

Tuesday - March 28, 2000 - 5:00 p.m.

Regular Meeting

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger (participating by speaker phone); Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; Councilwoman Terry M. Whitmire; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burlison

Absent: None

INVOCATION

Councilman Peterson gave the invocation.

ADDITIONS TO THE AGENDA

Councilman Peterson asked that a matter regarding an amendment to the City Council's Rules and Procedures be added to the agenda under "Other Business."

Mayor Sitnick asked for a brief discussion relative to the WNC Regional Air Pollution Control Board be added to the agenda under "Other Business."

I. PROCLAMATIONS:

II. CONSENT:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 15, 2000**
- B. RESOLUTION NO. 00-61 - RESOLUTION ADOPTING REVISIONS TO THE ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS MANUAL**

Summary: The consideration of adopting revisions to the Asheville Standard Specifications and Details Manual.

In May 1997, City Council adopted the Asheville Standard Specifications and Details Manual. This manual provided developers, engineers, architects and other design professionals with guidelines for development in the City of Asheville and the extraterritorial jurisdiction. Since that time some minor changes have been made and implemented in the Manual.

On November 9, 1999, City staff held a public meeting to get input on the revisions to the standards. Approximately 200 people were invited to attend. Approximately 25 people attended and provided input on the revisions to the Manual. In addition to public comment, other City departments suggested revisions to the Manual. Most of the public and other City department's comments are reflected in the revision to the Manual.

The major revisions consist of the following:

- o Revising the streetscape requirements to reflect the recent changes proposed by the Transportation Advisory Committee to the N. C. Dept. of Transportation (i.e., 4 lanes with median divided);
- o Allowing rolled (valley) curb for all residential streets;
- o Allowing 6" of stone and 2" of asphalt on private parking lots;

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- o Incorporating the recent changes to the Unified Development Ordinance (UDO) regarding sidewalks;
- o Adding the requirement that curb and gutter can be required by the City Engineer when necessary to control storm water runoff;
- o Removing the section regarding Traffic Calming as it has recently been adopted as a separate policy by City Council;
- o Allowing High-Density Polyethylene (HDP) Pipe to be used in the right-of-way for residential cul-de-sac and loop streets;
- o Rewriting Section 6.00 "Water Distribution" to reflect recommended revisions from the Water Resources Department;
- o Amending the Asheville Standard Specifications and Details Manual to be consistent with the requirements in the UDO (i.e., parking stall width); and
- o Providing sample easements for water and storm water lines.

Staff will be working with Planning and Development Department in the next several months to ensure that the Asheville Standard Specifications and Details provide standards that promote "Smart Growth" as a part of new development consistent with City Council goals.

Staff recommends that adoption of the revisions to the Asheville Standard Specifications and Details Manual.

RESOLUTION BOOK NO. 26 – PAGE 1

A. MOTION SETTING A PUBLIC HEARING ON APRIL 11, 2000, TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO CONSIDER A NEW CHARLOTTE STREET TRANSITION OVERLAY DISTRICT AND APPLICATION OF THAT DISTRICT TO 43 PROPERTIES LOCATED IN THAT AREA

D. MOTION SETTING A PUBLIC HEARING ON APRIL 11, 2000, TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO ALLOW TEMPORARY WIRELESS TELECOMMUNICATION FACILITIES AT APPROVED SITES

E. RESOLUTION NO. 00-62 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAROLINA MOUNTAIN ROOFING AND CONSTRUCTION INC. FOR THE SHILOH COMMUNITY CENTER ROOF REPLACEMENT

Summary: The consideration of a resolution authorizing the City Manager to enter into a roof replacement contract with Carolina Mountain Roofing and Construction, Inc. for the Shiloh Recreation Center.

In an effort to maintain city facilities, City staff, through the capital improvement process, has determined the Shiloh Recreation Center requires roof replacement. Staff solicited sealed bids from seven roofing contractors, three of which were minority contractors, to supply and install a new roofing system. Staff received five qualified bids which are as follows:

Construction Advantage, Inc. \$99,630.00

Service One, Inc. \$92,143.00

Stroup Sheet Metal Works, Inc. \$99,800.00

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Carolina Cornerstone Construction, Inc. \$87,957.00

Carolina Mountain Roofing and Const., Inc. \$69,400.00

Staff has reviewed all bids and determined that Carolina Mountain Roofing and Construction, Inc. is the lowest bidder and staff recommends acceptance of the total bid amount of \$69,400.00.

Approved funding is available in the capital improvement project account to pay for this roof replacement for Shiloh Recreation Center.

The Parks and Recreation Department requests City Council authorize the City Manager to enter into a contract for \$69,400.00 with Carolina Roofing and Construction, Inc.

RESOLUTION BOOK NO. 26 – PAGE 2

A. RESOLUTION NO. 00-63 - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE MERCHANTS FOUNDATION FOR A GRANT TO ASSIST WITH FUNDING FOR PHASE II OF THE PACK SQUARE RENAISSANCE PROJECT

Summary: The consideration of a resolution to apply and enter into an agreement with the Asheville Merchants Foundation for grant monies to assist with funding for Phase II of the Pack Square Renaissance Project.

The Pack Square Renaissance project is a public-private effort to develop and implement a plan for a redesigned Pack Square and City-County Plaza. Phase I of the project is currently underway and will involve the creation of a conceptual plan for this redesign. Phase II of the project will involve the development of a final plan and construction drawings and is estimated to cost in excess of \$150,000. The Pack Square Task Force, which is comprised of both public and private sector individuals, has been leading the project. The Task force recognizes that the vast majority of the funding for the project will need to come from sources other than the public sector. With this in mind, the Task Force is seeking grant monies to supplement private sector fundraising efforts.

The Planning and Development Department is requesting \$20,000 in grant funds from the Asheville Merchants Foundation. The grant does not require matching funds.

The Planning and Development Department recommends City Council adopt a resolution to apply and enter into an agreement with the Asheville Merchants Foundation for grant monies to assist with funding for Phase II of the Pack Square Renaissance Project.

RESOLUTION BOOK NO. 26 – PAGE 3

B. RESOLUTION NO. 00-64 - RESOLUTION CANCELLING THE CITY COUNCIL MEETING OF JULY 4, 2000

RESOLUTION BOOK NO. 26 – PAGE 4

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.

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

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III. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR A TELECOMMUNICATIONS TOWER AT 200 TUNNEL ROAD

Urban Planner Dan Baechtold said that the applicant, American Tower Corporation, is requesting another continuance in this matter. The public hearing was opened on September 28, 1999, and continued a number of times. The last two continuances have been at the request of the applicant. The applicant is attempting to co-locate on the existing tower on Kenilworth Knoll as an alternative to building a new tower. The applicant is having some difficulty working out the technical details of co-location, and therefore is not ready to withdraw the application for the new tower.

Letters have been received from American Tower Corporation and Crown Castle, the company that owns the existing tower, which indicate that all parties expect the co-location to be successful as soon as the technical issues are resolved.

Continuances in this matter have been granted in the past, because allowing the applicant time to seek co-location on an existing tower may obviate the need for a new tower. In the previous continuances, staff made an effort to choose a hearing date that would allow sufficient time for the applicant to resolve outstanding issues prior to the hearing. Because of the uncertainty about the date that this will be resolved, staff recommends continuing this matter indefinitely. Under this option, the applicant will notify the City when they are ready to proceed with the hearing. Staff recommends that the applicant be required to pay the costs of notice and advertising for rescheduling the hearing.

Staff recommends continuing this matter indefinitely, subject to the condition that the applicant pay any costs of notice and advertising caused by rescheduling the public hearing.

Mayor Sitnick stressed that it is very unusual for City Council to grant this many continuances and this in no way should be construed as City Council setting a precedence on continuances.

A brief discussion was held about Council's policy of co-location and since it appears that American Tower will be able to co-locate on an existing tower, a continuance is favored.

Vice-Mayor Cloninger noted that if co-location takes effect, it will not raise the height of the tower.

Mr. David Herbert stated that telecommunication towers are a blight on our community.

After Mr. Wesley Bennett, representing the McKibben Hotel Group, was given a brief explanation of what the continuance would allow, he supported continuing the matter.

Councilman Hay moved to continue this matter indefinitely, subject to the condition that the applicant pay any costs of notice and advertising caused by rescheduling the public hearing.

This motion was seconded by Councilman Worley and carried unanimously.

B. PUBLIC HEARING RELATIVE TO THE LOCAL HISTORIC LANDMARK DESIGNATION FOR THE PATTON/PARKER HOUSE LOCATED AT 95 CHARLOTTE STREET, ASHEVILLE, N.C.

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ORDINANCE NO. 2679 - ORDINANCE DESIGNATING THE PATTON/PARKER HOUSE LOCATED AT 95 CHARLOTTE STREET, ASHEVILLE, NORTH CAROLINA, AS A LOCAL HISTORIC LANDMARK

Mayor Sitnick opened the public hearing at 5:24 p.m.

Ms. Angela Heitter, Planning Technician, said that this is the consideration of an ordinance designating the Patton/Parker House located at 95 Charlotte Street as a Local Historic Landmark. The public hearing on this matter was advertised on March 17 and March 24, 2000,

The property known as the Patton/Parker House was built in 1868, during the Civil War-Reconstruction Era. The owner, Thomas Walton Patton, and two African-American carpenters were responsible for building the vernacular Victorian-style dwelling. The Patton/Parker House is a two-story, wood frame residential building. The majority of exterior and interior elements are original and maintain high significance. In addition, the House is one of the last remaining residential estates on the Charlotte Street corridor.

Designation of this building as a local historic landmark makes the property owner eligible for a 50% reduction of property taxes. Currently the assessed value of the property is \$441,100 and the total taxes paid for this year were \$5,954.85. If the Patton/Parker House and property were designated historic the taxes would be reduced by half to \$2,977.43.

When a property is designated historic, restrictions are placed on the property and to any exterior improvements or interior improvement where interiors are designated as significant. Any modification to the structures or land must receive a Certificate of Appropriateness from the Historic Resources Commission of Asheville and Buncombe County (HRC) and all improvements must follow the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings.

The ordinance designates the Patton/Parker House a Local Historic Landmark. It is important that properties of local significance be preserved and protected for cultural, historic, and economic reasons for future generations.

The HRC, by unanimous vote, recommends to City Council that the Patton/Parker House located at 95 Charlotte Street be designated a Local Historic Landmark.

Since Asheville is a Certified Local Government, the North Carolina Department of Cultural Resources, State Historic Preservation Office (SHPO), has the right to comment on any nomination for Local Historic Landmark designation. The SHPO concurs with HRC's recommendation.

City staff recommends City Council consider an ordinance designating the Patton/Parker House located at 95 Charlotte Street as a Local Historic Landmark.

Mayor Sitnick closed the public hearing at 5:28 p.m.

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

Councilwoman Field moved for the adoption of Ordinance No. 2679. This motion was seconded by Councilman Peterson and carried unanimously.

ORDINANCE BOOK NO. 18 – PAGE 180

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A. PUBLIC HEARING TO REZONE FIVE LOTS ON GLENDALE AVENUE FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

ORDINANCE NO. 2680 - ORDINANCE TO REZONE FIVE LOTS ON GLENDALE AVENUE FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

Mayor Sitnick opened the public hearing at 5:29 p.m.

Urban Planner Carl Ownbey said that this is the consideration of an ordinance to rezone property on five lots on Glendale Avenue from RS-4 Residential Single-Family Medium Density District to RS-8 Residential Single-Family High Density District. This public hearing was advertised on March 17 and 24, 2000.

The owners/applicants of this property are Dorothy Holt, Mike and Kim Dawson/Ron Moser. The property on Glendale Avenue (PIN Nos. 9658.18-30-3284, 4017, 4292, 6220, and 9014) is approximately 5 acres in size. The property owners have been working for the past two to three years to develop the property but have been unsuccessful due to the topography and the RS-4 zoning. The property owners are requesting that the property be rezoned to RS-8 to permit a denser development. The 2010 Plan indicates this area to be low density residential; however the majority of the Oakley area consists of small lots with development much denser than indicated by the 13 year old Comprehensive Plan. This particular area was zoned RS-4 during the Unified Development Ordinance process at the request of the Oakley community to identify lower density areas in the community.

The traffic impact of the area was reviewed by the Traffic Engineer and he indicates that theoretically under the RS-4 zoning potential development would generate 20 peak hour trips per day and under the RS-8 zoning potential development would generate 40 peak hour trips per day. Glendale Avenue has an average daily traffic count of approximately 3000 vehicles. With traffic signals at both terminuses of the road, several calculations were made as well as assumptions on turning movements at the intersections. A determination was made that the additional trips would have an unnoticeable difference in the operations of the two intersections.

The RS-8 zoning would permit development of the property as a conventional single-family lot subdivision. During the Planning & Zoning Commission meeting, other options were identified which would permit the development of this property for affordable housing. These options included the Planned Unit Development overlay zone and conditional use zoning (which was not adopted by City Council at the time of

the Commission's hearing).

The Planning and Development Department reviewed this rezoning and presented it to the Planning and Zoning Commission at their March 1, 2000, regular meeting with a recommendation to approve the rezoning request. After receiving comments from the public, the Commissioners voted 6 to 1 to recommend the rezoning of the five lots to RS-8 Residential Single-Family High Density District.

Mr. Ownbey responded to Councilwoman Field's concerns regarding two lots having no access onto Glendale Avenue. Even though Mr. Ownbey understood that City Council cannot rezone property based on its intended use, he did note that the property owner is planning to develop a subdivision on this property which will require a street to be built.

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Mayor Sitnick stated that she has received 2-3 phone calls and several letters opposed to the proposed rezoning.

Mr. Ron Moser, developer of the property, passed out a plat of the proposed subdivision to give Council an idea of what the property will be used for if rezoned. He spoke in support of the rezoning in that under the present RS-4 zoning, he cannot provide affordable housing on the proposed 19 lot subdivision.

City Attorney Oast reminded Council that this public hearing is only on rezoning the property and not Council's approval of the proposed subdivision plan. Any representation that is shown on the plan can be considered only for the purposes of what can be done with the property, not will be done with the property.

Ms. Kim Dawson, property owner, explained that it was her father (former property owner) that pushed for the RS-4 zoning during the UDO process because more apartment projects, such as Oak Knoll, were slated to be built in Oakley. And, since his family was one of a few families with a large amount of property in Oakley at that time and he did not want another complex in that area. She felt if it was not for her father's insistence on the RS-4 zoning at that time, the property would have probably been zoned RS-8.

Mayor Sitnick closed the public hearing at 5:53 p.m.

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

Vice-Mayor Cloninger felt that since City Council paid close attention to the different zoning designations during the UDO process and spent an enormous amount of time on the Oakley area, he felt the zoning classification of the current RS-4 should remain.

Councilwoman Field moved for the adoption of Ordinance No. 2680. This motion was seconded by Councilman Worley and carried on a 6-1 vote, with Vice-Mayor Cloninger voting "no".

ORDINANCE BOOK NO. 18 – PAGE 183

IV. UNFINISHED BUSINESS:

A. ORDINANCE NO. 2681 - ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE MEADOWS, PHASE III, LOCATED OFF ASCENSION DRIVE IN WEST ASHEVILLE

Due to the fact that Vice-Mayor Cloninger did not hear the entire public hearing on this issue and he did not vote to instruct the City Attorney to prepare the Order, Councilman Worley moved to excuse Vice-Mayor Cloninger from voting on this matter. This motion was seconded by Councilman Hay and carried unanimously.

City Attorney Oast said that following a public hearing on March 15, 2000, City Council voted to issue a conditional use permit for Phase III of The Meadows apartment complex. The order contains findings and conclusions developed from the public hearing and City Council's discussion. The order may be changed as Council wishes prior to its adoption.

Mayor Sitnick requested that City staff work with the developers to correct certain difficulties that have not been settled in the Phase II development.

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

Councilman Worley moved for the adoption of Ordinance No. 2681. This motion was seconded by Councilman Hay and carried unanimously (with Vice-Mayor Cloninger not voting).

ORDINANCE BOOK NO. 18 – PAGE 185

V. NEW BUSINESS:

A. RESOLUTION NO. 00-65 - RESOLUTION APPOINTING A MEMBER TO THE GREENWAY COMMISSION

Vice-Mayor Cloninger said that on February 22, 2000, City Council interviewed Phyllis Stiles and Crystal Pace. On March 21, 2000, City Council interviewed Judith Hamill.

Phyllis Stiles received 3 votes, Crystal Pace received 3 votes and Judith Hamill received one vote. Another vote was taken and Crystal Pace received 4 votes and Phyllis Stiles received 3 votes. Therefore, Councilwoman Whitmire moved to appoint Crystal Pace as a member of the Greenway Commission to serve a one year term, term to begin immediately and expire on December 31, 2000, or until her successor is appointed. This motion was seconded by Councilman Peterson and carried unanimously.

RESOLUTION BOOK NO. 26 – PAGE 5

VI. OTHER BUSINESS:

Procedural Change With Regard to Closed Sessions

Councilman Peterson said that after the worksession on March 21, 2000, City

Council came out of closed session and continued to discuss business. He felt an amendment to the City Council's Rules and Procedures should be that a decision will be made prior to going into closed session whether any further discussion will occur after the closed session so that the public and/or media will know whether they should wait or leave.

Mayor Sitnick said that Councilman Peterson's point is well taken, however, it is very rare that City Council does come out of closed session and then continues to discuss business.

City Attorney Oast said that it has been his experience that when City Council does have an announcement coming out of a closed session that Council will so advise the people in attendance prior to going into closed session. However, there was no announcement in this case and that was not done.

Councilman Peterson moved to amend the City Council's Rules and Procedures No. 25 "Closed Sessions," that requires City Council to make a decision, prior to making a motion to go into closed session, on whether there will be an open session after the closed session or whether the meeting will be immediately adjourned after the closed session. This motion was seconded by Councilwoman Whitmire.

Mayor Sitnick felt that the procedural change will inhibit City Council from having the opportunity to have additional discussion that Council thinks of at the last minute. Since this occurs so infrequently and since it is not often that City Council even goes into closed session, she encouraged the media to stay until the closed session is over to see if there is something

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further that will be discussed. She strongly felt that Councilman Peterson's motion prohibits City Council from having any kind of spontaneity in their thinking and in their process to bring things to the public.

Councilman Hay noted that in the past, the press used to stay until the closed sessions were over, the doors opened, and the meeting officially adjourned. He said that nothing has changed in Council's practice, but what has changed is the press' practice in not staying until after the meeting is officially adjourned.

Vice-Mayor Cloninger said that perhaps an alternative would be that anytime City Council goes into closed session that an announcement be made that it's possible there will be other discussion after the closed session. Then it's up to the press whether they want to stay or not – which has been the case always.

Councilwoman Whitmire was concerned that members of the public may want to hear whatever Council has to say in addition to the press. To avoid the perception that City Council is doing business behind closed doors, she wanted to continually have open meetings.

When Councilwoman Field suggested having closed sessions at the beginning of the meetings, Mayor Sitnick said that then Council would be keeping people much later than anticipated.

Councilman Peterson suggested that when Council goes into any closed session, they announce that there may be discussion of items after the closed session.

Mayor Sitnick said that if the motion fails, she suggested City Council go on record saying that anytime City Council goes into closed session there is the potential that they may discuss an item after closed session.

Vice-Mayor Cloninger also suggested that if staff is ever asked if there will be discussion after closed session, that staff can honestly reply that they don't know whether anything will be discussed after closed session.

The motion made by Councilman Peterson and seconded by Councilwoman Whitmire failed on a 2-5 vote with Mayor Sitnick, Vice-Mayor Cloninger, Councilwoman Field, and Councilmen Hay and Worley voting "no".

Mayor Sitnick stated that City Council needs to make sure that the press knows they are always welcome to stay until the closed sessions are over because there is always the opportunity for spontaneity at the end of a closed session.

WNC Regional Air Pollution Control Agency and Board

Mayor Sitnick said that the ad hoc committee she appointed will be having their first meeting on March 30, 2000, with a group of invited guests who will be at the meeting as resources. She said that it has been brought to her attention that there is the possibility of other discussion that may occur before that date that has to do with Buncombe County's feelings about the Air Pollution Control Board. Therefore, she wants to make sure that the County is aware that the City of Asheville wants to be a part of any dialog that occurs so that our input is on the table at the time of any decision-making. It is also her hope that any decision that is made by Buncombe County is not made prior to the meeting on March 30 so that the City has an opportunity to put our feelings forward about how to proceed with the Air Pollution Control Board discussion. Given the fact that Haywood County has pulled out, it might require the need to

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reconfigure the Board to either stay local, go to the state, etc. There is a passionate feeling in the City of Asheville that the City stay part of the process.

Councilman Peterson suggested a formal letter be sent to Buncombe County from the Mayor and City Council asking that the City be included in any discussions since this is a joint Board. He hoped that unilateral decisions will not made.

Ms. Hazel Fobes, Chair of Citizens for Safe Drinking Water and Air, said that it was "this organization which, in September 1998, was requested to make a statement before the Air Quality Committee of the State Environmental Management Commission regarding concerns over management of the WNC Air Pollution Control Agency and Board. I made that presentation. Some of the concerns we had voiced were cited in the 1999 Administrative Audit of the regional body carried out by the State. Since that time, many positive changes

have been effected at the Agency and in operation of the Board, lead by a new and able director and a qualified Board chair. There is a greater degree of fulfillment of responsibilities and sense of accountability. It holds monthly meetings, with first ever by-laws and attention to rules of procedure. It has created a strategic planning committee, a budget committee and enlarged and made its Advisory Council more representative and active. Personnel management has improved at the Agency; documentation has improved; and civil penalty procedures are enforced. In the light of the recent withdrawal of Haywood County from the regional agreement, CSDW has mobilized a coalition of interested civic organizations to consider the future of the agency and the board. We are requesting the Buncombe County Commissioners to withhold any decision which might lead to breakup of the interlocal cooperation. We believe that we need a regional, autonomous board and agency with functions as today taking advantage of the recent progress made. To that end, we would like to see a new interlocal agreement with the County and the City of Asheville for the present. We are prepared to offer specific arguments for continuing these local arrangements which assure effective monitoring and especially the support and involvement of the citizens." Ms. Fobes also handed out a letter from Nelda Holder, Chair of the WNC Regional Air Pollution Control Board, which lists most of the relevant initiatives of the past half year by the Board. In addition she passed out various other documents and articles.

Councilman Peterson moved to send to the Buncombe County Commissioners a formal letter from the Mayor and City Council requesting that the City be allowed to participate in the decision-making process regarding the future of the WNC Regional Air Pollution Control Agency and Board and that the County Commissioners not act unilaterally. This motion was seconded by Councilwoman Whitmire.

Councilwoman Field felt that perhaps the first thing that should happen is that we talk to the County before we start writing formal letters.

Mayor Sitnick said that she and Vice-Mayor Cloninger have a meeting tomorrow with the Chair of the County Commissioners, Mr. Tom Sobol, to discuss this issue and that the idea of a formal letter is just to put it on the record so that the community knows the City's intent to be a part of the process.

Councilman Worley felt that at the meeting set up for tomorrow with the County Chair, would be an ideal opportunity to community our concerns and our wishes without taking the formal step of a letter.

Councilman Peterson said that it was his understanding that at the County Commissioners meeting on Tuesday, April 4, the County is planning to take formal action. Therefore, if the City doesn't do something now, we will have missed the opportunity to make a statement.

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Vice-Mayor Cloninger asked if Councilman Peterson would consider having an understanding that after he and the Mayor meet with Mr. Sobol, they will memorialize the discussion through a letter to County Commissioners.

Mr. Jeff Fobes, Citizens for Safe Drinking Water and Mountain Xpress, strongly spoke in support of Mayor Sitnick's statements.

Mr. Mike Lewis urged City Council to insist to the County that the City of Asheville wants to be a part of this process. He felt if the Air Pollution Control Agency is taken over by the County, then it will become subject to political process.

Ms. Susan Hutchinson, representing the Clean Air Task Force of the Alliance, suggested a joint public hearing so that the public can have input into how they want air issues dealt with.

Councilman Hay felt that we are only talking about a written memorandum that affirms our understanding that a decision will be made jointly with us. The concern is a decision will be made and we won't be on record in some fashion or another as having said that. If we're on record in a written way, then the issues are squarely in front of everyone. When the letter is written and by whom seems less important than there is some written statement from the City to the County that this is important to us.

Councilman Peterson said that he would be willing to amended his motion to leave the contents of the letter up to the Mayor's and Vice-Mayor's discretion and that the letter not be sent until after the meeting with Mr. Sobol. He just wanted to make sure that there be some formal sense of the City before the County Commissioner's meeting on April 4.

Councilman Peterson therefore amended his motion to read that a formal letter be sent from the Mayor and City Council to the Buncombe County Commissioners, leaving the contents of the letter up to the Mayor's and Vice-Mayor's discretion, expressing Council's intent that the City of Asheville be included in the decision-making process regarding the future of the WNC Regional Air Pollution Control Agency and Board and that the County Commissioners not act unilaterally. Also that the letter not be sent until after the meeting with the County Commissioner Chair Sobol. This motion was seconded by Councilwoman Whitmire and carried unanimously.

Mayor Sitnick said that it will be her intent to have the meeting with Mr. Sobol and then immediately draft a letter and send it to the County Commissioners.

Claims

The following claims were received by the City of Asheville during the period of March 3-16, 2000: Phyllis Childress (Streets) and Mary Chambers (Water).

The following claims were received during the period of March 17-23, 2000: Debra Shook (Water), Margaret Coates (Water), Solomon Golson (Police), Jim Parker (Sanitation), Sandy Ford (Streets), Sandy Matzko (Water) and Jason Petty (Parks & Recreation).

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

Lawsuit

The City received the following Complaint on March 21, 2000, as follows: County of Buncombe v. Associates Financial Services Co. Inc. (property owner) and City of Asheville (demolition lien holder) – Tax foreclosure proceeding on which the City of Asheville allegedly holds a demolition lien on the subject property. This matter is being handled in-house.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

VIII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 6:55 p.m.

CITY CLERK MAYOR
