

Regular Meeting

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

INVOCATION

Councilman Ellis gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING SEPTEMBER 11, 2002, AS "ALWAYS REMEMBER 9-11 DAY"

Mayor Worley read the proclamation proclaiming September 11, 2002, as "Always Remember 9-11 Day" in the City of Asheville. He presented the proclamation to Assistant Fire Chief Robert Griffin, who accepted the proclamation on behalf of the entire Asheville Fire Department and the entire Asheville Police Department.

B. PROCLAMATION PROCLAIMING SEPTEMBER 11, 2002, AS "SPIRIT OF AMERICA – DAY OF CARING & REMEMBRANCE"

Mayor Worley read the proclamation proclaiming September 11, 2002, as "Spirit of America – Day of Caring & Remembrance" in the City of Asheville. He presented the proclamation to Mr. David Bailey from United Way. Mr. Bailey briefed City Council on some activities taking place during that day, noting that there are 1,500 Asheville and Buncombe County volunteers who will work on 140 projects.

C. PROCLAMATION PROCLAIMING THE WEEK OF SEPTEMBER 16-20, 2002, AS "MINORITY ENTERPRISE DEVELOPMENT WEEK"

Vice-Mayor Bellamy read the proclamation proclaiming September 16-20, 2002, as "Minority Enterprise Development Week" in the City of Asheville. She presented the proclamation to Mr. Marvin Vierra, who briefed City Council on some activities taking place during the week.

D. RESOLUTION NO. 02-143 - RESOLUTION REGARDING SECURE LOCAL REVENUE TO THE NORTH CAROLINA HOUSE OF REPRESENTATIVES

RESOLUTION NO. 02-144 - RESOLUTION REGARDING SECURE LOCAL REVENUE TO THE NORTH CAROLINA SENATE

RESOLUTION NO. 02-145 - RESOLUTION REGARDING SECURE LOCAL REVENUE TO GOVERNOR OF NORTH CAROLINA

At City Council's direction, City Attorney Oast said that he has drafted resolutions requesting our North Carolina House of Representatives, the North Carolina Senate and Governor Easley to act with all deliberate speed to secure local revenue by accelerating the effective date of the local option sales tax authorization, requiring the distribution of State-collected revenues, or other appropriate measures.

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This draft resolution requests the General Assembly and Governor to act to secure local revenues, either by providing for a local sales tax or requiring the distribution of State-collected revenues that have been withheld. The N.C. League of Municipalities has requested that cities take some action to encourage the General Assembly to resolve their current budgetary disagreement in a way that provides a secure source of local revenue.

Councilman Ellis moved for the adoption of Resolution Nos. 02-143, 02-144, and 02-145. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

RESOLUTION BOOK NO. 27 – PAGE 239, 240, 241

II. CONSENT:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 27, 2002; THE REGULAR

MEETING HELD ON AUGUST 29, 2002; AND THE WORKSESSION HELD ON SEPTEMBER 3, 2002

B. RESOLUTION NO. 02-146 - RESOLUTION AUTHORIZING THE CITY TO EXCHANGE CITY-OWNED PROPERTY AT THE CORNER OF MOUNTAIN STREET AND CLEMMONS STREET FOR PROPERTY AT TUSKEEGEE STREET

Summary: The consideration of a resolution authorizing the Mayor to convey property on Mountain Street in exchange for real property located on Tuskegee Street.

The City and Groundstar Development, Inc. have negotiated an exchange of Disposal Parcel 173 on Mountain Street for Groundstar's property on Tuskegee Street. Disposal Parcel 173 (PIN No. 9649.19-60-8939) is a residential lot owned by the City on Mountain Street comprising 8,276 square feet and designated to be sold for redevelopment as part of the East End/Valley Street Community Improvement Program.

The City's property is located one block from property on Tuskegee Street, owned by Groundstar (PIN No. 9649.19-60-4246). Groundstar purchased the lot on Tuskegee Street to build a house for sale, but then discovered that the lot is not buildable because of an essential drainage structure on the property on Tuskegee. An exchange of property will satisfy Groundstar's need for a buildable lot and the City's need to continue to provide storm drainage on Tuskegee Street.

Pursuant to City Council Resolution No. 02-132, notice was duly published in the Asheville Citizen-Times on August 30, 2002.

Approval of the resolution will authorize the exchange of the properties as provided in N. C. Gen. Stat. sec. 160A-271.

Planning & Development staff recommends adoption of the resolution authorizing the Mayor to convey property on Mountain Street in exchange for real property located on Tuskegee Street.

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C. RESOLUTION NO. 02-147 - RESOLUTION AUTHORIZING THE CITY TO APPROVE THE SALE OF CITY-OWNED PROPERTY ON OTEEN CHURCH ROAD TO JAMES R. AND IRMA S. LEWIS

Summary: The consideration of a resolution authorizing the Mayor to convey 1.58 acres of land off Oteen Church Road to Jim and Irma Lewis.

On August 27, 2002, the City Council directed the City Clerk to advertise for upset bids on property off Oteen Church Road. The advertisement ran in the Asheville Citizen-Times on August 30, 2002, as provided in N. C. Gen. Stat. sec. 160A-269. No response was received. Therefore, the offer to purchase from Jim and Irma Lewis in the amount of \$24,000 was not upset and the sale to Jim and Irma Lewis should be approved.

Planning staff recommends adoption of the resolution authorizing the sale of the property off Oteen Church Road to Jim and Irma Lewis in the amount of \$24,000.

RESOLUTION BOOK NO. 27 – PAGE 243

D. RESOLUTION NO. 02-148 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO DISPOSE OF CITY-OWNED PERSONAL PROPERTY BY PUBLIC AUCTION ON SATURDAY, OCTOBER 5, 2002

Summary: The consideration of a resolution authorizing the Purchasing Director to dispose of City-owned personal property by public auction on Saturday, October 5, 2002.

The resolution authorizes the City's Purchasing Division to hold a public auction to dispose of motor vehicles, off-road equipment, and other miscellaneous property declared as surplus by various City departments. The auction to be held Saturday, October 5, 2002, at 10:00 a.m. in the Public Works Complex, 161 S. Charlotte Street, Asheville, N.C.

City staff requests City Council approve the resolution authorizing the Purchasing Director to hold a public auction on October 5, 2002, at 10:00 a.m. at the Public Works Complex, 161 S. Charlotte Street, Asheville, N.C.

RESOLUTION BOOK NO. 27 – PAGE 244

E. RESOLUTION NO. 02-149 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICE AGREEMENT RENEWAL WITH MOTOROLA COMMUNICATIONS AND ELECTRONICS INC.

Summary: The consideration of a resolution authorizing the City Manager to execute a service agreement renewal with Motorola

Communications and Electronics, Inc. to provide maintenance of the City's radio communication system for another year at a cost of \$9,795.10 per month.

Motorola Communications and Electronics, Inc. has provided maintenance services for the City's radio communications system since installation of the system in 1992. Effective with the service agreement covering the period of September 1994 through August 1995, the maintenance cost per unit of equipment has remained fixed. The service agreements are renewed annually. The maintenance cost per unit of equipment for the renewal period of September 1, 2002, through August 31, 2003, remains fixed at the original cost per unit.

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This renewal agreement reflects a monthly decrease of \$1,758.80. This is due to the fact that some radio equipment will include labor only as part of the maintenance agreement. The agreement covers additional equipment purchased by the City that has come out of warranty during the past year. The monthly cost of this service is \$9,795.10.

Funds have been appropriated in the Finance Department, Information Services Division, in Account No. 110-1005-415-3001 C44108 to cover the monthly cost of this agreement.

City staff recommends City Council adopt the resolution which authorizes the City Manager to execute a renewal of the service agreement with Motorola Communications and Electronics, Inc. to provide maintenance to the City's radio communication system.

RESOLUTION BOOK NO. 27 – PAGE 245

F. ORDINANCE NO. 2954 - BUDGET AMENDMENT TO ALLOW FOR THE EXPENDITURE OF ADDITIONAL FUNDS PROVIDED BY THE HOUSING AUTHORITY FOR THE SUMMER YOUTH EMPLOYMENT PROGRAM 2002

Summary: The Summer Youth Employment Program was unable to be funded by the City for the first time in many years due to the budget shortfall caused by the State of North Carolina. A non-profit agency, Community Solutions for Youth Employment (CSYE), stepped forward and funded the program through a cooperative agreement with the Parks and Recreation Department. The amount provided by the CSYE was \$37,400. Because of the demand for summer youth employment positions, the CSYE gained additional financial support from the Asheville Housing Authority, in the amount of \$8,928 to pay for additional youth positions. These additional funds require a budget amendment so they can be utilized and to move funds from unused line items to the line item for part-time seasonal salaries.

City staff recommends City Council adopt the budget amendment for the Summer Youth Employment Program 2002.

ORDINANCE BOOK NO. 20 – PAGE 64

G. ORDINANCE NO. 2955 - BUDGET AMENDMENT FROM MOUNTAIN MOBILITY OF BUNCOMBE COUNTY

Summary: The consideration of (1) a budget amendment, in the amount of \$50,000, to receive additional funding by Mountain Mobility of Buncombe County to provide two additional bus trips provided by the Asheville Transit to Black Mountain; and (2) a resolution authorizing the City to enter into an agreement with Mountain Mobility of Buncombe County to provide said service.

Mountain Mobility has received federal funds for the provision of additional service for persons seeking to commute to work using public transportation. Mountain Mobility seeks to enter into an agreement with Asheville Transit to use these monies to fund two additional trips to Black Mountain at times conducive to employment commuting. Mountain Mobility will subsequently provide feeder routes with its vans to feed these and currently existing Black Mountain trips run by Asheville Transit.

City staff recommends City Council approve the budget amendment to receive additional funding from Mountain Mobility, and grant City Manager authority to enter into an agreement for same.

ORDINANCE BOOK NO. 20 – PAGE 66

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H. RESOLUTION NO. 02-150 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUNCOMBE COUNTY TO PROVIDE ADDITIONAL TRANSIT SERVICES TO THE TOWN OF BLACK MOUNTAIN

Summary: See Consent Agenda Item "G" above.

RESOLUTION BOOK NO. 27 – PAGE 246

I. RESOLUTION NO. 02-151 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION

Summary: The consideration of a resolution approving a grant from the Federal Aviation Administration in an amount not to

exceed \$604,709.

The Federal Aviation Administration (FAA) has offered a grant agreement to the Asheville Regional Airport. This grant, in an amount not to exceed \$604,709, is for the project consisting of: installing runway lighting for Runway 34 (Category II Touchdown Zone Lighting); rehabilitate taxiway lighting, and construct perimeter security/service road, Phase II.

Staff recommends adoption of the resolution authorizing the Mayor to execute the grant agreement for Project No. 3-37-0005-27.

RESOLUTION BOOK NO. 27 – PAGE 247

J. RESOLUTION NO. 02-152 - RESOLUTION SETTING A PUBLIC HEARING ON OCTOBER 8, 2002, TO CLOSE A PORTION OF OLD HAYWOOD ROAD BETWEEN PARK AVENUE AND ROBERTS STREET

RESOLUTION BOOK NO. 27 – PAGE 248

K. RESOLUTION NO. 02-153 - RESOLUTION AUTHORIZING THE MAYOR TO CONVEY AN EASEMENT OVER CITY-OWNED PROPERTY ON CHOCTAW STREET TO TILMAN AND SABRINA JACKSON

Summary: The consideration of a resolution authorizing the Mayor to convey an easement over a portion of City-owned property in the East Riverside Redevelopment Project Area on Choctaw Street for a private residential sewer line.

The City owns property (PIN No. 9648.10-25-8823) located between Tolula Lane and Choctaw Street and Town Branch approximately 400 feet west of McDowell Street. Due to its location, shape and topography, its current and anticipated use is for park green space with plans for an improved greenway path along Town Branch.

Tilman and Sabrina Jackson purchased a parcel of land from the City adjacent to the greenway parcel in May of 2002 and have since erected a single-family dwelling. Due to the location of water lines and sewer lines the Jacksons have requested an easement, which would provide the most direct and efficient route to the sewer main. The easement would be solely for the purpose of installing and maintaining the sewer line and would not restrict the City from constructing a greenway path or planting trees which is the proposed use of the City's property.

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Approval of the resolution will authorize conveyance of the easement to Tilman and Sabrina Jackson for the purpose of a private residential sewer line.

The staff of the Community Development Division, Parks & Recreation Department and Water Resources Department recommend adoption of the resolution authorizing the easement.

RESOLUTION BOOK NO. 27 – PAGE 249

Mayor Worley 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.

Councilman Mumpower moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

III. PUBLIC HEARINGS:

A. PUBLIC HEARING TO REZONE TWO LOTS ON ARDMION PARK ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

Mayor Worley said that this public hearing was continued from the August 13, 2002, at which time the petitioner requested additional time within which to prepare for the City Council meeting.

On September 10, 2002, the petitioner made a written request for a two-week extension in order to arrange neighborhood meetings. Therefore, Councilman Peterson moved to continue the public hearing until September 24, 2002. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

B. PUBLIC HEARING TO CONSIDER AUTHORIZING THE CITY TO ENTER INTO AN EASEMENT FOR AN ECONOMIC DEVELOPMENT INCENTIVE

RESOLUTION NO. 02-155 - RESOLUTION AUTHORIZING EXECUTION AND ECONOMIC DEVELOPMENT AGREEMENT (MINKLES LLC)

Mayor Worley opened the public hearing at 5:30 p.m.

Economic Development Director Mac Williams said that this is the consideration of a resolution authorizing the City to enter into an agreement with Electrolux Home Products for an economic development incentive in the form of an easement onto city-owned property for construction of a retention pond. This public hearing was advertised on August 30, 2002.

Electrolux Home Products operates a regional distribution hub in a facility it leases located at 1310 Fanning Bridge Road in Asheville. The company is proposing an expansion of their distribution capacity by improving the efficiency of their site for increased truck & trailer movements. To accomplish this, an existing stormwater retention pond must be relocated.

The location and size of the new pond requires that a portion of it be located on city-owned property adjacent to the Electrolux site. To assist the company, the city is offering an easement onto its land for the location of the new retention pond. All other costs and liabilities associated with the construction and maintenance of the pond are the responsibility of the

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company. The pond is being designed to accommodate any future development on the remaining portion of the city property.

With the ability to increase the efficiency of this site, Electrolux has decided to keep the Asheville facility operational. The Asheville operation occupies a 500,000 square foot building and employs 128 people at an average hourly wage of \$12.28.

Mayor Worley closed the public hearing at 5:34 p.m.

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

Councilman Ellis moved for the adoption of Resolution No. 02-155. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

RESOLUTION BOOK NO. 27 – PAGE 251

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

A. ORDINANCE NO. 2956 - ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCE REGARDING ANIMAL CONTROL

Police Chief Will Annarino said that this is the consideration of an ordinance amending the Animal Control ordinance.

The Asheville Police Department is seeking to improve public safety and the humane treatment of animals by reviewing and updating the animal control ordinance.

The animal control ordinance was last revised on October 27, 1999. In an effort to meet public expectations and insure the most up to date ordinance possible, the Asheville Police Department began a review of the ordinance in early 2002. The ordinance was also modified to establish the City of Asheville's relationship with the animal shelter, which was previously defined by Buncombe County ordinance.

Consistent with City Policy, the Asheville Police Department sought input from organizations such as the Coalition of Asheville Neighborhoods, and the Haw Creek Neighborhood Association and the Kenilworth Neighborhood Association. A public meeting was held and comments were received on August 19, 2002.

The ordinance will be enforced solely by civil citations. If there is a serious violation, the Police Department can criminally charge the violators through state law in terms of dangerous dogs and cruelty to animals.

Chief Annarino pointed out some amendments as follows:

- All persons keeping an animal in the City for 30 days or longer or to all owners whose animal has a set of permanent K-9 teeth are required to obtain an annual license tag for such dog.
- Change in language making it easier to classify barking dogs as a nuisance and have the nuisance definition be in line with the noise ordinance.

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- Change wording for the maximum number of animals within a household from "more than six" to "seven or more." However, the maximum number without a permit in the City remains at six.
- Add a section making it unlawful for a person to tether an animal to public property.

- Change in penalty section whereby a violation of any section of the animal control ordinance will be a civil violation where the animal control officer may impose a civil penalty (i.e. \$50).
- Owner of an animal must keep the animal on his or her premises or if off premises the animal must be on a leash in the hand of the owner. This does not apply to cats, service animals with the proper documentation and dogs in specified dog parks.
- Addition of language allowing the animal control officer to require a dog owner to obtain liability insurance after a violation of the ordinance.
- If the owner fails to comply with an order from an animal control officer, then each day that the owner violates the order, the owner may be fined \$50 per day. Each day in violation constitutes a separate violation.
- The City will attempt to give notice to the owner that his/her animal was impounded. If the owner is unknown, persons much check the designated shelter. The owner has 72 hours to claim his/her animal and the clock begins to run when the animal control officer brings the animal to the shelter. However, according to the Humane Society's policy, if the name of the owner is known, the Humane Society will hold the animal for 10 days. If the owner does not claim his/her animal in 72 hours, the Humane Society can either put the animal up for adoption or destroy it.
- In instances where the animal must be kept at the shelter for more than the 72-hour period, the owner may pay a bond in order to prevent the animal from being put down or put up for adoption.
- Enforcement of the amended ordinance will begin on October 1, 2002.

As a result of discussion at Council's September 3 worksession, Chief Annarino pointed out some further amendments:

- Section 3-12 (h) - It shall be unlawful for any person injuring or killing a domestic animal by striking it with an automobile or other vehicle to fail to contact and cooperate with the local authorities.
- Section 3-29 (c) – Clarification of what happens if the dog is impounded and how the animal can be retrieved.
- Section 3-30 (a) – The animal control officer shall have the authority to summarily seize the animal from the premises when they determine that the animal is receiving insufficient care or treatment or that the animal in the surrounding circumstances is dangerous to the health, safety or welfare of the general public.

Assistant City Attorney Curt Euler explained the difference between a civil vs. criminal penalty regarding this ordinance.

Upon inquiry of Vice-Mayor Bellamy, Mr. Euler explained that if a dog is deemed dangerous or potentially dangerous, the victim of an animal bite can file criminal charges against the dog owner and it would be up to the courts to determine restitution.

Animal Control Supervisor Brenda Covey responded to various questions from Council regarding when a dog can be seized, the reasoning why a dog would be quarantined in the home vs. being taken to the animal shelter, the steps that would be taken when the animal control officer goes on a call for a dog bite, and what is involved in a bite investigation.

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Councilman Peterson felt that having a public nuisance declared should not only be for "adjoining" property owners but for "surrounding" property owners. Mayor Worley explained that it doesn't require that the adjoining property owner make a complaint - a complaint could come from six houses away. The standard is that if it's too loud for the surrounding property owners, it's going to be much louder for the adjoining property owner. It's the standard, not who makes the complaint.

Councilman Peterson explained why he felt a public nuisance should be declared not when the keeping of an animal is "frequently" at large, but "occasionally" at large.

Councilman Mumpower felt that the amended language in Section 3-12 (h) was a little heavy-handed and suggested that persons be asked to make a reasonable and immediate effort to contact the animal's owner and/or animal control.

Mr. Fred English, Haw Creek resident, felt that the ordinance is not strict enough and must be enforced.

Ms. Mary Folds, West Asheville resident, was concerned about the sanitation in the City, but more importantly pointed out violations occurring in her back yard with dogs and problems she has encountered with the dogs and their owner. She expressed her frustration with the animal control officers not enforcing the ordinance.

Mr. Clark Walter, Chairman of the Libertarian Party of Buncombe County, said the proposed ordinance delegates to the Police Department the enforcement of animal control regulations and they suggest the powers granted to the animal control officers are in some cases excessive and too vaguely defined. Sections 3-8 (c) should not be applied to animals that do not leave the home. In Section 3-9 (a) (4), they suggest that the owner be required to keep the dog muzzled and leashed at all times when off of the owner's property. The owner should be held responsible and the choice of insurance should be left to the owner. In Section 3-12 (c), owners should be permitted to tie leashed dogs to public property with an approved muzzle. Warning should be given and entered into the computer. He explained how the fees for dog tags are grossly inadequate to cover the total costs for the enforcement program.

A resident who has been recently attacked by a dog stressed that any violation of this ordinance should be a criminal offense.

Ms. Shirley Campfield said that if the City is going to have an ordinance, then the ordinance must be strictly enforced and when violations occur, tickets should be given.

Mr. Bob Brummond, Haw Creek resident, said that the Haw Creek Animal Concerns Committee feels that City Council should establish an animal control advisory committee to address animal control matters on an on-going basis. In addition, they felt that if an officer sees a person walking a dog on a leash, that the officer should stop and ask the person if they have a way to clean up after the dog. If they do not, then it shows that they have no intention of abiding by the law to clean up after their pet, and they should be given a citation.

Mr. Tom Glanville, North Asheville resident, pointed out that owning a dog is a responsibility and the ordinance should be written with that in mind. In addition, he felt some language should be in the ordinance for false accusations.

Mr. Thomas Penland, Haw Creek resident, stressed that the ordinance needs enforcement.

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Mr. Bob Swan, Haywood Street resident, supported the ordinance. He suggested a police officer approach a person walking a dog and asking them how they will handle cleaning up after their animals. If they don't have anything, then the officer can hand them a bag. That way, people will more than likely be prepared next time.

Ms. Bernie Wolf said understood that the ordinance is to protect the safety of citizens and pets, but doesn't think taking away the dog tethering is consistent with pet safety. Asheville shouldn't be advertised as "pet friendly" if it does not offer alternatives to attaching a dog's leash to something while making a quick purchase. She suggested a way to deal with this type situation and passed out pictures. She said Telluride, Colorado, has installed leash racks (puppy parking) convenient to shopping and eating establishments. She urged Council to seek another alternative other than banning tethering.

Councilman Peterson asked why owners could not be cited for not carrying bags to clean up after their pets. He felt it was a way to send a message that we are serious about enforcement. Mr. Euler said that the matter was considered and it was the consensus that it would be hard to fine someone \$50 for not having clean-up material in his or her pocket. In addition, there are a limited number of animal control officers and they have to prioritize what they will enforce. Chief Annarino said that he would have a serious concern of issuing a citation before an actual offense occurs.

Upon inquiry of Vice-Mayor Bellamy, Chief Annarino outlined how they plan on educating the public on these changes. Some ways include brochures, door hangers, availability of offices at community and association meetings, information on the government channel, etc.

When Vice-Mayor Bellamy asked about an animal control advisory committee, City Attorney Oast said that to the extent the enforcement is in the Police Department, there would probably be a liaison from the Police Department.

Councilwoman Jones asked if the Police Department would be open to something similar to a "puppy park." Chief Annarino said that something in the future might work. Perhaps a non-profit group or someone wanting to lead an independent effort (separate and apart from the Police Department) could establish something similar to that and then the ordinance could be revisited.

Mayor Worley noted that the ordinance does not prohibit the tethering of animals to private property, but only to public property.

Councilwoman Jones suggested that Pritchard Park have a box installed where bags are available, as they are in Montford Park, for owners to use to clean up after their dogs.

Vice-Mayor Bellamy felt that another dog park closer to downtown might be good idea because a lot of people do use the one we currently have.

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

Vice-Mayor Bellamy moved to adopt Ordinance No. 2956, with the following two amendments: (1) Section 3-12 (h) read "Any person injuring or killing a domestic animal by striking it with an automobile or other vehicle shall make reasonable and immediate efforts to notify the owner of said animal, if ownership information is available. If the owner cannot be contacted and the animal is still alive, reasonable measures must be taken to notify appropriate local agencies;" and (2) Section 3-9 (a) (3) read "The keeping of any animal which occasionally is at large. This motion was seconded by Councilman Mumpower and carried unanimously.

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At Councilman Peterson's request and Council's consensus, City Manager Westbrook said that he would bring information before Council on establishing an animal control advisory committee. He did note that the ordinance should be in effect for a period of time before any committee is formed.

ORDINANCE BOOK NO. 20 – PAGE 68

B. RESOLUTION NO. 02-156 - RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

Vice-Mayor Bellamy said that the terms of Selina Sullivan, Hedy Fischer and Max Haner, as members on the Planning and Zoning Commission, expired on August 14, 2002.

Mr. Haner has served two full successive terms and is not eligible for reappointment.

On September 3, 2002, City Council interviewed Hedy Fischer, Selina Sullivan, Richard Griffin, Barbara Fishburne and Kenneth Kidd.

On September 10, 2002, City Council interviewed Gail Moody, Jane Mathews and Nathaniel Cannady.

Hedy Fischer received 7 votes; Selina Sullivan received 6 votes; Richard Griffin received no votes; Barbara Fishburne received no votes; Kenneth Kidd received no votes; Gail Moody received 1 vote; Jane Mathews received 2 votes and Nathaniel Cannady received 5 votes.

Therefore, Selina Sullivan was reappointed to serve a three year term, term to expire August 14, 2005; Hedy Fischer was reappointed to serve an additional three year, term to expire August 14, 2005; and Nathaniel Cannady was appointed to serve a three year term, term to expire August 14, 2005. All terms are until their successors have been appointed.

RESOLUTION BOOK NO. 27 – PAGE 252

VI. OTHER BUSINESS:

Claims

The following claims were received by the City of Asheville during the period of August 23-29, 2002: Lori Brewer (Streets), Pat Doran (Streets), Bobbie Bishop (Police), BellSouth (Water), Bob Blanchard (Water) and Karen Moseley (Water).

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

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mayor Worley said that the City Manager would be providing Council with an update on the conditional use permit for the Super Wal-Mart in the near future.

Mr. Fred English stressed that signs that are put out need to be removed after the event. If the sign is not removed within 24 hours after the event, it should be taken down, returned to the address on the sign and that person issued a citation for \$50.

Ms. Martha Fullington, Chair of the Historic Resources Commission of Asheville and Buncombe County (HRC), said that the City of Asheville was designated as a Destination of Distinction by the National Trust for Historic Preservation. Representatives from the National

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Trust for Historic Preservation in Washington, D.C., and Charleston, S.C., would like to present the City with the award on September 24, 2002, along with a brief discussion of what this means to the City of Asheville's preservation community and to the economic benefits of our City and County. She also reported about what the HRC does for the community.

Mr. Frank Thomson, Vice-Chair of the Historic Resources Commission of Asheville and Buncombe County, explained how proud Asheville should be in receiving the prestigious award from the National Trust for Historic Preservation.

Mr. Neal Booker spoke about the need for affordable housing in Asheville and how he has been working on that for the past three years. Two problems he has run into is that incentives for developers are not known and he felt the City should publicize those incentives more. In addition, another problem encountered is getting homeowners financing. He felt the key to have more affordable housing is education – for the developer and for homeowners.

Mr. Alan Ditmore, Leicester resident, said that even though there are arguments of how the expansion of the City's extraterritorial jurisdiction benefits the environment, he explained how expansion is a detriment to the environment as well.

VIII. ADJOURNMENT:

Mayor Worley adjourned the meeting at 7:37 p.m.

CITY CLERK

MAYOR