

Regular Meeting

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

PLEDGE OF ALLEGIANCE

- Leading City Council in the Pledge of Allegiance was Enka High School Air Force Junior ROTC Color Guard.

INVOCATION

Councilman Davis gave the invocation.

I. PROCLAMATIONS:

A. RESOLUTION NO. 05-91 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE JOHN P. MIALL JR

Mayor Worley read the resolution of appreciation to retiring Risk Manager John P. Miall Jr. On behalf of the City Council, Mayor Worley thanked Mr. Miall for his nearly 30 years of service he has devoted to the citizens of Asheville.

Councilman Dunn moved for the adoption of Resolution No. 05-91. This motion was seconded by Councilwoman Bellamy and carried unanimously.

RESOLUTION BOOK NO. 29 – PAGE 113

II. CONSENT AGENDA:

At the request of Vice-Mayor Mumpower, Consent Agenda "A" and "B" were removed from the agenda for individual votes.

A. RESOLUTION APPROVING THE CONSOLIDATED STRATEGIC HOUSING AND COMMUNITY DEVELOPMENT PLAN FOR 2005-2010

This item was removed from the Consent Agenda for an individual vote.

B. RESOLUTION APPROVING THE HOME AND COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR 2005

This item was removed from the Consent Agenda for an individual vote.

C. RESOLUTION NO. 05-92 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LICENSE AGREEMENT WITH THE HOUSING AUTHORITY FOR AN ANTENNA AT 36 RESERVOIR ROAD

-2-

Summary: The consideration of a resolution authorizing the City Manager to execute a License Agreement with the Housing Authority of the City of Asheville for antennas at 36 Reservoir Road.

- The property at 36 Reservoir Road (White Fawn) is the site of telecommunication towers owned by the City of Asheville. The City leases antenna space on the towers and ground space for related equipment.

The Housing Authority has proposed to install an antenna and related equipment at White Fawn. There are two towers at 36 Reservoir Road and the Housing Authority antenna would be located on the tower known as the "BellSouth Tower" which is immediately west of the proposed Sister Cities Park. The proposed License Agreement will enable the Housing Authority to relocate its antenna from Spivey Mountain to White Fawn and thereby improve its in-house wireless communications.

The Housing Authority will pay an initial annual License Fee of \$2,400 for the White Fawn site. which represents about 50% of fair market rent. The reduction in the license fee is in consideration of the official nature of the Housing Authority as an agency of the City of Asheville and its charge to carry out the public housing franchise for the City. The agreement includes a provision, which allows either the Licensor or the Licensee to terminate the agreement upon 180 days notice. The term of the License Agreement will be 3 years with 2 renewal periods of 3 years.

The Notice of Intent to enter into a License Agreement with the Housing Authority was published on Friday, April 15, 2005, in the Asheville Citizen-Times. Ten days have passed since the publication and authorization to execute the License Agreement is being requested,

Planning Department staff recommends adoption of the resolution authorizing the City Manager to execute a License Agreement with the Housing Authority of the City of Asheville for antennas at 36 Reservoir Road.

RESOLUTION BOOK NO. 29 – PAGE 114

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.

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

ITEMS PULLED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

RESOLUTION NO. 05-93 - RESOLUTION APPROVING THE CONSOLIDATED STRATEGIC HOUSING AND COMMUNITY DEVELOPMENT PLAN FOR 2005-2010

Summary: The consideration of a resolution approving the City's Consolidated Strategic Housing & Community Development Plan for 2005-2010.

- This Strategic Plan sets out broad priorities, strategies, and targets for the use of Community Development Block Grant (CDBG) and HOME funds over the next five years. The draft Plan was published on March 29, 2005, and a public hearing was held at the City Council meeting on April 12.

No public comments were made on April 12, and no comments of substance have been received. The following minor amendments have been made to the Plan since the draft was published, or remain to be made before it is submitted to HUD:

-3-

Housing Needs Assessment

- Added information on current rent levels from recent apartment survey
- Added data on Housing Authority waiting lists

Affordable Housing Chapter

- Changes to Henderson County Housing Strategies – per County request
- Add information from Housing Authority Five year Plans (requested)

Non-Housing Community Development Chapter

- Completed blanks in Table 2B (Appendix)
- Separated the targets for job training and micro-business assistance in Tables 12 & 13
- Added information on sewer needs and planned improvements

Appendices

- Add appendix on results of consultation (few comments are expected because so many focus group participants were involved in developing the key sections of the plan)
- Add HUD-required description of priorities and strategies that will reduce number of families living in poverty
- Add note on the cost of the Plan

Revise page numbering & contents pages

Advantages:

- Complies with HUD regulations and enables the City to continue to receive CDBG and HOME funds

- Provides a wealth of information about existing housing and community development needs
- Establishes priorities to direct the use of CDBG and HOME funds over the next five years
- Includes quantitative performance targets to provide accountability in the use of funds
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Disadvantages: None

Staff recommends approval of the Consolidated Strategic Housing and Community Development Plan for 2005-10.

Councilman Newman moved for adoption of Resolution No. 05-93. This motion was seconded by Councilwoman Jones and carried on a 6-1 vote, with Vice-Mayor Mumpower voting “no.”

RESOLUTION BOOK NO. 29 – PAGE 115

RESOLUTION NO. 05-94 - RESOLUTION APPROVING THE HOME AND COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR 2005

Summary: The consideration of a resolution authorizing submission of the Consolidated Action Plan for 2005-06, allocating federal Community Development Block Grant (CDBG) and HOME funds, to the U.S. Dept. of Housing & Urban Development.

The City expects to have available \$1,725,170 in CDBG funds and \$1,723,349 in HOME funds to allocate for housing and community development activities in the fiscal year beginning July 1, 2005. The City’s Housing and Community Development Committee and the Asheville Regional Housing Consortium have made recommendations for allocating these funds to 40

-4-

projects. Allocations are consistent with the draft Consolidated Strategic Housing & Community Plan for 2005-2010.

If approved, the HOME and CDBG funding will assist 361 affordable housing units Consortium-wide. CDBG funds will also help more than 3000 low-income City residents obtain housing counseling, business training, and other needed services, and will carry out street, water, and public transit improvements in low-income areas.

A summary of the draft Action Plan was published on March 29, 2005, and a public hearing was held at the City Council meeting on April 12. The Plan is due to be submitted to HUD by May 15, 2005.

Advantages:

- Allocates \$3,448,519 in compliance with federal rules and enables the City to utilize these funds
- Reflects the carefully considered recommendations of the City’s Housing & Community Development Committee and the Asheville Regional Housing Consortium
- Directly addresses all of the priorities set out in the Strategic Plan except for job training
- Leverages other funding in the ratio of \$12 to every \$1 of CDBG or HOME funds

Disadvantages: None

Staff recommends approval of the resolution submission of the Consolidated Action Plan for 2005-06, allocating federal Community Development Block Grant (CDBG) and HOME funds, to the U.S. Dept. of Housing & Urban Development.

Councilman Newman moved for adoption of Resolution No. 05-94. This motion was seconded by Councilwoman Jones and carried on a 6-1 vote, with Vice-Mayor Mumpower voting “no.”

RESOLUTION BOOK NO. 29 – PAGE 116

Councilman Dunn would support these two plans to comply with HUD regulations, however, he felt the plans are not practical as the City doesn’t have the tax dollars to support them.

Vice-Mayor Mumpower felt he could not support the plans due to some of the language and some of the methodology. He thinks this speaks of a system that psychologically he disagrees with. He feels there is a way to help people without enabling people and he has concerns about a number of the programs that are included in both plans.

III. PUBLIC HEARINGS:

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IV. UNFINISHED BUSINESS:

A. ORDINANCE NO. 3222 – ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THREE LOTS ON BILTMORE AVENUE FOR A PROPOSED MIXED-USE DEVELOPMENT WITH EXISTING APARTMENTS TO BE COVERED TO CONDOMINIUMS AND SHORT-TERM RENTAL UNITS WITH A PROPOSED RETAIL OFFICE SPACE AND FOOD SERVICE FACILITY

Urban Planner Shannon Tuch said that on March 22, 2005, City Council unanimously approved the Biltmore Gardens Project with a number of conditions. One of those conditions was that the wording for the conditional use permit be returned to the Council for review before final

-5-

approval. City Attorney Oast and the rest of the legal department has worked on providing that draft for your review and Planning staff felt that it would be best to consider this in conjunction with some additional plan information.

She reviewed with Council what was discussed in March. She showed the first drawing, which is an illustrative of the overall Master Plan (Attachment to City Exhibit 3), which shows the overall plan in the original layout for the new construction. As a result of considerable input from the neighborhood, the designers for the project produced an alternative layout referred to as "Alternate Concept A" (City Exhibit 4). This alternate layout is what was approved by Council (City Exhibit 4). For clarification, staff asked the designers to create a new Master Plan inserting Alternate Concept A into the overall Master Plan (Attachment to City Exhibit 5 – Alternate A Plan). The only real difference between new Master Plan and the original Alternate Concept A is that a portion of parking was split up (originally it was one row) to better fit existing grades and to accommodate some large trees on site. However, since the drafting of the memo, the designers worked out an alternative that was more true to the original.

In addition to a more flushed out Master Plan, Planning staff also asked for a blow-up of the new construction area that better identified trees to be preserved (Attachment to City Exhibit 5 – Tree Preservation Plan). What this drawing illustrates is all the existing trees located from a tree survey that will be removed as a result of the new development. The other trees that are more boldly identified with a darker outline will be preserved. She emphasized that these "preserved" trees are trees that will not be removed as a result of construction. It does not mean that they will not be impacted by the construction. The site planners intend on using tree protection fencing but since this fencing cannot be installed to meet the City's standard for tree protection she asked the designers to remove the fencing from the plan over concern that this will lead to confusion and that some people in the community may equate the fencing with adequate protection.

She then pointed out that the bold dashed line in the Tree Preservation Plan, indicates the limits of disturbance. This is the boundary line, so to speak, for grading and other ground disturbing activity. She thought it was important to show so that Council could see how the extent of grading is held very close to the edge of the proposed building. This is accomplished to some degree by the proposed terrace retaining walls (City Exhibit 6) that will help prevent additional grading down slope. You can see up slope of the project, where there are no walls, the extent of grading is broader but still within the building parameters.

Because the existing buildings are a fixed feature, it is possible that some smaller walls could be required on the upslope side but should be comparatively smaller.

She said that the developer has submitted (late this afternoon) a revised Alternate A Plan (City Exhibit 7 – Exhibit XX).

Mr. Matt Sprouse, site designer, said that their site plan just submitted today shows an emergency vehicle entrance only. The owners plan on putting walkable bollards or a gate to now allow traffic to pass through, per the neighborhood's request. He explained that the only change from what was submitted earlier is the entrance and parking area and once they got into the finer grading, they realized that they can have less of an impact with this new configuration (City Exhibit 7 – Exhibit XX).

Ms. Tuch said that this new plan shows the entrance as being emergency access only but it was Council's direction in the conditional use permit that the entrance is to be a full access open to all traffic at all times.

-6-

Councilwoman Bellamy expressed concerns about the row of trees as well as the entrance.

After a brief discussion and concurrence by Mr. Sprouse, it was the consensus of City Council to keep the full open access and bring that access around the higher side of the cluster of trees with the single row of parking.

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

Councilman Dunn moved for the adoption of Ordinance No. 3222, approving the form of the conditional use permit, with said permit condition no. 8 being amended to read "The southern drive entrance along Kenilwood Place shall be open for full access to all traffic, as shown on Exhibit XX." (City Exhibit 7). This motion was seconded by Vice-Mayor Mumpower and carried on a 6-1 vote, with Councilwoman Bellamy voting "no."

ORDINANCE BOOK NO. 22 – PAGE

V. NEW BUSINESS:

A. REPORT SETTING FORTH PLANS TO PROVIDE SERVICES TO THE FOLLOWING FOUR AREAS PROPOSED FOR ANNEXATION WHICH ARE GENERALLY KNOWN AS (1) THE RIDGEFIELD BUSINESS PARK AREA; (2) THE ASCOT POINT VILLAGE AREA; (3) THE LONG SHOALS ROAD AREA; (4) THE AIRPORT ROAD AREA; (5) TWO TOWN SQUARE AREA; AND (6) TOWN SQUARE EAST AREA

Planning & Development Director Scott Shuford said that the Annexation Services Plan is being submitted for Council's approval for the following areas: the Ridgefield Business Park area, the Ascot Point Village area, the Long Shoals Road area, the Airport Road area, Two Town Square area and Town Square East area.

City Council approval of this document is the second step in the annexation process that began on April 12, 2005, when Council adopted the resolutions of intent to annex these six areas.

Upon review and approval by City Council, the Plan will be made available for public review. The follow steps will complete the annexation process.

Approval of Annexation Services Plan	April 26, 2005
Public information meeting	May 31, 2005
Public hearings	June 14, 2005
Adoption of annexation ordinances	June 28, 2005
Effective Date of Annexations:	
September 30, 2005 – Ridgefield Business Park area, Two Town Square & Town Square East	
December 31, 2005 – Ascot Point Village, Long Shoals Road & Airport Road	

Mr. Blake Esselstyn, Urban Planner, said that the N.C. General Statutes require that municipalities exercising annexation authority make plans for the extension of services to the area proposed to be annexed and shall, prior to the public hearing and public information meeting, prepare a report setting forth such plans.

The Statutes require that the reports include:

-7-

- 1) Maps showing: (a) The present and proposed boundaries of the municipality; (b) The present major water and sewer lines, and any proposed extensions; and (c) The general land use pattern in the area to be annexed.
- 2) A statement that the area to be annexed meets the standards of N. C. Gen. Stat. sec. 160A-48 (basically contiguity and urbanization).
- 3) A statement setting forth the plans of the municipality for extending to the annexation area each major municipal service performed within the municipality. Specifically, (a) police protection, fire protection, solid waste collection and street maintenance on the date of annexation; and (b) extension of major trunk water mains and sewer outfall lines so that property owners in the area will be able to secure public water and sewer service according to the municipal policies in effect for extending such service to individuals lots or subdivisions.
- 4) The method under which the municipality plans to finance extension of services into the area to be annexed.
- 5) A statement of the impact of the annexation on any rural fire department providing service in the area to be annexed and a statement of the impact of the annexation on fire protection and fire insurance rates in the area to be annexed.

- 6) A statement showing how the proposed annexation will affect the City's finances and services, including City revenue change estimates.

Mr. Esselstyn reviewed with Council the specifics of how each area qualifies for annexation and used photos to show some of the uses in the proposed annexation areas.

Ridgefield Business Park Annexation Area – 190.71 acres, 57 properties, 2 dwelling units;

Ascot Point Village Annexation Area – 31.75 acres, 1 parcel, 334 dwelling units;

Long Shoals Road Annexation Area – 215.6 acres, 56 parcels, 706 dwelling units, 1,341 people

Airport Road Annexation Area – 239.23 acres, 113 parcels, 402 dwelling units, 763 people

Two Town Square Annexation Area – 1.19 acre, 1 parcel, commercial

Town Square East Annexation Area – 29.56 acres, 44 parcels, 21 dwelling units, 40 people

Ms. Julia Cogburn, Urban Planner, explained the Plan for extension of services, including police protection, fire protection, solid waste collection, street maintenance, water distribution and sewer collection.

Police protection: The additional land area, street mileage, dwelling units, businesses and improvements will require expansion of the Police Department. Extending service into the proposed annexation areas will require operational adjustment in two primary areas (1) configuration of patrol districts covering the proposed annexation areas so as to provide for effective manpower deployment and a balanced response time to calls for service; and (2) adding sworn personnel positions to accommodate the anticipated increase in demand for police services. He explained how each area would be served by an expansion of a particular district.

-8-

Based on the estimated calls for service in the annexation regions, it will be necessary to add four (4) officers to maintain the ratio of 520 calls for service for each sworn officer. The plan of services calls for the addition of these officers, at the annual cost of \$140,000, plus associated capital costs, on or before August 1, 2005.

Fire protection: Three additional firefighter positions will be required to adequately serve the additional land area, dwelling units, businesses and improvements. The current first unit to be placed out of service is Ladder 4 when personnel are not available for minimum staffing. These positions will reduce the number of "out of service" times for this response company. The annual cost for the positions will be \$108,906 for salary and benefits plus associated equipment and safety items of \$15,500. The extension of fire protection services is not simply an extension of existing department resources. The City is required by G.S. 160A-49.1 to offer existing fire service entities contract opportunities, which allow for the continued service of annexed areas by existing rural fire departments. The City maintains the responsibility of assuring a level of service comparable to the service level within the existing incorporated areas. The involvement of the suburban fire department may require the City to supplement service where contract service is not comparable to the municipal service. The City recognizes these circumstances and may affect its plan for extending fire protection; therefore, the City has developed a plan that incorporates alternative solutions to extending fire protection to annexed areas.

Solid waste collection: An additional automated truck and a new position, Motor Vehicle Operator III, are required. The City is required by G.S. 160A-49.3 to offer existing private service entities contract opportunities which allow for the continued service of annexed areas by existing companies. The City maintains the responsibility of assuring a level of service comparable to the service level within the existing incorporated areas. The involvement of the existing private companies may require the City to supplement service where contract service is not comparable to the municipal service. The City recognizes these circumstances and may affect its plan for extending solid waste collection services; therefore, the City has developed a plan that incorporates alternative solutions to extending solid waste collection services to annexed areas.

Street maintenance services: The additional land area, street mileage, dwelling units, businesses and improvements will not require expansion of Public Works Department, Street Maintenance Division. The City has evaluated the streets in the annexation areas for inclusion in the maintenance program as follows: (1) Ridgefield Business Park area: Alliance Court, Heart Drive, Ridgefield Boulevard and Ridgefield Court (39 street lights at a total annual cost of \$8,327); (2) Ascot Point Village area: Ascot Point Circle (2 street lights at a total annual cost of \$418); (3) Long Shoals Road area – Skyland Inn Drive (3 street lights at a total annual cost of \$650); (4) Airport Road – Machen Road (8

street lights at a total annual cost of \$1,677); (5) Two Town Square area – none; and (6) Town Square East area – East Schenck Crescent, Columbine Road, Dearborn Street, Town Square Boulevard, Town Square and Dayflower Drive (55 street lights at a total annual cost of \$21,945).

Water distribution: On the effective date of annexation, all residents, businesses and property owners within the proposed four annexation areas that are adjacent to existing water facilities will receive service on a basis substantially equal to all current portions of the City. The following four areas require no water line improvements: Ridgefield Business Park area, Ascot Point Village area, Two Town Square area and Town square East area. In the Long Shoals Road area, there is a lack of fire protection coverage. Therefore, there is a need to upgrade an existing small diameter water line on Plott Place and to upgrade an existing small diameter water line on Overlook Road Extension. Approximately 500 linear feet of six-inch ductile iron water line, 1 fire hydrant and all related appurtenances shall be installed along Plott Place and approximately 550 linear feet of 6-inch ductile iron water line, 1 fire hydrant and all related appurtenances shall be installed along Overlook Road Extension. All existing water service connections shall be

-9-

reconnected to the proposed 6-inch water line and the existing small diameter water lines shall be abandoned. In the Airport Road area, there is a lack of fire protection. Therefore, there is a need to upgrade an existing small diameter water line on Machen Road and install additional fire hydrants to existing water lines in the area to bring fire protection coverage to the same level as other parts of the City. Approximately 1,000 linear feet of 6-inch ductile iron water line, 1 fire hydrant and all related appurtenances shall be installed along Machen Road. All existing water service connections shall be reconnected to the proposed 6-inch water line and the existing small diameter water line shall be abandoned. Two new fire hydrants will be installed on the existing 24-inch water line along Airport Road, 1 new fire hydrant will be installed on the existing 24-inch water line along Hendersonville Road and 1 new fire hydrant will be installed on the existing 6-inch water line along Glen Bridge Road. Water system improvements for the Long Shoals Road area and Airport Road area are planned for completion within two years of the effective date of annexation.

Sewer collection: The following four areas require no sanitary sewer system improvements: Ridgefield Business Park area, Ascot Point Village area, Two Town Square area and Town Square East area. In the Long Shoals Road area, major sanitary sewer trunk lines and interceptors are currently in place for the majority of this area; however, upgrades will be required to the existing sanitary sewer infrastructure in order to bring this area to substantially the same level as other parts of the City. Approximately 800 linear feet of 8-inch sanitary sewer line and all related appurtenances shall be installed cross-country, beginning on Long Shoals Road, approximately 350 feet east of the intersection of Long Shoals Road and CP&L Drive and extending south to tie into the existing sanitary sewer system on CP&L Drive. In the Airport Road area, major sanitary sewer trunk lines and interceptors are currently in place for the majority of this area; however, upgrades will be required to the existing sanitary sewer infrastructure in order to bring this area to substantially the same level as other parts of the City. Approximately 350 linear feet of 8-inch sanitary sewer line and all related appurtenances shall be installed along Airport Road, beginning 380 feet west of the intersection of Airport Road and Hendersonville Road. Approximately 850 linear feet of 8-inch sanitary sewer line and all related appurtenances shall be installed along Benwood Drive, beginning approximately 700 feet west of the intersection of Benwood Drive and Bradley Branch Road. Sanitary sewer system improvements for the Long Shoals Road area and Airport Road area are planned for completion within two years of the date of annexation.

Administrative and other municipal services: The City of Asheville is governed by a City Council consisting of a Mayor, Vice-Mayor, and five Councilpersons with general administration responsibilities delegated to a City Manager. Supporting the City Manager are key professionals and department heads specializing in public works, police protection, fire protection, urban land use planning and zoning, building code enforcement, legal matters, parks and recreation and various other municipal activities and functions. The City of Asheville is active minimum housing code and State building code administration, zoning and subdivision ordinance administration, recreational programs and parks administration, community revitalization and affordable housing grants administration, economic development efforts and many other planning and related activities in an effort to make Asheville a better community for present and future residents, businesses and property owners. Employees and employee relations are managed by the City Manager. The City of Asheville is an Equal Opportunity Employer. Three well-qualified practicing attorneys provide legal counsel to the City.

Financial Impact:

Revenue: Total ad valorem property tax revenue - \$1,088,508; Total state utility taxes - \$113,120; Total sales tax - \$393,265; Total Powell Bill allocation - \$66,218; and Total fees, charges and permits - \$112,580. Total revenue - \$1,773,678.

-10-

Annual recurring expenditures: Police (four additional officers to be hired effective August 1, 2005) - \$140,000; Fire (costs

for additional personnel and financial impact payments to the rural fire departments (5-year duration) - \$308,553; Solid waste - \$49,909 (annual costs for solid waste collection and disposal and recycling are not anticipated to be absorbed into current budgets; the solid waste annual expenses include an additional MEO III position plus annual disposal costs of \$16,909. Annual costs for street maintenance are anticipated to be absorbed into the current budget with no increase in expenditures at this time); Recycling - \$0; and Street lighting - \$33,017. Total recurring expenditures - \$531,479.

Annual capital expenditures: Water lines - \$153,650; Sewer lines - \$285,000; Solid waste (cost equals potential economic loss compensation for private solid waste haulers of \$62,040 plus \$182,000 for an additional automated loader truck) - \$244,040; Rollout containers - \$18,160; Police (police capital costs include equipment, training and vehicles for hired officers) - \$186,385; and Fire (fire costs include equipment for hired personnel) - \$15,500. Total annual capital expenditure - \$902,735.

Ms. Cogburn asked City Council to adopt the resolutions approving the report of plans for the six annexation areas.

Upon inquiry of Councilman Dunn, Police Chief Bill Hogan said that the Police Department has 8 police officer vacancies.

Vice-Mayor Mumpower said that staff has done a good job on presenting the services plan, however, he would be voting against it for previously shared concerns regarding annexation.

Mr. Shuford responded to Councilman Dunn's inquiry of why is the City is annexing small portions of property each year. He said that he would provide Council with information on the City's policies regarding providing specific services to annexation areas.

Councilman Newman said that families and businesses in Asheville pay twice the property taxation than people who live just outside of the City limits, and when areas become urban in nature, they should pay to support the critical infrastructure needs in Asheville. He felt that as an elected official looking out for the wellbeing of Asheville taxpayers, annexation is an issue of basic fairness for families who live in Asheville and he would support it.

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

RESOLUTION NO. 05-95 - RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION, WHICH IS GENERALLY KNOWN AS THE RIDGEFIELD BUSINESS PARK AREA

Councilman Davis moved for the adoption of Resolution No. 05-95. This motion was seconded by Councilwoman Jones and carried on a 5-2 vote, with Vice-Mayor Mumpower and Councilman Dunn voting "no."

RESOLUTION BOOK NO. 29 – PAGE 117

RESOLUTION NO. 05-96 - RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION, WHICH IS GENERALLY KNOWN AS THE ASCOT POINT VILLAGE AREA

-11-

Councilwoman Jones moved for the adoption of Resolution No. 05-96. This motion was seconded by Councilwoman Bellamy and carried on a 5-2 vote with Vice-Mayor Mumpower and Councilman Dunn voting "no."

RESOLUTION BOOK NO. 29 – PAGE 118

RESOLUTION NO. 05-97 - RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION, WHICH IS GENERALLY KNOWN AS THE LONG SHOALS ROAD AREA

Councilman Newman moved for the adoption of Resolution No. 05-97. This motion was seconded by Councilwoman Bellamy and carried on a 5-2 vote with Vice-Mayor Mumpower and Councilman Dunn voting "no."

RESOLUTION BOOK NO. 29 – PAGE 119

RESOLUTION NO. 05-98 - RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION, WHICH IS GENERALLY KNOWN AS THE AIRPORT ROAD AREA

Councilwoman Bellamy moved for the adoption of Resolution No. 05-98. This motion was seconded by Councilwoman Jones and carried on a 5-2 vote with Vice-Mayor Mumpower and Councilman Dunn voting "no."

RESOLUTION BOOK NO. 29 – PAGE 120

RESOLUTION NO. 05-99 - RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION, WHICH IS GENERALLY KNOWN AS TWO TOWN SQUARE AREA

Councilman Davis moved for the adoption of Resolution No. 05-99. This motion was seconded by Councilman Newman and carried on a 5-2 vote with Vice-Mayor Mumpower, and Councilman Dunn voting "no."

RESOLUTION BOOK NO. 29 – PAGE 121

RESOLUTION NO. 05-100- RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION, WHICH IS GENERALLY KNOWN AS TOWN SQUARE EAST AREA

Councilwoman Jones moved for the adoption of Resolution No. 05-100. This motion was seconded by Councilwoman Bellamy and carried on a 5-2 vote with Vice-Mayor Mumpower and Councilman Dunn voting "no."

RESOLUTION BOOK NO. 29 – PAGE 122

VI. OTHER BUSINESS:

For Our Kids Program

Vice-Mayor Mumpower thanked those who participated in the For Our Kids program at the Bartlett Arms Apartments clean-up project, which Program he and Councilwoman Bellamy share responsibilities in.

-12-

Claims

The following claims were received by the City of Asheville during the period of April 1-14, 2005: Earl Lee Gray (Water), Margo Lenmark (Streets), Wanda Brookshire (Engineering), Michael Overstrom (Transit Services) and Sarah Brown (Police.)

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

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Fred English expressed concern over the veterans memorial discussion with the Pack Square Conservancy.

Ms. Mary Steiner and Mr. Fisher Caldwell spoke about the on-going problems escalating at Pisgah View Apartments.

Closed Session

At 6:15 p.m., Councilman Newman moved to go into closed session 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: Gannett Pacific Corporation, d/b/a Asheville Citizen-Times Publishing Company; Chesapeake Television, Inc. d/b/a WLOS-TV; City of Asheville; and County of Buncombe. The statutory authorization is contained in G.S. 143-318.11(a)(3). This motion was seconded by Councilman Dunn and carried unanimously.

At midnight, Councilwoman Bellamy moved to come out of closed session. This motion was seconded by Councilman Dunn and carried unanimously.

VIII. ADJOURNMENT:

Mayor Worley adjourned the meeting at midnight.

CITY CLERK

MAYOR