

Source

	Original	Amended	Difference
	1997		
NHS Contractor Development		CDBG	12,500
			2,007
			(10,493)
	1997		
NHS Apartment Development		CDBG	0*
			10,493
			10,493

* This project was also allocated \$100,000 in FY 1998

2000	Thoms Hospital Life House	HOME	300,000	0	(300,000)
2000	Buncombe County Rural Rehab	HOME	9,805	109,805	100,000
2000	WNC Housing Group Home	HOME	0	40,000	40,000
2000	MHO predevelopment costs	HOME	0	23,000	23,000
2000	Unallocated **	HOME	0	137,000	137,000

City staff recommends approval of the amendments.

Upon inquiry of Councilman Hay about using some of these funds to help with the relocation of tenants at 135 Merrimon Avenue, Ms. Caplan said the City cannot use HOME funds for that purpose. She said that an allocation of CDBG funds might be possible. She said they had in mind to do something along those lines when we have the proceeds from the sale of the Biltmore Avenue properties. Until those properties have been sold, she cannot recommend making fresh CDBG allocations because we don't really know exactly how much we are going to sell those properties for and we have already committed the funds from that sale

to other agencies.

Mayor Sitnick closed the public hearing at 8:13 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.

Councilwoman Field moved for the adoption of Resolution No. 00-215. This motion was seconded by Councilman Hay and carried unanimously.

RESOLUTION BOOK NO. 26 - PAGE 222

E. PUBLIC HEARING TO REZONE PROPERTY LOCATED OFF OF POND ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT (MANUFACTURED HOME OVERLAY DISTRICT) TO COMMERCIAL INDUSTRIAL DISTRICT

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At the request of the applicant, Vice-Mayor Cloninger moved to continue this public hearing until January 23, 2001. This motion was seconded by Councilman Worley and carried unanimously.

IV. UNFINISHED BUSINESS:

A. ORDINANCE NO. 2773 - ORDINANCE AMENDING THE CURRENT TAXICAB ORDINANCE INCLUDING THE IMPLEMENTATION OF A NEW TAXICAB RATE SCHEDULE

Revenue Manager Deborah Crowder said that this is the consideration of a revision of the current taxicab ordinance including the implementation of a new rate table.

N.C. Gen. Stat. sec. 160A-304 allows a city to license and regulate all vehicles operated for hire in the city.

Staff has reviewed Sec. 18 of the City of Asheville Code which sets forth the provision for regulation of taxicab businesses and drivers and several minor changes have been made to bring the Code up-to-date. For example, the current language of the Code requires a vehicle to have seat belts and heaters. The revision changes the language to terms like standard safety devices, and also includes the provision for air conditioners. Other terminology changes are *medallion* to *insignia*, *Motor Transport* to *Fleet Management*, etc. The driver's renewal period has been changed from the December 31 and June 30 dates to allow expiration one year from the date of issue. In addition, Sec. 18-80 authorizes Council to create and appoint a Taxicab Advisory Board for the purpose of reviewing all items of regulation in the ordinance including rates, insurance coverage and to be presented for City Council's consideration in all odd numbered ending years.

The taxicab rate schedule, formerly included in the City's Fees and Charges Manual, has been revised and moved to the Appendix of the City Code. The last rate change was approved in 1987. The schedule is removed from the Fees and Charges Manual because taxicab rates are not fees paid to the city. They are amounts paid, by the customer, to the business. The Fees and Charges Manual retains those amounts paid to the city, by the business or driver, that are associated with the regulation of taxicab businesses and drivers.

The fares recommended for the initial drop and the charge per 1/10th of a mile are slightly higher than those presented in September since the insurance rate for the taxicab owners has increased 49-52% since then. Those fares now being recommended are as follows: (1) for the initiation (drop) of the meter \$1.90; (2) for each 1/10th mile after initiation \$0.20; (3) for each piece of luggage in excess of two average size traveling bags or their equivalent in size \$0.25; (4) for each passenger in excess of two \$2.00; and (5) for each two

minutes of waiting time or fraction thereof after the first two minutes \$0.40. Notwithstanding the above listing, the total fare may include the following surcharge: For each trip that initiates or terminates beyond a (1) 3 mile radius from the center of downtown = meter plus \$3.00; (2) 5 mile radius from the center of downtown = meter plus \$5.00; and (3) 8 mile radius from the center of downtown = meter plus \$8.00. The proposed rates are proposed contingent keeping the insurance requirement at the minimum amount required by the State which after July 1, 2000, is \$30,000/person; \$60,000/accident; and \$25,000/property.

City staff recommends Council adopt the revised ordinance and rate schedule.

Discussion surrounded the issue of why City staff was now recommending that the insurance provision remain at the State level and not be raised to what they recommended on

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September 5, 2000, which was from \$30,000/person; \$60,000/accident; and \$25,000/property to \$100,000/person; \$300,000/accident; and \$50,000/property.

When Vice-Mayor Cloninger asked what would be the difference in premiums per vehicle for the taxicab companies if they raised the insurance requirement recommended by City staff on September 5, 2000, Ms. Crowder said that it's approximately \$212 per vehicle per year more.

Councilman Peterson noted that the insurance limits are not in the proposed ordinance and asked how that would be reviewed. Ms. Crowder said that some of the logic in creating the Taxicab Advisory Board is to review accidents, review increases in costs of operating the business, review any of the regulatory items in the ordinance, and to make recommendations to City Council on a more regular basis. That Board will review the insurance requirements and if they deem it necessary to increase that coverage, it will be brought to City Council's attention.

Upon inquiry of Mayor Sitnick, City Manager Westbrook said that he has been talking with the Airport Director expressing City Council's desire that the taxicab operators be authorized to work out of the Airport. They are amenable to that and they are currently working on it. It is also his understanding that the limousine operator working out of the Airport has or is going to stop operating that, so taxicab services will be more needed out there. In addition, Councilman Hay, liaison to the Airport Authority, noted that they are attempting to re-think the whole ground transportation issue.

Vice-Mayor Cloninger asked what would be the difference in the fare that the cab companies would contend that they need to charge if there was an increase in their insurance to \$100,000/person; \$300,000/accident; and \$50,000/property. Ms. Crowder explained why she believed it would probably double, making a taxi ride practically impossible for most of the people who depend on that transportation.

Mr. David Crook explained that he was struck by a taxicab over two years ago and he still owes on his medical bills. He urged City Council to increase their insurance requirements to \$100,000/person; \$300,000/accident; and \$50,000/property.

Representative Martin Nesbitt, representing the taxicab companies in Asheville, explained why the State minimum insurance rates are set so low and what kind of affect that has state-wide. He spoke in support of the proposed ordinance and increased taxicab rates, keeping the insurance provisions at the State's minimum level.

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. 2773 keeping the insurance provisions at the

State's minimum level. This motion was seconded by Councilwoman Field.

Vice-Mayor Cloninger said that he would reluctantly vote in favor of this ordinance understanding the challenges that face taxicab drivers. At the same time he is really troubled by the fact that people can ride in a taxi or be struck negligently by a taxi and be seriously hurt but yet be limited to approximately \$30,000 as to what they could receive, despite the fact that their medical expenses could be astronomical. Taxicab drivers do provide a valuable service in the community and we don't want to run them out of business. He felt the Taxicab Advisory Board may be the way to approach some of these challenges that are facing City Council in trying to protect the public and at the same time challenging taxicab companies as well. He explained

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why he did not agree that the fares would double if the insurance requirements were raised to \$100,000/person; \$300,000/accident; and \$50,000/property.

Councilman Hay shared the concern that there is a problem with insurance coverage, but it is balanced out by the need to keep taxicab companies running. There is a portion of our community that relies on affordable transportation and he hoped that the Taxicab Advisory Board will keep their eye on this issue.

Councilman Peterson felt that City Council does need to look at raising the insurance requirements but that at this stage, they may not have enough information to make an informed decision. He encouraged staff to gather more information. One possibility might be to talk with other municipalities about joint legislative action to try to have higher insurance requirements, but to have it affordable. Under the current rates, it's difficult to get a cab and he is willing to support the higher rates with assurances from staff that it will improve the services. He did think that we should be planning to look, in a year or two, at the insurance issue again.

Councilman Worley felt that clearly what City Council is doing is balancing the need of the public for reasonable transportation through the taxicabs with the need for adequate insurance coverage. He was also hopeful that the Taxicab Advisory Board will do a good job of analyzing the situation and come back to City Council with some reasonable recommendations within a year.

The motion made by Councilman Worley and seconded by Councilwoman Field carried unanimously.

ORDINANCE BOOK NO. 19 – PAGE 22

C. ORDINANCE DENYING THE CONDITIONAL USE PERMIT TO CONSTRUCT A WAL-MART SUPERCENTER AT THE INTERSECTION OF GERBER ROAD AND HENDERSONVILLE ROAD

City Attorney Oast said that due to the holiday schedule and the massive amount of paperwork attributable to the public hearing held by City Council on November 14, 2000, he asked that City Council continue this matter until their next formal meeting.

Councilman Hay moved to continue this matter until December 19, 2000. This motion was seconded by Councilman Peterson and carried unanimously.

V. NEW BUSINESS:

A. ORDINANCE NO. 2774 - ORDINANCE AMENDING THE ORDINANCE ESTABLISHING THE CIVIC CENTER COMMISSION

City Manager Westbrook said that this is the consideration of a draft Civic Center Commission ordinance amendment that has been prepared as directed by City Council and is ready for Council's approval.

On November 3, 1999, Council directed staff to work with the Civic Center Commission to update the Civic Center Commission ordinance and bring it in line with other appointed Boards and Commissions throughout the City.

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Since that initial charge from City Council, City Attorney Bob Oast, Civic Center Director David Pisha and City Manager Jim Westbrook have been working with the Civic Center Commission Chair Dr. Carl Mumpower to restructure the ordinance. The more prominent parts of the ordinance are as follows:

A. The Commission is created by City Council, and members are appointed by Council for terms of three years. The Chair of the Commission is appointed by City Council.

B. The duties of the Commission are to review and make recommendations on programming goals and objectives, to establish a procedure for handling customer service complaints, to establish committees as needed, develop and make recommendations to the Civic Center Director and City Manager regarding long-range plans of the Civic Center, to review and make recommendations on administrative policies and fees and charges, to accept gifts on behalf of the Civic Center, and to encourage the promotion of sports, recreation, entertainment and other cultural events and activities that might use services or facilities of the Civic Center.

C. The Commission would annually provide goals and objectives to the Civic Center Director for consideration in his preparation of the annual budget.

Councilman Edward Hay relayed how the current ordinance was not consistent with practice or state law.

At the City Council worksession on November 21, 2000, Dr. R. Carl Mumpower, Chair of the Civic Center Commission, said that the Commission is opposed to the City Council's appointing the Chair of the Commission. The Commission feels that City Council goes through a lot of trouble and interviews to appoint the 11 Commission members and those members should have the insight and awareness to elect their own chair.

City staff recommends that the Chair of the Commission be appointed by Council because this is a very important Commission and one in which the Council expects much work to be done as the City seeks to determine the future of the Civic Center. It is the opinion of staff that when the Chair is selected by the Council, as opposed to the Commission itself, the Chair has the full backing of the Council to move the Commission forward in concert with the goals and objectives of Council.

Councilman Hay thanked Dr. Mumpower and members of the Civic Center Commission for their diligence in working with City staff to prepare the new ordinance.

Councilman Hay said that last week he was basically arguing for appointment of the Chair by City Council. The reason why he was doing that was the Chair of the Civic Center Commission is a high profile position and has a unique job in the City and one that has opportunities for leadership. He thought this was an opportunity to develop a special relationship between City Council and its designated Chair. He felt it would give City Council a chance to be very clear with the person they selected about what their expectations were, and also it would give them an opportunity to involve the Commission in the work of the Civic Center in a different way. It seemed like an opportunity to him to create that special place. However, the Commission members feel very strongly that selecting their own chair is an important part of what they should do. That it's a matter of respect for them and a statement by the Commission that they think their work can be better performed by selecting their own chair. His position now is not that City Council should select the Chair of the Commission. Partly because he thinks the Commission is right and partly because he wants to say to the

Commission that he respects their

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opinion. He does think that we can create an opportunity here to give a special relationship between the City Council and the Chair of the Civic Center Commission. He proposes that the Chair be selected by the Commission and confirmed by City Council. That gives City Council the opportunity to meet with that person to discuss goals, objectives, expectations, and to build that relationship.

Councilman Peterson said that if the Commission recommended a Chair to City Council and City Council disagreed with their recommendation, then we are setting up an internal division. And, if the City Council is just going to take their recommendation as a formality and appoint whoever they recommend, then there is no point in City Council making that confirmation.

Vice-Mayor Cloninger felt City Council should let the Civic Center Commission appoint their own Chair. City Council does appoint every member of the Commission and if Council is confident enough about them that they are qualified to serve on the Commission, then they should be comfortable with the prospect that any one of them might eventually be appointed as the Chair. Secondly, he felt that the Commission members are in the best position to evaluate who they feel is best qualified to lead them. Thirdly, letting the Commission appoint their own Chair is an expression of confidence and support in the Commission as a whole.

Mayor Sitnick said that last week she was thinking that the Commission should make a recommendation of a Chair and that City Council would appoint the Chair. She agreed with all the points made and has confidence in the members of the Commission, but she would like to see better lines of communication along with more frequent communication. She would like to see something in the ordinance that actually says the Commission shall meet with the Council maybe three or four times a year at worksessions. Unlike most of the other commissions, the Civic Center Commission is high profile and has enormous public and regional interest and impact. In addition, the City taxpayers spend a huge amount of their taxes to subsidize and support the Civic Center. Therefore, she feels the Council has a greater responsibility of accountability to our taxpayers in being able to answer their questions and respond to their needs with regard to the Civic Center.

Councilman Peterson suggested the ordinance be amended so that the Civic Center Commission makes their recommendations to City Council with regard to programming goals and objectives, long range plans, and fees and charges. He also suggested they submit an annual report which City Council can review and give them structured feedback and a timeline, making sure that their goals are the goals of City Council. He asked that Section 2-62 (d) be amended to read "To develop and make recommendations to the civic center director, city manager and city council regarding long range plans for the Civic Center ..."

Vice-Mayor Cloninger asked that the monthly minutes of the Civic Center Commission be included in City Council's agenda notebook in the future.

Dr. R. Carl Mumpower, Chair of the Civic Center Commission, stated that the Commission is here to help City Council, not to work against them. No matter who appoints the Chair, they want to have a special relationship between the Commission and City Council from this point forward. They feel the problem has been the ordinance and lack of communication. They will help fix that. In fact, they have drafted a Council Relations Policy and they will do their part to start regularly communicating with City Council. He passed out the draft policy dated November 24, 2000.

Mayor Sitnick would like the Commission to meet with the Council more than annually - maybe three or four times a year at worksessions.

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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 Hay moved to adopt the ordinance with an amendment to Sec. 2-61 (e) to read "The Commission shall have a chair to be elected by vote of a majority of the entire membership of the Commission, including vacant seats, not later than 60 days after adoption of this ordinance and annually thereafter by the same method, said election be confirmed by a vote of City Council." Said motion died for a lack of a second.

Councilman Hay then moved to adopt Ordinance No. 2774 with an amendment to Section 2-61 (e) to read "The Commission shall have a chair to be elected by vote of a majority of the entire membership of the Commission, including vacant seats, not later than 60 days after adoption of this ordinance and annually thereafter by the same method." This motion was seconded by Vice-Mayor Cloninger.

Councilman Peterson offered an amendment to Councilman Hay's motion that Section 2-62 (a) be amended to read "To review and make recommendations to the civic center director, city manager and city council on programming goals and objectives for each venue in the Civic Center." (d) "To develop and make recommendations to the civic center director, city manager and city council regarding long range plans for the Civic Center to include, without limitation, capital improvements, new facilities and equipment, and to be available to the Council for referral or study of such matters" ; and (f) "To review and make recommendations to the civic center director, city manager and city council on proposals for changes in the fees and charges for use of Civic Center facilities."

Councilman Hay and Vice-Mayor Cloninger accepted Councilman Peterson's amendment to the original motion.

Councilman Worley offered an amendment to Councilman Hay's motion to add a new sub-section (j) in Section 2-62 to read "To meet and confer with City Council at least once a year and at such times as may be requested by City Council."

Councilman Hay and Vice-Mayor Cloninger accepted Councilman Worley's amendment to the original motion as amended.

Upon inquiry of Mayor Sitnick, City Attorney Oast said that there will be some method of orientation for new members.

The amended motion by Councilman Hay and seconded by Vice-Mayor Cloninger carried unanimously.

At 9:36 p.m., Councilman Hay moved to excuse Councilwoman Field from the meeting. This motion was seconded by Councilman Worley and carried unanimously.

ORDINANCE BOOK NO. 19 – PAGE

B. RESOLUTION NO. 00-216 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

Vice-Mayor Cloninger said that terms of Headlee Howard and Patricia Grant as Alternate members on the Board of Adjustment expire on January 21, 2001.

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On November 9, 2000, it was the consensus of City Council to reappoint Mr. Howard and Ms. Grant as Alternate members to each serve an additional three year term, terms to expire on January 21, 2004, or until

their successors are appointed.

Staff recommends City Council appoint two Alternate members to the Board of Adjustment.

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

Councilman Worley moved for the adoption of Resolution No. 00-216. This motion was seconded by Councilman Hay and carried unanimously.

RESOLUTION BOOK NO. 25 – PAGE 223

C. RESOLUTION NO. 00-217 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE DOWNTOWN COMMISSION

Vice-Mayor Cloninger said that the terms of Karen Tessier, Carol King, Alan Levy and Tim Fierle, as members on the Asheville Downtown Commission, expire on December 31, 2000.

On November 9, 2000, it was the consensus of City Council to reappoint Ms. Tessier, Ms. King, Mr. Levy and Mr. Fierle to each serve an additional three year term, terms to expire December 31, 2003, or until their successors have been appointed.

Staff recommends City Council appoint four members to the Asheville Downtown Commission.

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

Councilman Hay moved for the adoption of Resolution No. 00-217. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 25 – PAGE 224

D. RESOLUTION NO. 00-218 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE FILM BOARD

Vice-Mayor Cloninger said that the terms of Cindy Pomeroy, Peter Loewer, Sarah Blankenship, Pam Turner, Jerry Birdwell, Bill Norwood, and Katherine Talbot expired on November 1, 2000. In addition, Eric Scheffer, Barbara Pasternack and Anne Watkins have resigned their positions, thus leaving three unexpired terms until November 1, 2001.

Upon recommendation of the Asheville Film Board, City Council instructed the City Clerk to prepare the proper paperwork to reappoint Cindy Pomeroy, Peter Loewer, Sarah Blankenship, Pam Turner, Jerry Birdwell and Bill Norwood to each serve a three year term, terms to expire November 1, 2003. In addition, they instructed the City Clerk to prepare the proper paperwork to (1) appoint Robbie Williams to serve a three year term, term to expire November 1, 2003; (2) appoint Guy Chancey to fill the unexpired term of Eric Scheffer, term to expire November 1, 2001; and (3) appoint Andrea Dray to fill the unexpired term of Anne Watkins, term to expire November 1, 2001. All terms will be until their successors have been appointed.

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

Councilman Hay moved for the adoption of Resolution No. 00-218. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 25 – PAGE 225

E. RESOLUTION NO. 00-219 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE FAIR HOUSING COMMISSION

Vice-Mayor Cloninger said that Connie Barnette has resigned from the Asheville-Buncombe Fair Housing Commission, thus leaving an unexpired term until December 31, 2001.

On November 21, 2000, City Council interviewed Jim McCulley and Carol Ann Pothier.

Councilman Hay moved to appoint Jim McCulley to the Asheville-Buncombe Fair Housing Commission to serve the unexpired term of Ms. Barnette, term to expire December 31, 2001, or until his successor is appointed. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 25 – PAGE 227

F. RESOLUTION NO. 00-220 - RESOLUTION APPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

Vice-Mayor Cloninger said that the term of Lloyd Williams, as a member of the Firemen's Relief Fund, expires on January 1, 2001. On November 9, 2000, it was the consensus of City Council to reappoint Mr. Williams to serve an additional two year term, term to expire January 1, 2003, or until his successor has been appointed.

Staff recommends City Council appoint a member to the Firemen's Relief Fund.

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

Councilman Worley moved for the adoption of Resolution No. 00-220. This motion was seconded by Mayor Sitnick and carried unanimously.

RESOLUTION BOOK NO. 25 – PAGE 228

G. RESOLUTION NO. 00-221 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

Vice-Mayor Cloninger said that the term of Barbara Field expires on January 19, 2001. On November 9, 2000, it was the consensus of City Council to reappoint Ms. Field to serve an additional three year term, term to expire January 19, 2004, or until her successor has been appointed.

Staff recommends City Council appoint a member to the Metropolitan Sewerage District Board of Directors.

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

Councilman Hay moved for the adoption of Resolution No. 00-221. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 25 – PAGE 229

H. RESOLUTION NO. 00-222 - RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART BOARD

Vice-Mayor Cloninger said that Judy Swan has resigned as a member of the Public Art Board, thus leaving an unexpired term until December 31, 2001.

Upon recommendation of the Public Art Board, City Council instructed the City Clerk to prepare the proper paperwork to appoint Betty Clark to fill the unexpired term of Ms. Swan, term to expire December 31, 2001, or until her successor is appointed.

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

Councilman Worley moved for the adoption of Resolution No. 00-222. This motion was seconded by Councilman Peterson and carried unanimously.

RESOLUTION BOOK NO. 25 – PAGE 230

I. RESOLUTION NO. 00-223 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TRANSIT COMMISSION

Vice-Mayor Cloninger said that the terms of Grace Dorn and Tom Tomlin expire on December 31, 2000.

On November 21, 2000, City Council interviewed Stacy Anderson, Ruth Chaet and Jim McCulley.

Mayor Sitnick moved to appoint Stacy Anderson and Ruth Chaet to the Asheville Transit Commission to each serve a two year term, terms to begin January 1, 2001, and expire December 31, 2002, or until their successors are appointed. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 25 – PAGE 231

VI. OTHER BUSINESS:

A. CLAIMS

The following claims were received by the City of Asheville during the period of November 3-16, 2000: Gary Ridge (Police), BellSouth (Water), Leisa Barnette (Streets), Jennifer Richter (Water) and Ricky Briggs (Sanitation).

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

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

VIII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 9:41 p.m.

CITY CLERK MAYOR
