehab existing ones. He noted that we don't have too many resources available to improve infrastructure. He felt that since it's fair for the City to require developers who are developing an area that does not have sidewalks at all to pay a fee or to put in new sidewalks, it seems to him that it would be fair to ask a developer who is developing where there is already an existing sidewalk to pay to have it upgraded or pay a fee. He felt that in the vast majority of cases, the additional expense to the developer would be minimal compared to the overall cost of the project.

Upon inquiry of Mayor Sitnick, Public Works Director Mark Combs said that the Public Works Department has a policy that deals with vaults in sidewalks. City Attorney Oast briefly explained the policy and the issues involved about who is responsible for the sidewalk surface and who is responsible for the air space under the sidewalk.

When Mayor Sitnick asked Ms. Molloy what type of comments she received about a bond referendum on streets and sidewalks, Ms. Molloy said that the Homebuilders Association felt the bond referendum was an appropriate financing tool.

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

Councilwoman Field moved to adopt the Pedestrian Thoroughfare Plan and direct staff to bring the issue relative to developers repairing existing dilapidated sidewalks or a "fee in lieu of" issue back to City Council for further discussion when the UDO issues are discussed. This motion was seconded by Councilman Cobb.

Councilman Cloninger made a substitute motion to adopt the Pedestrian Thoroughfare Plan with the addition of language reflecting that in certain situations developers would be required to rehabilitate existing dilapidated sidewalks. This motion was seconded by Councilman Sellers and carried on a 4-2 vote, with Councilwoman Field and Councilman Cobb voting "no".

Councilman Field felt that sidewalk issue should be dealt with in the UDO, not in the Pedestrian Thoroughfare Plan.

RESOLUTION BOOK NO. 25 - PAGE 215

E. PUBLIC HEARING RELATIVE TO THE PURCHASE OF PROPERTY LOCATED ON SWEETEN CREEK ROAD AND PEACHTREE STREET AND KNOWN AS THE "ROYAL PINES POOL AND PARK PROPERTIES"

RESOLUTION NO. 99-81 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INSTALLMENT CONTRACT PURSUANT TO N.C. GEN. STAT. SEC. 160A-20 FOR THE PURCHASE OF PROPERTY LOCATED ON SWEETEN CREEK ROAD AND PEACHTREE STREET AND KNOWN AS THE "ROYAL PINES POOL AND PARK PROPERTIES"

Mayor Sitnick opened the public hearing at 9:27 p.m.

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

Mr. Irby Brinson, Director of Parks & Recreation, said that this is the consideration of a resolution to purchase approximately 5.5 acres of property located on Sweeten Creek Road and Peach Tree Street known as the Royal Pines Pool and Park Properties, to be used for Parks and Recreation programs.

The Parks and Recreation Department is interested in the purchase of properties known as the Royal Pines Pool and Park Properties. This property is valuable as protection of open space land and has been identified in the Parks and Recreation Master Plan as an area needing future park development. The purchase of the property is expressly contingent on The Trust for Public Land entering into a contract for the purchase of the property from a trustee.

An appraisal has been completed by the City of Asheville and the purchase price is estimated to be between \$920,000 and \$970,000. The Parks and Recreation staff is recommending that the purchase of the property be made by installment payments under an installment contract authorized by N. C. Gen. Stat. sec. 160A-20. This public hearing is being held in order to discuss the terms and conditions of the installment contract and to receive input from the public regarding this decision.

The Parks and Recreation Department is requesting City Council's approval to authorize the Mayor to execute an installment contract and a memorandum of installment contract for the purchase of real property located on Sweeten Creek Road and Peach Tree Street, known as the -15-

Royal Pines Pool and Park properties, to be used for Parks and Recreation programs, contingent upon The Trust for Public Land entering into a contract for the purchase of the properties from a trustee.

Ms. Patsy Meldrum, Assistant City Attorney, reviewed the following key elements of the installment purchase contract:

- The Trust for Public Land purchases the property from trustees of two charitable remainder unitrusts.
- The purchase price of the properties is estimated to be between \$920,000.00 and \$970,000.00. When the transactional costs and fees of The Trust for Public Land and the City of Asheville are added to the estimated purchase price, the total of the purchase price and transactional costs and fees (excluding interest on financing) are estimated not to exceed \$1,000,000.00.
- The City of Asheville desires to purchase the properties by installment contract pursuant to N. C. Gen. Stat. sec. 160A-20. The Trust for Public Land has agreed to provide financing for the purchase of the properties by installment contract pursuant to N. C. Gen. Stat. sec. 160A-20.
- The term of the installment contract will not exceed four years and eleven months.
- The interest rate for the installment payment on the installment contract will not exceed 7.5 % per year (simple interest)
- If the purchase price is \$930,000.00, installment payments for a term of three years and eleven months would be as follows:

September 1, 1999 First installment payment \$216,947.00

September 1, 2000 Second installment payment \$216,947.00

September 1, 2001 Third installment payment \$216,946.00

September 1, 2002 Fourth installment payment \$216,946.00

May 1, 2003 Fifth and final installment payment \$216,946.00

Total of payments of principal and interest \$1,084,732.00

Payment to The Trust for Public Land to

cover project costs, fees and expenses \$50,000.00

(Payment to be made with first installment

payment on September 1, 1999)

If the purchase price is \$930,000.00, installment payments for a term of four years and eleven months would be approximately \$190,000 per year, again, depending upon the actual purchase price.

- Expected closing date for the purchase of the properties is during the first week in June of 1999.

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- Title to the properties will remain in The Trust for Public Land until all installment payments are made, but the City of Asheville will be responsible for possession, maintenance and operation of the properties after the closing date.

- Proceeds from the sale of the properties by the trustees to The Trust for Public Land will be invested as assets of the trusts. At the expiration of the terms of the trusts, the remainder of the trusts will be shared by The Trust for Public Land and the City of Asheville, with any share that comes to the City of Asheville being available to the City of Asheville to reimburse its costs for the purchase of the properties from The Trust for Public Land.

Ms. Chrisanne Mitchell, Senior Project Manager with The Trust for Public Land, described how the remainder of the trust will be shared.

Councilman Cloninger said that this is a great opportunity for the City. He expressed Council's appreciation to Mr. Rusher and The Trust of Public Land.

Mayor Sitnick closed the public hearing at 9:36 p.m.

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

Councilman Cloninger moved for the adoption of Resolution No. 99-81. This motion was seconded by Councilman Sellers and carried unanimously.

RESOLUTION BOOK NO. 25 - PAGE 216

F. PUBLIC HEARING RELATIVE TO ANNEXING A CONTIGUOUS AREA KNOWN AS SECTION 13 OF BILTMORE PARK

ORDINANCE NO. 2577 - ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, N.C., BY ANNEXING A CONTIGUOUS AREA KNOWN AS SECTION 13 OF BILTMORE PARK

Mayor Sitnick opened the public hearing at 9:37 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 annexation property located southeast of Columbine Road (Section 13 of Biltmore Park).

Biltmore Farms, Inc. has submitted an annexation petition for a 4.821 acre area identified as Biltmore Park, Section 13. This is the thirteenth annexation petitioned by Biltmore Farms, Inc. for property located west of Overlook Road. This area is contiguous to the existing corporate limits, specifically to Biltmore Park, Section 9. This annexation will be effective on November 25, 1999.

Staff recommends that City Council adopt the ordinance annexing property located southeast of Columbine Road (Section 13 of Biltmore Park). -17-

Mayor Sitnick closed the public hearing at 9:38 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. 2577. This motion was seconded by Councilwoman Field and carried unanimously.

ORDINANCE BOOK NO. 17 - PAGE 342

IV. UNFINISHED BUSINESS:

A. ORDINANCE NO. 2568 - SECOND READING TO REZONE A ONE FOOT STRIP ALONG FIVE LOTS ON SOUTH GROVE STREET FROM OFFICE BUSINESS DISTRICT TO RS-8 RESIDENTIAL SINGLE FAMILY HIGH DENSITY DISTRICT

See discussion above on Item B. under Public Hearings.

Councilman Cloninger moved to table the second reading of Ordinance No. 2568, an ordinance to rezone a one-foot strip along five lots on South Grove Street from Office Business District to RS-8 Residential Single Family High Density District. This motion was seconded by Councilman Sellers and carried unanimously.

B. ORDINANCE REQUIRING THE POSTING OF PRIVATE PARKING LOTS IN DOWNTOWN ASHEVILLE

City Attorney Oast asked that this item be continued until the June 8, 1999, City Council meeting in order to give him time to meet with Vice-Mayor Hay and Councilman Cloninger to address their concerns.

Councilman Cloninger moved to continue this matter until June 8, 1999. This motion was seconded by Vice-Mayor Hay and carried unanimously.

V. NEW BUSINESS:

A. RESOLUTION NO. 99-82 - RESOLUTION ISSUING A WRITTEN DECISION IN RESPONSE TO THE FILING OF AN FCC FORM BY BRENMOR CABLE PARTNERS, L.P. (d/b/a InterMedia) FOR MONTHLY RATES FOR THE BASIC SERVICE TIER ON ITS CABLE FOR THE TIME PERIOD OF JUNE 1, 1999, TO MAY 31, 2000

Ms. Patsy Meldrum, Assistant City Attorney, said that this is the consideration of a resolution issuing a written decision in response to the filing of an FCC Form 1240 by Brenmor Cable Partners, L.P. (d/b/a InterMedia) for monthly rates for the basic service tier on its cable system for the time period of June 1, 1999, to May 31, 2000.

Pursuant to federal law and the regulations of the Federal Communications Commission ("FCC"), the City of Asheville ("City") is certified to regulate basic service rates and charges of Brenmor Cable Partners, L.P. ("InterMedia") in the franchised area of InterMedia within the corporate limits of the City. By letter dated February 26, 1999, received by the City on March 1, 1999, InterMedia filed FCC Forms 1205 and 1240, both dated February 25, 1999, for the -18-

purpose of justifying its monthly rates and hourly service charges for cable services on the basic service tier on its cable system for the time period of June 1, 1999, to May 31, 2000.

The new maximum permitted rate calculated for the monthly rate on the basic service tier by InterMedia on the FCC Form 1240 is \$10.3579. InterMedia proposes to continue charging the current monthly rate of \$11.91 for the time period of June 1, 1999, to May 31, 2000, which amount exceeds the maximum permitted rate, by relying upon the filing of an FCC Form 1235 ("abbreviated cost of service" filing) submitted to the City on May 16, 1997. The FCC Form 1235 determined that an increase in the basic service tier rate of \$1.96 per month would be permitted as of the time of filing, based upon an upgrade or rebuild of the cable system. The maximum permitted rate of \$10.3579 and the increase in the rate of \$1.96 per month based upon the filing of the FCC Form 1235 would combine to be a monthly rate of \$12.32, which is in excess of the current basic service tier rate charged in the amount of \$11.91 per month.

The filing of the FCC Form 1235 by InterMedia with the City on May 16, 1997, predated the completion of the upgrade or rebuild of the cable system and was filed for "pre-approval" purposes. FCC requirements for the FCC Form 1235 are that, if the pre-approval option is exercised, the cable system operator must file the FCC Form 1235 again following the end of the month in which the upgraded cable services become available and are providing benefits to all customers of regulated services in the filing entity, using actual costs where applicable. The upgrade or rebuild of the cable system was completed some time during the summer of 1998, but InterMedia has not yet filed with the City another FCC Form 1235 after the completion of the upgrade or rebuild of the cable system.

After the filing of the FCC Form 1235 by InterMedia on May 16, 1997, the City Council adopted Resolution No. 97-213, which directed InterMedia to keep an accurate account of all amounts received by reason of the rate increase requested pursuant to its FCC Form 1235 filing, in order that the City may, at its option, subsequently issue a written decision regarding the rate request and determining whether or not refunds should be provided to subscribers after completion of the upgrade or rebuild of the cable system. This resolution would order InterMedia to file another FCC Form 1235 in order for the City to complete its review of the monthly rate attributed to the rebuild of the system.

City staff recommends City Council adopt the resolution which would order InterMedia to file another FCC Form 1235 in order for the City to complete its review of the monthly rate attributed to the rebuild of the system.

Ms. Meldrum passed out a revised resolution and explained the revisions to Council.

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. 99-82. This motion was seconded by Councilman Cloninger and carried unanimously.

RESOLUTION BOOK NO. 25 - PAGE 218

B. CONSIDERATION OF WAIVING THE ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS MANUAL SIDEWALK REQUIREMENT FOR E-Z STORAGE FACILITY EXPANSION ON HIGHLAND BOULEVARD

When Mayor Sitnick asked if she would have a conflict of interest since Mr. John Powell is her attorney, City Attorney Oast felt that the Mayor did not have a conflict of interest. -19-

Ms. Cathy Ball, City Engineer, said that HP Properties, the developer for the E-Z Storage Facility expansion located on Highland Boulevard, has requested City Council waive the Unified Development Ordinance (UDO) and the Asheville Standard Specifications and Details Manual (Standards Manual) requirement for a sidewalk along Highland Boulevard.

Section 7-8-16 (f) (10) of the UDO requires that new construction on property place sidewalks as specified in the Standards Manual along street rights-of-way. The E-Z Storage Facility expansion proposes to build a self-storage facility on Highland Boulevard. This roadway is located in an industrially developed area bounded on the north end by I-40 and on the west end by Smokey Park Highway. The property has approximately 540 linear feet of road frontage.

The Standards Manual requires a five foot sidewalk along the rights-of-way for all newly developed projects. The Standards Manual stipulates that for any requirements for sidewalks to be waived the City Council must take action to grant the waiver.

Staff is in the process of requesting a modification to the UDO to allow developers to pay a fee in lieu of constructing a sidewalk. The recommended revisions will go to the Planning and Zoning Commission on July 7, 1999, and subsequently to City Council for action. The developer of the E-Z Storage Facility expansion has requested the waiver prior to the revision of the UDO. The developer does not wish to pay the fee in lieu of constructing the sidewalk.

Staff does not recommend that City Council waive the requirement that a sidewalk be placed along Highland Boulevard for the E-Z Storage Facility expansion. If the project has not received a Certificate of Compliance prior to the change to the UDO allowing a fee in lieu of constructing a sidewalk, staff recommends that the developer be allowed to pay the fee.

Staff requests that City Council not waive the requirement that a sidewalk be placed along Highland Boulevard as required by the UDO Section 7-8-16 (f) (10) for the E-Z Storage Facility expansion.

Ms. Ball said that in the past City Council has had two waivers come before them. The storage facility off of Sardis Road was a situation where there was no street there, just an open right-of-way, and staff recommended, and City Council approved, waiving the sidewalk requirement. The second request was for the Sweeten Creek Mini-Storage and that request was continued until the "fee in lieu of construction" criteria was developed and brought back to City Council for review through a UDO amendment.

Mr. John Powell, attorney, said that he felt it would be equitable for City Council to waive this requirement because the land is not appropriate to have a sidewalk on it. It is a dead-end street with no pedestrian-generating activities. He felt that they are paying taxes and those taxes should pay for those type of facilities. He urged City Council to waive the sidewalk requirement.

Upon inquiry of Councilman Sellers, Ms. Ball said that staff is in the process of working on what the fee in lieu of would be - one is to set a standard rate and make everyone pay the same dollar figure per linear feet, and the other option is to get an estimate on how much it would cost to build the sidewalk and either have them pay the full amount or a percentage of that. That is one of the things they are looking at to recommend to Council with the modification to the UDO.

Mayor Sitnick wondered the common sense of a sidewalk being required in an area where there is no opportunity for pedestrian traffic anywhere. Ms. Ball agreed but said that staff is looking at several different factors in the ordinance amendment Staff wants to make sure that fees in lieu of construction is not the rule, but the exception. -20-

City Manager Westbrook said that this is a way to help growth pay for itself. The impact on the City on sidewalks is not just replacing old sidewalks, but is building additional sidewalks that is caused in general by the growth in and around the City that pedestrians are now using. And, in all cases we can't go back in put those sidewalks in, but as development happens, if they can put the sidewalks in as part of that development, then it will help growth pay for itself.

Councilwoman Field said that when the fee in lieu of construction is before City Council, she requested staff come back to City Council with a recommendation about what we do about areas like this where it absolutely makes no sense to put a sidewalk in and if it's fair to require a fee in lieu of in that situation.

Councilman Cloninger moved to continue this request until City Council considers a modification to the UDO to allow developers to pay a fee in lieu of constructing a sidewalk. This motion was seconded by Councilman Sellers and carried unanimously.

C. RESOLUTION NO. 99-83 - RESOLUTION APPOINTING THE FOLLOWING PEOPLE TO THE EDUCATIONAL ACCESS CHANNEL COMMISSION: MR. TIM AMOS AND MS. CAROLYN MOORE AS

REPRESENTATIVES OF THE ASHEVILLE CITY SCHOOLS; DR. ALAN HANTZ AND MR. GREG DILLINGHAM AS REPRESENTATIVES OF UNC-ASHEVILLE; DR. BOBBIE SHORT AND MS. GERRY KOVACH AS REPRESENTATIVES OF THE BUNCOMBE COUNTY SCHOOLS; DR. OLIN WOOD AND MS. SHIRLEY McLAUGHLIN AS REPRESENTATIVES OF A-B TECHNICAL COLLEGE; AND THREE AT-LARGE REPRESENTATIVES

Vice-Mayor Hay said that this resolution will appoint the following people to the Educational Access Channel Commission: Mr. Tim Amos (4 year term) and Ms. Carolyn Moore (2 year term) as representatives of the Asheville City Schools; Dr. Alan Hantz (4 year term) and Mr. Greg Dillingham (2 year term) as representatives of UNC-Asheville; Dr. Bobbie Short (4 year term) and Ms. Gerry Kovach (2 year term) as representatives of the Buncombe County Schools; and Ms. Shirley McLaughlin (4 year term) and Dr. Olin Wood (2 year term) as representatives of Asheville-Buncombe Technical College.

On May 25, 1999, City Council interviewed Mr. Robert Brummond, Ms. Marion E. Mathews, Ms. Ashly Maag, Mr. Wally Bowen and Michelle Price.

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: Marion Mathews and Ashly Maag each received 5 votes and Robert Brummond and Michelle Price each received three votes. After a second vote was taken, Robert Brummond received 2 votes and Michelle Price received 4 votes.

Vice-Mayor Hay moved to appoint Marion Mathews and Ashly Maag to each serve a four year term and Michelle Price to serve a two year term as members on the Educational Access Channel Commission in addition to the representatives outlined above. This motion was seconded by Councilman Cloninger and carried on a 5-1 vote, with Mayor Sitnick voting "no".

RESOLUTION BOOK NO. 25 - PAGE 220

VI. OTHER BUSINESS:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 11, 1999, AND THE WORKSESSION HELD ON MAY 18, 1999 -21-

Councilman Cloninger moved for the adoption of the minutes of the regular meeting held on May 11, 1999, and the worksession held on May 18, 1999. This motion was seconded by Councilman Sellers and carried unanimously.

B. CLAIMS

The following claims were received by the City of Asheville during the week of April 23 - May 13, 1999: Lynn Burns (Water) and City Engineering.

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

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Mickey MaHaffey urged City Council to investigate the whimsical enforcement of certain laws and the overzealous enforcement of the begging laws by the Asheville Police Department.

Mayor Sitnick asked Mr. MaHaffey to meet with the City Attorney about these allegations.

VIII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 10:25 p.m.

CITY CLERK MAYOR
