

Tuesday - July 18, 2000 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger; Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; Councilwoman Terry Bellamy; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT:

New Street Name Approval – Nettlewood Drive

Summary: The consideration of a resolution accepting the new proposed street name "Nettlewood Drive."

Nettlewood, Assoc. LLC., owners of lots in Nettlewood Professional Park, has petitioned the City of Asheville to accept the street name "Nettlewood Drive." The new street will begin at Hendersonville Road (U.S. Hwy 25) and end at U.S. 25.

City staff recommends adoption of the resolution.

Contract for Social Work and Police Partnership Grant

Summary: The consideration of a resolution authorizing the City Manager to contract with Blue Ridge Center for the provision of a social worker to work with the police in carrying out the activities of the Social Work and Police Partnership Grant.

The Asheville Police Department has received a grant through the North Carolina Department of Crime Control and Public Safety, Governor's Crime Commission for a Social Work and Police Partnership Project. The grant calls for the City to contract with Blue Ridge Center to carry out project activities. The grant provides \$49,000 as a professional service fee for the City to pay to Blue Ridge Center for the provision of a social worker. The social worker will work with juveniles to reduce runaway behavior.

Funds are allocated in the Police Department Professional Services Budget, 115-3502-421-3010.

City staff recommends the adoption of the resolution authorizing City Manager to enter into the contract with Blue Ridge Center.

Unattended Fuel Facility

Summary: The consideration of a resolution authorizing installation and operation of an unattended fuel facility at Sam's Club Membership Warehouse on Patton Avenue.

Sam's Club Membership Warehouse will operate an unattended service station at 645 Patton Avenue. They have asked for Fire Department assistance with meeting fire code standards so that the motor fuel pumps at the service station can be operated by vehicle drivers without an attendant.

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The Interim Fire Chief recommends City Council authorize installation and operation of an unattended fuel

facility at Sam's Club Membership Warehouse through adoption of the resolution.

Budget Amendment Regarding Transit Services

Summary: The consideration of a budget amendment in the amount of \$110,000 to reflect additional revenue and offsetting expenses in the Transit Services operating budget.

The City of Asheville received additional funds from North Carolina Department of Transportation for operation of a transit system. These funds were received in the FY 1999/2000 fiscal year. In order to appropriately account for these funds in the fiscal year in which they were received, it is necessary to amend the FY 1999/2000 budget. This amendment will take effect before FY 1999/2000 is officially closed.

City staff recommends City Council adopt the budget amendment in the amount of \$110,000 to reflect additional revenue and offsetting expenses in the Transit Department budget.

Mayor Sitnick asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda.

CONDITIONAL USE PERMIT PROCESS

City Attorney Oast and Planning & Development Director Scott Shuford reviewed with Council the conditional use permit process.

Prior to the public hearing City Attorney Oast suggested Council not discuss details of the project with the developer or with citizens. If Council must answer questions or correspondence, please do so in a generic fashion; sample language: "This project involves a special type of hearing – a quasi-judicial hearing – where we have to basically sit as judges and base our decision on information presented at the hearing. We cannot receive information outside of the hearing that might affect our ability to make an impartial decision at the hearing. If we heard what you had to say, it might jeopardize our ability to make an impartial decision and may keep a decision that supports your point of view from being upheld if that decision ever went to court. Please come to the public hearing and tell us your position – we do want to hear from you."

He suggested Council visit the site - this is especially effective if the entire Council (or a large part of the Council) attends as a group with Planning & Development staff serving as "tour guides." However, Council should decline invitations for site visits or on-site meetings with the developer or citizens. If Council does visit the site, in connection with the application, Council should disclose this information at the beginning of the public hearing.

He suggested Council ask questions of staff. Staff will make sure any information you receive will likewise be received by other Council members.

During the public hearing, he advised Council to listen to all speakers and ask questions. He suggested Council allow an opportunity for questioning of any speakers and staff members by anyone present if requested. A suggested method for allowing this to occur in an organized fashion is as follows: Open public hearing; presentation by staff; presentation by developer; persons in support; persons in opposition; rebuttal and questions by persons in support; rebuttal and questions by persons in opposition; rebuttal and questions by developer; and close public hearing.

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An applicant for a conditional use permit should be allowed sufficient time to present their application to the Council, and this may mean that the usual time limits cannot be strictly observed. Similarly, if there is organized opposition, sufficient time should be allowed for a presentation of relevant information. General

public comment may be held at the usual limits, and Council may take appropriate steps to move a presentation along, or avoid repetition.

City Council should base their decision on information received at the public hearing. State your reasons for support or opposition in terms of the standards for approval of conditional use permits. If you need assistance, staff will assist you in making any motion, in developing conditions for approval, or in stating your rationale for denial. A practice that has been working well is for staff to develop the written order, and submit it to Council at a later meeting.

Mr. Shuford said that this information will be put into the development material that can be distributed to the public.

BELE CHERE PRESENTATION

On behalf of the Bele Chere Board and Festival staff, Councilman Worley, 2000 Bele Chere Festival, presented City Council with this year's Bele Chere T-shirt and other Bele Chere items.

BOARDS AND COMMISSIONS

City Council instructed the City Clerk to arrange interview for various boards and commissions.

At the request of City Attorney Oast, Councilman Worley moved to waive the rules and take official action at this meeting. This motion was seconded by Councilwoman Bellamy and carried unanimously. Councilman Worley then moved to confirm and ratify the appointment of (1) Arlis Queen to the WNC Regional Air Quality Agency to serve until March 20, 2002, or until his successor has been appointed; and (2) Nelda Holder to the WNC Regional Air Quality Agency to serve until June 15, 2004, or until her successor has been appointed. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

OTHER BUSINESS

Conditional Use Permit – Old Sayles Bleachery Site

It was the consensus of City Council to hold the public hearing on the conditional use permit for Riverbend Marketplace (i.e. Walmart) at the Asheville Civic Center. City Manager Westbrook said that he will investigate the use of either the Banquet Room or the Thomas Wolfe Auditorium.

I-26 Connector Design Forum

Mayor Sitnick invited Council to the I-26 Connector Design Forum which will be held July 20-22, 2000, at the Radisson Hotel, Asheville, N.C.

Comment by Mickie MaHaffey

Mr. Mickie MaHaffey was concerned about the number of people running the red light on Biltmore Avenue between Pack Place and Café on the Square.

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ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 4:30 p.m.

CITY CLERK MAYOR
