

Tuesday - August 22, 2000 - 5:00 p.m.

Regular Meeting

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

INVOCATION

Mayor Sitnick gave the invocation.

ADDITION TO THE AGENDA

At the request of City Manager Westbrook, it was the consensus of City Council to add a resolution finding that a portion of the right-of-way known as Steele Avenue is not part of an adopted street plan on the Consent Agenda.

I. PROCLAMATIONS:

A. RECOGNITION OF HUD BEST PRACTICES AWARD FOR CONSOLIDATED PLAN

Mayor Sitnick recognized Community Development Director Charlotte Caplan, Will Kennedy, Mike Sobol, Steering Committee Vice-Chair Althea Goode, and the Chairs for the four focus groups: Beth Maczka, Amy Ray, Peter Larouche, and Mary Robertson for their work on assisting the City of Asheville receiving the HUD Best Practices Award for our consolidated plan. The City received this national award for the way it involved citizens in the preparation of a key plan for its housing and community development programs.

The award, presented to the City by the US Department of Housing and Urban Development (HUD), at its "Best Practices Symposium" in Washington DC, recognizes the City for its exemplary planning process.

B. PROCLAMATION RECOGNIZING THE QUALITY PROGRAMMING CHOSEN BY WLOS-ABC

Mayor Sitnick read the proclamation recognizing WLOS/ABC for choosing quality programming in airing the PRISM Awards 2000 which recognizes entertainment productions that accurately depict drug, alcohol and tobacco use and addiction. She presented the proclamation to Ms. Velinda Fisher, representative of WLOS/ABC.

II. CONSENT:

At the request of Councilman Peterson, Consent Agenda Item "I" was pulled for discussion.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 8, 2000, AND THE WORKSESSION HELD ON AUGUST 15, 2000

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B. RESOLUTION NO. 00-142 - RESOLUTION APPROVING THE RE-DESIGNATION OF THE STATE DEVELOPMENT ZONE

Summary: The consideration of a resolution approving the re-designation of the State Development Zone as proposed.

The City of Asheville has been notified by the NC Department of Commerce that our municipal State Development Zone will expire December 31, 2000. Application for re-designation is due before September 30, 2000, and will take effect January 1, 2001.

In 1998, the State of North Carolina created Development Zones to encourage and enhance economic development within areas of high poverty. Qualifying enterprises and activities receive significant tax credits for job creation and investment in machinery and equipment. In 1999, the State amended the legislation increasing the benefits but tightening the criteria controlling the size and location of the zone. As stated, the existing zone will expire on December 31, 2000.

Upon notification by the Department of Commerce about zone re-designation, a Task Force was assembled to determine the new zone according to the new criteria established by the State. The team included the following city staff: Mac Williams, Economic Development Director; Charlotte Caplan, Community Development Director; Gerald Green, Chief Planner; and, Mike Matteson, City Development Director. Others representing interested agencies included: Denise Fall, Asheville Area Chamber of Commerce; Sam Powers, AdvantageWest; Ray Burrows, NC Department of Commerce – Business & Industry Division; Jeff Fischbach, NC Dept. of Commerce – Community Development Division; Marvin Vierra, Cherokee Native American Business Development Center; Karen Cragnolin, Riverlink; Rich Olejniczak, Blue Ridge Center; and, Jim Stokoe, Land of Sky Regional Council.

The goal was to identify a zone, based on the new state-imposed criteria, which would encompass areas of high poverty (the total zone must have a minimum of 20% population below the poverty level) and also, areas with reasonable opportunities for economic development / redevelopment.

Staff recommends City Council approve the re-designation of the State Development Zone.

RESOLUTION BOOK NO. 26 – PAGE 111

C. RESOLUTION NO. 00-143 - RESOLUTION APPOINTING A PASSENGER RAIL SERVICE ACTION COMMITTEE

Summary: The consideration of appointing a Passenger Rail Service Action Committee to advise City Council on upcoming policy issues regarding the passenger rail service to Western North Carolina.

For the past several years, the North Carolina Department of Transportation (NCDOT) has been studying various rail routes across North Carolina. Of particular concern to Asheville as a destination city is when we will receive the passenger rail service, and where the rail station will be located. Recently the North Carolina General Assembly appropriated funding to NCDOT to conduct a study of the feasibility of providing rail service to Western North Carolina. The study will include the following: (1) A phased project timetable for the implementation of passenger service to Western North Carolina; (2) The cost of implementing each phase; and (3)

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Specific interim goals and performance measures to be used to determine the success in implementing this plan.

The report shall be submitted on or before March 1, 2001, to the chairs of the Senate Appropriations Subcommittee on Transportation, to the chairs of the House Appropriations Subcommittee on Transportation, and to the Fiscal Research Division.

Because some funding has now been appropriated and the process has started with that authorization, he feels it is in the City's best interest to formally appoint a committee to advise the City Council on issues that NCDOT will be studying. Furthermore, he believes NCDOT wants substantial local input on all the factors that will be covered by the study. The action committee will provide the City with a method of seeking public input, organizing and formalizing our recommendations to NCDOT.

Staff recommends that City Council appoint a Passenger Rail Service Action Committee. At the August 15, 2000, City Council worksession, it was the consensus of City Council that the Chair of the committee be Vice-Mayor Cloninger. Staff appointments to the committee should be Transportation Planner Ron Fuller, City Engineer Cathy Ball, City Planner Stacy Merten, Transit Services Director Bruce Black, Economic Development Director Mac Williams, and City Manager Jim Westbrook. It is also recommended that the committee include Bradley Hix with the Asheville Area Chamber of Commerce (who is also involved with the WNC Rail Committee) as well as appropriate representatives of other "interested parties" such as Buncombe County, Tourism Development Authority, RiverLink and Biltmore Village.

RESOLUTION BOOK NO. 26 – PAGE 112

D. MOTION SETTING A PUBLIC HEARING ON SEPTEMBER 12, 2000, TO CONSIDER A MODIFICATION FROM THE SUBDIVISION STANDARDS THAT REQUIRE EACH LOT ABUT A PUBLIC STREET FOR ROCKING PORCH SUBDIVISION LOCATED OFF OF WATERS ROAD

E. MOTION SETTING A PUBLIC HEARING ON SEPTEMBER 12, 2000, TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO IDENTIFY COLLEGES AND UNIVERSITIES, VOCATIONAL AND TRAINING SCHOOLS AS A PERMITTED USE IN THE INDUSTRIAL DISTRICT

F. MOTION SETTING A PUBLIC HEARING ON SEPTEMBER 12, 2000, TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO REVISE THE DEFINITION OF SIGN TO EXCLUDE CERTAIN ART AND WORKS OF ART FROM THE DEFINITION OF SIGN

G. MOTION SETTING A PUBLIC HEARING ON SEPTEMBER 12, 2000, TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH STANDARDS FOR A-FRAME SIGNS IN THE CENTRAL BUSINESS DISTRICT

H. RESOLUTION NO. 00-144 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 2000 GOOMBAY FESTIVAL ON AUGUST 25-27, 2000

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Summary: The consideration of a resolution to allow alcoholic beverages on August 25-27, 2000, at the 2000 Goombay Festival.

N. C. Gen. Stat. sec. 18B-300 (c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and/or unfortified wine on public streets, and on property owned, occupied or controlled by the City of Asheville. The City Council has adopted an ordinance pursuant to that statutory authority. Section 11-11 of the Code of Ordinances provides that City Council may adopt a resolution making other provisions at a special event or community festival.

The Parks and Recreation Department recommends City Council adopt a resolution allowing the possession and consumption of malt beverages and/or unfortified wine at the 2000 Goombay Festival to include the areas as described in the resolution.

RESOLUTION BOOK NO. 26 – PAGE 113

I. MOTION SETTING A PUBLIC HEARING ON TUESDAY, SEPTEMBER 19, 2000, AT 5:30 P.M. IN THE STEPHENS-LEE COMMUNITY CENTER LOCATED ON CARVER STREET TO CONSIDER A CONDITIONAL USE PERMIT FOR RIVERBEND MARKETPLACE (I.E. WALMART) FOR DEVELOPMENT ON THE OLD SAYLES BLEACHERIES SITE LOCATED AT 437 SWANNANOA RIVER ROAD

This item was removed from the Consent Agenda for discussion.

J. RESOLUTION NO. 00-145 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER FOR THE CARTER COVE ROAD SEWER PROJECT

Summary: The consideration of a resolution authorizing the City Manager to sign a change order with Cooper Construction Company for the installation of a sanitary sewer line on Carter Cove Road and Blackberry Lane in the amount of \$117,830.76 and a budget amendment in the amount of \$162,782 appropriating the full amount of revenue from MSD reimbursement for this project.

In December of 1998, City Council awarded a contract to Cooper Construction Company to install a sanitary sewer line and water line in the Carter Cove Road and Blackberry Lane area of North Asheville. This project was known as Beaverdam Annexation Area Carter Cove Sanitary Sewer Improvements. The original amount of the contract was \$442,278. Two changes orders have previously been approved by City Council for this project in the amounts of \$13,156.20 and \$11,134.50 respectively, bringing the current project total to \$466,568.70.

The first change order was due to increases in material costs from the time the project was bid until the time the Notice to Proceed was issued. The second change order was issued to provide for additional tree removal on the project.

This final change order request in the amount of \$117,830.76 is largely due to the amount of material that had to be removed from the sewer trench. Most of the earth material removed from the trench for the installation of the sanitary sewer line in Carter Cove Road was not suitable for backfill. Additionally, several underground springs were encountered and had to be drained prior to backfilling. With this change order, the final total cost of the project will be \$584,399.46.

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The budget amendment in the amount of \$162,782 to cover the change order and provide contingency funds will be funded with an appropriation of reimbursement revenues received from MSD for installation of sanitary sewer in the annexed areas.

Staff recommends that City Council authorize the City Manager to sign a change order with Cooper Construction Company in the amount of \$117,830.76 for the installation of a sewer line on Carter Cove Road and Blackberry Lane. Staff also requests that City Council approve the budget amendment in the amount of \$162,782 appropriating funds from MSD reimbursement for this project.

RESOLUTION BOOK NO. 26 – PAGE 116

K. ORDINANCE NO. 2734 - BUDGET AMENDMENT FOR CARTER COVE ROAD SEWER PROJECT

Summary: See Consent Agenda "J" above.

ORDINANCE BOOK NO. 18 – PAGE

L. RESOLUTION NO. 00-146 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BUCKEYE CONSTRUCTION COMPANY FOR BREVARD ROAD ANNEXATION AREA, PHASE 3, CONTRACT 2

Summary: The consideration of a resolution awarding the contract for Brevard Road Annexation Area Phase III Contract "2" to Buckeye Construction Company, Inc., in the amount of \$169,794.10.

This project is part of the Brevard Road annexation that occurred in the early 1990's. It is called the Brevard Road Annexation Area Phase III- Contract "2" Sanitary Sewer System Improvements and consists of the installation of approximately 3,528 linear feet of eight inch (8") diameter sanitary sewer line and 660 linear feet of four inch (4") diameter sanitary sewer service line and related appurtenances.

The Engineering Department received and publicly opened five (5) bids on Thursday, August 3, 2000, at 2:00 p.m. After a thorough review of the bid documents by the Engineering Department and the Office of Minority Affairs, Buckeye Construction Company, Inc., was found to be the lowest responsible bidder with a total bid of \$169,794.10. The Engineer's estimate for this project was \$ 211,175.00.

Funding for this project is included in the fiscal year 2000/2001 Capital Improvement Program (CIP) and will be financed through the issuance of two-thirds bonds.

Buckeye Construction Company, Inc., has performed several projects of this nature in the past without any major problems.

The construction time for this project is identified as 90 calendar days in the contract documents. The contractor will be required to pay the sum of \$250.00 as liquidated damages for each and every calendar day that he shall be in default after the time stipulated in the contract.

Staff recommends that City Council adopt a resolution awarding the bid for Brevard Road Annexation Area - Phase III - Contract "2" Sewer System Improvements to Buckeye

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Construction Company, Inc., the responsible low bidder, and authorize the City Manager to execute all necessary agreements and contracts.

RESOLUTION BOOK NO. 26 – PAGE 117

M. RESOLUTION NO. 00-147 - RESOLUTION EXPANDING MEMBERSHIP OF THE RECREATION BOARD FROM SEVEN TO NINE MEMBERS

Summary: City Council feels it is in the best interest of the City of Asheville to expand the membership of the Recreation Board from seven to nine members.

RESOLUTION BOOK NO. 26 – PAGE 124

N. RESOLUTION NO. 00-148 – RESOLUTION FINDING THAT THE RIGHT-OF-WAY KNOWN AS STEELE AVENUE IS NOT PART OF THE ADOPTED STREET PLAN

Summary: A consideration of a resolution finding that a portion of the right-of-way known as Steele Avenue is not part of the Street Plan adopted under N. C. Gen. Stat. sec. 136-66.2

According to N. C. Gen. Stat. sec. 136-96, upon request, a City shall adopt a Resolution indicating that the dedication described in a declaration of withdrawal is or is not part of the street plan adopted under N. C.

Gen. Stat. sec. 136-66.2.

To proceed with this process, George Goosman, attorney at law, has submitted a letter on behalf of Ronald Moser, Inc. William Holt and Mirian D. Holt certifying that there has been compliance with N. C. Gen. Stat. sec. 136-96 in that:

1. The portion of Steele avenue in question was dedicated for public use;
2. The described dedication of withdrawal has never been opened nor used by the public in the past 15 years;
3. His clients are predecessors in title from the original dedicator to the described dedication; and
4. The certification is grounded under applicable law.

Public Works Department staff has determined that a portion of the right-of-way known as Steele Avenue from the southernmost end of PIN No. 9657.06-39-9705 and the southernmost end of PIN No. 9657.06-39-6817 and continuing said abandonment to the end of said right-of-way, including the cul-de-sac at the northernmost end of Steele Avenue as shown on Plat Book 40, Page 91, is not part of the street plan adopted under N. C. Gen. Stat. sec. 136-66.2 and is not a City maintained right-of-way. There is a water line located within the dedicated portion and an easement will be conveyed to the City for its continued maintenance.

City staff recommends City Council adopt the resolution finding that the portion of the right-of-way known as Steele Avenue described within the withdrawal is not part of the street plan adopted under N. C. Gen. Stat. sec. 136-66.2.

RESOLUTION BOOK NO. 26 – PAGE 125

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.

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

ITEM PULLED FROM THE CONSENT AGENDA FOR FURTHER DISCUSSION

MOTION SETTING A PUBLIC HEARING ON TUESDAY, SEPTEMBER 19, 2000, AT 5:30 P.M. IN THE STEPHENS-LEE COMMUNITY CENTER LOCATED ON CARVER STREET TO CONSIDER A CONDITIONAL USE PERMIT FOR RIVERBEND MARKETPLACE (I.E. WALMART) FOR DEVELOPMENT ON THE OLD SAYLES BLEACHERIES SITE LOCATED AT 437 SWANNANOA RIVER ROAD

Councilman Peterson said that since it is anticipated that this public hearing will draw a lot of comments, he suggested City Council set a time in which the public hearing on September 19, 2000, will end and perhaps set a second date to continue the public hearing.

Discussion surrounded other dates City Council would be available if the public hearing was continued and who should be allowed to speak first.

Vice-Mayor Cloninger felt that Council should plan to have the entire public hearing on September 19 and then deliberate at a different meeting. If two public hearing dates are set, then people may decide to chose

the second meeting date and possibly it may not be necessary to have that meeting, thus not being able to voice their comments. In addition, if a person decides to go to one hearing and not the other, they will not have the benefit of hearing all the comments.

Councilwoman Field felt it was possible to get through this public hearing on September 19. If it turns out that it cannot be accomplished, then Council can continue it. She felt that after the first several comments, the important points will have been covered and it can be announced that only new points need to be brought before Council. She stated that just by their presence alone, they are making a statement. She agreed with Vice-Mayor Cloninger that we should try to get through the public hearing in one day.

Councilman Worley felt Council's goal should be to get the public hearing in on one date. He agreed with Councilman Peterson that it would be a good idea to stop at a time certain, take a poll of how many others would like to speak, and then determine whether the hearing can be concluded that night or be continued to another date.

Councilman Hay said that, based on past experience, he felt the public hearing could be concluded on one date – especially since this is the only issue Council will be hearing. He suggested City Council be clear that not everyone needs to speak if they have a representative from a group.

Councilman Peterson asked if the public hearing was continued to another date, how would the procedure of allowing cross examination be affected. City Attorney Oast explained that City Council does have the power to subpoena in situations like this, however, he has been working with Planning & Development Director Scott Shuford on some guidelines that will streamline the process to where that will hopefully not be necessary.

After discussion, it was the consensus of City Council to (1) have two microphones set up so people can form a line and be ready to speak; (2) have a sign-in sheet at the door for people who wish to speak; (3) pause the hearing at 11:00 p.m. and take a show of hands of how many others wish to speak and then determine whether the hearing can be concluded by Midnight or 12:30 a.m. or to continue the hearing to another date; (4) let representatives of

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groups speak first; and (5) make sure that all speakers are sworn in by the City Clerk prior to making comments.

Vice-Mayor Cloninger moved to set a public hearing on Tuesday, September 19, 2000, at 5:30 p.m. in the Stephens-Lee Community Center located on Carver Street to consider a conditional use permit for Riverbend Marketplace (i.e. Walmart) for development on the old Sayles Bleacheries site located at 437 Swannanoa River Road. This motion was seconded by Councilman Worley and carried unanimously.

III. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH A DEFINITION FOR ANCILLARY NON-RESIDENTIAL USES, TO ESTABLISH ANCILLARY NON-RESIDENTIAL USES AS A CONDITIONAL USE IN RESIDENTIAL ZONING DISTRICTS, AND TO ESTABLISH DEVELOPMENT STANDARDS FOR THIS USE

ORDINANCE NO. 2735 - ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH A DEFINITION FOR ANCILLARY NON-RESIDENTIAL USES, TO ESTABLISH ANCILLARY NON-RESIDENTIAL USES AS A CONDITIONAL USE IN RESIDENTIAL ZONING DISTRICTS, AND TO ESTABLISH DEVELOPMENT STANDARDS FOR THIS USE

Mayor Sitnick opened the public hearing at 5:40 p.m.

Urban Planner Dan Baechtold said that this is the consideration of an ordinance to amend the Unified Development Ordinance (UDO) to establish a definition for ancillary non-residential uses, to establish ancillary non-residential uses as a conditional use in residential zoning districts, and to establish development standards for this use. This public hearing was advertised on August 11 and August 18, 2000.

The Planning & Zoning Commission directed staff to prepare this amendment to address cases where it may not be appropriate to rezone property from residential to commercial, but it might be appropriate to allow parking, landscaping, or stormwater detention facilities in a residential zoning district. On July 20, 2000, the Planning & Zoning Commission voted unanimously to recommend approval of this wording amendment to the UDO.

At the worksession on August 1, 2000, City Council instructed the Planning staff to work with the City Attorney's office to finalize language changes in the wording amendment.

This proposed amendment establishes parking, landscaping, and stormwater detention for non-residential uses as conditional uses in all residential zoning districts and establishes standards for these uses. This ordinance adds another tool to the toolbox to be used in evaluating specific development proposals. Each application will be reviewed by the Technical Review Committee and City Council, and must be issued a conditional use permit. Adjacent property owners will be notified as specified in Section 7-5-20 of the UDO. The review of these uses will be site specific. In each case, City Council will have the option to deny the request, approve the request, or to add specific conditions to the approval.

Ms. Lola LaFey was concerned about relaxing our zoning laws in the City making it easier for businesses to come in and ruin the quality of life in our neighborhoods. Mr. Baechtold

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responded that this would be mostly limited to small scale expansions and only for parking, landscaping and stormwater detention.

Mayor Sitnick closed the public hearing at 5:50 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 moved for the adoption of Ordinance No. 2735. This motion was seconded by Councilwoman Field.

Councilman Peterson felt that because this is not a rezoning of property, property owners do not have the added protection of using the protest petition. He felt that there are some benefits to the adjacent property owners, but thinks that with the new conditional use process, that is the procedure that should be followed. He felt this amendment will actually make it much easier to change property from a residential use to a more commercial use. This amendment appears to him to be a creeping rezoning of property without actually having to go through rezoning process.

The motion made by Vice-Mayor Cloninger and seconded by Councilwoman Field carried on a 6-1 vote, with Councilman Peterson voting "no".

ORDINANCE BOOK NO. 18 - PAGE

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

A. ORDINANCE NO. 2736 - BUDGET AMENDMENT ESTABLISHING CAPITAL PROJECTS FOR PARKS AND RECREATION CAPITAL IMPROVEMENTS

Parks and Recreation Director Irby Brinson said that the Parks and Recreation Department is recommending City Council approve projects for Fiscal Year 2001 from the one-cent tax increase dedicated for capital improvements for Parks and Recreation.

Parks and Recreation staff, through a community input session, has developed an initial list of projects which could be funded from the one-cent tax increase for Parks and Recreation capital improvements. This initial list was shared with a citizen group who had participated in the development of the Parks and Greenway Master Plans. In addition, members of the Parks and Recreation Advisory Board, Greenway Commission, Public Art Board, and Parks and Greenway Foundation were invited to a meeting on July 24, 2000, at the Public Works Building. An overview of the process was discussed with the group which resulted in a recommendation that the total \$400,000 be used for specific projects in this fiscal year instead of using the \$400,000 to pay debt service towards borrowing approximately \$4 million. The overall justification for this decision is we need one year to determine whether a future bond referendum will be considered. We do not want to dedicate the \$400,000 over a long-term period to pay debt service without having general consensus about pursuing a bond referendum.

Staff identified projects that would be highly visible, geographically and economically distributed, address needs identified in the master plans which would be completed within the fiscal year, and partnered with other funding to increase the impact to the community. The top six projects are listed as follows:

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1. French Broad River Park Phase IV estimated cost \$ 70,000
2. Burton Street Playground estimated cost \$ 50,000
3. Ira B. Jones Ballfield estimated cost \$ 125,000
4. Broadway Greenway Master Plan estimated cost \$ 75,000
5. Royal Pines Park Demolition estimated cost \$ 30,000
6. Reid Recreation Center Renovations estimated cost \$ 50,000

Total \$ 400,000

He reviewed each of the top six projects in detail noting that staff is prepared to begin immediately with the implementation of this list upon approval by City Council.

The Parks and Recreation staff requests City Council approval of the top priority projects.

Mr. Brinson stated that these projects are not in anticipation of a bond. He said that the Parks and Recreation Advisory Board and the Parks and Greenway Foundation have discussed a bond, however, nothing final has been decided.

Councilwoman Field said that even though human services and social services are not part of City government, she felt that by building the infrastructure to provide parks and recreational areas for our children is an excellent investment.

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

Vice-Mayor Cloninger moved to adopt Ordinance No. 2736 and approve the top priority projects. This motion was seconded by Councilman Worley and carried unanimously.

ORDINANCE BOOK NO. 18 - PAGE

B. RESOLUTION NO. 00-149 - RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

Vice-Mayor Cloninger said that this is the consideration of appointing a member to the Civic Center Commission.

The term of Douglas Haldane, as a member on the Civic Center Commission, expired on June 30, 2000, and on July 25, 2000, City Council interviewed Mr. Peter Crosa and Mr. Doc Halliday.

Councilwoman Field moved to appoint Mr. Peter Crosa to the Civic Center Commission to serve a three year term, term to expire June 30, 2003, or until his successor has been appointed. This motion was seconded by Councilwoman Bellamy and carried unanimously.

RESOLUTION BOOK NO. 25 – PAGE 128

C. RESOLUTION NO. 00-150 - RESOLUTION APPOINTING A MEMBER TO THE TREE COMMISSION

Vice-Mayor Cloninger said that this is the consideration of appointing a member to the Tree Commission.

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There currently exists a vacancy on the Tree Commission. On July 25, 2000, City Council interviewed Mr. Doc Halliday.

Councilwoman Bellamy moved to appoint Mr. Doc Halliday to the Tree Commission to serve a three year term, term to expire December 31, 2003, or until his successor has been appointed. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 25 – PAGE 129

D. RESOLUTION NO. 00-151 - RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

Vice-Mayor Cloninger said that on August 22, 2000, City Council felt it was in the best interest of the City of Asheville to expand the membership of the Recreation Board from seven to nine members.

On July 25, 2000, City Council interviewed Ms. Susan Sparboe. Mr. Jim Drummond was a candidate, however, City Council did not request he be brought in for an interview.

Councilman Worley moved to appoint (1) Ms. Susan Sparboe to serve a three year term, term to expire June 30, 2003; and (2) Mr. Jim Drummond to serve an initial two year term, term to expire June 30, 2002. Both appointments are until their successors have been appointed. This motion was seconded by Councilwoman Bellamy and carried unanimously.

RESOLUTION BOOK NO. 26 – PAGE 130

VI. OTHER BUSINESS:

A. COMMENTS BY MS. LOLA LaFEY

Ms. Lola LaFey voiced concern over the large budget of the Asheville Police Department and federal funding in contrast to other budgeted departments of the City, i.e. Parks and Recreation. She urged City Council to instruct the Police Department to cease videotaping Asheville citizens for their political beliefs.

B. COMMENTS BY MR. DAVID THUNDERSHIELD

Mr. David Thundershield suggested City Council revise their agenda so that public comments could be heard at the beginning of the meetings and not at the end.

Mr. Thundershield asked that City Council instruct the Police Department to stop videotaping citizens based purely on their political beliefs. He said that this violates national police accreditation standards and they are doing it on a regular basis. He also felt the Police Department is over-funded while other worthwhile departments go under-funded. He felt we should be putting money into preventing crime and giving citizens a better start. He was also concerned about abuses by certain police officers that have gone unmitigated in the past.

C. CLAIMS

The following claims were received by the City of Asheville during the period of August 4-10, 2000: Paul Stergion (Water), Garry C. Sayles (Water), Timbers Condos (Sanitation), Ron Norris (Water), Amy Simon (Water) and Steve Britt (Water).

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The following claims were received by the City during the period of August 11-17, 2000: BellSouth (Water), Jessica Maddox (Water), Joel Neilson (Water) and Mary Narsiff (Water).

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

D. LAWSUITS

The following Petition for Review of Annexation Ordinance was received by the City on August 11, 2000: Frances C. Briggs, et al., v. City of Asheville. The nature of the proceeding is to declare the annexation ordinance for Annexation Area 2001-D to be null and void and to declare Annexation Area 2001-D not eligible for annexation by the City of Asheville. This matter will be handled by outside attorney William F. Slawter.

The following Petition for Review was received by the City on August 11, 2000: Carolina Power & Light Company v. City of Asheville. The nature of the proceeding is to review the annexation proceedings of the Long Shoals annexation Area C. This matter will be handled by outside attorney William F. Slawter.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

VIII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 6:32 p.m.

CITY CLERK MAYOR
