

Tuesday – June 19, 2001 - 3:00 p.m.

Worksession

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

Absent: None

CONSENT:

Setting Public Hearing to Demolish 191 Sulphur Springs Road

Summary: The consideration of a resolution setting a public hearing on July 10, 2001, for the adoption of an ordinance directing that the dwelling located at 191 Sulphur Springs Road be demolished and all debris removed from the property.

Budget Amendment regarding Pritchard Park

Summary: The consideration of a budget amendment, in the amount of \$4,000, for donations from the French Broad River Garden Club and the Asheville Downtown Association for Pritchard Park.

The City of Asheville staff met with several members of the French Broad River Garden Club about their interest in supporting the renovation of Pritchard Park. The Garden Club is able to make a donation in the amount of \$3,000 for the beautification of the park space.

At a later date, the City of Asheville will place a plaque paid for by the French Broad River Garden Club in an area of the park to acknowledge their contribution.

City staff was also approached by the Asheville Downtown Association who expressed interest in the project and committed \$1,000 towards the renovation.

The Parks and Recreation Department recommends City Council approve the budget amendment to increase the budget for the Pritchard Park.

Contract Agreements with Volunteer Fire Departments

Summary: The consideration of a resolution authorizing the City Manager to enter into agreements with the Haw Creek Volunteer Fire Department, the Riceville Volunteer Fire Department, the West Buncombe Volunteer Fire Department and the Enka-Candler Volunteer Fire Departments for fire protection services for annexed areas.

With the annexations effective July 1, 2001, for the City of Asheville, there are four areas that the City is required to contract with volunteer fire departments for service under North Carolina General Statutes. The same standard fire protection contract applies to all four of the affected volunteer fire departments.

The four areas that are effective July 1, 2001, and their associated volunteer fire departments are as follows:

01A Piney Mountain Road area Haw Creek VFD

01B Riceville Road area Riceville VFD

01E New Leicester Highway area West Buncombe VFD

01F Wedgefield Drive area Enka-Candler VFD

Contracts have been provided to and accepted by the above listed volunteer fire departments. The contracts are consistent with requirements set forth in N.C. Gen. Stat. sec. 160A-49.1. The Statute require a five-year contractual period. The contract documents have been written to allow for year-to-year continuance after the mandatory period, if both parties are agreeable to continue the contract.

City staff recommends City Council authorize the City Manager to contract with the necessary agencies for fire protection services as required by N. C. Gen. Statutes for annexed areas.

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

PACK SQUARE RENAISSANCE UPDATE

Ms. Carol King, Chair of the Board of Trustees for the Pack Square Conservancy Inc., updated City Council on the Pack Square Renaissance Project.

Of behalf of City Council, Mayor Sitnick thanked Ms. King and the efforts of the entire Board on this very important project.

HISTORIC DESIGNATION OF SILVERMAN COMPANY SIGN

Historic Resources Director Maggie O'Connor said that this is the consideration of a resolution designating the Silverman Company steel rooftop sign at 48 Swannanoa River Road historically significant and/or a landmark sign.

The owner of the Silverman Company steel rooftop sign located at 48 Swannanoa Road requests landmark sign designation of the 6 feet x 64 feet (384 square feet) steel roof top Silverman Company sign. The sign erected in 1924 has been maintained over the years. Sec. 7-13-2(c) of the Unified Development Ordinance (UDO) "Signs Exempt from Regulation," provides in paragraph 12 that landmark or historically significant signs are exempt from regulation, and that signs may be designated historically significant and/or landmark signs by the city council provided the signs satisfy one or more of the following criteria:

- A. The sign is significant to the history of the City of Asheville, including but not limited to, the character of the city as a tourist attraction or cultural center.
- B. The sign is unique, notably aesthetic or creative so as to make a significant contribution as a work of art.
- C. The sign merits recognition as an important example of technology, craftsmanship, materials or design of the period in which it was constructed and may no longer be economically feasible to produce or manufacture the sign today.

Pursuant to UDO sec. 7-3-4(a)(2), the Historic Resources Commission (HRC) may recommend to the City Council that certain objects be designated as historic or landmark. Though not specifically mentioned, this function includes signs. At its February 9, 2000, meeting, the Historic Resources Commission of Asheville and Buncombe County (HRC) reviewed a

request for landmark sign designation for the Silverman Company sign. By a unanimous vote the motion to recommend that designation passed. The HRC found the Silverman Company steel rooftop sign meets Criteria A; Criteria B because it denotes a local business; and Criteria C because a steel company made the sign out of steel for their business and, it is the only one of its kind that the Silverman Company designed and built.

This is an unusual case in that the Silverman sign, despite its historic characteristics, appears to be a relatively standard roof-top sign. Staff recognizes that approval of this request may result in similar requests for similar type signs that do not have the same level of historicity as the Silverman sign. By recommending approval, the HRC has taken a broad view with regard to the intent of the ordinance. If Council prefers that the ordinance be more tightly construed so that signs like the Silverman sign and Dreamland Flea Market sign are not considered eligible for such designation, staff would appreciate a discussion on the intent of the ordinance in order to provide appropriate direction to HRC and to modify our code requirements and guidelines as needed.

The HRC recommends approval of the request to designate the Silverman Company steel rooftop sign at 48 Swannanoa River Road historically significant and/or a landmark sign. If Council wishes to designate the Silverman Company steel rooftop sign as a landmark or historic sign, adoption of a resolution is required. If Council wishes to deny the request, a motion to that effect may be made, but is not required, or Council may vote down the resolution. If council denies the request, staff asks that you assist us in clarifying the intent of the ordinance that allows for the designation of historically significant/landmark signs.

At the request of Council members, Ms. O'Connor said that she would provide additional information to Council regarding if the company would still be allowed a free-standing sign, what size signage would be allowed if a free-standing sign were allowed, and how old the building is that the sign is located on.

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

MOTION SETTING A PUBLIC HEARING TO CONSIDER AN APPLICATION TO HUD FOR A CDBG SECTION 108 GUARANTEED LOAN AND ECONOMIC DEVELOPMENT INITIATIVE GRANT FOR THE REHABILITATION OF BUILDINGS IN SOUTH PACK SQUARE

Ms. Charlotte Caplan, Community Development Director, said that a motion is necessary in order to set a public hearing on June 26, 2001, to consider an application to the U.S. Dept. of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG) Section 108 Guaranteed Loan of \$800,000 and an Economic Development Initiative (EDI) Grant of \$340,000 for the rehabilitation of buildings in South Pack Square.

Councilman Worley moved to waive the rules and take formal action at this meeting. This motion was seconded by Councilwoman Bellamy and carried unanimously.

At the request of Councilwoman Bellamy, Councilman Worley moved to excuse Councilwoman Bellamy from participating in this matter due to a conflict of interest. This motion was seconded by Councilwoman Field and carried unanimously.

Councilwoman Field moved to set a public hearing for June 26, 2001, to consider an application to HUD for a CDBG Section 108 Guaranteed Loan and Economic Development Initiative Grant for the rehabilitation of buildings in South Pack Square. This motion was seconded by Councilman Worley and carried unanimously.

DISCUSSION OF OUTSIDE AGENCIES AND FEES AND CHARGES

It was the consensus of City Council to discuss each outside agency funding request separately as follows:

Asheville-Buncombe Community Relations Council

Approved in 2000-01 - \$63,000

Requested in 2001-02 - \$63,000

Committee Recommended - \$40,000. (After May 15, 2001, City Council Worksession, Committee Recommended - \$63,000)

After discussion, it was the consensus of City Council to appropriate \$63,000 to the Asheville-Buncombe Community Relations Council.

Asheville Area Arts Council

Approved in 2000-01 - \$30,000

Requested in 2001-02 - \$50,000

Committee Recommended - \$30,000

After discussion, it was the consensus of City Council to appropriate \$30,000 to the Asheville Area Arts Council.

Asheville-Buncombe VISION Inc.

Approved in 2000-01 - \$15,000

Requested in 2001-02 - \$15,000

Committee Recommended - \$15,000

After discussion, it was the consensus of City Council to appropriate \$15,000 to the Asheville Buncombe VISION Inc.

Visitor's Center

(Part of a 5-year Capital Campaign)

Approved in 2000-01 - \$100,000

Requested in 2001-02 - \$100,000

Committee Recommended - \$100,000

After discussion, it was the consensus of City Council to appropriate \$100,000 to the Visitor's Center. Mayor Sitnick and Councilman Peterson recommended no funding.

Buncombe County Economic Development Commission

(Annual payment for Board participation)

Approved in 2000-01 - \$50,000

Requested in 2001-02 - \$50,000

Committee Recommended - \$50,000

After discussion, it was the consensus of City Council to appropriate \$50,000 to the Economic Development Commission.

-5-

Asheville Sister Cities Inc.

Approved in 2000-01 - \$2,000

Requested in 2001-02 - \$2,000

Committee Recommended - \$2,000

After discussion, it was the consensus of City Council to appropriate \$2,000 to the Asheville Sister Cities Inc.

High County Art & Craft Guild

Requested in 2000-01 – Zero

Requested in 2002-02 - \$10,000

Committee Recommended – Zero

After discussion, it was the consensus of City Council to not appropriate any funds to the High Country Art & Craft Guild. Mayor Sitnick and Councilwoman Field would like to find some funding.

In order to show support the High Country Art & Craft Guild, it was the consensus of City Council to review the possibility of either writing off or reducing what Guild owes to the Civic Center at a later date.

Life on Life's Terms Inc.

Approved in 2000-01 - \$5,000

Requested in 2001-02 - \$18,000

Committee Recommended - \$5,000

After discussion about Life on Life's Terms Inc. being fiscally responsible and financially sound, it was the consensus of City Council to appropriate \$5,000 to Life on Life's Terms Inc. with the stipulation that the City not release payment until Life on Life's Terms Inc. demonstrates their on-going financial stability.

Mountain Center for Substance Abuse Prevention

Approved in 2000-01 - \$30,000

Requested in 2001-02 - \$30,000

Committee Recommended - \$20,000

After discussion, it was the consensus of City Council to appropriate \$20,000 to the Mountain Center for Substance Abuse Prevention.

One Youth At A Time, Inc.

Approved in 2000-01 - \$10,000

Requested in 2001-02 - \$20,000

Committee Recommended - \$10,000

After discussion, it was the consensus of City Council to appropriate \$10,000 to One Youth At A Time Inc.

-6-

Project STEAM

Approved in 2000-01 - \$5,000

Requested in 2001-02 - \$5,000

Committee Recommended - \$5,000

After discussion, it was the consensus of City Council to appropriate \$5,000 to Project STEAM.

RiverLink Inc.

Approved in 2000-01 - \$18,000

Requested in 2001-02 - \$25,000

Committee Recommended - \$18,000

After discussion, it was the consensus of City Council to appropriate \$18,000 to RiverLink Inc.

The Health Adventure

Approved in 2000-01 - \$5,000

Requested in 2001-02 - \$20,000

Committee Recommended - \$5,000

After discussion, it was the consensus of City Council to appropriate \$5,000 to The Health Adventure.

Coalition of Asheville Neighborhoods

Requested in 2000-01 – Zero

Requested in 2001-02 - \$30,000

Committee Recommended – Zero

After discussion, it was the consensus of City Council to not appropriate any funds to the Coalition of Asheville Neighborhoods (CAN). Councilman Peterson recommended funding CAN. Mayor Sitnick thought that in the future if they receive other funds, that the City should consider some funding for them.

Neighborhood Housing Services

Requested in 2000-01 – Zero

Requested in 2001-02 - \$15,000

Committee Recommended – Zero

After discussion, it was the consensus of City Council to not appropriate any funds to Neighborhood Housing Services.

Kids Voting

Requested in 2000-01 – Zero

Requested in 2001-02 - \$2,500

Committee Recommended – Zero (At the May 15, 2001, City Council worksession, the Committee Recommended \$1,000)

-7-

After discussion, it was the consensus of City Council to appropriate \$1,000 to Kids Voting.

YWCA

Requested in 2000-01 – \$15,000

Requested in 2001-02 - \$18,500

Committee Recommended – \$10,000

After discussion, it was the consensus of City Council to appropriate \$10,000 to the YWCA.

Fees and charges were discussed, but most particularly the following issues: (1) making sure that an application fee is not doubled if construction work is permitted prior to receiving the issuance of a permit, (2) adult softball fees, (3) summer playground fees, (4) Civic Center ice change-over fees, (5) skateboard park fees, and (6) fee in lieu of constructing sidewalks. City Council then gave direction to Budget Director Ben Durant on the fees and charges.

It was the consensus of City Council to charge certain ice change-over fees with exemptions for events that have been held at the Civic Center prior to the inception of hockey. New events (since the inception of hockey) will be charged certain ice change-over fees if their gross revenues are less than \$35,000. Councilman Peterson did not agree.

NEXT COMMUNITY MEETING LOCATION

It was the consensus of City Council to held their next community meeting on Tuesday, July 31, 2001, beginning at 7:00 p.m. at the West Asheville Community Center located at 970 Haywood Road, Asheville, N.C.

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

CLOSED SESSION

At 4:43 p.m., Councilman Hay moved to go into closed session in Room 209 of the City Hall Building for the following reasons: (1) to prevent disclosure of information that is privileged or confidential pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that renders the information to be discussed confidential is N. C. Gen. Stat. sec. 160A-168, the Personnel Privacy Act – G. S. 143-381.11 (a) (1); and (2) to consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including lawsuits involving the following parties: Betty Donoho, County of Buncombe, Western North Carolina Air Pollution Control Agency and City of Asheville – G. S. 143-381.11 (a) (3). This motion was seconded by Councilwoman Field and carried unanimously.

At 4:58 p.m., Vice-Mayor Cloninger moved to come out of closed session and continue with the City Council public hearing in the Council Chamber, located on the 2nd Floor in the City Hall Building. This motion was seconded by Councilman Worley and carried unanimously.

PUBLIC HEARING TO CONSIDER AUTHORIZING ARENA LICENSE AGREEMENT AND LEASE WITH THE NATIONAL BASKETBALL DEVELOPMENT LEAGUE

RESOLUTION NO. 01-91 - RESOLUTION AUTHORIZING ARENA LICENSE AND LEASE WITH THE NATIONAL BASKETBALL DEVELOPMENT LEAGUE

-8-

Mayor Sitnick reminded City Council that Rule 9 of the Rules of Procedure for City Council provides that "The Mayor shall have the following powers: ... (d) to call a brief recess at any time." The Mayor asked that Council members who need to leave a Council meeting that is in progress so inform her by either passing her a note or by moving for a brief recess pursuant to Council Rule 19 (c). Pursuant to N. C. Gen. Stat. sec. 160A-75, a council member who has withdrawn from the council chamber without being excused by a majority vote is recorded as an affirmative vote on any matters that come before council during his or her unexcused absence from the chamber.

Mayor Sitnick opened the public hearing at 5:00 p.m.

City Clerk Burleson noted that the public hearing was legally advertised on Saturday, June 9, 2001.

The following individuals spoke in opposition of the City bringing the National Basketball Development League (NBDL) to the Asheville Civic Center for various reasons, some being, but are not limited to: impact of basketball and hockey may have a negative effect on the Civic Center; questioned the feasibility of accommodating both hockey and basketball because of the limitations of the building; schedule regarding hockey is still a concern with limited weekend date, practice availability and whether it's going to be operationally feasible and financially feasible to make ice available for the hockey team to practice; scaled back youth and adult hockey league schedules; figure skaters will have limited ice time available to them; City is willing to spend \$170,000 on capital improvements to the Civic Center that will only benefit the NBDL and not all Civic Center users; the addition of basketball will have a negative impact on the Civic Center and will create a larger deficit for taxpayers; estimate of \$2,500 per game is inflated; basketball in this country is on a downward swing, while ice hockey and other ice related sports is on an upward swing; potential 10-year contract has unilateral terms for cancellation; the cost/benefit analysis estimates utilizing single source data is extremely difficult to validate; it's unrealistic to anticipate that the Asheville Smoke will survive as a second

primary tenant competing for a limited pool of discretionary sports entertainment dollars; concern with attendance projections; it is unreasonable to assume that, in the event the Civic Center is renovated, extensive systemic renovations required can be accomplished in an affordable fashion outside of the NBDL scheduled season; concern that a near term renovation/replacement of the Civic Center is not possible due to planning, financing, and community support issues; concern that the economic projections for the NBDL/Civic Center are not supported by the contract; concern of the Civic Center's ability to support this activity in the consistent and supportive manner the NBDL and Asheville Smoke deserve; the Smoke fan base will not support the NBDL in anyway; without a similar agreement at the same time for the Asheville Smoke, the Smoke could be at the mercy of the NBDL and the NBA; and there is no public support for basketball:

Mr. Dan Wilhelm, Asheville Smoke hockey team but representing himself

Mr. Tom Leslie

Ms. Gwen Lee

Dr. Carl Mumpower, Chairman of the Civic Center Commission (read a report dated June 19, 2001 and submitted a report dated June 11, 2001)

Mr. Phil Seymour

Mr. Rick Sweet

Ms. Christy Quinn, downtown business owner

Mr. O. Rice, employee of the hockey league

Mr. Dennis Justice, representing Save Our Smoke

When Councilman Hay asked if Dr. Mumpower's report is a formal recommendation from the entire Civic Center Commission, Dr. Mumpower stated that City Council did not ask the

-9-

Commission to make a formal vote on this contract. Their assumption has been that City Council was interested in anything the Commission could do to educate them and this is their good faith effort to do that. He said that all the Commission members received a copy of the final contract and was given an opportunity to offer comments to him. He is echoing their comments to Council now.

Discussion then surrounded whether City Council actually asked the Commission for their formal recommendation. City Council contends that the Commission was asked – Dr. Mumpower contends the Commission was not asked. Mayor Sitnick suggested the ordinance establishing the Civic Center Commission be amended so that for each issue that comes before the City Council regarding the Civic Center that City Council sends a formal written request to the Commission for their opinion and recommendation. Vice-Mayor Cloninger said that there may be ideas generated by staff that they would want to take to the Civic Center Commission first before they present it to City Council.

Mr. Dan Breneman, local business owner, spoke in support of bringing basketball to Asheville. He has seen what sports can do to a City and the influence of sports will do nothing but enhance the opportunities for hockey and other opportunities to bring people to Asheville. He hoped Council does everything they can to keep hockey and hopes Council finds a way to share the facility with other sports as well.

Mayor Sitnick closed the public hearing at 6:19 p.m.

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

Councilman Hay moved for the adoption of Resolution No. 01-91, authorizing arena license agreement and lease with National Basketball Development League. This motion was seconded by Councilman Worley.

Councilman Worley emphasized that in all of Council's discussions they have emphasized that they wanted to keep the Smoke and be fair to the Smoke. It's clear the Smoke has a strong and loyal fan base and they have made their concerns known to Council. Council has tried to address those concerns as they have come to their attention. Council is also concerned about the figure skating and other recreational use of the ice and they have tried to make certain that will still be accommodated. There has been a lot of discussion about the financial impact and Council does not want to put a burden on the City taxpayers. The NBDL has projected attendance of 3,500 per game and Council is highly skeptical about that figure. Council has based their financial analysis on 2,500 per game and even looked at the feasibility if it is less than 2,500 per game. When you look at hockey and basketball operating in the Civic Center arena together and you look at the expense incurred in the change over from the ice to a basketball floor and back, when you look at the revenues that would be received based on current experience and projected attendance, when you look at the expenses the City will incur, including all of that extra labor for the ice, it is still a financial benefit to the City to do the NBDL deal. At an average attendance of 2,500 per game in the first year there is a gain of almost \$56,000, in the second year and the third year that gain is reduced and then it gets up over \$100,000 for the rest of the term. That is a combination of hockey and basketball combined. Hockey and basketball also contribute substantially to the parking enterprise fund and the figures used are based on actual experience. When he talks about a gain, he is talking about the combined effect of the Civic Center enterprise fund and the parking enterprise fund. Based on that, he feels this is a good deal for the City – it provides us an extra entertainment venue for those people who are not Smoke fans and do want to see basketball, and yet it protects the venue for those people who are Smoke fans. He said that even if the Civic Center is not renovated in three years and the NBDL leaves, this is still financially positive for the City.

-10-

Councilwoman Field said she has been looking for more activity at the Civic Center. She felt the more activity at the Civic Center, the better it is for downtown and the whole community and the opportunity to renovate the Civic Center is much higher.

Councilman Peterson said there has been a lot of financial projections but it's all speculative. He felt the City would lose money in first three years given all the expenses and potential losses. He said we don't know what's going to happen to the Civic Center and it's speculative that the City is going to be able to renovate it within two years. He felt we will be in pretty much the same position in two years and if basketball is here, they are likely to leave. With so many unknowns out there, the City should be fiscally cautious and this deal seems to be too risky. In the long run it may work out for the City, but he thinks we will not get substantial progress within the next two year on the Civic Center. He was also concerned about the negative impact on the hockey team. The NBA has been good about trying to be flexible to accommodate the hockey team, but he thinks it will have a negative impact. He was also concerned about the loss of ice time for public skating in addition to the lost revenue. He felt the City needs to be a little more fiscally cautious and we need to be further along on the efforts to fix the arena. This is just not the best timing since we really haven't developed public consensus or support for either renovations or building something new.

Councilman Hay said throughout this entire process, he has learned how much interest there is in public skating and figure skating. One beneficial outcome of this process is that City Council now realizes that Asheville does need a year round ice skating facility. He suggested Council revisit that part of the Parks

Master Plan and see how that might be worked in. From the beginning of negotiations, the NBDL was told the City has two essential criteria: (1) we cannot negotiate any contract that will under any circumstances cost the City money; and (2) we cannot do anything that will run the Smoke out of town. On that basis they moved forward and the negotiations went well throughout because we had something to sell. A lot of what we've heard is the fear of the unknown. But what we need to do in any opportunity is to assess the risk, and very carefully make sure we think ahead to look at everything from every angle. But too many unknowns is not what keeps people from moving on and seizing a special opportunity. Eliminating the unknowns, assessing the risk, and then seizing the opportunity is what you do in a city that grows. He thinks the benefits that the NBDL will bring is something to remember. This will be a new entertainment event at the Civic Center, it will make money for the City, and there are several economic development benefits. He also thinks that the Smoke will benefit from it as well. He hoped that in the future the City would be able to provide the facility for the SFX Arena Ventures/NBDL basketball and 30 entertainment events by SFX.

Vice-Mayor Cloninger said that Councilmen Hay and Worley articulated his views on this issue but he did want to thank them for the countless hours they have worked on this issue.

Mayor Sitnick stated that we do need things in this area for our young people to do. People are now coming forward that agree that we need additional recreational opportunities for our young people and we are trying to find a way, with land and resources, to create that opportunity. She said it may start with an ice rink, but the proposal has been to look at the possibility of a multi-venue sports recreational family oriented complex, that has an ice rink, a roller rink, a bowling alley, a ballroom, a climbing wall, a tot land, an in-line outdoor track, and maybe some tennis courts and basketball courts. She has asked staff to look at what it involves, what it might cost, how it can be done, and has been talking to several people in the community. She hopes that we will be able to put some plan of that nature into the future for our parks and recreational budgets. She wouldn't feel very good about not allowing the NBDL to come to Asheville with this incredible revised contract and take a chance on our Civic Center and our community. She knows that we have a good thing in the Asheville Smoke and we have a lot of fans who love hockey. She is mostly concerned about the fact that Smoke's survival is based on what they are able to generate enthusiasm-wise in the community. She doesn't think the

-11-

Smoke's survival has anything to do with the NBDL if it joins the Civic Center to produce events there. She thinks the attendance numbers projected by the NBDL are unrealistic, but she feels that if we don't take a chance on this, then we will never know.

The motion made by Councilman Hay and seconded by Councilman Worley carried on a 6-1 vote, with Councilman Peterson voting "no".

Councilwoman Bellamy acknowledged that Asheville Smoke has stayed at the Civic Center when others have pulled out. Council did not discount the passion of Smoke fans during their deliberations. She felt that Asheville needs to take this chance because it's a different venue for people in our City. This is an opportunity for people to take part in something they haven't been able to in the past. She thinks it will work. We had to take a chance on hockey coming to Asheville and that has worked well. She has listened to both sides of the story and has taken into consideration Asheville Smoke. She said Council is doing what is in the best interest of the City of Asheville for all citizens. She felt this is a great opportunity for the NBDL to come to Asheville.

RESOLUTION BOOK NO. 26 – PAGE 389

CLOSED SESSION

At 6:56 p.m., Councilman Hay moved to continue their closed session discussions in Room 209 of the City Hall Building for the following reasons: (1) to prevent disclosure of information that is privileged or confidential pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that renders the information to be discussed confidential is N. C. Gen. Stat. sec. 160A-168, the Personnel Privacy Act – G. S. 143-381.11 (a) (1); and (2) to consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including lawsuits involving the following parties: Betty Donoho, County of Buncombe, Western North Carolina Air Pollution Control Agency and City of Asheville – G. S. 143-381.11 (a) (3). This motion was seconded by Councilman Worley and carried unanimously.

At 8:10 p.m., Councilwoman Bellamy moved to come out of closed session This motion was seconded by Councilwoman Field and carried unanimously.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 8:10 p.m.

CITY CLERK MAYOR
