

Worksession

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

Absent: None

CONSENT:

Provisions for Possession and Consumption of Malt Beverages and/or Unfortified Wine at Various Events

Summary: The consideration of resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at the following events: Sunset Stampede, Mountain Sports Festival, The Asheville Independent Restaurants' Taste of Asheville, Asheville's 4th of July Celebration, Bele Chere 2004, Asheville Goombay Festival, Sisters on Stage, Annual Brewgrass Festival, Asheville Greek Festival, World of Ice Festival, October Harvest Festival, Hardlox Café Jewish Food Festival, Asheville Downtown Association events, The Asheville Assault Home Games, Asheville Splash Home Games, and Asheville Grizzlies Home Games.

- The below listed groups have requested through the Asheville Parks and Recreation Department that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at these events.
 - The Sunset Stampede, scheduled for May 1, is a run and event that will raise funds for Big Brothers/Big Sisters.
 - The Mountain Sports Festival, scheduled for May 7-9, is an event to draw attention to the vast opportunity for Asheville as a destination for adventure sports.
 - The Asheville Independent Restaurants' Taste of Asheville, scheduled May 22, is an event to promote the many independently owned restaurants in the Asheville area.
 - Asheville Parks and Recreation produces the 4th of July Celebration and Fireworks spectacular as a community celebration and to attract visitors to the downtown area.
 - For many years, the Bele Chere Board in cooperation with the Asheville Parks and Recreation Department has produced Bele Chere to bring both the public and visitors to the downtown area. This year the request is being made for July 23-24, 2004. The Bele Chere Board and Asheville Parks and Recreation has requested permission to allow possession and consumption of beer and wine during this event as they have been allowed in the past.
 - The Asheville Goombay Festival is a unique celebration of African heritage and traditions. The Festival is co-sponsored by the Asheville Parks and Recreation Department and will be held August 27-29. The 2004 Goombay Festival has requested permission to allow possession and consumption of beer and wine during these events as they have been allowed in the past.
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- Sisters on Stage is an event to raise funds for Helpmate, an organization committed to assisting battered women. This year's event is scheduled on September 4.
 - For several years, the Annual Brewgrass Festival has served as a unique celebration of the art of brewing beer in the spirit of Oktoberfest with a Smokey Mountain twist. This year's event is scheduled for September 18.
 - The Asheville Greek Festival is a unique celebration of Greek heritage and traditions at City/County Plaza. The Festival is co-sponsored by the Asheville Parks and Recreation Department and will be held September 24-26. The 2004 Greek Festival has requested permission to allow possession and consumption of beer and wine during these events as they have been allowed in the past.
 - The World of Ice, scheduled for October 10, is an event showcasing the regions best Ice Carvers and restaurants in

downtown Asheville.

- The Grove Arcade's Harvest Festival, scheduled for October 16, is an event to promote downtown as a shopping destination.
- The Hardlox Café Jewish Food Festival, scheduled for October 17, is a celebration of Jewish cuisine and heritage.
- For many years, the Asheville Downtown Association has co-sponsored with the City of Asheville events to bring both the public and visitors to the downtown area. These events include: *Moonlight Over Downtown* and four *Downtown After Five activities*. The Asheville Downtown Association has requested permission to allow possession and consumption of beer and wine during these events as they have been allowed in the past.
- The Asheville Assault, Splash, and Grizzlies are all semi-professional sports teams that seek to serve alcohol at their home games throughout the summer.

The Asheville Parks and Recreation Department recommends approval of the resolutions to authorize the possession of malt beverages and/or unfortified wine for the above-mentioned events at specific locations and times noted in the resolutions.

Financing the Purchase of One Fire Pumper, One Side-Loader Garbage Truck and 5,330 Roll Carts

Summary: The consideration of a resolution authorizing the installment financing of the purchase of one fire pumper, one side-loader garbage truck and 5,330 associated roll carts.

The City of Asheville Capital Improvement Plan 2003/04 to 2008/09 includes authorization in Fiscal Year 2003/04 for the installment purchase of a fire pumper, one side-loader garbage truck and associated roll carts.

The Finance Department sought proposals from fourteen firms to finance the purchase of the above listed equipment. Proposals were received from ten firms, the best of which was submitted by RBC Centura Bank, - - 2.35% for four years eleven months.

The proposed resolution authorizes an installment purchase contract between the City of Asheville and RBC Centura Bank for the purchase of the fire pumper, side-loader garbage truck and 5,330 roll carts and authorizes the City Manager, City Attorney, Finance Director and City Clerk to execute and deliver any and all necessary documents.

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- Pros: Provides funding of capital expenditures at very favorable interest rates.
RFP solicitations for financing proposals fosters competition which results in lower rates for this and future financings by the City.
Financing capital purchases spreads the cost of acquisition over several years of the useful life of the asset.
Paying for capital purchases with the proceeds of a financing, as opposed to paying for the purchase by using the City's currently-available cash balances, slightly increases the currently available funds that could be used for other purposes.
- Cons: Financing the purchase slightly increases the lifetime cost of the acquisition due to the payment of interest on the amount financed.

City staff recommends City Council adopt the resolution authorizing the installment financing of the purchase of one fire pumper, one side-loader garbage truck and 5,330 associated roll carts.

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.

UPDATE ON COLLEGE STREET PLAN BETWEEN SPRUCE STREET AND CHARLOTTE STREET

- Traffic Engineer Anthony Butzek said that this is the description of conceptual plans prepared for implementing a boulevard treatment on College Street between Spruce and Charlotte Streets.

College Street, which once served as US 70, is a wide four-lane undivided street with on-street parallel parking. The proposed design consists of one through lane in each direction, a median with left-turn bays, bicycle lanes, added parking through

use of angle parking, and a roundabout at the intersection with Valley and Oak Streets. Changes would be implemented with planned resurfacing to minimize costs.

The proposed plan was analyzed with existing peak-hour traffic counts plus 10% growth, and operates well within capacity with this traffic projection. The capacity of the corridor as a whole remains constant, because the same number of lanes is provided at Charlotte Street, which is the corridor's capacity constraint. Potential future traffic volumes for the underutilized group of parcels north of College Street were analyzed as well, and the corridor would continue to operate within capacity.

By virtue of the proposed roundabout, the proposed plan cuts the travel time between Spruce and Charlotte Streets by about 10 seconds in each direction from existing conditions. Compared to a two-lane cross-section with a traffic signal, the roundabout saves about 20 seconds travel time in each direction. The roundabout improves future level of service (LOS) from LOS E (peak) to LOS D, and LOS D (off-peak) to LOS C.

The two-lane divided cross-section will correct the unsafe crosswalks that currently exist by 1) providing a safe refuge island; and 2) eliminating the multiple jeopardy situation that occurs today. Multiple jeopardy is when a car in one lane stops for a pedestrian, blocking the view of the car in the other lane. This is the reason for most of the pedestrians being struck. This design will eliminate the need for Sheriffs to continue to serve as crossing guards. This design is much less costly than other safety-improvement techniques, such as signals or actuated crossings, which would cost \$50-100,000 per crosswalk.

The two-lane divided cross-section will increase speed limit compliance, which is currently problematic in this corridor, while reducing enforcement needs.

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The provision of bicycle lanes is consistent with the Asheville Greenways Master Plan, which recommends an on-street greenway in this corridor.

The parking count is increased by 14 spaces on the south side of College Street, which will offset the potential loss of 6 on-street spaces to Pack Square, 16 on-street spaces to the two-way conversion of College Street and Patton Avenue, and 3 on-street spaces on the north side of College Street due to safety considerations.

This plan is consistent with the Pack Square Plan and the City Plan, providing a gateway boulevard with extensive aesthetic opportunities for the primary eastern access to downtown.

The materials cost of this project is estimated at \$75,000 - \$80,000. City crews could perform the construction. Consultant fees of \$15,000 would produce construction drawings for the roundabout. Estimated \$5,000 to remove traffic signal at Oak/Valley Street (compared to \$10,000 to install needed upgrades) will save \$4,000-5,000 annually in signal operation and maintenance costs. Aesthetic enhancements would be additional.

He explained there are costs of doing nothing: (1) continued use of Buncombe County Sheriff's Department as crossing guards; (2) \$10,000 traffic signal upgrades; (3) \$4-5,000 annual signal maintenance; and (4) the opportunity cost is tremendous.

The next steps will be a public meeting and final design.

Pros:

- Improved traffic flow and reduced travel time
- Reduction in most traffic crashes
- Improved pedestrian safety
- Provision of bicycle lanes
- Increase in on-street parking spaces
- Improved speed limit compliance through design; reduced enforcement
- Consistent with approved plans (Pack Square, Greenways, City Plan 2025)
- Creation of attractive downtown gateway corridor
- Cost is less than alternative measures to improve safety
- Minimize cost by scheduling with resurfacing

Cons:

- Negative perception by some of reduced number of lanes
- It is possible that the angle parking might generate some low-severity crashes
- Cost is moderate

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He reviewed with Council the history of the area and showed Council a proposed design outlining the specifics, which included: design speed is 20 miles per hour; two-lane median-divided; parallel parking on north, angle parking on south; striped bicycle lanes; safe pedestrian crossings; roundabout at Valley/Oak Streets; and all lanes maintained at College and Charlotte.

Mr. Butzek then explained a traffic comparison, which analyzed traffic, travel times and speed for the existing conditions in 2004, a 2-lane road with a roundabout in 2014 and a 2-lane road with no roundabout in 2014.

He explained the design allows for future expansion as follows: extends eastbound left-turn lane at Charlotte Street from 160 feet to 210 feet; allows future addition of 2nd eastbound left-turn lane at Charlotte Street; and effectively increases capacity of the corridor by 25% by easing constraint (College Street and Charlotte Street).

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Some project amenities include: better traffic flow; increase street network capacity; speed limit compliance through design; improved pedestrian safety; and relief for Buncombe County Sheriff's Department acting as crossing guards. He then showed Council a traffic simulation of the area.

The design is consistent with the Pack Square Renaissance Plan, the Greenway Master Plan and the Asheville City 2025 Plan.

Project drawbacks include: a hazard associated with backing out of angle parking spaces; and the negative perception by some of reduced number of lanes.

Mr. Butzek responded to various questions/comments from Council, some being, but are not limited to: is Asheville ready for a roundabout; what is the experience of the roundabout on Weaver Boulevard; where will the bike lanes be located; are the lanes wide enough for emergency vehicles; what are the different Level of Services; would a traffic light be safer in lieu of a roundabout; have there been any plans for the inside of the roundabout since it will be a gateway into the core of Asheville; are there any plans for the intersection of College and Charlotte Streets; and are there any plans for that portion of US 70 coming out of the Tunnel towards downtown leading into Asheville.

Councilman Dunn expressed concern about cutting the 4-lanes down to 2-lanes. He felt the area will continue to be congested and there will be more opportunity for accidents with people trying to back out of the angled parking spaces.

Upon inquiry of Councilman Dunn, City Engineer Cathy Ball said that Buncombe County government is aware of the problems on College Street. At one time they had even suggested traffic signals placed by the Courthouse. She said that a charette was held at which time Buncombe County was very involved in the process for the conceptual plan. Since that original charette, the plan has been revised and it will be sent to Buncombe County for comment. City Manager Westbrook also pointed out that this design was a direct result of the problems Buncombe County was experiencing on College Street with pedestrians and at that time they were very much in favor of it.

Vice-Mayor Mumpower felt it was very important to educate the community about roundabouts. Mr. Butzek said that he will be taking this concept to a public meeting and asked Council for other suggestions about community input.

Upon inquiry of Vice-Mayor Mumpower, Mr. Butzek said that there are advantages and disadvantages for pedestrians with roundabouts. Vision-impaired pedestrians may have a problem crossing, but others may be able to cross easier because of the slow speed.

Councilman Davis asked if staff was aware of problems associated with roundabouts and if any cities reverted back to the 2-lane streets. Mr. Butzek replied that he was aware that several roundabouts reverted back to 2-lane streets, however, it wasn't because people didn't want them, it was because they were small and there wasn't enough right-of-way for larger vehicles.

It was the consensus of Council to direct staff to proceed with the project.

UDO AMENDMENT REVIEWS

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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. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Clarification of Intent of Hillside Regulations Concerning

Non-Residential Uses

Planning & Development Director Scott Shuford said that this is the consideration of an amendment to the Unified Development Ordinance (UDO) for clarification of intent of hillside regulations concerning non-residential uses.

This code amendment is a general "housekeeping" type amendment intended to clarify the intent of the hillside regulations concerning nonresidential uses. Hillside regulations address density and grading requirements for steep slope areas above a certain elevation. The current wording of the hillside regulations implies that these requirements only apply to residential uses. Since other uses, including commercial, institutional, and office uses, can occur in hillside situations, this change allows the grading requirements to apply to those types of uses.

The amendment has been routed to the Coalition of Asheville Neighborhoods, CREIA, and the Council of Independent Business Owners for review and comment.

Pro – Hillside regulations will be able to be applied to nonresidential situations in a manner consistent with how they are applied to residential situations, allowing the ordinance purposes to be met in a more effective fashion. This appears to be consistent with Council's direction at the recent goal-setting meeting.

Con – Applying hillside regulations to nonresidential situations may make it more difficult for nonresidential uses to be established in hillside situations.

The Planning and Zoning Commission recommended approval of this code amendment on April 7, 2004, by a vote of 5-0. City staff recommends approval of the proposed code amendment as well.

Revision of Dimensional Requirements in Urban Village District

Planning & Development Director Scott Shuford said that this is the consideration of an amendment to the Unified Development Ordinance (UDO) for certain revisions of the dimensional requirements in the Urban Village District.

This code amendment is a general "housekeeping" type amendment intended to revise certain dimensional requirements for the urban village zoning district. With the adoption of the 2025 Plan, it became apparent that several areas identified for urban village locations did not meet the 10-acre minimum acreage requirement. This amendment would reduce the minimum acreage requirement to five acres. Additionally, there are several areas of site design inconsistency between the Neighborhood Corridor District and the Urban Village District; this amendment would resolve those inconsistencies.

The amendment has been routed to the Coalition of Asheville Neighborhoods, CREIA, and Council of Independent Business Owners for review and comment.

Pros –

- The 2025 Plan and the UDO will be in greater compliance.
- The Urban Village District would be able to be applied to a larger number of properties (a potential con), allowing it to be used in a greater variety of circumstances.
- There would be greater design consistency between the Neighborhood Corridor District and the Urban Village District.

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Con –

- The Urban Village district would be able to be applied to a larger number of properties (a potential pro).

The Planning and Zoning Commission recommended approval of this code amendment on April 7, 2004, by a vote of 5-0. City staff recommends approval of the proposed code amendment as well.

Mr. Shuford responded to Councilman Davis' comments regarding Planned Unit Developments. He said he would provide Council with a report Council on the Planned Unit Developments and the Urban Village areas in the near future.

Revisions to the Flexible Development Standards

- Planning & Development Director Scott Shuford said that this is the consideration of an amendment to the Unified Development Ordinance (UDO) for revisions to the flexible development standards.

- This code amendment is a general "housekeeping" type amendment intended to clarify the requirements for flexible development standards. This code section has been very useful in streamlining the development review process and we are interested in making sure the requirements are as clear as possible, including the addition of corner side setbacks to the standards.

The amendment has been routed to the Coalition of Asheville Neighborhoods, CREIA, and the Council of Independent Business Owners for review and comment.

Pros – The amendment will be easier to use and the staff interpretation allowing corner side setbacks will be added.

Con – None noted.

The Planning and Zoning Commission recommended approval of this code amendment on April 7, 2004, by a vote of 5-0. City staff recommends approval of the proposed code amendment as well.

A brief discussion was held regarding an appeal to the Board of Adjustment.

- After discussion by Council, it was the consensus to place these public hearings on the appropriate formal City Council agenda.

Upon inquiry of Councilwoman Jones about the attendance of Planning & Zoning Commission members, Planning & Zoning Commission liaison Councilman Davis said that mid-month meetings are not commonly attended. He did state that most meetings are well attended, however, he would discuss attendance with Chair Fisher. Mr. Shuford also stated that there has been good attendance at the Joint Planning Area, meetings which have been outside of the Planning & Zoning regular and mid-month meetings. He said that with the new members recently appointed, they have needed to rescheduled their work load to accommodate the Planning & Zoning meetings.

PETITION FOR ZONING STUDY FOR ST. DUNSTAN'S AREA

- Planning & Development Director Scott Shuford said that this is the consideration of a request from property owners for a zoning study for a portion of the St. Dunstan's neighborhood located off Biltmore Avenue south of the hospital.

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- Section 7-7-2 of the Unified Development Ordinance (UDO) provides property owners with a method to petition Council to authorize a zoning study for property not entirely owned by them. The code requires that a certain percentage (51%) of property owners join the request and, in this case, the percentage has been reached. The petition process does not require Council to ask staff to undertake the zoning study; it only requires that Council consider the request.

The area is described on a map labeled Map #1. In the staff's opinion, the request area does not contain all relevant property that should be examined in a zoning study, so if Council directs that we analyze the zoning of this neighborhood, we recommend that the area be expanded to that illustrated on a map labeled Map #2 for a more consistent pattern of study.

The request is prompted by the underlying zoning of the neighborhood, RS-8, that corresponds well with the existing setbacks for most lots and with the lot sizes of the smaller properties in the neighborhood. However, there is concern that existing larger lots could be further subdivided to create additional smaller lots under the existing zoning; this has in fact happened on a couple of occasions. The petitioners would prefer a zoning designation of RS-4, even though that zoning district would create some nonconformities with setbacks and lot sizes. Not all property owners in the study area are in support of the zoning change.

Pro – The zoning study would enable the issue about the appropriate zoning of this neighborhood to be decided by City Council.

Con – The study will consume limited staff resources that could be devoted to other projects.

City staff recommends that if City Council determines that a zoning study of the St. Dunstan's area is to be conducted, that the area be expanded to that illustrated on Map #2.

Upon inquiry of Mayor Worley about Planning staff's workload, Mr. Shuford said that they are getting closer to finishing the Brevard Road zoning study and they will shuffle their workload if Council chooses. He did not think it would be a monumental

undertaking.

Discussion surrounded the reason for the request for a zoning study by the neighborhood.

Councilman Davis said that this neighborhood has been trying for a long time to get this type of study done.

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 May 11, 2004, formal City Council agenda.

AMENDMENT TO PACK PLACE EDUCATION, ARTS & SCIENCE CENTER LEASE

City Attorney Bob Oast said that this is the consideration of a resolution renewing the lease of Pack Place Education, Arts & Science Center.

In the early 1980's, the City acquired property on Pack Square formerly occupied by the Pack Memorial Library and the Plaza Theaters. In addition to the land, there are several easements and party wall agreements that are part of the package of real estate interests that comprise this property. In 1988, the City leased the property to the Pack Place Education, Arts & Science Center, Inc., a non-profit corporation (herein "Pack Place Inc."). Pursuant to that lease, and through a combination of public and private financing, Pack Place Inc. renovated the old library and constructed new facilities on the old theater property and adjacent land. The City and

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Pack Place Inc. are co-owners of the improvements made pursuant to the lease. The Pack Place Education, Arts & Science Center opened in late 1991, and has been in operation ever since.

The initial term of the lease was for 9 years, 364 days (one day less than the 10 year threshold that requires that the lease be treated as a sale). The City began negotiations with Pack Place Inc. for renewal of the lease in 1998, but these were not concluded, and personnel changes in the City and Pack Place Inc. organizations further delayed completion of them. Pack Place Inc. has continued to occupy and operate Pack Place Center, and we have negotiated a new/renewal lease that is presented for Council's consideration.

The essential terms and conditions of the renewal lease are summarized below.

Term. Recommended for 9 years 364 days so that it may be handled as a lease rather than a sale of the property. The law regarding disposition of City-owned property has changed such that it may be possible to lease for a longer term to a qualified organization, subject to certain conditions. Council and Pack Place Inc. may wish to consider this for the future.

Rental. Lease payments are \$10.00 per year. However, Pack Place Inc. is responsible for all costs of operation and maintenance of the facility, and for paying the debt on its share of the cost of improvements. Pack Place Inc. is responsible for making and insuring any improvements, and for making any repairs.

Insurance. As noted, Pack Place Inc. is responsible for insuring Pack Place Center against property damage. Pack Place, Inc. also provides general liability insurance for the premises, and indemnifies the City.

Subletting. Pack Place Inc. sublets the Pack Place Center premises to several major tenants, including the Art Museum, Health Adventure, Pack Place Performing Arts, and the Colburn Mineral Museum. The lease permits subletting to major tenants (defined as one occupying 2000 or more square feet for 6 months or longer), subject to the City's written consent. However, no written consent is required for subleases to major tenants that already occupy a portion of the premises. This permits Pack Place Inc. to organize its internal space among existing tenants according to their needs without seeking the City's consent.

Historical interpretive display. Because the property is located in the City's National Register Historic district and federal funds were used in this development / rehabilitation, there is a requirement that a display describing the history of Pack Square be maintained in a prominent location on the premises. Issues regarding the size, location and form of this display were the main reasons that negotiations were not concluded in 1998. We have now, however, decided upon language that will permit reconfiguration and relocation of the display, in a way that takes advantage of advance in technology, while still adding to the requirement to maintain the display. This has been discussed with and approved by the State Historic Preservation Office.

Considerations: The Pack Place Center has been and continues to be one of the centerpieces of Asheville's revitalizing downtown. The existence of Pack Place Center has been a catalyst for much of what has happened in this area, bringing people to downtown, and which supports the local businesses such as coffee shops or restaurants.

If The City decides not to enter into this new lease, it must pay for its share of the jointly-owned improvements, which could be a substantial cost, computed pursuant to a provision in the

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old lease. Additionally, alternate arrangements for the operation of the facility would have to be made.

If Council desires to continue the current arrangement for operation of Pack Place Center, adoption of the resolution is recommended.

Mr. Edward Hay, President of Pack Place Education, Arts & Science Center Board responded to various questions/comments from Council, some being, but are not limited to: is there a role of the YMI Cultural Center in this lease; will the parties still work together in subletting the mutual space; and what is the current debt service.

Mr. Hay responded to Councilman Dunn on the cash flow of Pack Place.

Upon inquiry of Vice-Mayor Mumpower, City Manager Westbrook said that he would provide Council with a report regarding the financing of Pack Place.

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.

LEGISLATIVE AGENDA FOR THE 2004 SESSION OF THE N.C. GENERAL ASSEMBLY

City Attorney Bob Oast said this is the consideration of a resolution endorsing legislative requests for the 2004 session of N. C. General Assembly.

Following discussion on March 16, 2004, Council directed the preparation of two items of legislation affecting the City

1. Increase in ABC board membership from 3 to 5. The City of Asheville, pursuant to special legislation adopted in 1947, administers alcoholic beverage control through a local board of three persons, appointed by the Mayor and Council. Council desires to increase the board membership to 5. This legislation provides for the appointment of 2 additional members. These appointments are to be made by the Mayor and Council, as the current 3 appointments are. Initial terms will be 1 year for one appointment, and 2 years for the other, with subsequent terms to be three years. The current board members will continue to serve their appointed terms, and are not affected by this change. The requested legislation also makes a clarifying change regarding the filling of vacancies on the board, to conform to Council's practice.
2. Establishing two year terms for Civil Service Board members. The terms of the Civil Service Board members has always been two years. However, during the course of extensive amendments to the law in 1999, the provision for two year terms was inadvertently deleted. This proposed amendment puts it back in.
3. Statement of Support for Film Industry Incentives. The resolution contains a general statement of support for legislative action to create or expand financial and other incentives for the film industry. As we become aware of specific legislation on this subject, we will bring it to Council's attention.

Considerations: Because this is a short session for the legislature, bills introduced must be certified as "non-controversial."

The Civil Service Board term limit has been discussed with representatives of affected employees, and should not be a problem. The City Attorney has made no such inquiry with respect to the ABC board membership. There are other issues currently affecting the ABC board

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and its operations, and those issues may affect whether this bill can be certified non-controversial.

If Council approves of submitted these requests to our local legislative delegation, adoption of the resolution is recommended.

Upon inquiry of Councilwoman Jones, City Attorney Oast explained what the legislature concerns controversial and why.

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When Councilman Newman suggested other ideas be submitted to our legislature in the form of an addendum to our legislative agenda, City Attorney Oast explained that we are already accumulating items for the next Session, including some requests that were not submitted last year because they were not voted on unanimously by City Council.

Upon inquiry of Councilman Newman, Mayor Worley explained how the policy goals for the N.C. League of Municipalities are accumulated and get circulated prior to adoption.

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.

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CLOSED SESSION

At 4:38 p.m. Councilman Dunn moved to go into closed session for the following reasons:

(1) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including lawsuits involving the following parties: Frances C. Briggs; Myrna R. Hendrix; Rose Investments; Travis M. Bach; Haywood Plott and wife Ruth Plott; Howard W. Meece and wife Doris B. Meece; Mary Ann Hicklin Quarngesser; Allyn Family Real Estate Limited Partnership; Thantex Specialties, Inc.; Hubbell Realty Development Corp.; Alliance-Carolina Tool & Mold Corporation; Medical Action Industries, Inc.; Cutler-Hammer, Inc.; Eaton Corporation; Carolina Power & Light Company; and City of Asheville. The statutory authorization is contained in G.S. 143-318.11(a)(3); and (2) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered in negotiations, provided that any action authorizing the payment of economic development incentives will occur in open session. The statutory authority is contained in G.S. 143-318.11(a)(4). This motion was seconded by Councilwoman Jones and carried unanimously.

At 5:40 p.m., Councilman Dunn moved to go out of closed session. This motion was seconded by Vice-Mayor Mumpower and carried unanimously.

ADJOURNMENT:

Mayor Worley adjourned the meeting at 5:40 p.m.

CITY CLERK

MAYOR