

Tuesday – August 14, 2001 - 5:00 p.m.

Regular Meeting

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 (arrived in meeting at 5:20 p.m.); and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Worley gave the invocation.

I. PROCLAMATIONS:

II. CONSENT:

Vice-Mayor Cloninger asked that Consent Agenda Item D be removed from the Consent agenda due to a conflict of interest.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 24, 2001; THE COMMUNITY MEETING HELD ON JULY 31, 2001, AND THE WORKSESSION HELD ON AUGUST 7, 2001

B. RESOLUTION NO. 01-123 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH T & K UTILITIES INC. FOR THE PROJECT KNOWN AS MAPLE SPRINGS ROAD SANITARY SEWER SYSTEM IMPROVEMENTS

Summary: The consideration of a resolution awarding the contract for Maple Springs Road Sanitary Sewer System Improvements to T & K Utilities, Inc., in the amount of \$132,760.00.

This project will provide sanitary sewer service to several parcels on Maple Springs Road, which were inadvertently overlooked for service at the time of the 1983 annexation. It is called the Maple Springs Road Sanitary Sewer System Improvements and consists of the installation of approximately 1,713 linear feet of eight-inch (8") diameter sanitary sewer line and 350 linear feet of four-inch (4") diameter sanitary sewer service line and related appurtenances.

The Engineering Department received and publicly opened eight (8) bids on Thursday, July 19, 2001, at 2:00 p.m. After a thorough review of the bid documents by the Engineering Department and the Office of Minority Affairs, T & K Utilities, Inc., was found to be the lowest responsible bidder with a total bid of \$132,760.00. The Engineer's estimate for this project was \$163,430.00.

Funding for this project is included in the Fiscal Year 2000/2001 Capital Improvement Program and will be financed through the two-thirds bonds, previously issued by the City.

T & K Utilities Company, Inc., has performed several projects of this nature in the past in a satisfactory manner.

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

that he shall be in default after the time stipulated in the contract.

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Staff recommends that City Council accept a resolution awarding the bid for Maple Springs Road Sanitary Sewer System Improvements to T & K Utilities, Inc., and authorize the City Manager to execute all necessary agreements and contracts.

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C. RESOLUTION NO. 01-124 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CANDLER CONCRETE WORKS INC. TO INSTALL SIDEWALKS ALONG SAND HILL ROAD

Summary: The consideration of a resolution authorizing the City to enter into a contract with Candler Concrete Works Inc. to install sidewalks along Sand Hill Road.

The City is in need of a contractor to provide sidewalk installation services for sidewalks along Sand Hill Road In accordance with N.C. Gen. Stat. sec. 143-131. Informal bids for sidewalk installation services were solicited and three responses were received. The bidders are listed below:

Company Bid

Candler Concrete Works Inc. \$93,843.75

Mobley Construction Company Disqualified

M&M Construction No Bid Booked Up

Calloway Contracting Received No Bid

J&R Concrete Disqualified

Precision Contracting Inc. Received No Bid

Carolina Cornerstone Construction Received No Bid

Funding for this project is allocated in the Public Works Department's Capital Improvement budget.

The Public Works Department staff recommends City Council adopt the resolution authorizing the City Manager to enter into contract with Candler Concrete Works Inc.

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D. RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PACK SQUARE CONSERVANCY FOR THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PACK SQUARE RENAISSANCE PROJECT

This item was removed from the Consent Agenda due to a conflict of interest by Vice-Mayor Cloninger.

E. RESOLUTION NO. 01-125 - RESOLUTION ADOPTING THE BROADWAY/ REED CREEK GREENWAY MASTER PLAN

Summary: The consideration of a resolution approving the Broadway/Reed Creek Greenway Master Plan.

In Fiscal Year 2000/01, City Council approved the development of a master plan for the Broadway/Reed Creek corridor as one of the 1¢ projects for Parks and Recreation. A total of \$75,000 was appropriated for this project. The Greenway Commission, along with City staff, decided that the master plan could be developed internally using the Greenway Commission as the lead organization for developing a public process to solicit input. City staff would then take

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information gathered through the public process and develop a master plan. The savings would result in allowing for funds to be used for actual construction of the corridor. In December of 2000, the Greenway Commission held a public forum which resulted in 75 – 100 people attending. From this meeting, a task force was developed that included approximately 20 individuals who worked with the Commission and staff to further refine the information received from the public forum at a meeting held in March of 2001. During the spring, staff developed a master plan which was shared with the task force on July 25, 2001. Using the savings from this process, plus an additional \$75,000 appropriated from the Fiscal Year 2001/02 1¢ projects, construction can begin on the Broadway/Reed Creek Greenway as early as this winter.

The Greenway Commission and City staff is recommending City Council approval of the Broadway/Reed Creek Master Plan.

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F. MOTION SETTING A PUBLIC HEARING ON AUGUST 28, 2001, TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO DELETE THE REQUIREMENT FOR CITY COUNCIL TO SET DATE FOR PUBLIC HEARINGS

G. MOTION SETTING A PUBLIC HEARING ON AUGUST 28, 2001, TO REZONE 350 SHORT MICHIGAN AVENUE FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO NEIGHBORHOOD BUSINESS DISTRICT

H. MOTION SETTING A PUBLIC HEARING ON AUGUST 28, 2001, TO REZONE 100-120 COXE AVENUE FROM REGIONAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT

I. RESOLUTION NO. 01-126 - RESOLUTION AUTHORIZING THE SALE OF 5 – 7-1/2 BILTMORE AVENUE AND PARKING LOT ON SOUTH LEXINGTON AVENUE

Summary: The consideration of a resolution authorizing the conveyance of 5 – 7-1/2 Biltmore Avenue and the parking lot on South Lexington Avenue to Robert Camille Jr., Peter Y. Alberice and Robert M. Todd in the amount of \$461,000.

On July 24, 2001, the City Council directed the City Clerk to advertise for upset bids on 5 - 7 1/2 Biltmore Avenue (PIN 9649.18-40-2028) and the parking lot on South Lexington Avenue (PIN 9649.18-40-1018). The advertisement ran in the Asheville Citizen-Times on August 3, 2001, as provided in N. C. Gen. Stat. sec. 160A-269.. No response was received. Therefore, the offer to purchase from Robert Camille, Jr., Peter Y. Alberice and Robert M. Todd in the amount of \$461,000 was not upset and the sale should be approved.

Approval of the resolution will authorize the sale of the property to Robert Camille, Jr., Peter Y. Alberice and Robert M. Todd for the amount of \$461,000.00.

Planning Department staff recommends adoption of the resolution.

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Mayor Sitnick said that members of Council have been previously furnished with a copy of the resolutions and ordinances and the Consent Agenda and they would not be read.

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

ITEM REMOVED FROM THE CONSENT AGENDA

RESOLUTION NO. 01-127 - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PACK SQUARE CONSERVANCY FOR THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PACK SQUARE RENAISSANCE PROJECT

At the request of Vice-Mayor Cloninger, Councilman Hay moved to excuse Vice-Mayor Cloninger from participating in this matter due to a conflict of interest. This motion was seconded by Councilman Worley and carried unanimously.

Summary: The consideration of a resolution authorizing the City to enter into an agreement between the City of Asheville and the Pack Square Conservancy with respect to the design, construction and maintenance of the Pack Square Renaissance Project.

The Pack Square Conservancy is seeking an agreement with the City in order to facilitate the redevelopment and sustained maintenance of the public areas of Pack Square, which includes the City-County Plaza area. The agreement defines roles to be played by both the City and the Conservancy and addresses such issues as funding, design, construction and maintenance.

Following a meeting between the Pack Square Conservancy Chair and City staff, the Conservancy prepared an original draft agreement. The current draft reflects changes requested by City staff.

The Pack Square Conservancy is also seeking this agreement with Buncombe County.

Staff recommends that the City enter into this agreement with the Pack Square Conservancy.

Councilman Hay moved to adopt Resolution No. 01-127. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 26 – PAGE 436

III. PUBLIC HEARINGS:

A. PUBLIC HEARING REGARDING AN ECONOMIC DEVELOPMENT GRANT TO PECHINEY PLASTIC PACKAGING INC.

RESOLUTION NO. 01-128 - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH PECHINEY PLASTIC PACKAGING INC. FOR AN ECONOMIC DEVELOPMENT INCENTIVE GRANT

Mayor Sitnick opened the public hearing at 5:10 p.m.

Economic Development Director Mac Williams said that this is the consideration of a resolution approving an economic development incentive grant to a local company proposing an expansion involving purchase of new equipment and creation of new jobs.

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Mr. Jeff Denny, representing the Chamber of Commerce, gave a brief history of how Pechiney Plastic Packaging Inc. came to request the economic development incentive grant and asked for City Council's support for this grant.

Mr. Ed Knapp, Plant Manager of Pechiney Plastic Packaging, Inc., explained how his company is a local manufacturing plant located at 3055 Sweeten Creek Road in Asheville. The company is proposing an expansion of their production capacity through the purchase of new equipment representing an investment of \$12 million. To support the new capacity, the company is also proposing to create 36 new full time positions. The average hourly wage of the 36 new positions is calculated at \$13.47 plus benefits. He said they are looking forward to grow in Asheville and urged City Council for their support.

Economic Development Director Mac Williams explained that based on the stated level of investment of \$12 million, the project would qualify for a Level 3 Grant as provided for by the City of Asheville Economic Development Incentives policy. Level 3 grants (when investment levels are \$10 million or greater) allow grants of up to 85% of new taxes for up to 5 years.

For this project, the total grant amount would equal \$285,600 payable in 5 equal installments of \$ 57,120 each beginning in January, 2003. The calculation determining the grant amount is as follows:

CALCULATION OF LEVEL 3 GRANT

NEW INVESTMENT \$ 12,000,000 (div. by \$100)

NEW TAX BASE VALUE \$ 120,000 (x \$.56/\$100)

NEW ANNUAL TAX REVENUE \$ 67,200 (x .85)

ANNUAL GRANT AMOUNT \$ 57,120 (x 5)

TOTAL GRANT AMOUNT \$ 285,600

Payment of the grant funds would not begin until January 1, 2003, after the City has received documentation of actual values and payment in full of property taxes reflecting the increased values.

The grant document, in the form of a performance agreement, has been drafted according to the terms outlined above and has been accepted by representatives of Pechiney Plastic Packaging, Inc. Acceptance and execution of the agreement and provision of the grant, or not, is the subject of this formal public hearing pursuant to N. C. Gen. Stat. sec.158-7.1. The terms of the agreement being considered and the notice of public hearing have been published and made available in accordance with the referenced statute.

City staff recommends Council accept and execute the proposed Performance Agreement and offer the economic development incentive grant to Pechiney Plastic Packaging, Inc. under the terms and conditions set forth in that Agreement.

Councilman Worley explained that these are new taxes that the City is not collecting now and by making this grant, we are not granting away any of the current tax proceeds that we are receiving. Mr. Williams agreed and stated that this is in addition to what is already being received through City taxes.

Mayor Sitnick said that the City has a good incentive policy.

Upon inquiry of Mayor Sitnick, Mr. Williams explained the number of different ways companies find out about incentive policies. He explained that it is a very competitive environment and everyone has some kind of

incentive package to offer at some level.

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Mayor Sitnick closed the public hearing at 5:24 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.

Councilman Worley moved for the adoption of Resolution No. 01-128. This motion was seconded by Councilwoman Bellamy and carried unanimously.

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B. CONTINUATION OF PUBLIC HEARING RELATIVE TO CONSIDER CONDITIONAL USE REZONING FOR PROPERTIES ON OAK HILL DRIVE FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT/CONDITIONAL USE

ORDINANCE NO. 2831 - ORDINANCE TO REZONE PROPERTIES ON OAK HILL DRIVE FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT

ORDINANCE NO. 2832 - ORDINANCE GRANTING A CONDITIONAL USE REZONING FOR PROPERTIES ON OAK HILL DRIVE

City Clerk Burleson administered the oath to anyone who anticipated speaking on this matter.

Mayor Sitnick stated that this public hearing was opened on July 24, 2001, and continued until this date.

Vice-Mayor Cloninger and Councilman Hay, who were absent at the July 24, 2001, meeting, both announced that they had reviewed the minutes and staff report. Councilman Hay disclosed that he had visited the site.

Mr. Gerald Green, Chief Planner, briefly reviewed with Council the requested consideration of rezoning properties on Oak Hill Drive from RM-16 Residential Multi-Family High Density District to Highway Business District, and issuance of a conditional use permit (conditional use zoning) for a vehicle repair/service facility and interior storage.

Mr. William Baldwin, applicant, is requesting the conditional use rezoning of property located on Oak Hill Road, off Leicester Highway, from RM-16 to Highway Business/Conditional Use and the issuance of a Conditional Use Permit (CUP) to allow the use of the property for a vehicle repair/service facility and interior storage. The property is located behind the commercial development along Leicester Highway and is separated topographically from the residential development located on Oak Hill Drive (City Exhibit 5 – Aerial Photo). The subject property contains 3.87 acres. Access to the property is from Oak Hill Drive, which is primarily a residential street. Although some uses permitted in the Highway Business District could have adverse impacts on the adjacent residential property, the restrictions placed on the use and site design of the property through the conditional use permit will assure that the impacts of the proposed use on surrounding properties are minimized. The requested use is a 10,000 square foot building that will house a vehicle repair/service facility and interior storage. The site plan calls for significant buffering of the use from adjacent residential properties, using existing vegetation and new plantings. The proposed building is set back from adjacent residential uses in order to minimize the visual and noise impacts of the proposed use. Lighting of the site will be kept to a minimum to prevent adverse impacts on the adjacent residences. The site plan and proposed use have been reviewed by the City's Traffic Engineer, who determined that no Traffic Impact Analysis

would be required due to the small amount of traffic that would be generated by the use. As shown on the site plan and with the conditions recommended by the staff, the proposed use of the site will serve as a good transition between the commercial uses fronting on Leicester Highway and the residential uses on Oak Hill Drive.

The property for which the rezoning is requested was zoned Commercial Service prior to the adoption of new zoning that was done as part of the adoption of the Unified Development Ordinance (UDO). The owner undertook significant grading and related site preparation when the property was zoned for commercial development. The grading and site work has resulted in the site being physically separated from the adjacent residential properties. Staff feels that the proposed use is an appropriate use of the property and that the proposed design, with conditions recommended by staff, will minimize impacts on surrounding residential uses. The Technical Review Committee (TRC), who took action to approve it with conditions, reviewed this project for compliance with the technical requirements of the UDO. The following conditions are those identified by the TRC that have not been met:

- Provide a revised site plan that shows the following:
- Location and screening of dumpster, if one is proposed
- Extend landscaping strip and buffer strip along railroad right-of-way
- Note location of exterior lighting
- Indicate location of protective barriers for landscaping that will be preserved
- Indicate location, size, and species of existing plant material if using for landscape credit
- Provide calculations for determining the number of parking spaces

- The driveway must be paved for a distance of 10' from its intersection with Oak Hill Drive
- The encroachment of the vehicular use area onto the railroad right-of-way must be approved by Norfolk-Southern Railway
- No trees can be placed in the existing sewer easement.

After reviewing the request and the site plans, the Planning and Zoning Commission voted unanimously to recommend approval of the conditional use rezoning, subject to the conditions identified by staff. In response to concerns regarding future building expansion, impacts of lights, and hours of operation, the Commission recommended that conditions be added to address these issues.

Based on information available to the Planning and Development Department in advance of this public hearing, staff recommends that the City Council approve the requested conditional use rezoning and issue the Conditional Use Permit with the following conditions:

1. Provide a revised site plan that shows the following:
 - Location and screening of dumpster, if one is proposed
 - Extend landscaping strip and buffer strip along railroad right-of-way
 - Note location of exterior lighting
 - Indicate location of protective barriers for landscaping that will be preserved
 - Indicate location, size, and species of existing plant material if using for landscape credit
 - Provide calculations for determining the number of parking spaces
 - The driveway must be paved for a distance of 10' from its intersection with Oak Hill Drive
1. The encroachment of the vehicular use area onto the railroad right-of-way must be approved by Norfolk-Southern Railway
2. No trees can be placed in the existing sewer easement.

3. Exterior lighting shall be cut-off type and directed away from residential uses.
4. Any enlargement of the building shall not encroach into the buffer areas as identified on the approved site plan.
5. Hours of normal business operation shall be from 6 a.m. to 7 p.m.

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Mr. Green then addressed several of the concerns expressed by City Council at the July 24 meeting, some being, but are not limited to: impact to adjacent properties, impact of vehicles entering access drive, noise generated by the service and repair operation, number of tractor-trailers that would be entering the proposed business, and hours of operation. Mr. Green said that City staff has not heard any more comments from the adjoining property owners.

Mr. William Baldwin, applicant, explained that his business is open from 8:00 a.m. to 5:00 p.m. but sometimes they have to start early and stay late. With regard to tractor-trailer traffic, he said that 95% of his business is cars and business trucks. He explained that he bought this property 15 years ago when it was zoned highway business with the sole intent of building a garage and he is not interested in developing his property as residential. He said that when the Unified Development Ordinance was adopted in 1997, he was not aware that his property was rezoned to something he could not build his garage on, or he would have fought it then.

There being no request for rebuttal, Mayor Sitnick closed the public hearing at 5:37 p.m.

Councilwoman Field moved to adopt Ordinance No. 2831 to rezone properties on Oak Hill Drive from RM-16 Residential Multi-Family High Density District to Highway Business District/Conditional Use. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

ORDINANCE BOOK NO. 19 - PAGE

Councilwoman Field moved to adopt Ordinance No. 2832 granting the conditional use permit for properties on Oak Hill Drive with the six conditions listed above, with the exception of condition number 6 to be amended as follows: Hours of normal business operation may be from 6 a.m. to 7 p.m.; and to instruct the City Attorney to prepare the Order for the Mayor's signature. This motion was seconded by Councilman Worley and carried unanimously.

ORDINANCE BOOK NO. 19 – PAGE

C. PUBLIC HEARING TO CONSIDER THE INITIAL ZONING OF THE RECENTLY EXTENDED EXTRATERRITORIAL JURISDICTION IN AREA KNOWN AS BILTMORE PARK AREA (SOUTH OF BLUE RIDGE PARKWAY, WEST OF OVERLOOK ROAD, LONG SHOALS ROAD WEST TO CLAYTON ROAD)

ORDINANCE NO. 2833 - ORDINANCE ESTABLISHING THE ZONING OF THE RECENTLY EXTENDED EXTRATERRITORIAL JURISDICTION IN AREA KNOWN AS BILTMORE PARK AREA (SOUTH OF BLUE RIDGE PARKWAY, WEST OF OVERLOOK ROAD, LONG SHOALS ROAD WEST TO CLAYTON ROAD)

Mayor Sitnick opened the public hearing at 5:42 p.m.

Planning & Development Director Scott Shuford explained to City Council the purpose of extending this and the other recent extraterritorial jurisdiction (ETJ) extensions: (1) Reservation of land for industrial purposes; (2) Increased multifamily zoning along or near major roadways to create nodes of higher density residential development and to offer incentives for redevelopment of sparsely developed property; (3) Protection of key City gateways; (4) Placement of high intensity regional commercial zoning near interstate access points; (5) Insuring an appropriate mix of residential and nonresidential land uses; and (6) Recognition of the need for

flexible development of large landholdings under a master plan approach. He then explained the process used in establishing the initial zones.

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Urban Planner Paul Benson said that this is the consideration of an ordinance establishing the initial zoning of the Biltmore Park ETJ area. This public hearing was advertised on August 3 and 10, 2001.

Mr. Benson outlined the subject area and said that the Biltmore Park area, consisting of 1,831 acres and 175 properties, was included within the City of Asheville's extraterritorial planning jurisdiction on May 8, 2001. Using a map, Mr. Benson then explained to City Council each of the proposed zoning districts and why City staff and the Planning & Zoning Commission arrived at those designations.

The staff proposal for the initial zoning of this area considered these purposes as well as the 2010 City Plan, where applicable, existing land use, infrastructure and comments from property owners.

The Planning and Zoning Commission has held two public hearings to consider staff proposals and public comment on the initial zoning of this area. At their July 11, 2001, meeting, the Commission recommended zoning the Biltmore Park ETJ extension area as RS-2 Residential Single-Family Low Density District, RS-8 Residential Single-Family High Density District, Commercial Industrial District, Central Business District and Blue Ridge Parkway Overlay District.

The Planning and Development staff recommends adoption of the ordinance establishing the initial zoning of the Biltmore Park ETJ extension area as RS-2, RS-8, Commercial Industrial District, Central Business District and Blue Ridge Parkway Overlay District.

Upon inquiry of Mayor Sitnick, Mr. Shuford said that staff will be bringing to Council soon a number of amendments to the zoning regulations that they think will better clarify the administrative interpretation with regard to preserving farms.

Mr. Benson answered various questions from Council relating to what currently exists on the proposed zoning districts.

Upon inquiry of Councilman Peterson, Mr. Benson explained the Blue Ridge Parkway Overlay and how that is different from the underlying zoning.

Councilman Peterson said that the areas along Long Shoals Road, that are immediately adjacent to the interstate, are natural hubs for high impact use and thinks there maybe some concern in the future from people who live nearby. However, the zoning does seem to be fairly consistent with our smart growth principles of locating some of those higher impact uses near those major transportation nodes.

Mayor Sitnick closed the public hearing at 5:58 p.m.

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. 2833. This motion was seconded by Councilwoman Bellamy and carried unanimously.

ORDINANCE BOOK NO. 19 – PAGE

D. PUBLIC HEARING TO CONSIDER THE INITIAL ZONING OF THE RECENTLY EXTENDED EXTRATERRITORIAL JURISDICTION IN AREA KNOWN AS FAIRVIEW ROAD/US 74 (SOUTH AND

EAST OF I-40 IN THE FAIRVIEW ROAD/US 74 CORRIDOR)

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ORDINANCE NO. 2834 - ORDINANCE ESTABLISHING THE ZONING OF THE RECENTLY EXTENDED EXTRATERRITORIAL JURISDICTION IN AREA KNOWN AS FAIRVIEW ROAD/US 74 (SOUTH AND EAST OF I-40 IN THE FAIRVIEW ROAD/US 74 CORRIDOR)

Mayor Sitnick opened the public hearing at 6:00 p.m.

Urban Planner Paul Benson said that this is the consideration of an ordinance establishing the initial zoning of the Fairview Road/US 74 extraterritorial jurisdiction (ETJ) area. This public hearing was advertised on August 3 and 10, 2001.

Mr. Benson outlined the subject area and said that the Fairview Road/US 74 area, consisting of 832 acres and 273 properties, was included within the City of Asheville's extraterritorial planning jurisdiction on May 8, 2001. Using a map, Mr. Benson then explained to City Council each of the proposed zoning districts and why City staff and the Planning & Zoning Commission arrived at those designations.

The staff proposal for the initial zoning of this area considered these purposes as well as the 2010 City Plan, where applicable, existing land use, infrastructure and comments from property owners.

The Planning and Zoning Commission has held two public hearings to consider staff proposals and public comment on the initial zoning of this area. At their July 11, 2001, meeting, the Commission recommended zoning the Fairview Road/US 74 ETJ extension area as RS-2 Residential Single-Family Low Density District, RS-4 Residential Single-Family Medium Density District, RM-8 Residential Multi-Family Medium Density District, RM-16 Residential Multi-Family High Density District, Institutional District, Community Business I District, Manufactured Housing Rental Community Overlay District and Blue Ridge Parkway Overlay District.

The Planning and Development staff recommends adoption of the ordinance establishing the initial zoning of the Fairview Road/US 74 ETJ extension area as RS-2, RS-4, RM-8, RM-16, Institutional District, Community Business I District, Manufactured Housing Rental Community Overlay District and Blue Ridge Parkway Overlay District.

Upon inquiry of Mayor Sitnick, Mr. Benson said that with regard to farms, City staff has a long-standing interpretation that bona fide agricultural uses are exempt from our zoning ordinance and that City staff is looking at an ordinance amendment to formalize that interpretation.

Mr. Benson answered various questions from Council relating to what currently exists on the proposed zoning districts.

Discussion took place with regard to Ms. Bocook's property and her disappointment that a development plan she is working on for potential buyers of the property may conflict with the concerns of the Blue Ridge Parkway for their viewshed area. When Mayor Sitnick asked about vested rights, City Attorney Oast said that a property owner can obtain a vested right with a site specific development proposal. Councilwoman Bellamy said that it was her understanding that Ms. Bocook has a vested right given by Buncombe County several years ago. As a result of the discussion, Councilman Hay moved to defer action on PIN No. 966710462592 (PIN No. is as of March of 2001) and continue the public hearing on this portion only until the August 28, 2001, meeting in order for City staff to try to arrive at a compromise for all parties concerned with regard to the view issue and the marketability of the property. This motion was seconded by Councilman Peterson. When Ms. Kitzi Bocook, property owner, said that another lot is affected in the same

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way, Councilman Hay moved to amend his motion to include PIN No. 966710267774 (PIN Nos. is as of March of 2001) in his motion. Councilman Peterson accepted the amendment and said motion carried unanimously.

Mr. Tom Jones, owner of a small mobile park in the Fairview ETJ area, said that his property was originally zone RS-8 He attended the Planning & Zoning Commission meeting on June 22, 2001, and requested his property be given the Manufactured Housing Rental Community Overlay District, which is the proper classification for a mobile home park. Then on July 11, 2001, he attended another Planning & Zoning Commission meeting, the City had reclassified his property as RM-8, but without the requested mobile home overlay. Now his park is a non-conforming use and is subject to several restrictions. Among those restrictions is a clause that states that if he has a mobile home space vacant for 180 days, the City can prevent him from filling that space and render it unusable. He has no control over vacancies, and it is possible, although unlikely, that one will remain vacant for 180 days or more. He explained that it will be possible for the City, over a period of time, to slowly close down a non-conforming park by taking away spaces one at a time. In response to a letter he wrote to Mr. Shuford asking how many existing mobile home parks were in the existing 3 ETJ areas and how many were given a mobile home park overlay zoning, Mr. Shuford said there were 28 parks being zoned and only three have been given the overlay zoning. That means that 89.3% of existing mobile home parks are non-conforming. He questioned whether there is any other type of property usage that is as closely scrutinized for the zoning as mobile home parks. He felt that a zoning ordinance that rejects 90% of any single classification of property needs to be reviewed. Manufactured housing is the only type of single-family, owner-occupied, non-subsidized housing available for a very large portion of our residents. The majority of City Council has expressed their support for affordable housing, but it seems to him that a 90% rejection of existing mobile home parks sends a very strong message – and that message is that the City of Asheville does not want manufactured housing. Not only is it not wanted, the City retains, through the vacancy mechanism, the ability to eventually remove 90% of that housing. The City is discriminating against a very large group of property owners and residents. If the City is truly in favor of affordable housing for all our citizens, he urged them to look into this problem. He asked Council to zone these properties fairly as they exist today as is has been done with other properties. He noted that Mr. Shuford stated earlier that "properties need to be converted and redeveloped." It seems that existing manufactured home communities are the properties to be converted and redeveloped.

Mr. Shuford explained that the City classified the mobile home park as RM-8 to encourage its conversion to a more dense multi-family project that would be more appropriate in that location than the scattering of units along a roadway. In terms of addressing affordable housing issues, mobile home parks, for the most part, unless they are very well maintained communities that have individual lots and home-ownership, don't increase in value. Where there are very good, viable mobile home parks in the ETJ areas, they have classified them with a mobile home park overlay. Where there are cases like Mr. Jones' where the use is sort of a stand-alone, out of character use given the surrounding uses, they placed them into land use classifications that they think have the potential to result in their ultimate conversion. He said if they want to continue as mobile home parks, they are allowed to do so for perpetuity.

In response to Mr. Jones' concern over the 180 vacant period, Mr. Shuford said that if there is an individual lot with a mobile home on it and the mobile home is removed, it would have to be replaced within 180 days. However, if it's a mobile home park and continuing as a park, it would be able to be replaced as long as the park remained active as a mobile home park. Mr. Jones will be able to replace units in his park as long as he has one single trailer on the lot.

City Attorney Oast said that the Code provides that "any manufactured home used for single-family residential purposes and maintained as a nonconforming use may be enlarged or

replaced with a similar manufactured home of the same or larger size Any replacement authorized by this subsection only can take place if said replacement occurs within 180 days of the removal of the initial manufactured home." It was his opinion that that provision only applies to single lots that are improved with manufactured homes. If the property is being used for a mobile home park, for instance, you can bring homes in and out of there. If a particular lot stayed vacant for longer than 180 days, as long as the entire property was used as a mobile home park, it would be okay.

At Mr. Jones' request, Mr. Shuford said that a letter will be sent to Mr. Jones outlining the provisions stated at this meeting.

Ms. Bocoock said that her family has a planned neighborhood commercial development on a tract (PIN No. 966710361686) and the Community Business I zoning proposed will not be in conformance with their development plan. Chief Planner Gerald Green said that Community Business I does permit restaurants, inns, bed & breakfasts, etc. The only restriction on restaurants in CB I is that they cannot have a drive-through facility. There are certain design standards, like the parking must be located behind or beside the building, minimum front setback so the building is located near the street, etc. He said that Planning staff will be happy to work with Ms. Bocoock when she comes through for their project approval.

Mr. Brett Bocoock explained that their plan, which they put together over a year ago, has a layout with parking in front of the structure because there is an existing historic structure on the property which prohibits them from locating their parking behind the building. Mr. Green said that the lowest category of commercial zoning that would allow parking in front is Highway Business which City staff and the Planning & Zoning Commission feels is inappropriate for this type of area. There is a conditional use rezoning process which would be an appropriate way to deal with the unique circumstances on this property when the property owners are ready to submit their specific plans. City Attorney Oast also reminded Council that when they zone property, any uses allowed in that zoning designation are allowed.

At 6:56 p.m., Mayor Sitnick said that the public hearing will be continued until August 28, 2001, in order for City Council to consider the zoning of the two deferred lots known as PIN Nos. 966710462592 and 966710267774.

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

Vice-Mayor Cloninger moved for the adoption of Ordinance No. 2834, excluding PIN Nos. 966710462592 and 966710267774 which will be considered at the August 28, 2001. This motion was seconded by Councilman Hay and carried unanimously.

ORDINANCE BOOK NO. 19 - PAGE

E. PUBLIC HEARING TO CONSIDER THE INITIAL ZONING OF THE RECENTLY EXTENDED EXTRATERRITORIAL JURISDICTION IN AREA KNOWN AS US 19-23/SARDIS ROAD/SAND HILL ROAD/BREVARD ROAD AREA (SOUTH AND WEST OF THE CITY FROM SOUTH OF I-40 TO WEST OF 1-26, INCLUDING ALL OF SARDIS ROAD)

ORDINANCE NO. 2835 - ORDINANCE ESTABLISHING THE ZONING OF THE RECENTLY EXTENDED EXTRATERRITORIAL JURISDICTION IN AREA KNOWN AS US 19-23/SARDIS ROAD/SAND HILL ROAD/BREVARD ROAD AREA (SOUTH AND WEST OF THE CITY FROM SOUTH OF I-40 TO WEST OF 1-26, INCLUDING ALL OF SARDIS ROAD)

Mayor Sitnick opened the public hearing at 6:56 p.m.

Urban Planner Paul Benson said that this is the consideration of an ordinance establishing the initial zoning of the US 19-23/Sardis Road, Sand Hill Road, and Brevard Road extraterritorial jurisdiction (ETJ) area. This public hearing was advertised on August 3 and 10, 2001.

Mr. Benson outlined the subject area and said that the US 19-23/ Sardis Road, Sand Hill Road and Brevard Road area, consisting of 3,207 acres and 1,163 properties, was included within the City of Asheville's extraterritorial planning jurisdiction on May 8, 2001. Using a map, Mr. Benson then explained to City Council each of the proposed zoning districts and why City staff and the Planning & Zoning Commission arrived at those designations.

The staff proposal for the initial zoning of this area considered these purposes as well as the 2010 City Plan, where applicable, existing land use, infrastructure and comments from property owners.

The Planning and Zoning Commission has held two public hearings to consider staff proposals and public comment on the initial zoning of this area. At their July 11, 2001, meeting, the Commission recommended zoning the US 19/23 and Sardis, Sand Hill, and Brevard Roads ETJ extension area as RS-2 Residential Single-Family Low Density District, RS-4 Residential Single-Family Medium Density District, RS-8 Residential Single-Family High Density District, RM-8 Residential Multi-Family Medium Density District, RM-16 Residential Multi-Family High Density District, Office Business District, Community Business II District, Institutional District, Highway Business District, Commercial Industrial District, Industrial District, Manufactured Housing Overlay District, and Manufactured Housing Rental Community Overlay District.

The Planning and Development staff recommends that the 11-acre tract at the intersection of Sand Hill Road and Sardis Road, (part of PIN No. 9617-15-63-8026), be zoned Commercial Business II rather than Commercial Industrial in order to match the proposed Commercial Business II zoning directly across Sand Hill Road. This recommendation will be followed up with an ordinance that will allow research and development, high tech, and light assembly uses in the Community Business II District and higher commercial categories, thereby allowing a limited range of industrial uses to be available in this zoning district for these properties.

The Planning and Development staff recommends adoption of the ordinance establishing the initial zoning of the US 19-23/Sardis Road, Sand Hill Road and Brevard Road ETJ extension area as RS-2, RS-4, RS-8, RM-8, RM-16, Office Business District, Community Business II District, Institutional District, Highway Business District, Commercial Industrial District, Industrial District, Manufactured Housing Overlay District and Manufactured Housing Rental Community Overlay District.

Mr. John Van Dyke explained why he felt his property (PIN No. 962616738425) should be zoned Commercial Industrial rather than the proposed RM-8. He said that at the Planning & Zoning Commission meeting, his property was zoned Commercial Industrial. However, Mr. Wright (an adjoining property owner) requested his lot be zoned RM-8 because he actually lives on that lot. In an effort to be consistent, Planning staff changed the zoning of Mr. Wright's lot, but also changed the zoning of his lot and his neighbor's lot (Mr. Holloway). He felt his neighbor (Mr. Holloway) would also want his property zoned Commercial Industrial as well. After City Council discussion, it was the consensus of City Council to zone PIN No. 962616738425 (Mr. Van Dyke) and PIN No. 962615734160 (Mr. Holloway) to Commercial Industrial.

Mr. Wright explained why he wanted his property to remain zoned RM-8. He also noted that water from Mr. Van Dyke's property has washed away 125 feet of his roadway. Mr. Van

Dyke said that they are working on the problem and City Manager Westbrook said that he would relay that information to Buncombe County.

Ms. Emily B. Raymond asked that her property (PIN No. 962608795421) be zoned Highway Business or Community Business II instead of Industrial for marketability. After discussion, it was the consensus of City Council to zone PIN No. 962608795421 to Community Business II.

Mr. Bill Puckett, owner of Knob Hill Mobile Home Park, explained why his property (PIN No. 962616932393) should be zoned RS-8 with the Manufactured Housing Rental Community Overlay District and not the proposed Commercial Industrial. After discussion and understanding that with the Manufactured Housing Rental Community Overlay Mr. Puckett could expand his mobile home park, it was the consensus of City Council to zone PIN No. 962616932393 Commercial Industrial District with a Manufactured Housing Rental Community Overlay District.

Mr. Bill McDowall, owner of property at 205 Sardis Road, explained why his property (PIN No. 962717103190) should be zoned Community Business II and not Office Business. In addition, the surround properties currently proposed to be zoned Office Business should be zoned Community Business II as well. After discussion of this transition area, it was the consensus of City Council to zone PIN Nos. 962717103190, 962717102423, 962717007224, 962717100036, 962605099932 to Community Business II.

Mr. Don Eisenhower had no problem with the proposed zoning of his property but asked Council several questions, some being, would he be able to move mobile homes back and forth on his property with his RM-16 designation with the Manufactured Housing Rental Community Overlay District; how long does the rezoning process take; and would he have to comply with all development requirements if a subdivision is built. Even though Mr. Eisenhower felt that some of his neighbors would probably prefer their zoning changed, City Council felt it would be inappropriate to change their zoning (other than what City staff and the Planning & Zoning Commission recommend) if they have not requested it.

Mr. John Herron felt that City Council should not be allowed to tell property owners what they can do on their property.

Ms. Susan Fletcher questioned the definition of Manufactured Housing Overlay District.

Mayor Sitnick closed the public hearing at 8:10 p.m.

At the request of Councilman Worley, it was the consensus of City Council to defer action on PIN No. 961715638026 in order for City staff to investigate whether BASF has deeded the old Enka Lake Club Building to the Daniel Boone Council of Boy Scouts of America for their service center.

At 8:12 p.m., Mayor Sitnick said that the public hearing will be continued until August 28, 2001, in order for City Council to consider the zoning of the one deferred lot known as PIN No. PIN No. 961715638026.

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

Vice-Mayor Cloninger moved for the adoption of Ordinance No. 2835, with the consensus changes outlined above. This motion was seconded by Councilman Worley and carried unanimously.

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ORDINANCE BOOK NO. 19 - PAGE

F. PUBLIC HEARING TO INITIALLY ZONE THE ANNEXED AREA LOCATED NORTH OF U.S. HIGHWAY

70 BETWEEN RICEVILLE ROAD AND LOWER GRASSY BRANCH ROAD (KNOWN AS AREA 2001-B)

ORDINANCE NO. 2836 - ORDINANCE TO INITIALLY ZONE THE ANNEXED AREA LOCATED NORTH OF U.S. HIGHWAY 70 BETWEEN RICEVILLE ROAD AND LOWER GRASSY BRANCH ROAD (KNOWN AS AREA 2001-B)

Mayor Sitnick opened the public hearing at 8:16 p.m.

Urban Planner Paul Benson said that this is the consideration of an ordinance zoning the annexed area located north of US Highway 70 between Riceville Road and Lower Grassy Branch Road (known as Area 2001-B). This public hearing was advertised on August 3 and 10, 2001.

The Planning and Zoning Commission, at their July 11, 2001, meeting, reviewed and recommended zoning the recently annexed area (effective June 30, 2001) known as Annexation Area 2001-B as RS-2 Residential Single-Family Low Density District, RM-16 Residential Single-Family High Density District and Blue Ridge Parkway Overlay District. The area to be zoned consists of 117 acres divided into 1 single family property, proposed for RS-2 zoning; the Parkway Vista Townhomes development (31 units), proposed for RM-16 zoning; and the Blue Ridge Parkway property, proposed for RS-2 zoning. In addition, the Blue Ridge Parkway Overlay District is recommended for all property in the area within one-quarter mile of the Parkway centerline.

Mr. Benson reviewed the proposed zoning patterns noting that they reflect existing land use and protects the Blue Ridge Parkway corridor.

The Planning and Development staff recommend that City Council consider an ordinance establishing the initial zoning of this area as RS-2, RM-16 and Blue Ridge Parkway Overlay District.

Mayor Sitnick closed the public hearing at 8:21 p.m.

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

Vice-Mayor Cloninger moved for the adoption of Ordinance No. 2836. This motion was seconded by Councilwoman Field and carried unanimously.

ORDINANCE BOOK NO. 19 – PAGE

At 8:20 p.m., Mayor Sitnick announced a 15-minute break.

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

A. MOTION REGARDING WATERLINE ON FANNING FIELDS ROAD IN HENDERSON COUNTY

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City Manager Westbrook said that City Council discussed the extension of a waterline in Henderson County at their August 7, 2001, worksession at the request of the Water Authority. The City Council felt it needed time to discuss the issues among themselves, as well as staff. Since that worksession, City Council has been discussing a pro-active way to allow the waterline to go forward, thereby setting aside this particular problem in order that the much larger issue of renegotiating the water agreement could begin. In fact, the City has offered three methods of constructing the waterline but none were accepted by the Authority and/or

Henderson County. In working with the Council over the past week, the Council felt the more important issue, the one with the greatest potential benefit for the region, was to renegotiate what has been universally acclaimed as an unworkable agreement. In order to make that happen, the Council feels that the American Freightways waterline should be installed, even though Henderson County has not complied with a number of requirements in the contract. To move the project forward, the Council has worked with staff to develop a motion which would allow for the construction of the line and yet preserve the City's rights under the contract.

Councilman Worley moved that the Asheville City Council, without prejudice to its position as to whether the Regional Water Agreement procedures with respect to a regional waterline have been strictly complied with, and without prejudice as to the methods and procedures with respect to future requests for regional waterlines, agrees: (1) to account for the costs, expenses and administration of the regional waterline currently requested by Henderson County on a temporary basis, pending implementation of permanent procedures; (2) to authorize the City Manager to proceed with the management of the construction of the water line in the same manner and with the same responsibilities as performed in the construction of other water lines for the Water Authority; and (3) to agree with the classification of the water line so constructed as a regional waterline as that term is used in the Regional Water Agreement, upon the approval of the Henderson County Policies and Procedures by the Water Authority.

This motion sets no precedent and applies only to this particular line. The situation presented by this line emphasizes the urgent need to resolve the deficiencies of the current Regional Water Agreement before additional regional water lines are requested. This motion was seconded by Councilwoman Field.

Councilman Worley said that we are currently involved in a lawsuit with Henderson County and with the Water Authority on an issue that is unrelated to this regional waterline, but it certainly sets the stage. We also know that we do have a need to discuss the regional water agreement, that there are some problems with that agreement in terms of the implementation, etc. Our failure to adopt this motion and proceed with the installation of the current regional waterline that has been requested by Henderson County, sets us on a course for confrontation and possibility of litigation and that bodes ill on efforts to discuss the situation. On the other hand, agreeing to this motion and allowing this waterline to go forward with construction, dealing only with this line and setting no precedent for future requests without some productive discussions, sets the stage for productive discussions between the City, Buncombe County, the Water Authority and Henderson County. The efforts to set up that meeting are currently underway and he was sure that all of us hope that those efforts will be fruitful and we will have productive discussions and come out of this with some agreement. He was sure that all of us regret the fact that things are not as neighborly as they should be right now and he would like to see us on a course that hopefully will resolve some of the outstanding issues that have caused a lot of feelings over the last several months. He encouraged support of the motion.

Councilwoman Bellamy asked for the one-week delay for two reasons. One was to give the Mayor the opportunity to participate in the process. The other was to gather more information on the background of the motion presented last week. Since that time, she received a copy of a memo dated July 11 which was from the City Manager offering three options to the Authority for the resolution of this issue. It was made clear to her that staff had been trying to make progress on this issue. It's unfortunate that those options were not taken by the Water Authority and that

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City Council was put in the position last week to make a decision within 24 hours. We do need to look at the customer. She agreed that the water agreement needs to be re-worked.

Vice-Mayor Cloninger supported the motion in order to get on the track of working with the other parties so an agreement can be reached that benefits everyone.

Councilman Peterson said that he had questions about the implementation. He said the Water Agreement sets out a very detailed scheme of projected costs and net revenues and details on how those are exactly determined. If this line is installed under this Agreement, since we are agreeing to construct it as a regional waterline, are we going to have a system in place to track that revenue or will we be just be creating more confusion with Henderson County about what the revenues are and costs of this line, since we haven't followed the agreement to agree upon them first.

City Manager Westbrook said there are two kinds of costs the City was concerned about on behalf of the Water Authority. The first was direct costs and that has been identified. The question was the indirect costs that the Water Authority might incur. Since City Council wants to go forward with this particular waterline, he will be meeting with the City's Finance Director and try to come up with a way to informally track those costs on this particular section of waterline.

City Manager Westbrook responded to other questions from Councilman Peterson regarding a separate account system for the one regional waterline; how is the costs of staff time in tracking those indirect costs not going to be charged to current Water Authority customers; will the Water Authority be able to provide Henderson County with quarterly statements of accounts receivable and accounts payable regarding the regional waterline; how will we keep track of each customer when they want to start tapping onto this 12-inch regional waterline; and has Henderson County adopted polices that are consistent with Asheville's policies.

Councilman Hay felt City Council needs to get this issue behind them and start to talk about the real issues. We still have some work to do on this, especially the permanent procedures, but it's his expectation that that will be done promptly. We need to make sure, on behalf of the ratepayers, that if we are required to do these things under the Water Agreement that everyone is doing exactly what they are supposed to do, including the Asheville City ratepayer. He was satisfied that this is a way to get this issue behind us, and get this customer supplied with water. Also, we can now begin working on issues under the existing agreement, as well as give everybody an extra incentive in getting to work on revising the Agreement.

Councilwoman Field thanked the Council members who worked on this matter with City staff for coming up with some kind of reasonable solution.

Mayor Sitnick submitted a letter to her dated August 14, 2001, from Hazel W. Fobes, Chair of the Citizens for Safe Drinking Water and Air into the record. Said letter read in part "Citizens for Safe Drinking Water and Air strongly support or Regional Water Authority's recent actions concerning City staff installing and connecting a water line to the American Freightways new terminal, which is planned to pen in early September – if it has water. Further, we support the Water Authority's decision to contract with work with Henderson County at its called meeting on Wednesday, August 15, should you refuse once again to accept the compromise presented to you on August 8th when you asked for a week's delay"

Mayor Sitnick thanked "Councilman Worley for developing this initial language and thank him for including my suggestions for the last paragraph. It made the motion a little more focused on the specific issue that we are dealing with. Nobody will agree more with the fact that we need to get this issue behind us. Nobody will agree more that the customer is the person, the organization, the business, that is to be served – whether it's the 60% of the ratepayers who are

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Asheville residents or the 40% of the ratepayers who are Buncombe County residents or the additional ratepayers who are, and will be, Henderson County residents and businesses. I voted for this agreement, how many years ago, eight, nine years ago – I was one of the people on City Council who voted for the water agreement based on staff reports at that time. And, it is not the fault of any of the participants in the Water Authority, or the Authority that the presentations that were made by staff at that time to us were

incomplete and, shall I say, misleading. But, nobody agrees more that this is a water agreement that needs to be renegotiated for the good and for the fairness of all the participants – for the bodies of government who are struggling to make an agreement work and for the customers who are really to be served in a much better way than this particular agreement is allowing them to be served. And so, I'm right there on the front lines with a desire to renegotiate this agreement. It's been called a monster, it's been called a bear, it's been referred to as impossible to comply with – I mean, just the accounting system that has been brought to our attention on a number of occasions, is reason enough. We shouldn't have to be spending so much money, actually, again, you know I'm in this humorous mood lately. I was just going to, just as a demonstration, bring to the Council meeting tonight a couple of thousand brown paper bags and maybe a few thousand envelopes because it's been referred to that we can keep accounts for these waterlines on the back of an envelope or a brown paper bag. And certainly, nobody really means for staff to have to do that. I will say that apropos of Councilman Bellamy's comments regarding the memo that you saw, that I imagine everyone saw, it is true – there have been a number of attempts to serve this customer. To my knowledge, way back in April, April 17, there was either an agreement by consensus, or a vote on the Water Authority, that a temporary line be put in to serve this customer. That was not agreed to. And there have been a number of things that have been said back and forth that I believe have unfairly maligned the Asheville City staff, and in fact, the City Council regarding various things that have been said and implied in various meetings. I believe that our City Manager has taken a lot of heat unfairly. I believe that his intentions were to see to it that the agreement was complied to fairly by everybody. I think that there have been some very aggressive tactics that were unnecessary and unprofessional that were used in some of these meetings. And again, I'm saying all of this because I think it needs to be put on the table. I think that the Asheville taxpayers and ratepayers need to know that our job was to look after them and we were doing that to the max. Our job was also to make sure that all the customers of the Water Authority were getting what they needed by way of water, including American Freightways and that's why I asked at one of the Water Authority meetings, why that temporary line was not given to American Freightways so that they didn't have to wait until the very last minute, probably with great anxiety to find out whether or not they were going to get their waterline. I will say that I'm very disturbed about some things that have happened. Mr. Westbrook has been excluded from two closed session meetings. He is a full, non-voting member of the Water Authority and by right, he or his designee, have a right to be at every meeting, including executive and closed sessions of the Water Authority. He's been excluded twice and yet the City has been portrayed as the obstructionist in this issue and I again that that has been very unfair. Several weeks ago, and again on August 10, I sent a memo in an attempt to set up a meeting between the City of Asheville, Buncombe County, Henderson County and the Water Authority. So far we have only heard from Buncombe County as to some of the dates that are listed on the bottom to set up that meeting. Again, in the City's attempt to get everybody together – to create some neighborliness, to make sure that we're working for the good of the region, which I believe is what everyone wants, including the Water Authority. And so, I'm going to vote for this motion, especially with the inclusion of the final paragraph in it, in an attempt that, in hopes that, this will bring everyone together – forget about our egos, forget about our turf, and go to work on behalf of the water customers who are paying all these bills. And to make sure that we don't have to suffer with this natural resource anyway, in fear and worry that our customers, residents or business will not have the water that they deserve and they need."

Ms. Nelda Holder, representing the League of Women Voters of Asheville-Buncombe County, said that the Asheville and Henderson County Leagues are continuing to monitor the situation regarding the Water Authority and the agreement that governs it. The asked City

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Council to keep in mind the goal of regional cooperation and offered the Leagues' assistance in the future for facilitating citizen information or facilitating inter-governmental communication or cooperation with this matter.

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

VI. OTHER BUSINESS:

A. RESOLUTION NO. 01-129 - RESOLUTION REQUESTING GENERAL ASSEMBLY SUPPORT FOR LOCAL GOVERNMENT REVENUES

Vice-Mayor Cloninger asked that the City of Asheville adopt a resolution requesting the N. C. General Assembly provide for the continuation of business inventory and intangibles tax reimbursements to local governments, or to provide a more secure revenue source with growth potential as a substitute for the aforementioned reimbursement.

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

Vice-Mayor Cloninger moved for the adoption of Resolution No. 01-129. This motion was seconded by Councilman Worley and carried unanimously.

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B. CLAIMS

The following claims were received by the City of Asheville during the period of July 20-26, 2001: Ronald Harbin (Streets), Kent Kelly (Water), Ron Livitan (Water), Blanche Waugh (Water), Adam Penny (Parks & Recreation), Janis Schamidgall (Water), Cynthia Broadrick (Water) and David Pisha (Water).

The following claims were received by the City during the period of July 27-August 2, 2001: BellSouth (Water), Henson's Inc. (Sanitation), Kelly Sprouse (Streets), Sharon Baird (Parks & Recreation) and Robert Walters (Police).

The following claims were received by the City during the period of August 3-9, 2001: Marie Parks (Water), George Jaynes (Water), Duane Seager (Fire), Natoya Federick (Streets), Sharlene Franklin (Streets) and James Gibson (Water).

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

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Public Comment

Councilwoman Bellamy, and the entire Council, stressed that City Council encourages public comment - not only at public hearings, but for all matters that come before City Council.

VIII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 9:18 p.m.

CITY CLERK MAYOR
