

Worksession

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor Terry M. Bellamy; Councilman Joseph C. Dunn; Councilman James E. Ellis; Councilwoman Diana Hollis Jones; Councilman R. Carl Mumpower; and Councilman Brian L. Peterson; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT:

Agreement with NC DOT for Black Mountain Bus Route

Summary: The consideration of a resolution authorizing the Mayor to enter into an agreement with the N. C. Dept. of Transportation (NC DOT) for the reimbursement of funds to be expended for service to Black Mountain.

The NC DOT has tendered a contract to the Asheville Transit System (City of Asheville) in which the NC DOT will contribute funds for bus service to Black Mountain. The Asheville Transit System will operate said service.

In no event will the City of Asheville be required to contribute financially to this route. All financing will be provided by the State (maximum of \$92, 708), the Town of Black Mountain (\$13,360), Mountain Mobility (\$5,000), and Fare Box Revenue (\$3,882). The total budgeted cost is \$114,950. The City of Asheville is specifically exempted from any liability towards operating costs. If funds budgeted are not sufficient, the operation will either be additionally funded by some combination of the above, or it will be terminated. The City of Asheville will not be liable for any additional cost of operation under this contract.

The contract has a period of performance of 14 months - from March 1, 2002, through May 1, 2003. During that time, the Asheville Transit System must provide 12 consecutive months of service, within the above financial constraints.

The NC DOT requires the Mayor to sign the contract for this service, and will then return a copy signed by the state Secretary of Transportation. Commencement of service is contingent upon receiving this signed contract from the NC DOT. Service will start as soon as possible after receipt of the fully executed contract.

Black Mountain will be served four times a day, six days a week, except for holidays during which the transit system does not operate. Thus, Black Mountain will be served 306 days during the twelve-month period.

City staff recommends adoption of the resolution.

Clerk to advertise offer to purchase property on Galax Avenue

Summary: The consideration of a resolution authorizing the City Clerk to advertise an offer to purchase property on Galax Avenue in the West Asheville community.

Michael A. Pressley submitted a bid in the amount of \$25,800 for the purchase of land on Galax Avenue in the West Asheville Community. Said bid is not less than the tax appraisal of \$25,800.

-2-

The land on Galax Avenue is a residential zoned lot beyond the end of the street improvements of Galax Avenue. Said lot is 0.94 acre. The bid from Michael A. Pressley includes the proposal to combine the property with adjacent property he owns and construct nine units of affordable housing on the property. Mr. Pressley's project has been recommended for a Housing Trust Fund Loan and is consistent with the policy of encouraging infill development.

The property was designated as surplus property in 1997 and has been available for sale since that time.

Approval of the resolution will initiate the sale of the property through the upset bid process as provided in N. C. G. S. 160A-269.

Community Development staff recommends adoption of the resolution.

Application to Land, Water & Conservation Fund for Grant for Azalea Road Park

Summary: The consideration of a resolution to apply for and enter into an agreement with the North Carolina Department of Environment and Natural Resources, Division of Parks and Recreation for funds through the Land, Water and Conservation Fund to assist with the development of outdoor recreation facilities.

Azalea Road Park represents the City of Asheville's first phase of a major greenway and park system being developed along the Swannanoa River on Azalea Road in east Asheville. If this grant is received, the funds will be used to assist with the construction of the first phase of the Park. This first phase will include the development of two fields of the four field soccer complex, restrooms, concession, kayak launch, two picnic shelters, a large playground, disc golf, fitness and greenway trails, river observation decks, restoration of the Thomas Wolfe cabin, and parking areas.

The Parks and Recreation Department, Western North Carolina Soccer Foundation and RiverLink are in partnership to implement an ambitious fundraising plan to raise \$3 million to build the first phase of the Park.

The Parks and Recreation Department is requesting \$500,000 in grant funds from the Land, Water and Conservation Fund, which requires a 50% cash or in-kind match. The cash match is available through the Western North Carolina Soccer Foundation via the John B. Lewis Family Foundation, and the in-kind match (approximately 25%) is available in labor, equipment, and project management in the Parks and Recreation Department.

- The Parks and Recreation Department recommends the City of Asheville to apply for and enter into an agreement for grant funds to assist with the construction of Azalea Road Park Phase I.

New Street Name of Myra Place off East Starnes Cove Road

Summary: The consideration of a resolution accepting the new proposed street name "Myra Place."

Dave Ball, owner of lots in Maple Grove Subdivision, has petitioned the City of Asheville to accept the street name " Myra Place." The new street will begin at East Starnes Cove Road and end at cul-de-sac on Myra Place.

City staff recommends adoption of the resolution.

-3-

Clerk to Publish Notice of Intent to Lease Space at 45 Wall Street

Summary: The consideration of a resolution directing the City Clerk to publish a Notice of Intent regarding a proposed lease with the Asheville Performing Arts Alliance for space at 45 Wall Street.

- The property at 45 Wall Street is located in the Wall Street Parking Garage owned by the City of Asheville. The City has previously leased the space, but currently the space is vacant.

The Asheville Performing Arts Alliance (APAA) has offered to enter into a lease for the space. The proposed lease will enable APAA to operate offices and a small performing theater at the site. There is a provision which allows either the Lessor or the Lessee to terminate the agreement upon 180 days notice. The term of the License Agreement will be 9 years and 11 months. APAA will pay rent in the amount of \$1,050 for the first six years the rent will increase annually thereafter based on the Consumer Price Index compared to the date the lease originated. In addition to the rent, APAA will up-fit the space at its own expense.

Approval of the resolution will authorize the City Clerk to publish a Notice of Intent to enter into the Lease.

Finance Department and Planning Department staffs recommend adoption of the resolution.

City staff answered various questions from Councilman Dunn with regard to this lease.

Mayor Worley 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.

UDO AMENDMENT REVIEW

- City Attorney Oast said that these Unified Development Ordinance amendments are being brought before City Council in order that staff may respond to questions Council may have prior to the public hearings, which are scheduled for March 12, 2002. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Revisions to the Sidewalk Regulations

- City Engineer Cathy Ball said that this is the consideration of an ordinance amending the Unified Development Ordinance (UDO) related sidewalk regulations.

In May of 1997, sidewalks requirements were adopted as part of the final adoption of the UDO. In March of 2000, the sidewalk requirements were revised to include the provisions for allowing a "fee in lieu of" constructing sidewalks under certain conditions.

In 2000, staff began working with the development community to review the conditions for allowing a fee in lieu of constructing sidewalks. This group consisted of developers, affordable housing advocates and staff. The group agreed that some additional changes needed to be made in the sidewalk requirements (Section 7-11-17) for the following reasons:

-4-

- The group had concerns regarding the fact that the ordinance did not have an exemption for properties that had low pedestrian impact and were on relatively low vehicular volume streets.
- The development community, while not happy to pay additional costs of sidewalks, supported paying the fee in lieu of constructing the sidewalk so long as the money was used to install sidewalks in places where it was needed. Developers requested more flexibility in being able to pay the fee in lieu of constructing the sidewalk.
- Staff was concerned about maintenance issues that would arise from having sidewalks installed piecemeal. This means that the sidewalks would age at varying degrees and need to be replaced at different times, thus increasing the maintenance and replacement costs.
- The development community requested that a more expedient appeal process be developed. Currently they are required to go to City Council for a waiver to the sidewalk requirements.
- The group requested that clarification be made as it relates to sidewalk requirements on private and public streets.

As a result of these concerns, staff began exploring ways of improving the sidewalk requirements. The revisions that you are being asked to approve include most of the concerns of the task force.

The revisions include the following changes:

- Establishing a threshold for requiring sidewalks or a fee in lieu of constructing sidewalks. We recommend that this threshold be 300 Average Daily Traffic (ADT) volume currently or projected for the next 5 years. (Provided the street is not listed on the Pedestrian Thoroughfare Plan.)
- Requiring sidewalks to be constructed on all new and improved streets. A large cost of the sidewalk includes mobilization and grading. When a street is being constructed or reconstructed, the mobilization and grading for the sidewalk can occur in conjunction with the roadway.
- Allowing developers to pay the fee in lieu of constructing the sidewalk unless the sidewalk is on the Pedestrian Thoroughfare Plan.
- Providing for an appeal process that allows the developer to appeal to a committee consisting of the City Manager, or his designee, and two other Department Directors, excluding the City Engineer.
- Clarifying that public and private streets have the same requirements with regard to sidewalks.

In addition, an amendment to the Fees and Charges Manual is requested. She said the amendment would be to add the following sentence: "In the event that a fee is allowed for an economic development project, the developer will be allowed to pay 50% of the fee, provided that the project is eligible for the City of Asheville Economic Development Incentive Grant as defined by the City of Asheville Economic Development Incentive Policy and administered by the Economic Development Director."

Nothing in the revised ordinance would prohibit a developer from installing sidewalk as opposed to paying the fee in lieu of constructing the sidewalk. The developer always has the option of installing the sidewalk adjacent to their project.

The Planning and Zoning Commission approved the revisions to the sidewalk regulations on February 6, 2002. The approval vote was unanimous with the following two suggested changes:

- (1) Allow the developer to pay the fee in lieu of constructing sidewalk if the sidewalk is listed on the Pedestrian Thoroughfare Plan so long as the project is on a N. C. Dept. of Transportation or City of Asheville funded project.
- (2) Request an easement from the developer for future sidewalk installation even if they are exempt from installing the sidewalk or paying the fee in lieu of constructing the sidewalk.

Staff presented the concept of this proposal at the Development Issues Forum in September 2001 and at the February meeting of the Council of Independent Business Owners. Both groups had a favorable response to the revisions.

Staff requests that City Council adopt the revisions to Section 7-11-7 of the Unified Development Ordinance related to sidewalk regulations and the amendment to the Fees & Charges Manual.

Ms. Ball answered various questions from City Council, some being, but are not limited to: who set the current fees; how were those fees determined; instead of allowing a developer to pay a fee in lieu of or build sidewalks on his project, can the developer construct the same length elsewhere in the City; and can the developer build nature trails instead of sidewalks.

Revisions to the Floodplain Regulations

Ms. Natalie Berry, Stormwater/Erosion Control Coordinator said that this is the consideration of an ordinance amending the Unified Development Ordinance (UDO) regarding floodplain regulations.

Below are the recommended amendments to the City's flood control standards. All of the revisions are housekeeping in nature.

- Revising the ordinance to give the City Engineer authority to enforce this section of the UDO in place of the Planning and Development Director, adding a few definitions, amending a few definitions and changing the name of the Erosion Control Review Committee to Specifications Review Committee.
- Expanding the duties of the Specifications Review Committee to be able to interpret and make recommendations on variances to the flood ordinance to the Board of Adjustment, leaving final authority vested in the Board of Adjustment.
- Delete the paragraph entitled "exemptions" out of the flood ordinance. The National Flood Insurance Program Western Coordinator recommends the deletion due to non-compliance with Federal Emergency Management Agency (FEMA) regulations.
- Adding an option under the unnumbered "A" zone section. When the base flood elevation (BFE) is not known this is known as an unnumbered "A" zone. A structure may be constructed if the lowest finished floor is built at least three (3) feet above the highest adjacent grade. This option will help the property owner(s) who could not afford to hire a professional engineer to do a flood study to determine the base flood elevation (BFE).
- Remove wet flood proofing option "c" under the flood proofing heading in Section 7-12-1(i)(2). The National Flood Insurance Program Western Coordinator recommends the removal of this option for the City of Asheville's UDO. The NFIP does not allow wet flood proofing in lieu of meeting the lowest floor elevation requirements. The City's ordinance currently is out of compliance with the NFIP regulations by allowing this option and we could be at risk of losing the program. This is not an option under FEMA model ordinance.
- Include the flood ordinance under the enforcement and penalties for civil penalties when violations occur.

The Planning and Zoning Commission voted 6 to 1 to recommend approval of the proposed ordinance amendment. The opposing vote was due to the changes in no longer allowing wet flood proofing on structures in the floodway.

Staff recommends that City Council adopt the proposed amendments to the Floodplain Regulations of the Unified Development Ordinance.

When Councilman Mumpower expressed his concern over the \$100 per day violation, City Attorney Oast explained that that figure is standard in North Carolina and not extreme at all.

Mayor Worley asked that the record show that City Council has received this information and instructs the City Manager to proceed with the appropriate public hearings on March 12, 2002.

SECOND READING OF ORDINANCE NO. 2898 - ORDINANCE GRANTING A FRANCHISE TO TROLLEY LEASING LLC TO

OPERATE A NARRATED HISTORIC TOUR TROLLEY ON THE STREETS OF THE CITY OF ASHEVILLE

City Attorney Oast explained that this ordinance was adopted on its first reading on February 26, 2002.

Councilman Ellis moved to waive the rules and proceed with formal action at this meeting. This motion was seconded by Councilwoman Jones and carried unanimously.

Councilwoman Jones moved to adopt Ordinance No. 2898 on its second and final reading. This motion was seconded by Councilman Dunn and carried unanimously.

ORDINANCE BOOK NO. 19 – PAGE

PROHIBITING PERSONS FROM SOLICITING FROM THE STREET OR MEDIAN WITHIN CITY LIMITS

Police Chief Will Annarino said that this is the consideration of an ordinance prohibiting pedestrians to stand on any city street or median and solicit money, employment, business or a ride from passing or stopped motorists within the City limits.

The Asheville Police Department has determined that there is a potential danger allowing persons to solicit money, employment, rides or business from the streets and medians within the City. Currently, there are many busy intersections where persons regularly use to beg for money, rides or employment. It is the Asheville Police Department's (APD) contention that this type of behavior near a busy intersection creates a dangerous situation for the pedestrian and the motorists.

This ordinance will make it a class 3 misdemeanor and a fine no more than \$500.00 for a pedestrian to stand on any city street or median and solicit money, employment, business or a ride from passing or stopped motorists within the City limits.

In addition, APD has determined that at certain intersections, homeless persons have formed "gangs" to enforce the exclusive right to beg at certain intersections and will resort to violence if another group or person tries to beg at said intersection.

The APD has checked with the N. C. Dept. of Transportation and they fully support this ordinance.

-7-

Currently, the cities of Charlotte, Gastonia, Wilmington, Greenville and Garner have some form of a street solicitation prohibition. Durham is currently in the process of adopting such an ordinance.

City staff recommends approval of the ordinance.

Sergeant Haun and Officer Bowman both related incidents to City Council in which this ordinance is necessary to address safety.

Councilman Dunn passed out pictures of syringes, broken bottles, drug paraphernalia, etc. located behind businesses on Tunnel Road. He felt this ordinance was not only necessary for the safety of motorists and pedestrians, but also for the safety of residents.

Upon inquiry of Councilman Mumpower, Police Chief Annarino said that this is not a tool to regulate transients that pass through our community, but a public safety tool to make our major intersections and thoroughfares safe.

Councilwoman Jones hoped that there is a plan to advise individuals and organizations before citing them for violations.

Vice-Mayor Bellamy stressed the need to work with organizations and to develop a comprehensive plan on how to address the issues regarding the homeless because harassment and arrest is not the solution. Police Chief Annarino said that when camps are identified, they identify the property owners and work with them to get the camp removed. Because this is a broader social issue, they are working with shelters on how to address these concerns.

Councilman Dunn felt that City Council should review their budget and find monies to help Hospitality House keep their doors open longer.

Councilman Peterson asked if some regulations could be put in place to allow good charitable organizations to continue this type of soliciting. Perhaps they could be required to be a non-profit organization, wear orange vests and have the Traffic Engineer develop some requirements. Assistant City Attorney Curt Euler stressed that this is a safety issue, not an issue of who

should and shouldn't solicit. Police Chief Annarino also said that people could still solicit on private property.

Mayor Worley 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.

9-13 BILTMORE AVENUE

- This matter was removed from the agenda for City Council consideration.

CAMPAIGN FINANCE REFORM

- Councilman Peterson suggested a citizen study committee be formed. Two issues that need to be addressed are (1) campaign finance reform; and (2) election process changes. He felt that perhaps one group could address both of those issues and report on them separately, however, it might be better to separate the issues. He suggested each Council member submit two names of people to form the committee (and representation from some civic groups), give them a timeline and ask them to report back in 90 days with not necessarily one plan, but some options and different approaches City Council can consider. He suggested City Attorney Oast be the staff person on that committee. He suggested some ideas might be to expand access to communication tools; some voluntary limits on campaign spending; inducements to voluntary

-8-

limits; and if public funding is used, who should get it and what are the thresholds. He suggested City Council discuss the parameters of the committee and at the next worksession, Council be prepared to appoint the committee.

Council discussed their reasoning for two separate groups vs. one group to deal with both items.

Councilman Ellis felt that the election process should be changed to allow City Council members appoint the Mayor every two years, as was done several years ago.

Councilman Dunn questioned if district elections would cut down on campaign expenses. He also felt City Council should look at term limits.

Councilman Mumpower felt a Council sub-committee might be in order to explore this issue further before appointing a citizen study committee. That Council committee could report back to Council in 2-4 weeks.

Mayor Worley felt that a Council sub-committee could develop some parameters for the committee.

It was the consensus of Council that Mayor Worley appoint a 3-member Council sub-committee as quickly as possible in order to have a report from the citizen study committee this fall.

CIVIC CENTER UPDATE

- Finance Director Bill Schaefer used the charts to describe the Civic Center's Fiscal Years 1979-2001 revenues, losses before transfer of monies from the General Fund, losses before transfer of monies from the General Fund in 2001 dollars, losses as percentage of revenue, transfer as percentage of General Fund revenue, revenues as percent of year to date budget, and expenditures as percent of year to date budget. He then used charts to describe the profit and loss by venue and the profit and loss by event type for July 2001 through January 31, 2002.

At 5:20 p.m., Mayor Worley announced a short break.

Civic Center Director David Pisha said that his report would cover Fiscal Years 1997-2001.

With regard to the Arena, there are two important phases in the history of the Civic Center (1) 1997-1998 before the Bi-Lo Center opened (attendance averaged 288,600 patrons per year); and (2) 1999-2001 after the Bi-Lo Center opened (attendance averaged 342,500 patrons per year). Using a chart, he showed the contribution of various major event types on annual Arena attendance. Family shows migrated to the Bi-Lo Center when it opened in 1999, however, that attendance loss was made up by ice-related events. It is important to note that attendance does not directly translate into profitable financial performance. Family shows saw attendance plunge from high of 68,800 in 1997 to low of 4,400 in 2001. Consumer/Trade shows followed the downward trend. Hockey, concerts, and public skating made up the difference in attendance and helped hold the overall patron at historic levels. While overall attendance held up, the events in the Arena were very different in the post Bi-Lo era as compared to the pre

Bi-Lo period. The Arena is now primarily used for sporting events, public skating and consumer trade shows. The Arena is also seeing a return of rock concerts (1) this year all three concerts held in the Arena were sell-outs; and (2) we have a fourth concert scheduled which we expect to sell out. The Warren Haynes Concert: (1) sold tickets in 26 states and the District of Columbia; (2) Good Morning America called for information on the show; and (3) overall the concert produced gross

-9-

revenues of nearly \$75,000 for the Civic Center. It is important to remember that entertainment events will continue as long as the public supports them. Good financial performance is dependent on the number and type of events held at the facility.

With regard to the Thomas Wolfe Auditorium, it has not felt the impact of the Bi-Lo Center. These events are more localized in nature. The concerts are an eclectic mix with a ready market in Asheville in that (1) their success may not transfer as easily to another venue; and (2) the Auditorium is the perfect size. Using a chart, Mr. Pisha showed the concert activity is booming at the Civic Center, especially in the Auditorium. The total number of concerts in the Auditorium could reach 20 by the end of Fiscal Year 2002. Attendance at the Symphony and Bravo has remained flat over time and major growth is not expected. Attendance at special events and touring productions have declined, in that staging accommodations have long proven inadequate for Broadway productions and national touring productions could cease to be an event category. Concerts along with local events have been providing the attendance growth for the Auditorium. Their increases have allowed the overall patron numbers to remain flat rather than decline.

Regarding the overall Civic Center usage, the mix of events has changed over the years; however, attendance has remained about 300,000 attendees per year. Regarding the monthly attendance for Fiscal Year 2001, (1) there's a strong seasonal bias in the current space utilization as is indicated by the graph; (2) this bias is not expected to change in any significant way in the future; (3) non-use days are primarily concentrated in the summer months; and (4) most arenas experience this same seasonal bias.

The Center's current available space is being successfully utilized in that since November 2001 there have been only four non-use days at the Civic Center (Thanksgiving, Christmas Eve, Christmas Day and New Year's Day). The Arena, Auditorium and Exhibit Hall are primarily designed to hold events that occur in fall, winter and spring: (1) Basketball and hockey are fall, winter and spring events; (2) the Home and Boat Show are winter activities; (3) Symphony and Bravo are fall, winter and spring events; (4) most concerts are held indoors in the fall, winter and spring; and (5) in the summer most concerts play in outdoor amphitheatres.

He then explained the usage by venue. A functional Banquet Hall has the most potential for growth with the resulting reduction in non-use days. The current Banquet Hall is under utilized. An expanded, fully functional ballroom would have a seasonal bias different than the rest of the facility (1) it would primarily operate spring, summer and fall; (2) we would be able to shrink non-use day losses; (3) event load would smooth out for a more efficient operation; (4) local usage could rise substantially with wedding receptions, proms, banquets and other social activities; and (5) meetings and regional conventions could also use this space.

He reviewed the major current users. Potential future users include all the citizens, groups, institutions and companies of Western North Carolina for receptions, banquets, proms, meetings, regional conventions and many other activities requiring affordably priced professional, centrally located ballroom/meeting space.

In conclusion, Mr. Pisha said that the type of events using the Civic Center has changed drastically over time (1) the Bi-Lo Center has affected Arena usage; (2) public tastes have changed regarding entertainment; and (3) while the Center has tried to accommodate these changes, improvements are necessary to shrink non-use days and improve efficiency. It is important to remember that the number and type of events are both critical to the Center's financial outcome.

Mr. Schaefer and Mr. Pisha responded to several questions and comments from Council, some being, but are not limited to: what are expenses on non-use days; is there a lot of

-10-

interaction between the Civic Center Director and the Civic Center Commission; if hockey or basketball left, what would be the overall effect on the Civic Center; have comparisons been performed to see what other Civic Center losses have been; does the Civic Center promote events; and what was the Bi-Lo contribution to the Bi-Lo Center.

Mr. Richard Bowman, Chairman of the Civic Center Commission, said that the Commission feels they can do something about the non-use days at the Civic Center. The Commission wishes to work closer with the Chamber of Commerce and the Chamber should actively participate in the Commission meetings. With improved communication, the Commission's requests and

needs should be given a higher priority as we work to develop and make recommendations to the Civic Center Director, the City Manager and City Council regarding long-range plans for the Civic Center. There should be a contingency plan if hockey or basketball leave the Civic Center. There needs to be improved public relations by better informing the public of the Center's benefits to them as citizens.

Councilman Mumpower questioned if City Council has been asking the Commission for guidance or advise. Mr. Bowman responded yes. Councilman Mumpower disagreed in that he felt the Commission is severely underutilized. He felt the Commission should be included and asked to offer their opinion in any primary decisions affecting the Civic Center.

Ms. Laverne Laney and Mr. Paul Hornyak, Civic Center Commission members, asked City Council to devote a person solely to the Civic Center to solicit events.

Mr. Dan Wilhelm, representing the Asheville Smoke, said they were in a good position to finish the season and they wanted hockey to remain in Asheville for years to come.

UPDATE ON INFORMATION TECHNOLOGY

-
Information Services Director Larry Bopp and members of his staff updated City Council on five new applications that will serve residents: (1) Search City Council minutes; (2) utility billing Internet service; (3) Parks and Recreation on-line registration; (4) building permits on-line; and (5) community reporting. Future initiatives (which will require funding) include (1) determine flood zone conditions for properties; (2) apply for and pay for business licenses; (3) pay parking tickets; (4) access housing inspection reports; (5) access traffic accident reports; and (6) access map data sources (for architects, engineers, surveyors and government agencies).

BOARD AND COMMISSION REPORT

Vice-Mayor Bellamy, Chair of the Boards & Commissions Committee, gave a brief report on the School Board vacancy process. She presented City Council with an aggressive schedule to appoint a member to the School Board to fill Mark Gordon's unexpired term. After discussion, it was the consensus of Council to proceed with the schedule presented by Vice-Mayor Bellamy, and to not make it mandatory that School Board applicants must live in the Asheville School District.

At the request of Vice-Mayor Bellamy, it was the consensus of City Council to change the Film Commission membership from 15 to 13 members and instruct the City Attorney to prepare the proper ordinance amendment.

Vice-Mayor Bellamy said that with regard to the U.S. Citizenship issue, based on the information given to City Council from the City Attorney, they could not legally make any changes to the list, except to exclude the Asheville-Buncombe Community Relations Council and the Minority Business Commission.

-11-

Upon inquiry of Councilman Dunn, Mayor Worley said that this item will be scheduled for an upcoming agenda.

CLOSED SESSION

At 7:25 p.m., Councilman Mumpower moved to go into closed session to establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease - G.S. 143-318.11(a)(5). This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

At 8:10 p.m., Councilman Ellis moved to come out of closed session. This motion was seconded by Councilman Mumpower and carried unanimously.

ADJOURNMENT:

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

CITY CLERK

MAYOR