

Regular Meeting

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

Absent: Councilwoman Terry M. Bellamy

**PLEDGE OF ALLEGIANCE**

Students from the Reynolds High School Army ROTC led City Council in the Pledge of Allegiance.

**INVOCATION**

Mayor Worley gave the invocation.

**ADDITION TO AGENDA**

On behalf of the Housing & Community Development Committee, Councilman Dunn requested that a resolution regarding a Housing Trust Fund loan be added to the agenda under "New Business."

**I. PROCLAMATIONS:**

**II. CONSENT AGENDA:**

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 22, 2005**
- B. RESOLUTION NO. 05-59- RESOLUTION AMENDING THE 2005 SCHEDULED CITY COUNCIL MEETINGS TO DELETE THE 3:00 P.M., WEDNESDAY, MARCH 16, 2005, WORKSESSION AND RESCHEDULE THAT WORKSESSION TO THE NORMAL MEETING DATE AND TIME OF 3:00 P.M. ON TUESDAY, MARCH 15, 2005, IN THE FIRST FLOOR NORTH CONFERENCE ROOM IN CITY HALL**  
**RESOLUTION BOOK NO. 29 – PAGE 56**
- C. RESOLUTION NO. 05-60 - RESOLUTION AUTHORIZING THE CITY TO APPLY FOR AND ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF ENVIRONMENT AND NATURAL RESOURCES, THROUGH THE LAND, WATER AND CONSERVATION FUND, TO ASSIST WITH THE CONSTRUCTION OF PHASE II OF AZALEA 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 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. The first phase of the park is currently under construction and includes the John B. Lewis Soccer Complex, restroom and

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concession, picnic shelters, playground, disc golf, greenway trails, and parking. If the grant application is successful, the grant funds will be used to support park elements such as picnic areas, shelters, disc golf, trails, river over looks and parking.

The Parks and Recreation Department is requesting \$250,000 in grant funds from the Land, Water and Conservation Fund, which requires a dollar for dollar cash or in-kind match. The cash match is available in the Capital Improvement Budget, and the in-kind match is available in labor, equipment, and project management in the Parks and Recreation Department.

This action complies with the City of Asheville Strategic Operating Plan, Council Focus Area: Natural and Built Environment, Goal 2: Increased greenway benefits equitably throughout Asheville – Continue to implement and develop greenways that enhance quality of life for Asheville.

**Pros:**

- Continue to make progress on the Parks and Recreation Department's strategic plan to develop Azalea Park.
- Respond to public input for key features at Azalea Park.
- Raise outside funds to support park development and reduce reliability on City funds to support Capital Improvement Plan cost.

Cons: None noted.

The Parks and Recreation Department recommends the City of Asheville to apply for and enter into an agreement for grant funds with the Land, Water and Conservation Fund to assist with the construction of Azalea Park Phase II.

**RESOLUTION BOOK NO. 29 – PAGE 57**

**D. RESOLUTION NO. 05-61 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPT. OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, TO ASSIST WITH THE PURCHASE OF POLICE EQUIPMENT**

Summary: The consideration of (1) a resolution authorizing the City Council to accept a 2005 COPS Law Enforcement Technology Program Grant; (2) a resolution authorizing the City Manager to enter into a contract with Motorola, Inc. to upgrade the City's 800 MHz radio system; and (3) a budget amendment, in the amount of \$2,000,000, to appropriate the funds from the 2005 COPS Law Enforcement Technology Program Grant.

The City has applied for federal funding and has been awarded \$2,000,000. The grant will be used for a radio system upgrade. The cost of this upgrade, which will significantly improve public safety features of the radio system, is \$2,883,807. Buncombe County has agreed to pay for console upgrades at the Police Department, which, by contract, will be \$337,025 of the above amount. The balance of the upgrade will be handled by radio infrastructure funds already in the current Capital Improvement Budget. This work will not begin until all funding has been received.

Pros:

- Provide seamless coverage and allow use of the emergency alert feature throughout the three tower area.
- Allow the North Carolina Highway Patrol and several other agencies to continue to use the City's system and to communicate with each other.

Cons: None noted.

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These actions support the Council's Strategic Goal of Partnerships to Improve Critical Services/Infrastructure.

City staff recommends City Council adopt (1) a resolution authorizing the City Council to accept a 2005 COPS Law Enforcement Technology Program Grant; (2) a resolution authorizing the City Manager to enter into a contract with Motorola, Inc. to upgrade the City's 800 MHz radio system; and (3) a budget amendment, in the amount of \$2,000,000, to appropriate the funds from the 2005 COPS Law Enforcement Technology Program Grant.

**RESOLUTION BOOK NO. 29 – PAGE 58**

**E. RESOLUTION NO. 05-62 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MOTOROLA INC. FOR RADIO SYSTEM UPGRADE**

Summary: See Consent Agenda Item "D" above.

**RESOLUTION BOOK NO. 29 – PAGE 59**

**F. ORDINANCE NO. 3217 - BUDGET AMENDMENT TO APPROPRIATE FUNDS FROM THE 2005 COPS LAW ENFORCEMENT TECHNOLOGY PROGRAM GRANT**

Summary: See Consent Agenda Item "D" above.

**ORDINANCE BOOK NO. 22 – PAGE**

**G. RESOLUTION NO. 05-63 - RESOLUTION APPROVING A SUBORDINATION AGREEMENT FOR A LOAN TO THE ASHEVILLE AREA ARTS COUNCIL**

Summary: The consideration of a resolution approving a subordination agreement for the Deed of Trust held by the City on property owned by the Asheville Area Arts Council.

The Asheville Area Arts Council (AAAC) purchased the property at 9 – 13 Biltmore Avenue from the City in June, 2002. As part of the purchase price, the AAAC executed a promissory note and deed of trust to the City in the amount of \$123,500 for a term of 5 years bearing interest at the rate of 6% with monthly interest-only payments until maturity.

The City's loan is in 2<sup>nd</sup> lien position behind a lien to Asheville Savings Bank with a current balance in the amount of

\$250,233.70. The current total loan to value ratio is 48%. The AAAC has requested subordination of the City's lien to a refinancing of the Asheville Savings Bank loan in the amount of \$340,233. 70.

Community Development staff have reviewed the request along with supporting documentation with regard to standard underwriting guidelines and determined that the loan to value ratio will remain well within acceptable limits at 59%.

The advantages of the subordination are:

- The loan to value ratio remains well within acceptable limits.
- The refinancing will provide needed operating capital for the AAAC.
- The City's loan is better protected by a financially strong and active AAAC.

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The disadvantage is:

- The loan to value ratio will be slightly higher than it is now.

City staff recommends City Council adopt the resolution approving the subordination agreement.

**RESOLUTION BOOK NO. 29 – PAGE 60**

**H. RESOLUTION NO. 05-64 - RESOLUTION ACCEPTING THE NEW PROPOSED STREET NAME "SCARLET OAK LANE"**

Summary: The consideration of a resolution accepting the new proposed street name "Scarlet Oak Lane."

Sally E. Darling Trustee, owner of lots on Scarlet Oak Lane off of Ballantree Drive has petitioned the City of Asheville to accept the street name "Scarlet Oak Lane." The new street will begin at Ballantree Drive and end at Scarlet Oak Lane.

City staff recommends adoption of the resolution accepting the new proposed street name "Scarlet Oak Lane."

**RESOLUTION BOOK NO. 29 – PAGE 61**

**I. RESOLUTION NO. 05-65 - RESOLUTION ACCEPTING THE NEW PROPOSED STREET NAMES "WINKWORTH PLACE," "SHEPHERD'S HILL" AND "TRAFALGAR CIRCLE"**

Summary: The consideration of a resolution accepting the new proposed street names "Winkworth Place," "Shepherd's Hill," and "Trafalgar Circle."

Silvaplana LLC, owner of lots in Albemarle Reserve off of Water Road, has petitioned the City of Asheville to accept the street names "Winkworth Place," "Shepherd's Hill," and "Trafalgar Circle."

- Winkworth Place will begin at Waters Road and dead-end at cul-de-sac.
- Shepherd's Hill is to begin at Winkworth Place and dead-end at cul-de-sac.
- Trafalgar Circle is to begin at Winkworth Place and end back on Winkworth Place.

City staff recommends adoption of the resolution accepting the new street names "Winkworth Place," "Shepherd's Hill," and "Trafalgar Circle."

**RESOLUTION BOOK NO. 29 – PAGE 62**

**J. ORDINANCE NO. 3218 - BUDGET AMENDMENT TO APPROPRIATE PUBLIC, EDUCATIONAL AND GOVERNMENT FEE FUNDS**

Summary: The consideration of budget amendment, in the amount of \$425,000, to appropriate PEG fee funds to support the acquisition of capital equipment and facilities for the URTV public access station.

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The City of Asheville, as part of its management agreement with URTV, agreed to provide capital funds to support the necessary initial equipment and facility costs associated with establishing a public access cable channel. The estimated equipment and facilities cost is \$425,000.

PEG Fee proceeds, in the amount of \$425,000, have been earmarked to support this effort, and they are currently being held in the City's fund balance reserve account. The proposed amendment requests an appropriation of \$425,000 of PEG Fee proceeds currently being in held in fund balance to support URTV's initial equipment and facilities costs.

City staff recommends City Council appropriate \$425,000 from fund balance to acquire the necessary equipment and facilities for URTV.

**ORDINANCE BOOK NO. 22 - -PAGE**

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

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

**III. PUBLIC HEARINGS:**

**A. PUBLIC HEARING TO CONSIDER THE VOLUNTARY ANNEXATION OF THREE LOTS LOCATED AT THE CORNER OF BREVARD AND SARDIS ROADS**

**ORDINANCE NO. 3219 - ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE TO INCLUDE THREE LOTS LOCATED AT THE CORNER OF BREVARD AND SARDIS ROADS**

Mayor Worley opened the public hearing at 5:07 p.m.

Urban Planner Julia Cogburn said that this is consideration of an ordinance to extend the corporate limits of the City of Asheville to include three lots located at the corner of Brevard and Sardis Roads. This public hearing was advertised on February 25, 2005.

John and Vaso Barlas and Simi, LLC (of which Mr. Barlas is the sole member/owner/ manager) have petitioned the City for the annexation of three lots (totaling 1.26 acres) they own, located at the corner of Brevard and Sardis Roads. This area is contiguous to the existing corporate limits and qualifies for annexation by petition as set forth in N. C. Gen. Stat. sec. 160A-31.

The lots currently contain a restaurant, a vacant convenience store and parking areas. The combined assessed valuation for these properties according to the Buncombe County tax records is \$1,701,000.00.

Pursuant to N. C. Gen. Stat. sec. 160A-31 a public hearing must be held prior to adopting any ordinance for voluntary annexation.

The petitioner has requested that the annexation become effective on the date of the adoption of the ordinance, if City Council decides to proceed with this request.

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City staff recommends City Council adopt the ordinance extending the corporate limits of the City of Asheville to include three lots located at the corner of Brevard and Sardis Roads.

Mayor Worley closed the public hearing at 5:10 p.m.

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

Vice-Mayor Mumpower moved for the adoption of Ordinance No. 3219. This motion was seconded by Councilwoman Jones and carried unanimously.

**ORDINANCE BOOK NO. 22 - PAGE**

**IV. UNFINISHED BUSINESS:**

**V. NEW BUSINESS:**

**A. RESOLUTION NO. 05-66 - RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT DONATION AND CONVEYANCE OF REAL PROPERTY ON GLENN BRIDGE ROAD FROM ROBERT STULTZ**

Field Services Coordinator Ed Vess said that this is the consideration of resolutions (1) accepting a donation of real property between the Airport property and Glenn Bridge Road; (2) authorizing the transfer of City-owned land to the Regional Airport Authority; (3) authorizing an amendment to the Airport lease to include three parcels being acquired by the Airport; and (4) authorizing conveyance of a sewer line easement across Airport property to MSD.

By Resolution No. 02-106, City Council authorized a request for proposals (RFP) regarding a 13.08-acre parcel located directly across from the Asheville Regional Airport. Although several private developers have expressed interest in the property, no proposals have been received in respect to the RFP.

The Airport Authority has offered to purchase two tracts from the City on Airport Road. One tract, the 13.08 acre parcel, (a portion of Buncombe County PIN No. 9643.04-51-6384) includes the site where the FAA tower is located (715 Airport Road) and extends from Fanning Bridge Road almost to Hotel Drive on the east side of Airport Road. The other tract, a 0.59 acre parcel, (Henderson County PIN No. 009643-62-9725-15) is considerably smaller, on the east of Airport Road and just north of Hotel Drive in front of J & S Cafeteria. Both parcels have commercial development potential as well as being suitable for airport related facilities.

A nine (9) acre portion of the larger parcel was acquired by the City of Asheville with assistance from FAA. If the offer from the Airport Authority is accepted it will be necessary to reimburse the FAA for their financial participation in the acquisition of the property on a pro-rata basis i.e. 50% of the current value. That reimbursement perhaps could be accomplished by applying the sum due the FAA to an approved Airport improvement project. The smaller parcel was not acquired with FAA assistance.

The offer from the Airport includes a resolution of two other property issues as a part of the financial settlement on the subject property. One is the acquisition of a small parcel along Glenn Bridge Road, thought to be a part of the Airport property but apparently owned by an adjoining property owner, and the second is the provision of a sewer line easement to MSD to serve the South Ridge Shopping Center and Airport Road area.

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**1. Acceptance of Donated Property** - A strip of land between the Airport property and Glenn Bridge Road was recently the subject of a claim by Mr. & Mrs. Roy Moede. The Moedes provided documentary evidence to support their claim. South Ridge developer, Bob Stultz, has acquired the Moede property and has offered to donate it to the City to be dedicated to the Airport. That property has an area of 0.12 acre. The first resolution authorizes the Mayor to accept the donation of the Moede property.

**2. Conveyance of Property to Airport** - The Airport Authority does not have the legal ability to own property - its property is held in the name of the City of Asheville. However, dedicating this land to Airport use has the effect of making it unavailable to the City for other uses. The property dedicated to the Airport on Airport Road will carry restrictions to insure maintenance of a green buffer between Airport Road and the warehouse development at the rear of the subject property, and insure that development of the site is done in a manner suitable to its prominence as a regional gateway site. The second resolution authorizes the transfer of City-owned land to the Airport Authority.

**3. Lease Amendment** - There are two properties that have been acquired since the last amendment to the Airport lease that were acquired with Airport funds, but have not yet been incorporated into the Airport lease. Those properties are a 5.9 acre tract at 74 Pinner Road acquired in April, 1999, and a 5.859 acre tract off Pinner Road acquired in October, 2004. The Airport lease needs to be amended to include the three parcels being acquired by the Airport in the current transaction as well as the two parcels previously acquired with Airport funds. The third resolution authorizes an amendment of the City's lease with the Airport Authority.

**4. Sewer Easement** – The sewer line easement requested by MSD for South Ridge Shopping Center crosses Airport property in a curving direction south to west from the Hidden Creek Subdivision to Glenn Bridge Road near its intersection with Pinner Road. The area of the sewer line easement is 0.98 acre (42,614 sq. ft.). The fourth resolution authorizes conveyance of the sewer easement to MSD.

The proposed financial settlement for dedication of the City owned property on Airport Road to the Airport along with the Moede property on Glenn Bridge Road and transfer of the sewer line easement to MSD would be as follows:

	Airport Authority – “Purchaser”		City of Asheville – “Seller”	
1.	Acquire 13.08 Ac. (Airport Road)	\$1,300,000.00	Transfer 13.08 Ac. (Airport Road)	\$1,300,000.00
	Credit for Portion w/ FAA Assistance	(\$ 447,247.70)	Less Obligation due For FAA Assistance	(\$ 447,247.70)
2.	Acquire 0.59 Ac. (Airport Road)	\$ 346,000.00	Transfer 0.59 Ac. (Airport Road)	\$ 346,000.00
3.	Acquire 0.12 Ac. (Glenn Bridge Road)	\$ 2,280.00	Transfer 0.12 Ac. (Glenn Bridge Road)	\$ 2,280.00
4.	Transfer 0.98 Sewer	(\$ 9,310.00)	Acquire 0.98 Sewer	(\$ 9,310.00)

	Easement to MSD		Easement for MSD	
	Due from Purchaser	\$1,191,722.30	Due to Seller	\$1,191,722.30

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The advantages of this transaction are:

- Substantial revenue will be generated to the City of Asheville by the transaction.
- The sale to the Airport will enhance the improvement and expansion of Airport facilities.
- The property will be incorporated into and utilized in accordance with the Airport Master Plan.
- The sewer line easement will facilitate the development of the South Ridge Shopping Center which has requested voluntary annexation as well as other development along Airport Road.
- The sewer line easement will facilitate the future development of Airport lands in the vicinity of Glenn Bridge Road.

There are no disadvantages to the transaction.

City staff recommends City Council approve the resolutions which will (1) authorize acceptance of donated real property between the Airport property and Glenn Bridge Road; (2) authorize the transfer of City-owned land to the Regional Airport Authority in the net amount of \$1,191,722.30; (3) authorize an amendment to the Airport lease to include said properties, along with two other parcels acquired with Airport funds that have not yet been included in the Airport lease; and (4) authorize conveyance of a sewer line easement across Airport property to MSD.

Upon inquiry of Vice-Mayor Mumpower, City Manager Westbrook said that the revenue would go into Fund Balance.

Airport Director David Edwards spoke in support of the actions noting that the City will benefit and also it will benefit the future growth at the Airport.

In response to Vice-Mayor Mumpower, Mr. Edwards said that some identified uses for the property include additional parking and/or some rental car facilities.

Mayor Worley said that members of Council have been previously furnished with copies of these resolutions and they would not be read.

Councilwoman Jones moved for the adoption of Resolution No. 05-66. This motion was seconded by Councilman Newman and carried unanimously.

**RESOLUTION BOOK NO. 29 – PAGE 63**

**B. RESOLUTION NO. 05-67 - RESOLUTION ACCEPTING A PROPOSAL FROM THE ASHEVILLE REGIONAL AIRPORT AUTHORITY TO ACQUIRE CITY-OWNED PROPERTY**

Summary: See Consent Agenda Item "A" above.

Councilwoman Jones moved for the adoption of Resolution No. 05-67. This motion was seconded by Councilman Newman and carried unanimously.

**RESOLUTION BOOK NO. 29 – PAGE 64**

**C. RESOLUTION NO. 05-68 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE AMENDMENT NO. 4 TO THE LEASE WITH THE ASHEVILLE REGIONAL AIRPORT AUTHORITY**

Summary: See Consent Agenda Item "A" above.

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Councilwoman Jones moved for the adoption of Resolution No. 05-68. This motion was seconded by Councilman Newman and carried unanimously.

**RESOLUTION BOOK NO. 29 – PAGE 65**

**D. RESOLUTION NO. 05-69 - RESOLUTION AUTHORIZING THE MAYOR TO CONVEY AN EASEMENT OVER A PORTION OF CITY-OWNED PROPERTY AT THE ASHEVILLE REGIONAL AIRPORT TO THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY**

Summary: See Consent Agenda Item "A" above.

Councilwoman Jones moved for the adoption of Resolution No. 05-69. This motion was seconded by Councilman Newman and carried unanimously.

**RESOLUTION BOOK NO. 29 – PAGE 71**

**E. RESOLUTION NO. 05-70 – RESOLUTION APPROVING A LOAN FROM THE HOUSING TRUST FUND**

Community Development Director Charlotte Caplan said that this is the consideration of a resolution allocating a \$250,000 Housing Trust Fund (HTF) loan for affordable housing development.

On February 22, 2005, City Council allocated \$370,000 for three affordable housing projects, leaving \$570,000 in unallocated funds. Shortly after this allocation was approved, staff received a further application requesting a \$250,000 HTF construction loan for the development of 8 units of affordable housing on Bostic Place in the Shiloh neighborhood.

The development will consist of eight 3-bedroom homes of about 1200 sq ft., built for sale at prices from \$132,880 to \$134,640. The homes will be of good quality modular construction, similar to those at Meadows of Bradley Branch – a development by the same company.

The application was evaluated by staff and scored well against the HTF criteria, particularly for developer qualifications. The Housing and Community Development Committee reviewed the application on March 7, 2005, and has recommended funding the project as described below:

Carr Swicegood, JCS Investments, LLC – 8 units, Bostic Place \$250,000 (2 years at 2%)

This action supports Housing Opportunities Goals 3 and 4 of the Strategic Operating Plan

Advantage:

- Assists the development of 8 units of affordable housing for homeownership

Disadvantage: None

Staff recommends approval of the HTF loan to Carr Swicegood, JCS Investments, LLC, in the amount of \$250,000.

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

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Vice-Mayor Mumpower moved for the adoption of Resolution No. 05-70. This motion was seconded by Councilwoman Jones and carried unanimously.

**RESOLUTION BOOK NO. 29 – PAGE 73**

**VI. OTHER BUSINESS:**

**A. CLAIMS**

The following claims were received by the City of Asheville during the period of February 18-24, 2005: BellSouth (Water), Mary Daniels (Civic Center), Scott Laws (Parking Services), Lajuan Crawford (Streets) and Elizabeth Herrick (Police).

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

**VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

Vice-Mayor Mumpower commended City crews for their speed on the College Street Roadway Project.

Councilman Newman urged the public to visit the USS Asheville Exhibit located in the lobby of the City Hall Building.

Councilman Dunn wished the Asheville High Lady Cougars and Pisgah High School good luck in their state championships.

Mr. Fred English felt the Pack Square Conservancy should stop their project at Pack Square and the streets should be returned to the state they were before the project began.

Mr. Joshua Massey, representing "The Drum Circle," presented City Council with a petition containing approximately 324 signatures which read "We the citizens of Asheville and its surrounding area declare that (1) the Asheville Parks and Recreation Department must stop issuing permits for Pritchard Park on Friday evenings, allowing for the public gathering of citizens in an open forum

of free speech and expression that has been in existence for three years; (2) the right to freedom of speech and expression is protected by The Constitution of the United States of America; (3) the rights of the citizens takes priority to the Asheville Parks and Recreation Department's desire to make a profit from our public lands from private groups, organizations, and performances; and (4) we are not a group, organization, or performance. We are tax paying citizens, exercising our constitutional rights, and the Asheville Parks and Recreation Department and The City of Asheville does not have the authority to charge money or require permits for the citizens' use of a public park." In addition to Mr. Massey, Ms. Susan Bloom and Mr. C.J. Randall, explained that The Drum Circle has gathered every Friday night when it's warm at Pritchard Park for the past 3 years. Their concern that if other groups receive a permit for Friday nights at Pritchard Park, they are excluded from performing at the Park that night. Mr. David Mitchell, with the Parks & Recreation Department, asked them to submit a letter on the day the event would be held. The Parks & Recreation Department would in turn wait to see if the someone else applied for a permit and if not, they would be given authority to use the Park. Mr. Mitchell has also limited the number of permits that could be purchased to one permit per month and the permit fees have been raised from \$25 to \$100 for 3 hours. They attempted to buy all the permits for Friday nights and that was not allowed. They asked that on Friday nights that the Park be opened for public use. After a short discussion, Mayor Worley asked that Mr. Massey contact City Manager Westbrook to see if there are any solutions that might resolve this concern.

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Mr. Gene Hamilton, representing Asheville Citizens for Quality Government, urged City Council to communicate with the County for a quality water system for all. He requested Council perform a mini-audit of the Asheville Water Maintenance Division and the subject water line replacement, located at Patton Mountain Circle for a "Quality Indicator" of quality management.

At 6:05 p.m., Councilman Newman moved to go into closed session for the following reason: 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 possible litigation. The statutory authorization is contained in G.S. 143-318.11(a)(3). This motion was seconded by Councilman Dunn and carried unanimously. At 9:55 p.m., Vice-Mayor Mumpower moved to come out of closed session. This motion was seconded by Councilwoman Jones and carried unanimously.

**VIII. ADJOURNMENT:**

Mayor Worley adjourned the meeting at 9:55 p.m.

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CITY CLERK

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MAYOR