

**Arden - This is the largest of the proposed annexations, extending into the largest urban growth area adjacent to the city. This highly urbanized area is characterized by mixed land use, ranging from industrial to single-family residential. Infrastructure is generally good, but some relatively minor water and sewer upgrades would be needed. Clearly defined borders, and the connection of three existing satellite areas are additional benefits of this proposed annexation.**

Under State law, the City must follow a specific process for annexation that begins with the adoption of resolutions that describe the boundaries of the areas under consideration, fix dates for a public informational meeting, and a public hearing on the question of annexation. State law also allows simultaneous annexation of multiple non-adjacent areas.

The following steps and dates meet the process required by State law:

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Adoption of Resolutions of Intent March 13, 2001

Adoption of Plans of Services March 27, 2001

Public Informational Meeting May 3, 2001

Public Hearings May 22, 2001

Adoption of Annexation Ordinances June 12, 2001

Effective Date of Annexations June 30, 2002

City staff recommends that City Council adopt the resolutions of intent for the following five areas: Lowes, Upper Sondley, Old Dominion, Best Inns, and Arden area.

Mr. Benson stated that the resolutions of intent state that (1) it is the intent of the City Council of the City of Asheville to consider annexation of the territory described in the resolution pursuant to Part 3 of Article 4A of Chapter 160A of the North Carolina General Statutes; (2) a public informational meeting on the question of annexing the above-described territory will be held in the Public Works Building located at 161 S. Charlotte Street, Asheville, N.C., at 5:30 p.m. on the 3<sup>rd</sup> day of May, 2001, at which time a representative of the City of Asheville shall make an explanation of plans for extending services to said territory and all residents and property owners in said territory and all residents of the City of Asheville will be given the opportunity to ask questions and receive answers regarding the proposed annexation; (3) a public hearing on the question of annexing the above-described territory will be held in the Council Chamber located on the 2<sup>nd</sup> Floor of the City Hall Building, 70 Court Plaza, Asheville, N.C., at 5:00 p.m. on the 22<sup>nd</sup> day of May, 2001, at which time a representative of the City of Asheville will make an explanation of plans for extending Services to said territory and all residents and property owners in said territory and all residents of the City of Asheville will be given an opportunity to be heard; (4) a report of plans for extending services to the above-described territory

shall be made available for public inspection at the office of the City Clerk at least thirty (30) days prior to the date of the public informational meeting; (5) the statement of financial impact contained in the report shall be delivered to the Buncombe County Board of Commissioners at least thirty (30) days prior to the date of the public informational meeting; (6) a legible map of the area to be annexed and a list of identified persons holding freehold interests in property in the area to be annexed shall be posted in the office of the City Clerk, Asheville City Building, 70 Court Plaza, Asheville, North Carolina, at least thirty (30) days prior to the date of the public informational meeting; (7) the effective date of annexation shall be at least one year, but no more than 400 days, from the date of passage of the annexation ordinance; and (8) notice of the public informational meeting and public hearing shall be given as required by law.

In response to a question from Councilman Hay, Mr. Benson said that four of the five areas are zoned by the City in their extraterritorial jurisdiction area and the fifth area (Arden area) is in the Limestone Township zoning.

Mr. Kevin Rollins felt that the City should not annex people unless they want to be annexed. He felt the people in the proposed annexation areas have no vote in whether they want to be annexed or not. In addition, he felt that Asheville has too many boards and commissions and it's not possible for any one person to attend all of them. He felt that people do not have a say in their government because the government is doing too much and it's out of control.

Councilman Peterson said that people who are being annexed do get to vote for their state representatives and their state senators who set the state annexation laws. If the people in Buncombe County disagree with the annexation law, then they can vote for new state representatives and state senators.

Mr. David Gory felt that City government should not be forcing regulatory control and higher taxation on people who do not request it.

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Ms. Hazel Fobes questioned the notification process of people who are proposed to be annexed. Councilman Worley responded that every property owner proposed to be annexed will be notified by letter and there will be ample notice and ample opportunity for them to present their views.

Mayor Sitnick said that annexation, as authorized through state statute, is about equity. Equity for those people who exist in an urban setting. There are very specific rules on what can and can't be annexed as far as density and population. All of the people who live on the outskirts that are growing and becoming urbanized are using the city infrastructure to get to and from the urbanized places. That city infrastructure is being paid for solely by the Asheville taxpayer and it's being paid for for the benefit of everyone who uses it. That's why the state has a statute that authorizes cities to be able to annex areas that become urbanized because it becomes a tax equity issue.

Upon inquiry of Hazel Fobes, City Manager Westbrook said that most of the areas already have water and sewer lines installed.

Mayor Sitnick said that members of Council have been previously furnished with copies of the resolutions and they would not be read.

**RESOLUTION NO. 01-27 - RESOLUTION OF INTENT TO ANNEX LOWES AREA, SETTING A PUBLIC INFORMATION MEETING ON MAY 3, 2001, IN THE PUBLIC WORKS BUILDING LOCATED AT 161 S. CHARLOTTE STREET, AT 5:30 P.M., AND SETTING A CITY COUNCIL PUBLIC HEARING ON MAY 22, 2001, IN THE COUNCIL CHAMBER, LOCATED ON THE 2<sup>ND</sup> FLOOR OF THE CITY HALL BUILDING AT 5:00 P.M.**

Councilman Peterson moved for the adoption of Resolution No. 01-27. This motion was seconded by Councilman Worley and carried unanimously.

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**RESOLUTION NO. 01-28 - RESOLUTION OF INTENT TO ANNEX UPPER SONDRLEY AREA, SETTING A PUBLIC INFORMATION MEETING ON MAY 3, 2001, IN THE PUBLIC WORKS BUILDING LOCATED AT 161 S. CHARLOTTE STREET, AT 5:30 P.M., AND SETTING A CITY COUNCIL PUBLIC HEARING ON MAY 22, 2001, IN THE COUNCIL CHAMBER, LOCATED ON THE 2<sup>ND</sup> FLOOR OF THE CITY HALL BUILDING AT 5:00 P.M.**

Councilman Hay moved for the adoption of Resolution No. 01-28. This motion was seconded by Councilwoman Field and carried unanimously.

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**RESOLUTION NO. 01-29 - RESOLUTION OF INTENT TO ANNEX BEST INNS, SETTING A PUBLIC INFORMATION MEETING ON MAY 3, 2001, IN THE PUBLIC WORKS BUILDING LOCATED AT 161 S. CHARLOTTE STREET, AT 5:30 P.M., AND SETTING A CITY COUNCIL PUBLIC HEARING ON MAY 22, 2001, IN THE COUNCIL CHAMBER, LOCATED ON THE 2<sup>ND</sup> FLOOR OF THE CITY HALL BUILDING AT 5:00 P.M.**

Councilman Worley moved for the adoption of Resolution No. 01-29. This motion was seconded by Councilwoman Field and carried unanimously.

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**RESOLUTION BOOK NO. 26 – PAGE 297**

**RESOLUTION NO. 01-30 - RESOLUTION OF INTENT TO ANNEX OLD DOMINION FREIGHT AREA, SETTING A PUBLIC INFORMATION MEETING ON MAY 3, 2001, IN THE PUBLIC WORKS BUILDING LOCATED AT 161 S. CHARLOTTE STREET, AT 5:30 P.M., AND SETTING A CITY COUNCIL PUBLIC HEARING ON MAY 22, 2001, IN THE COUNCIL CHAMBER, LOCATED ON THE 2<sup>ND</sup> FLOOR OF THE CITY HALL BUILDING AT 5:00 P.M.**

Councilwoman Field moved for the adoption of Resolution No. 01-30. This motion was seconded by Councilman Worley and carried unanimously.

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**RESOLUTION NO. 01-31 - RESOLUTION OF INTENT TO ANNEX IN THE ARDEN AREA, SETTING A PUBLIC INFORMATION MEETING ON MAY 3, 2001, IN THE PUBLIC WORKS BUILDING LOCATED AT 161 S. CHARLOTTE STREET, AT 5:30 P.M., AND SETTING A CITY COUNCIL PUBLIC HEARING ON MAY 22, 2001, IN THE COUNCIL CHAMBER, LOCATED ON THE 2<sup>ND</sup> FLOOR OF THE CITY HALL BUILDING AT 5:00 P.M.**

Councilman Peterson moved for the adoption of Resolution No. 01-31. This motion was seconded by Councilwoman Field and carried unanimously.

**RESOLUTION BOOK NO. 26 – PAGE 305**

**D. RESOLUTION NO. 01-32 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE UTILITY**

## **AGREEMENTS WITH THE N.C. DEPT. OF TRANSPORTATION FOR PISGAH HIGHWAY PHASE II, HENDERSONVILLE HIGHWAY, AND SWEETEN CREEK ROAD PHASE II, AND BRIDGE 512 ON OLD US 70**

### **RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INDEMNIFICATION AGREEMENT WITH THE REGIONAL WATER AUTHORITY**

Water Resources Director Tom Frederick said that he will address City Council regarding the consideration of a resolution authorizing the Mayor to execute four Utility Agreements with the N. C. Dept. of Transportation (NC DOT) for Pisgah Highway Phase II, Hendersonville Highway, Sweeten Creek Road Phase II and Bridge 512 on Old US 70 Projects. He noted that City Attorney Oast will report to Council on the request from the Water Authority for an Indemnification Agreement.

Mr. Frederick said that there is law in North Carolina that our delegation is trying very hard to change, that requires municipalities over 5,000 in population to pay to relocate water lines in NC DOT right-of-way at the pleasure of NC DOT when roadway projects are being proposed. Because the Regional Water Authority in Asheville and Buncombe County is constituted under 160A of the General Statutes, the NC DOT treats the Authority as a municipality under the same rules that govern municipalities and requires that the Authority pays those non-betterment costs.

There are four projects that are in the process right now, upon which the NC DOT is asking the City of Asheville to execute utility agreements for relocation of water lines. Three of those fall into the category of non-betterment relocation: (1) Pisgah Highway Phase II, Budget \$628,600 in 329 Fund (2001 Revenue Bonds), Completion 2002; (3) Hendersonville Highway, Budget \$235,180 in 329 Fund (2001 Revenue Bonds), Completion 2001; and (3) Sweeten Creek Road Phase II

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(south of I-40 to Rock Hill Road), Budget \$1,245,770 in 335 Fund (Future Revenues, Proposed 2002 Revenue Bonds), Completion 2003. The fourth project (Bridge 512 on Old US 70 in Swannanoa, Budget \$5,000 in 329 Fund (2001 Revenue Bonds), Completion 2002) is not a non-betterment relocation project. The NC DOT is paying all "non-betterment" costs for this project since the existing water line was outside NC DOT right-of-way before this project was proposed. The City will pay only for the cost of added valves on the relocated water main, necessary to conform to current Asheville Standard Specifications.

Staff recommends that the Mayor be authorized to execute Utility Agreements with NCDOT for Pisgah Highway Phase II, Hendersonville Highway, Sweeten Creek Road Phase II and Bridge 512 on Old US 70 Projects.

Mr. Frederick answered various questions from Councilman Peterson, some being, but are not limited to, how old the lines are, are any of the new lines larger than the ones that already exist, and would the lines need to be replaced if there was not NC DOT project.

Mr. Frederick said that there is approximately \$2.1 Million required to be expended because of these four highway relocation projects. He pointed out that there are other NC DOT projects that are underway, which including these four, totally approximately \$5 Million.

City Manager Westbrook said that our local delegation is working hard to get House Bill 43 passed which will exempt the Water Authority from paying those costs.

City Attorney Oast reported on the other issue regarding the consideration of a resolution authorizing the Mayor to enter into an Agreement for limited indemnification of the Regional Water Authority and its members in connection with NC DOT projects.

In connection with several projects for road improvements by NC DOT that have involved relocation of water lines, an issue has arisen involving the overlapping jurisdiction of the Authority and the City.

When the NC DOT performs projects that require the relocation of local water lines, the relocation work is performed by NC DOT's contractors. Typically NC DOT enters into Utility Agreements with the local government having jurisdiction over the lines. This Utility Agreement gives the local government some ability to review and approve the work done on its lines, and is the vehicle by which the NC DOT is reimbursed for the costs of the relocation, where reimbursement is required.

Locally, when NC DOT work involves relocation of water lines, an issue of overlapping jurisdiction arises because, pursuant to the Water Agreement, the Water Authority establishes policy for and administers the water system, but the lines belong to the City, and the easements and rights-of-way in which they lie are controlled by the City. Previously, when the NC DOT projects have involved our lines, the City has entered into the Utility Agreements with the State, and the Water Resources Director or his staff have reviewed and approved the contractor's work. Some projects have required corrective work to be performed, but these issues have been resolved and reimbursements made.

The reimbursement payments to NC DOT come from the Water Fund. For this reason, the Water Authority has requested that it be a party to the Utility Agreements, in order that it can participate meaningfully in decisions regarding the adequacy of work on its water lines, and the payment of money from its operating budget.

The issue created for the City by this request is that the reimbursement payments provided for in the Utility Agreements must be made, or the State can withhold the City's Powell

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Bill funds (a substantial amount). Allowing the Water Authority to be a party to the Utility Agreements would create the potential for the Water Authority to jeopardize the City's Powell Bill allocation over an issue of technical compliance that may not cost much to correct, and this is unacceptable to the City.

The issue for the Water Authority is that, if the City approves substandard work by NC DOT, and that substandard work is later determined to be the cause of some water-system related damages (i.e., a ruptured line damaging adjacent property, or interrupting supply), the Water Authority and its members could be sued, and perhaps found liable.

Pursuant to the Water Agreement, the Water Authority is a body that can sue and be sued. Even though the situation that the Water Authority is concerned about is so far hypothetical, there is at least a theoretical liability exposure, and the Water Authority is requesting that it be protected in the unlikely event that a potential liability event should occur.

The agreement is my attempt, working with the Water Authority's attorney, to provide the requested protection, but limit it strictly to the situation where the exposure could occur, while not limiting the City's authority with respect to approval of water line relocation work. In summary, the only situation where the indemnity would be operative is where the Water Resources Director does not approve NC DOT's work and the Water Authority agrees (and does not waive the defect), but the City decides to overrule the objection. In that case, and only to the extent of the cost of correcting the disputed work, the reimbursement payment would be made directly by the City and the Water Authority could apply its money to fixing the problem. If City-approved defective work was identified as the cause of a problem, the indemnity would apply.

The agreement also provides that it may be terminated upon six months' notice by either party.

He said if Council agrees that the Water Authority's potential exposure should be addressed by providing a limited indemnity, then adoption of the resolution is recommended. However, he feels that if the situation were to develop that the Water Authority is concerned about, the City does have coverage through the Asheville Claims Corporation for the decisions made by public officials, to the same extent that City Council is covered for those same kinds of decisions. He didn't see where there is a need for this and recommended City Council not adopt the resolution.

City Attorney Oast said that if what the Water Authority is seeking is some kind of meaningful way to participate in the construction management process, he felt we could do that in some other way, other than this indemnification agreement. He said he would be glad to work with them and their attorney in an effort to try and do that and come back to City Council with a policy that implements that.

Councilman Worley moved to table the resolution authorizing the Mayor to enter into an Agreement for limited indemnification of the Regional Water Authority and its members in connection with NC DOT projects and that the City Attorney be directed to explore other alternatives and possibilities with the Water Authority and its attorney. This motion was seconded by Councilwoman Field and carried unanimously.

Ms. Hazel Fobes urged City Council to re-work the Water Agreement.

Mr. Peter Dawes felt that the Water Agreement is confusing and should be re-worked.

Mr. David Gory felt that not only should the Water Agreement be reviewed, but everything the City does, including every department, every person, every fee and every regulation.

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Upon inquiry of Mr. William Meredith, Mr. Frederick updated City Council on the water levels at our reservoirs.

Councilman Peterson requested that our local delegation be sent a letter outlining the enormous amount of money the Water Authority is having to spend because of the NC DOT non-betterment relocation of water lines. In addition, the letter should thank them for working on our behalf to get House Bill 43 passed.

Mayor Sitnick said that members of Council have been previously furnished with a copy of the resolution authorizing the Mayor to sign the utility agreements with NC DOT and it would not be read.

Councilman Hay moved for the adoption of Resolution No. 01-32 authorizing the Mayor to execute Utility Agreements with NCDOT for Pisgah Highway Phase II, Hendersonville Highway, Sweeten Creek Road Phase II and Bridge 512 on Old US 70 Projects. This motion was seconded by Councilwoman Bellamy and carried unanimously.

## **RESOLUTION BOOK NO. 26 – PAGE 309**

### **J. RESOLUTION NO. 01-33 - RESOLUTION APPOINTING A MEMBER TO THE NOISE ORDINANCE APPEALS BOARD**

Councilwoman Bellamy said that there are three vacancies (two regular members and one alternate member) on the Noise Ordinance Appeals Board. On February 27, 2001, City Council interviewed Mr. James T. Fink.

Councilman Worley moved to appoint Mr. James T. Fink to serve a two year term, term to begin immediately and expire on July 1, 2003, or until his successor has been appointed. This motion was seconded by Councilman Peterson and carried on a 5-1 vote, with Councilwoman Bellamy voting "no".

## RESOLUTION BOOK NO. 26 – PAGE 310

### K. DISCUSSION OF CITY COUNCIL RULE NO. 7 REGARDING PUBLIC ADDRESS

Mayor said that as a result of the February 27, 2001, formal meeting regarding people who are representing a group that do not have a structure being allowed 10 minutes for comments, she has asked for a discussion regarding City Council Rule No. 7 regarding public comment be discussed. At that meeting, she asked the City Attorney to draft some possible additions to Council's Rules of Procedure. She suggested, however, that the Council not create an administrative boondoggle for 99% of the people who don't abuse the public comment process but that the Council consider all of the options available to them.

The proposed amendment to the Rules and Procedures regarding address by group spokespersons as drafted by City Attorney Oast reads: "Any group or organization wishing to address City Council pursuant to this rule shall cause a copy of its organizational documents to be filed with the City Clerk at or prior to the City Council meeting where the organization or group proposes to speak. This only needs to be done once as long as the group or organization exists. Three or more persons in attendance at a Council meeting may designate one individual to speak for them at that meeting, provided they identify themselves at the meeting and further provided that no other member of the represented group may speak on the same subject without leave of Council. Council may adopt different or special rules for particular agenda items or public hearings, and may extend the times provided herein to allow for completion of responses to

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Council inquiries. Provided that the Council has adopted rules for quasi-judicial proceedings, this rule shall not apply to said proceedings. To the extent that this rule does apply to quasi-judicial proceedings, the Council may suspend or modify it as necessary to insure a fair proceeding and a complete record."

City Attorney Oast noted other items that City Council may wish to consider (1) limiting all speakers under "Informal Discussion and Public Comment" to three minutes; (2) requiring that persons wishing to address City Council during the public comment time sign up in advance of the meeting; or (3) Planning Director and City Attorney think that different rules would be appropriate for quasi-judicial proceedings, and the proposed amendment contemplates that.

Councilman Peterson understands the frustration, however, he didn't think Council should try to determine the issue of what is a legitimate group. He thinks that Council has reached that proper balance of providing a forum of any citizen who wishes to have input on issues concerning city government and running an effective meeting. He didn't think any major changes need to be made to the current rule. He did suggest that in Rule 7 (d), the sentence be amended to read "... under the "Informal Discussion and Public Comment" section of the agenda, any group or person wishing to address the council on any matter concerning city government not previously considered during the meeting may do so." (underline indicates addition) If the wording was added, it would then be left to the Mayor's discretion if it is a matter concerning city government. He felt City Council doesn't need to hear matters that they have no control over or hear matters that have already been decided.

Councilman Worley felt our existing rules cover the intent of public comment and that perhaps they have been abused a little. He suggested Rule 7 (d) (ii) be amended slightly as follows: "In lieu of the limitation set forth in (i) above, a group present at the meeting may elect to designate a spokesperson who may take no longer than ten minutes to compete a presentation. Other than the designated spokesperson, no member of the group may speak on the same subject without leave of Council." (underline indicates addition) In addition, he suggested adding a Rule 7 (d) (iii) to read as follows: "Council reserves the right, in its sole discretion, to (1) determine whether individuals present at a Council meeting constitute a group for purposes of this section; (2) extend the times for individuals or group spokespersons based upon the particular subject

matter being discussed and/or Council inquires to the speaker; (3) shorten the time allotted to any speaker based upon the subject matter, the relevancy to Council matters and/or similarity to prior comments from other speakers."

Councilman Hay didn't think the rules needed to be amended much. He felt that by setting the rules Council has communicated to the people that these are the guidelines within which everyone operates. He felt Council might need to communicate more clearly what their expectations are about the people's use of the rules. He felt that everyone needs to be treated fairly and that the rules are being administered even-handedly. City Council respects the speakers and the rules reflect that respect. Council expects that respect in return.

Councilwoman Field said that there are a lot of other ways to communicate with City Council other than addressing them at the formal meetings, i.e., e-mail, faxes, letters, phone calls, meetings. These rules have been in effect for several years. She thinks that what has happened now is that since the meetings are televised, there are many people who would like to come and put their agendas forth to the public on television. She agreed with Councilman Peterson's suggestion that the topics need to be relevant to City Council because the Council meeting is a public forum to talk about public issues.

Mayor Sitnick said that since she has been Mayor, she has opened up government and made people feel welcome in the Council Chamber. She has allowed people more opportunities to speak, to express themselves, to meet with the Mayor and to be a part of their government. In

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addition, while our rules say if you are a spokesperson you have 10 minutes to speak, if you're an individual you have three minutes to speak, and if you are part of the group that is being represented by a spokesperson you cannot be heard separately. She has not limited that discussion at City Council meetings. When here has been a spokesperson and members of the group, she has allowed the 10 minutes and members of the group have spoken for three minutes. She will continue that procedure. She has decided that she will not permit the very small number of people who choose to abuse the rules to make her change the way she conducts the City's business in the Council Chamber. She believes in open government and allowing people to speak. With regard to groups, she said she will not restrict any group (even if they are short-term or formed for one particular issue) from speaking.

Ms. Sharon Martin thanked Council for not restricting public comment. Regarding speaking about city government issues only, she felt that there are some issues that are global that do affect us on a local level but don't look like that on the surface.

Mr. Fred English felt the public comments should be limited to city government issues only.

Mr. Dan Waterman, representative of NC Hemp, felt it was the right of citizens to come to City Council and present their concerns. He urged them to not reduce the channels they have to voice their concerns.

Mr. Dave Mittler, representing Asheville People for Cannabis Education, wanted to make sure that all group spokespersons would be treated fairly with regard to the 10 minute speaking limitation.

Mr. Mickey Mahaffee, representing Peacemakers, felt that the Mayor is extremely tolerant with regard to public comments and from personal experience know that City officers are accessible for open government.

Ms. April Spring asked that City Council be careful not to cut out all the voices if only a few are disrespectful.

Mr. William Meredith felt that any attempt to put a limitation on what people have to say is wrong. He felt that City Council must hear public comments, even if they are in disagreement or disrespectful, in order to make



them better leaders.

Mr. Peter Dawes said that City government's public comment period is far more open than in County government.

Ms. Hazel Fobes agreed with Mr. Dawes about the restrictions in Buncombe County's board meetings regarding public comment.

It was the consensus of City Council to not amend Rule No. 7 regarding public comment.

## **VI. OTHER BUSINESS:**

### **Report on the Status of the National Basketball Association Discussions**

Councilman Hay updated City Council on negotiations concerning a National Basketball Association (NBA) league coming to the Asheville Civic Center. He said that City Council had reviewed four funding source options to renovate the Civic Center and, if Buncombe County's one-cent sales tax request is not adopted, has asked our local legislative delegation to introduce a bill to provide the City with authority for a one percent prepared food and beverage tax in the

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City of Asheville. Since that time, cities became aware of the recent decision by the State to withhold certain tax reimbursements to state governments. Because the NBA needed to know something soon, City Council could not be confident that they would be able to identify a funding source to update the Civic Center.

Councilman Worley said that Arena Ventures is still interested in a possible future in Asheville and those talks may resume as we learn more about our funding situation in Raleigh.

### **Comments by David Gory**

Mr. David Gory felt that the Civic Center should be sold.

### **Comments by Jason Cline**

Mr. Jason Cline, representing the Community of Compassion and other responsible advocates of cannabis throughout Western North Carolina, stated that cannabis and the issues surrounding it are subjects that do need to be addressed. However, Mr. Dan Waterman and Mr. Dave Mittler are not representing the best interests of the people of Asheville nor representing cannabis in an appropriate and thoughtful way. He explained there will be an educational rally on March 1, 2011, and invited City Council to attend.

### **Comments by Mickey Mahaffee**

Mr. Mickey Mahaffee stated that the two most vital elements to our lives are air and water and in our area they are in jeopardy. He urged City Council to re-work the Water Agreement.

### **Comments by Dan Waterman**

Mr. Dan Waterman said that since revenue seems to be an issue, he suggested the City, through UNC-Asheville and the Multiple Disciplinary Organization for Psychedelic Studies in Charlotte, seek a protocol experimental hemp field on the Azalea Road property recently purchased by the City.

### **Comments by Dave Mittler**

Mr. Dave Mittler said that regarding cannabis, false laws based on false information is a crime. Governments continue to refuse legal access to this beneficial plant for the many sick and dying in this world, they refuse production of food from the seed, and pollution free fuel.

### **Comments by Peter Dawes**

Mr. Peter Dawes stated the importance of the City doing something about air pollution.

### **Comments by Kevin Rollins**

Mr. Kevin Rollins felt City Council should reduce the number of laws, regulations and activities by City government at anyone time. Interested citizens cannot attend the many board and commission meetings because there are so many of them.

### **Claims**

The following claims were received by the City of Asheville during the period of February 9 – March 1, 2001: Asis Khan (Water), Sheila Plemmons (Water), Janice Lowe (Inspections), Sycamore Partners (Water) and The Golden Horn (Water).

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The following claims were received by the City during the period of March 2-8, 2001: BellSouth (Water), Rathburn Food Equipment (Streets), Michael Overstrom (Streets), Thomas Blair (Water), Lonnie Lepore (Streets), Martin Tschiffely (Sanitation) and Maria Fysal (Water).

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

### **Lawsuit**

The City received a Complaint on March 5, 2001, which is generally described as follows: Kathlyn Marie Stein and Michael Hootstein v. Asheville City Schools, et al. The nature of the proceeding is that the Defendant City is charged with failure to respond to and/or report the armed takeover of the Reid Center by three juveniles who displayed a weapon and plans to commit armed robbery and murder. Because of the number of defendants and the issues involved, the City Attorney" office will attempt to do some preliminary investigation in this matter prior to making a decision about representation.

### **VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

### **VIII. ADJOURNMENT:**

Mayor Sitnick adjourned the meeting at 9:23 p.m.

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CITY CLERK MAYOR

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