

Regular Meeting

Present: Mayor Terry M. Bellamy, Presiding; Vice-Mayor Diana Hollis Jones; Councilwoman Robin L. Cape; Councilman Jan B. Davis; Councilman Bryan E. Freeborn; Councilman R. Carl Mumpower; Councilman Brownie W. Newman; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: None

**PLEDGE OF ALLEGIANCE**

Mayor Bellamy led City Council in the Pledge of Allegiance.

**INVOCATION**

Mayor Bellamy gave the invocation.

**I. PROCLAMATIONS:**

**A. APPOINTMENT OF KEISHA ROBERSON LIPE AS CITY CLERK OF THE CITY OF ASHEVILLE, EFFECTIVE AUGUST 2, 2006**

Mayor Bellamy said that the Mayor and Council have just completed a search process to replace Maggie Burleson, City Clerk, who announced her retirement earlier this year after 31 years of exceptional service to the City of Asheville. While this process has proven to be quite challenging, given Maggie's past track record, she was very excited to announce that she and Council have chosen Keisha Lipe, an eight year employee in the City of Asheville who has an excellent work record and strong dedication to the customers she serves.

Vice-Mayor Jones moved to appoint Keisha Lipe as the City Clerk of the City of Asheville, effective August 2, 2006. This motion was seconded by Councilman Mumpower and carried unanimously.

**ADDITIONS TO THE AGENDA**

At the request of Vice-Mayor Jones, it was the consensus of Council to add a resolution appointing the Chairman of the Civil Service Board be added under New Business after New Business "B".

At the request of City Manager Jackson, it was consensus of Council to add a resolution authorizing the possession and/or consumption of malt beverages and/or unfortified wine for an event on August 17, 2006, under the Consent Agenda.

At the request of Mayor Bellamy, Consent Agenda "I" was pulled from the Consent Agenda for an individual vote.

**II. CONSENT AGENDA:**

**A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 11, 2006; THE SPECIAL MEETING HELD ON JULY 17, 2006; AND THE WORKSESSION HELD ON JULY 18, 2006**

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**B. ORDINANCE NO. 3375 - BUDGET AMENDMENT REGARDING THE COMMUNITY DEVELOPMENT SECTION 108 FUND**

Summary: The consideration of a budget amendment, in the amount of \$97,520, regarding the Community Development Section 108 Fund.

The purpose of this budget amendment is to budget \$82,000 in Community Development Block Grant funds as revenue in the Section 108 Fund, as provided for in the 2006 Community Development Block Grant/HOME Action Plan. Additionally, this action will budget \$15,520 in previously received program income in the Section 108 account. The revenue from these sources will provide sufficient funds to cover the principal and interest payments due to HUD on the City's Section 108 Community Development Block Grant loans in Fiscal Year 2006-2007.

Considerations:

- Correctly budgets funding already planned to cover payments due on the Section 108 loans

Staff recommends that Council approve the budget amendment, in the amount of \$97,520, regarding the Community Development Section 108 Fund.

**ORDINANCE BOOK NO. 23 – PAGE 47**

**C. RESOLUTION NO. 06-131 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HAYNES ELECTRIC UTILITY CORPORATION FOR THE INSTALLATION OF FIELD LIGHTING AT MONTFORD RECREATION COMPLEX**

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Haynes Electric Utility Corporation for the installation of field lighting at Montford Recreation Complex.

The City of Asheville Parks and Recreation Department is continuing to upgrade parks throughout the City of Asheville. One of the parks in need of renovation is the Montford Recreation Complex, which is situated behind the Montford Recreation Center. The Complex is one of the many locations for the City's Adult Softball Program and many other user groups. This project has become a necessity within the last few years because of safety issues surrounding the existing system. Existing poles are too deteriorated for repair companies to work on them, light fixtures do not illuminate enough of the playing field, and "banks" of lights are going out in the middle of scheduled activity. In order to initiate this project, staff prepared bid specifications for the removal of the old system and for the installation of a turn-key field lighting system. Bid specifications were sent out to electrical contracting companies to see of their interest. The following two contractors were the only companies to respond:

Haynes Electric Utility Corporation	\$106,523
Newco Sports and Outdoor Lighting Co.	\$125,200

Haynes Electric was the lowest responsible bidder, at the cost of \$106,523. The bid process and Haynes Electric have complied with the Minority Business Plan. This project will be funded out the Parks and Recreation Department's Capital Project Fund.

Pros:

- This project will provide a safe lighting system that will be state-of-the art for all users of the facility.

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- Due to current technology, the new system will be more energy efficient and the City of Asheville will receive a 25-year warranty that will cover material and labor.

Cons:

- The City of Asheville will spend Capital Project Funds for this project.
- The facility will be closed for a period of two weeks for the system to be installed.

City staff recommends the City Manager be authorized to enter into a contract with Haynes Electric Utility Corporation for the removal of the old lighting system and the provision and installation of a new lighting system at the Montford Recreation Complex.

**RESOLUTION BOOK NO. 30 – PAGE 60**

**D. RESOLUTION NO. 06-132 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAROLINA CORNERSTONE CONSTRUCTION INC. FOR THE CONSTRUCTION OF THE REED CREEK GREENWAY - PHASE I**

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Carolina Cornerstone Construction, Inc. for the construction of the Reed Creek Greenway - Phase I.

The City of Asheville Parks and Recreation Department is expanding its greenway system throughout the City of Asheville. The Parks and Recreation Department has been acquiring land along Reed Creek Greenway (parallel to Broadway) for a number of years in order to initiate the construction of this high priority greenway. The Reed Creek Greenway, along with the nearby

Glenn's Creek Greenway, will provide a model greenway system between neighborhoods, commercial and institutional districts.

Phase I entails the construction of this linear park between Catawba and Cauble Street. The work will entail the construction of a 10 wide paved trail and associated trailheads. Staff prepared plan documents that were then bid out. Carolina Cornerstone Construction, Inc. submitted the lowest responsible bid for the project of \$183,644. The bid process and Carolina Cornerstone Construction have complied with the Minority Business Plan. This project will be funded out of the Parks and Recreation Department's Capital Project Fund.

Pros:

- This project will provide a safe, accessible bike and pedestrian route along a strategic corridor in the city.
- The project will provide an alternative mode of transportation as the city's street system becomes more congested.
- The greenway will protect and education the public about the environment, especially watershed systems.

Cons:

- The City of Asheville will spend Capital Project Funds for this project.
- The greenway will entail more landscape and cleaning maintenance than its current use as vacant land.

City staff recommends the City Manager be authorized to enter into a contract with Carolina Cornerstone Construction, Inc. for the construction of the Reed Creek Greenway - Phase I.

**RESOLUTION BOOK NO. 30 – PAGE 61**

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**E. RESOLUTION NO. 06-133 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH APAC-ATLANTIC FOR THE FAIRVIEW ROAD WATER LINE REPLACEMENT PROJECT**

Summary: The consideration of a resolution authorizing the Mayor to sign a contract with APAC-Atlantic for the project known as Fairview Road Water Line Replacement; and the associated budget amendment, in the amount of \$193,099.

The Water Resources Department is installing a new water line on Fairview Road. The Department requires asphalt overlay of approximately 7,920 LF by 22 feet wide plus 25 intersections with a 2 inch overlay and stripe the center line on Fairview Road after installation of a new water line and connections to all side streets along the road. Funding is available in the Water Capital Projects Fund by reprogramming funds from the N.C. Dept. of Transportation ("NCDOT") Sweeten Creek II Project, which was completed at a cost below NCDOT's estimate for the project. Staff has to rely on NCDOT's estimate of projects. In this case, NCDOT underestimated the cost of the Sweeten Creek Project and the excess funding due to the final payment being lower than originally estimated by NCDOT can be reprogrammed to fund an additional \$193,098.30 in water line installation costs for the Fairview Project. This cost exceeds the original budgeted funding due to higher than expected water line installation costs which were \$274,000 more than the engineers estimate due to escalating construction material cost.

Water Resources requested quotes for the road overlay with APAC-Atlantic – Asheville Division being the low bid at \$193,098.30.

PRO:

- This project will enhance the water system and the asphalt overlay will create better road infrastructure for the Oakley Community and the City of Asheville.

CON:

- The cost of the asphalt overlay is \$193,098.30, which is available in the Water Capital Projects Fund due to the NCDOT Sweeten Creek Phase II Project being completed under budget.

City staff recommends City Council approval of the Mayor signing contract agreement with APAC-Atlantic, Inc. for the asphalt overlay of Fairview Road as well as approval of a budget ordinance amendment to provide adequate funding.

**RESOLUTION BOOK NO. 30 – PAGE 62**

**F. ORDINANCE NO. 3376 - BUDGET AMENDMENT TO PROVIDE ADDITIONAL FUNDING FOR THE FAIRVIEW ROAD WATER LINE REPLACEMENT PROJECT**

See Consent Agenda Item "E" above.

**G. RESOLUTION NO. 06-134 - RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER TO PURCHASE PROPERTY AT 8 CEDAR STREET, ASHEVILLE, N.C.**

Summary: The consideration of a resolution authorizing the City Clerk to advertise an offer to purchase property at 8 Cedar Street pursuant to the upset bid process provided in N. C. Gen. Stat. sec. 160-269.

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On March 14, 2006, City Council authorized marketing property at 8 Cedar Street (PIN 9657.07-58-4903) that the City originally acquired for proposed street improvements, which are no longer needed. The next step in this process is advertising the offer through the upset bid process. The property has been offered for sale and a bid has been received in the amount of \$158,600. The proceeds of the sale will be General Fund revenue.

The property is located at the intersection of Fairview Road and Cedar Street in the Oakley community. It is improved with a circa 1926 two story Dutch Colonial with white clapboard siding on a 0.1745 acre lot with typical residential landscaping, fencing, etc. It needs some repairs in order to obtain a Certificate of Occupancy.

The bid from R & G Properties is equal to the minimum price of \$158,600.

Pros:

- The bid is equal to the appraised value and the upset bid method of sale will ensure a competitive process.
- The sale of the property will generate revenue for the City.
- It will place the property back on the tax rolls.
- It is an efficient use of resources, because un-needed property will return to private ownership.
- It will make available moderately priced housing in a fully serviced neighborhood.

Cons:

- Future growth and development in the area could require street improvements that could result in the need to reacquire the property, but that is not likely in the foreseeable future due to the residential character of the neighborhood and the number of inter-connecting neighborhood streets which provide alternative routes. Additionally a portion of the property along Fairview Road is being retained by the City to provide an improved turning radius and sidewalk.

Approval of the resolution will authorize advertisement for upset bids as provided in N. C. G. S. 160A-269.

City staff recommends adoption of the resolution authorizing the City Clerk to advertise an offer to purchase property at 8 Cedar Street pursuant to the upset bid process provided in N. C. Gen. Stat. sec. 160-269.

**RESOLUTION BOOK NO. 30 – PAGE 63**

**H. THE RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CONVENTIONAL WISDOM TO DEVELOP A COST ANALYSIS FOR REFURBISHMENT AND UPGRADING THE CURRENT CIVIC CENTER FACILITY WAS CONTINUED FROM JUNE 23, 2006, TO AUGUST 8, 2006. DUE TO THE FACT THAT THE AUGUST 8, 2006, MEETING HAS BEEN CANCELLED, THIS MATTER WILL BE CONSIDERED ON AUGUST 22, 2006**

**I. RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT A FUNDRAISING RECEPTION AS PART OF THE ASTON PARK TENNIS CENTER ENHANCEMENT CAMPAIGN ON AUGUST 17, 2006, AT THE COVINGTON CLUBHOUSE AT ASTON PARK TENNIS CENTER**

At the request of Mayor Bellamy, this item was pulled from the Consent Agenda for an individual vote.

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Mayor Bellamy 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.

Councilman Freeborn moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Davis and carried unanimously.

**ITEM PULLED FROM THE CONSENT AGENDA FOR AN INDIVIDUAL VOTE**

**RESOLUTION NO. 06-135 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT A FUNDRAISING RECEPTION AS PART OF THE ASTON PARK TENNIS CENTER ENHANCEMENT CAMPAIGN ON AUGUST 17, 2006, AT THE COVINGTON CLUBHOUSE AT ASTON PARK TENNIS CENTER**

Summary: The consideration of a resolution making provision for the possession and consumption of malt beverages and/or unfortified wine at a fundraising reception as part of the Aston Park Tennis Center Enhancement campaign on August 17, 2006 at the Covington Clubhouse at Aston Park Tennis Center.

Asheville Parks and Recreation will produce the fundraising reception to help raise funds to support the cost of renovations at Aston Park Tennis Center. The reception will be held at the Covington Clubhouse located in Aston Park Tennis Center.

The Asheville Parks and Recreation Department recommends City Council adopt the resolution making provision for the possession and consumption of malt beverages and/or unfortified wine at the fundraising reception as part of the Aston Park Tennis Center Enhancement campaign on August 17, 2006 at the Covington Clubhouse at Aston Park Tennis Center.

Councilman Newman moved for the adoption of Resolution No. 06-135. This motion was seconded by Vice-Mayor Jones and carried on a 6-1 vote, with Mayor Bellamy voting "no."

**RESOLUTION BOOK NO. 30 – PAGE 64**

**III. PUBLIC HEARINGS:**

**A. PUBLIC HEARING TO CONSIDER RENAMING THE EXISTING STREET OF "HOLIDAY INN DRIVE" LOCATED OFF HIGHWAY 240 EAST TO "RESORT DRIVE"**

Mayor Bellamy said that on May 23, 2006, the petitioners requested this public hearing be continued to July 25, 2006, in order to address street signage. That request was granted. On July 7, 2006, the petitioner again requested the public hearing be continued to September 12, 2006. Therefore, Councilman Mumpower moved to continue this public hearing until September 12, 2006. This motion was seconded by Councilman Davis and carried unanimously.

**B. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 37 ARLINGTON STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO OFFICE DISTRICT/CONDITIONAL ZONING FOR A PROPOSED PARKING LOT**

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**ORDINANCE NO. 3377 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 37 ARLINGTON STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO OFFICE DISTRICT/CONDITIONAL ZONING FOR A PROPOSED PARKING LOT**

Mayor Bellamy said that this public hearing was continued from May 23, 2006, and July 11, 2006, at the petitioner's request in order to have a full Council present because a valid protest petition had been filed. She then opened the public hearing at 5:08 p.m.

Urban Planner Julia Cogburn said that this is the consideration of an ordinance to conditionally zone property located on 37 Arlington Street from RM-16 Residential Multi-Family High Density District to Office District/Conditional Zoning for use of a parking lot in conjunction with the building on 37 Arlington Street. This public hearing was advertised on May 12 and 19, 2006.

City Attorney Oast said that a valid protest petition has been filed, thus requiring a three-fourths vote of City Council to approve the rezoning of the property.

The subject property is located within the City Limits, off of Arlington Street approximately half a block east of the

intersection of Arlington with Charlotte Street. The property does not abut a street but is accessed via the driveway to 37 Arlington Street. While we have advertised it as a part of 37 Arlington along with the Parcel Identification Number, it really is a separate free-standing property right now. It does have an association with the property on 37 Arlington in that it is the same ownership and the request concerns the salon that is located there and the needed parking for the salon. Surrounding properties to the north and east are zoned for multi-family development, the property to the west is zoned CBII and the property to the south is zoned Office. A variety of uses are found in the area including: vacant commercial land used for parking (immediately to the west); office uses (to the south); multi-family residential (to the north and east); and a small hotel (along Furman to the east).

The applicants wish to rezone their property in order to use the portion of it that is detailed in the petition for a gravel parking lot for the salon located at 37 Arlington Street. The balance of the property would remain RM-16. The number of stations in a salon determines the minimum parking requirements. This salon has ten (10) stations and would require twenty-six (26) spaces. The salon currently provides nine (9) parking spaces in an asphalt lot on the property at 37 Arlington.

The proposal is to rezone 10,372 square feet of the approximately 16,117 square feet in the subject parcel. This portion of the parcel would need to be combined with the parcel on which the salon is located to make the parking area conforming. There is already an existing parking lot there. The proposal is for a gravel lot containing fourteen (14) parking spaces. The applicant is proposing no new access to the property that is currently accessed via the drive at 37 Arlington. The applicants purchased the property about one year ago and proceeded to work on the parking area. They received a notice a violation from the City in November of 2005 when it was brought to our attention that they were clearing on the lot. They immediately came in and started working with City staff on an attempt to bring what they wanted to do with this particular property into compliance.

Their landscape plan is to establish a gravel parking lot with 14 spaces and this would bring their parking more closely into compliance with the requirements of the Unified Development Ordinance ("UDO") for the particular salon there. The salon as it exists now needs 26 spaces and this would give them 23 spaces and would hopefully take some of the parking off the street for the clients of the salon. The balance of the property would remain RM-16 and

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access to this portion of this property, if ever developed, would be most likelihood be an easement or a recorded right-of-way off of Furman because it is a land-locked piece of property. Regarding the landscaping of the lot, the owners have worked with City staff to do a nice mix both of existing vegetation as well as a considerable amount of proposed vegetation.

One thing that has been a concern of those opposed to this is the access off of Furman Avenue and it has been suggested as a condition by both the Technical Review Committee ("TRC") and the Planning & Zoning Commission that access not be allowed off of Furman. The applicant has agreed to that condition and has also placed additional vegetation along the Furman side to preclude access from this parking area out that way.

At their meeting on April 17, 2006, the City of Asheville TRC reviewed the conditional zoning request and made a positive recommendation (with conditions) that the project be forwarded to the Planning and Zoning Commission.

The Planning and Zoning Commission, at their meeting on May 3, 2006, reviewed the conditional zoning request and recommended approval (4-1). At this meeting the Commission added the condition that access to the parking area not be afforded via Furman Avenue.

She asked that Council further condition this plan that the parking be used in the future only in conjunction with the conforming permitted use located at 37 Arlington Street. In addition, another condition requested is that this piece of property be combined with 37 Arlington Street property. In that case, if this property were ever sold and turned into another conforming use, that the parking in the future could only be used in conjunction with whatever use was on the other part of 37 Arlington Street.

Section 7-7-8(d)(2) of the UDO states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. **That the proposed use or development of the land will not materially endanger the public health or safety.** The project, if approved, must meet the technical standards set forth in the City's Unified Development Ordinance. The existing site plan shows compliance with most all of the City's development standards and the applicant is working with City staff on full compliance.
2. **That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation**

**techniques or measures proposed by the applicant.** The applicant is proposing to leave substantial vegetation to the north and south so as to leave this portion of the property in its natural vegetative state.

3. **That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.** The use of property surrounding this site is varied. There exist commercial and hotel parking areas in the immediate vicinity. Commercial and office uses, in addition to multi-family and single-family residences, are found in the area. The applicant is proposing landscaping, both existing and new plant materials, in order to buffer the parking area.
4. **That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.** Other non-residential uses in this area have parking located at the rear of

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heir building. This parking area appears to be a little larger in scale than some of the others.

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.** The proposed development supports the 2025 Plan regarding allowing appropriate nonresidential development within and adjacent to residential areas.
6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.** The proposed development is within close proximity to transportation facilities and other utilities appear adequate. The project area is located near major road facilities and other service centers.
7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.** The proposed use will actually create a better situation for traffic along Arlington Street. The minimum parking requirement for this salon is 26 spaces. The current parking situation at 37 Arlington only provides for 9 off-street spaces. This additional parking will mean that fewer patrons will park on the street along Arlington.

Considerations:

- .. Improves parking situation for an existing use.
- .. Places service use parking adjacent to multi-family residential uses.
- .. The applicant is providing landscaping on all sides of the parking lot in compliance with all City regulations.
- .. The parking area is larger than many in the area used for non-residential uses. However, there are a number of non-residential use parking areas in the immediate vicinity.

Based on the above findings and the analysis provided in the report, staff and the Planning and Zoning Commission find this request to be reasonable. Staff recommends the approval of this conditional zoning request with the conditions as stated in the TRC report. The Planning and Zoning Commission, at their meeting on May 3, 2006, reviewed the conditional zoning request and recommended approval (4-1). At this meeting the Commission added the condition that access to the parking area not be afforded via Furman Avenue. City staff also requests the addition of the following two conditions: (1) that the parking be used in the future only in conjunction with a conforming permitted use located at 37 Arlington Street; and (2) that this piece of property be combined with 37 Arlington Street property.

City Attorney Oast said that late today he received information from Ms. Patsy Brison, attorney representing the neighbors who are opposed to the rezoning, with respect to some right-of-ways or easements that she contends crosses the property. It was his opinion that this is an issue that does not preclude City Council from considering this request. He said he will investigate that further and if turns out that it true, then the zoning is void from the beginning and he will advise Council. He is also talking with the applicant's attorney about this matter as well.

Mr. Robert Malkin, landscape architect representing the property owners, said that he has furnished to Council 15 letters in support of this rezoning request. He explained a brief history of the property noting that in 1999 the previous owner did receive a grading permit for the existing parking lot. When the property was bought by the current owners, it was assumed by both buyer and seller that the parking lot went with the building at 37 Arlington Street. At this time they would like to officially make that connection and allow the owners to use the existing parking lot as such. If Council chooses not to rezone this property, (1) there will be 14 cars parking on Arlington Street, which is currently congested; and (2) the minimum parking requirements of the

UDO cannot be met. He then explained the landscaping of the property, noting that they began working with the City as soon as they found out about the violation. Regarding the issue recently raised by Ms. Brison about an unopened street, he said that should be left up to the attorneys to decipher. They held a neighborhood meeting that generated 15 letters of support and in fact one property owner who signed the protest petition stated that the landscape plan was beautiful. He had a concern about the validity of the protest petition. In summary, he asked Council to approve this rezoning request and bring the parking lot into compliance.

Ms. Linda Cohen, resident of 4 Oak Park Road, presented City Council with a petition containing 78 signatures who are "opposed to the conditional zoning for the property at 37 Arlington Street and rezoning of the lot at 78 Furman Avenue for a parking lot." She urged Council to deny the rezoning request.

Ms. Gabrieal Cyr, resident at 291 E. Chestnut Street, said that she signed the protest petition because the rezoning will further erode the residential property in the area. She had no problem with the landscape design of the property. She felt the area needed to remain residential.

Reverend Christopher Chiaromonte spoke in opposition of the rezoning and felt that the buyers should have investigated the property thoroughly and not relied on the previous owner's assurances.

Ms. Patsy Brison, attorney representing neighbors who are opposed to the rezoning, felt this is truly an encroachment of a commercial use into a residential area. She said that the applicant, Mr. Higgins, sent a bull-dozer, knocking down trees, through the property right next to the access of Furman to get to the back of the existing parking lot. That created the concern in the neighborhood, who in turn contacted the City last fall. She said that a police officer arrived and asked Mr. Higgins to not continue the work but Mr. Higgins still persisted and did it over the weekend and the City later cited him for a zoning violation of not having a proper permit. She believes that this is part of the same lot as 37 Arlington Street and so the access off Furman Avenue is an issue. She then presented City Council with a letter dated July 25, 2006. She summarized the letter by explaining that late yesterday she received from her clients "information from the Parker family files that there is a twenty (20) foot wide unopened street running from Furman Avenue westward through the lot which is the subject of the rezoning request to the intersection of that street with a twenty-five (25) foot wide unopened street running from Chestnut Street south through the middle of the block." Attached to her letter were the deeds. She felt the City would need to resolve whether or not this property is still subject to the street dedication before proceeding with the rezoning request. She inquired of the City Clerk as to whether or not there had been a closing of this street and none of the street closings she found in her files indicated a closing of that street. She has not conducted a further investigation of the status of this street, as it would appear to be incumbent upon the applicant to make that investigation. She provided this information to the City Attorney and Mr. Bill Biggers, the attorney for the applicants. She noted that the Princess Ann Hotel will be bringing a rezoning request to the Planning & Zoning Commission, which will also chip away the good residential character of the neighborhood. As to Ms. Cogburn's suggestion of adding a condition that this parking lot be connected to the lot at 37 Arlington Street, technically she feels there may be an advertisement problem. She felt on that basis alone, the request should be defeated. If Council chooses to go forward, she requested Council revise Ms. Cogburn's condition that the parking lot only be used in the future for the existing use of the structure on 37 Arlington, because perhaps in the future a smaller use may not require that much parking.

Mr. Dean Nanney, resident at 79 Furman Avenue, showed City Council a video of the lot being graded. He spoke in opposition of the rezoning in that he felt that this would be spot zoning

for the Arlington property and it would erode the residential property. He felt Council would be rewarding the action of Mr. Higgins who continued to grade his property after being instructed by the police officer to stop. He said that when the grading was done for the original parking lot, the neighbors contacted the Planning Department and they were told that since the grading was done there was nothing the City could do. He urged Council to deny the rezoning request.

Mrs. Fredia Higgins, property owner, said that she is requesting this rezoning to have a place for her clients and employees to park off the street. She said that approximately 25-30 cars would be parked on the lot. She said they have no plans to pave the lot but are willing to do the landscaping.

At 5:50 p.m., Mayor Bellamy closed the public hearing.

Upon inquiry of Councilwoman Cape, Ms. Cogburn said that the business did receive an appropriate zoning permit at the time the salon was established.



When Councilwoman Cape asked about Ms. Brison's concern about the street running through the lot, City Attorney Oast said that that is a question of underlying ownership and City Council should not be called on to resolve that issue.

Councilwoman Cape said that we are trying to manage the growth of our community and we understand the value of small businesses to our community. We need to be responsive to the community in a lot of different ways. She was concerned about the additional cars on Arlington Street and noted that the area is already mixed use. She wanted to make the area as safe as possible.

When Councilwoman Cape asked about the land-locked piece of property, Ms. Cogburn said that the only thing that can be built is a single-family home, but prior to them doing that they would have prove to the City that they have legal access from Furman Avenue.

Vice-Mayor Jones confirmed that the lot is not being used as a parking lot now and the cars are currently parking on the street. Ms. Cogburn agreed in that the owners were asked to not park in the existing lot since November of 2005 until this matter was resolved.

Upon inquiry of Councilman Mumpower about the Planning & Zoning Commission vote, Ms. Cogburn said that the majority felt like this is a situation that had historically been there and that the applicants had come in and were trying to make it conforming and it would make situation related to the business more in conformance with the UDO. The one in opposition was regarding encroachment into a residential neighborhood.

Upon inquiry of Councilman Newman, Ms. Higgins said that previously the existing parking lot would only hold approximately ten cars which were basically for the employees of the salon.

Mr. Randy Higgins, property owner, explained that he was the person who called the police because someone had their vehicle blocking the right-of-way and he had asked them several times to move the vehicle, but they refused. The pile of debris showed in the video was debris he was wanting to haul away, but the vehicle was blocking his access. At first he wanted to tow the vehicle out of the way, and when the police came, they said it was a civil matter and that he should wait until the following Monday and talk with his attorney. All he did after the police officer left was go back onto his parking lot and continue piling up the debris and cleaning off his lot (old tires, beer bottles and cans, fallen tree limbs, etc.) so when he could get his equipment in there, he would only have to load it up and leave. He has not been cited by the City for anything other than the zoning violation.

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Councilman Davis felt that the property owners have worked hard to make this lot something better than a run down parking lot in the past.

Councilman Mumpower felt this would take parking off of the street and feels that the cut-off for the access to Furman Street is a reasonable condition. In addition, it is an existing parking lot. He felt the information about the old street seems to reflect documentation that doesn't have relevancy today. This business employs people and he felt we need to make a reasonable accommodation to try to work with each other and he thinks this is reasonable.

Councilman Davis moved for the adoption of Ordinance No. 3377 to conditionally zone property located on 37 Arlington Street from RM-16 Residential Multi-Family High Density District to Office District/Conditional Zoning for a proposed parking lot, subject to the following conditions: (1) all conditions in the TRC being met; (2) access to the parking area not be afforded via Furman Avenue; (3) that the right-of-way access question be resolved; and (4) that the parking be used in the future only in conjunction with a conforming permitted use located at 37 Arlington Street, noting that this request is reasonable based on the information provided in the staff report. This motion was seconded by Councilman Mumpower and carried on a 6-1 vote, with Vice-Mayor Jones voting "no".

#### **ORDINANCE BOOK NO. 23 – PAGE 51**

#### **C. ORDINANCE DIRECTING THE HOUSING CODE COORDINATOR OF THE BUILDING SAFETY DEPARTMENT TO VACATE THE DWELLING LOCATED AT 128 ALABAMA AVENUE**

Mayor Bellamy said that the property owner, Mr. Joseph McCarson, is working with the City of Asheville for a resolution to the problem and has asked for a continuance of the public hearing. Therefore, Councilman Mumpower moved to continue the public hearing until September 12, 2006. This motion was seconded by Councilman Newman and carried unanimously.

**D. PUBLIC HEARING TO CONSIDER REZONING 15 STATE STREET FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT AND RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT**

**ORDINANCE NO. 3378 - ORDINANCE TO REZONE 15 STATE STREET FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT AND RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT**

Mayor Bellamy opened the public hearing at 6:22 p.m.

Urban Planner Nate Pennington said that this is the consideration of an ordinance to rezone 15 State Street from RM-8 Residential Multi-Family Medium Density District and RM-16 Residential Multi-Family High Density District to RM-16 Residential Multi-Family High Density District. This public hearing was advertised on July 14 and 21, 2006.

He said the subject site is located in West Asheville, within the City of Asheville's corporate limits, half a block south of Haywood Road. The property, approximately one-half acre in area, previously had a single-family residence, but has recently been cleared of any structures. The parcel is currently split zoned, with approximately .35 acre on the east side zoned RM-16 Residential Multi-Family High Density District and approximately .15 acre on the west side zoned RM-8 Residential Multi-Family Medium Density District.

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The surrounding zoning is RM-16 to the north, east and south, and RM-8 to the north, west, and south. In addition, there is Community Business II zoning to north/northeast close to Haywood Road. The adjacent residential areas are a mix of single-family homes, duplexes, and vacant residential lots. The closest duplex is located on one of the adjacent lots to the south. The Rainbow Mountain Children's School's rear entrance extends onto the east side of State Street across from the southeastern corner of the subject property. The average lot size in the area is roughly 0.25 acres.

The current zoning line matches property lines for the properties to the north and south, but divides the subject property into two zoning districts.

The applicant, Michael Figuras as agent, has applied for a rezoning to designate the lot entirely RM-16. Based on acreage and density permitted with the current zoning configuration, either seven or eight units could potentially be permitted on this lot (staff cannot determine the exact number without a survey). The proposed rezoning would allow for the permitting of one additional unit. The RM-16 zoning district was intended to permit a full range of high density multi-family housing types along with limited institutional, public, and commercial uses appropriate to the area.

The RM-8 zoning district was established to provide a transitional area between high-density single-family uses and multi-family areas and to permit medium density multi-family development in areas where existing conditions make higher density development inappropriate.

As of this writing, planning staff has received two communications from neighbors seeking more information about the proposed rezoning. Neither citizen expressed opposition.

At their July 5, 2006, meeting the City of Asheville Planning and Zoning Commission voted unanimously to recommend approval of the proposed rezoning.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Considerations:

- Proposed zoning would be compatible with the existing zoning of other parcels along State Street south of the commercially-zoned properties fronting Haywood Road.
- The potential for higher density infill development is consistent with both the City's Comprehensive Plan and Strategic Plan.
- Proposed rezoning would potentially allow a single additional unit within a multi-family development over what would be permitted under the existing zoning.
- Proposed rezoning would eliminate a split-zoned parcel.

Mr. Michael Figuras, agent for the applicant, spoke in support of the rezoning.

Mayor Bellamy closed the public hearing at 6:26 p.m.

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

Councilman Mumpower moved for the adoption of Ordinance No. 3378 to rezone 15 State Street from RM-8 Residential Multi-Family Medium Density District and RM-16 Residential Multi-Family High Density District to RM-16 Residential Multi-Family High Density District and finds that the request is reasonable based on information provided in the staff report and as

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stated in the staff recommendation. This motion was seconded by Vice-Mayor Jones and carried unanimously.

**ORDINANCE BOOK NO. 23 – PAGE 55**

**E. PUBLIC HEARING TO CONSIDER THE INITIAL ZONING OF 3820 SWEETEN CREEK ROAD TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT**

**ORDINANCE NO. 3379 - ORDINANCE TO ZONE 3820 SWEETEN CREEK ROAD TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT**

Mayor Bellamy opened the public hearing at 6:27 p.m.

Urban Planner Julia Cogburn said that this is consideration of an ordinance to zone 3820 Sweeten Creek Road to RM-16 Residential Multi-Family High Density District. This public hearing was advertised on July 14 and 21, 2006.

The City of Asheville has recently completed the voluntary annexation of a single lot located at 3820 Sweeten Creek Road (effective June 30, 2006). This area is currently in the Limestone Township of Buncombe County and is zoned low-density residential. The lot is approximately .72 acres in size. The lot is bordered to the south and south west by multi-family and institutional zoning and uses. To the north and east, the uses are predominately single-family in nature.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Considerations:

- Zones property recently taken into the City of Asheville in consideration of the surrounding zoning and land use and existing infrastructure.
- Places higher density development opportunities where the infrastructure is appropriate for such development.

The City's Technical Review Committee, at its meeting on June 19, 2006, concurred with this recommendation. At a meeting on July 5, 2006, the Planning and Zoning Commission unanimously recommended approval of this initial zoning. (5-0).

Mr. John Couch, owner of the property, spoke in support of this initial zoning.

Mayor Bellamy closed the public hearing at 6:31 p.m.

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

Councilman Newman moved for the adoption of Ordinance No. 3379, to zone 3820 Sweeten Creek Road to RM-16 Residential Multi-Family High Density District, and find that this initial zoning to be reasonable/unreasonable based on information provided in the staff report. This motion was seconded by Councilman Mumpower and carried unanimously.

**ORDINANCE BOOK NO. 23 – PAGE 58**

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**F. PUBLIC HEARING TO CONSIDER THE INITIAL ZONING OF 4 LOTS ON ROCKWOOD ROAD TO HIGHWAY BUSINESS DISTRICT**

**ORDINANCE NO. 3380 - ORDINANCE TO ZONE 4 LOTS ON ROCKWOOD ROAD TO HIGHWAY BUSINESS DISTRICT**

Mayor Bellamy opened the public hearing at 6:31 p.m.

Urban Planner Julia Cogburn said that this is consideration of an ordinance to zone 4 lots on Rockwood Road to Highway Business District. This public hearing was advertised on July 14 and 1, 2006.

The City of Asheville has recently completed the voluntary annexation (effective June 30, 2006) of four parcels off of Rockwood Road in South Buncombe County. These parcels are currently in the Limestone Township of Buncombe County and are zoned Employment. The four parcels combined are a total of 6.54 acres in size. There are currently four site plans that have been approved by Buncombe County for which the developer has obtained vested rights for five years. These plans show commercial (retail, restaurant, and hotel) usage of the property.

Other properties in the Airport Road area that are within the City's jurisdiction are zoned Highway Business District. Staff proposes the same zoning for these parcels. The Technical Review Committee had no issues with this zoning classification for these properties.

At a meeting on July 5, 2006, the Planning and Zoning Commission unanimously recommended this rezoning (5-0).

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable and recommends approval of this initial rezoning.

Considerations:

- Zones property recently taken into the City of Asheville in consideration of the surrounding zoning and land use and the City's Comprehensive Plan.
- Complies with the strategy of identifying appropriate areas for the location of larger commercial uses.

Mr. Steven Hankins, owner of property, spoke in support of this initial zoning.

Mayor Bellamy closed the public hearing at 6:33 p.m.

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

Councilman Mumpower moved for the adoption of Ordinance No. 3380 to zone 4 lots on Rockwood Road to Highway Business District and find that the request is reasonable based on information provided in the staff report. This motion was seconded by Councilman Davis and carried on a 6-1 vote, with Councilman Freeborn voting "no."

**ORDINANCE BOOK NO. 23 – PAGE 61**

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**G. PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO ALLOW TATTOO PARLORS AS A PERMITTED USE IN THE COMMUNITY BUSINESS I DISTRICT, COMMUNITY BUSINESS II DISTRICT, COMMERCIAL INDUSTRIAL DISTRICT, THE HIGHWAY BUSINESS DISTRICT, THE REGIONAL BUSINESS DISTRICT, THE CENTRAL BUSINESS DISTRICT AND THE RIVER DISTRICT**

In order to have some modifications reviewed by the Planning & Zoning Commission, this matter was pulled from the Council meeting agenda.

**H. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO BRING PROVISIONS CONCERNING JURISDICTION IN ALIGNMENT WITH RECENT POLICY CHANGES**

**ORDINANCE NO. 3381 - ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO BRING PROVISIONS CONCERNING JURISDICTION IN ALIGNMENT WITH RECENT POLICY CHANGES**

Mayor Bellamy opened the public hearing at 6:34 p.m.

Urban Planner Julia Cogburn said that this is the consideration of an amendment to the Unified Development Ordinance ("UDO") to bring provisions concerning jurisdiction in alignment with recent policy changes. This public hearing was advertised on July 14 and 21, 2006.

On June 13, 2006, the Asheville City Council, looking at opportunities for improved management of growth in the City's

extraterritorial jurisdiction (ETJ), voted to undertake extension of the full range of development review services into this area. Specifically, the Council voted that as of July 1, 2006, the City would not only regulate and administer the zoning aspects of the UDO in the ETJ, but would also administer sedimentation and erosion control, stormwater management, and floodplain management in the ETJ. This development review improvement, approved by Council, would also include the provision of building inspection services into this area.

This wording amendment simply makes needed code changes to reflect the policy and management decision concerning development review.

Considerations:

- Codifies policy and management decision of Asheville City Council.
- Change will lead to greater consistency and efficiency in the application and enforcement of development standards.

- At its meeting on July 5, 2006, the Planning and Zoning Commission unanimously (5-0) recommended approval of this wording amendment. Staff recommends approval.

- City staff recommends City Council adopt the ordinance to amend the UDO to bring provisions concerning jurisdiction in alignment with recent policy changes.

Mayor Bellamy closed the public hearing at 6:34 p.m.

Upon inquiry of Councilman Davis, City Attorney Oast said that the City has the legal ability to extend public enterprise within reasonable limitations.

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

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Councilwoman Cape moved for the adoption of Ordinance No. 3381. This motion was seconded by Vice-Mayor Jones and carried on a 6-1 vote, with Councilman Mumpower voting "no."

**ORDINANCE BOOK NO. 23 – PAGE 64**

**IV. UNFINISHED BUSINESS:**

**V. NEW BUSINESS:**

**A. RESOLUTION NO. 06-136 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE REGIONAL AIRPORT AUTHORITY**

Vice-Mayor Jones, Chair of the Boards & Commissions Committee, said that the terms of Rhett Grotzinger and Albert Anderson, as members on the Asheville Regional Airport Authority, expire on June 30, 2006.

At City Council's worksession on June 20, 2006, the City Council instructed the City Clerk to arrange interviews for Rhett Grotzinger, John Panarites, David Hiller and Martha Marshall. On June 27, 2006, Mr. Grotzinger submitted a letter to City Council stating "I would like to have my name withdrawn from consideration for reappointment to the Asheville Regional Airport Authority at this time. It has been an honor and privilege to serve our community on this board and I look forward to serving our community in a similar manner in the future."

When Councilwoman Cape asked if Mr. Grotzinger had written a letter asking that he be re-considered as a candidate, Mayor Bellamy said that she has talked with Mr. Grotzinger and he has officially put his name back in for consideration of reappointment to the Airport Authority. Councilwoman Cape asked that in the future all Council members be made aware of any change in status concerning appointments, and suggested that the candidate be required to submit that request in writing.

Vice-Mayor Jones said that three Council members were not notified by the applicant that he was putting his name back in for reappointment. She felt that as Chair of the Boards & Commissions Committee, that was problematic.

At this time, John Panarites received 2 vote; David Hillier received 5 votes; Martha Marshall received 3 votes; and Rhett Grotzinger received 4 votes. Therefore, Mr. Grotzinger was reappointed to serve an additional four-year term respectively and Mr.

Hillier was appointed to serve a four-year term respectively, both terms to expire June 30, 2010 or until their successors have been appointed.

**RESOLUTION BOOK NO. 30 – PAGE 65**

**B. RESOLUTION NO. 06-137 - RESOLUTION APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD**

Vice-Mayor Jones, Chair of the Boards & Commissions Committee, said that the term of Sophie Dixon, as a member of the Civil Service Board, expired on May 21, 2006.

At City Council's worksession on June 20, 2006, the City Council instructed the City Clerk to arrange interviews for Sheryl Near and Sharon West.

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By a unanimous vote, Sharon West was appointed to serve a two-year term, term to expire May 21, 2008, or until her successor has been appointed.

**RESOLUTION BOOK NO. 30 – PAGE 66**

**C. RESOLUTION NO. 06-138 – RESOLUTION APPOINTING A CHAIR TO THE CIVIL SERVICE BOARD**

Vice-Mayor Jones said that City Council must appoint a Chairman of the Civil Service Board annually.

It is the recommendation of the City Council Boards & Commissions Committee to reappoint T. Clark Brown, who currently serves as Chair, to serve at the pleasure of City Council.

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

Mayor Bellamy moved for the adoption of Resolution No. 06-137. This motion was seconded by Councilwoman Cape and carried unanimously.

**RESOLUTION BOOK NO. 30 – PAGE 67**

**C. RESOLUTION NO. 06-139 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION**

Vice-Mayor Jones, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville-Buncombe Historic Resources Commission.

The terms of Frank Thomson and Curtis Walk expired on July 1, 2006. In addition, Keith Hargrove has resigned from the Historic Resources Commission, thus leaving an unexpired term until July 1, 2007.

On June 20, 2006, City Council instructed the City Clerk to arrange interviews for William Allison, Todd Williams, Tebbe Davis, Amanda Starcher, Lupe Perez, Christopher Lyman, Timothy Ownbey and Tom Gholson. Mr. Davis was not interested in the vacancy. Mr. Gholson and Mr. Allison were unable to attend the interview.

After Council spoke highly of the candidates, Todd Williams received 5 votes; Amanda Starcher received 6 votes; Lupe Perez received 7 votes; Christopher Lyman received 2 votes, and Timothy Ownbey received 1 vote. Therefore, Lupe Perez and Amanda Starcher were appointed as members of the Asheville-Buncombe Historic Resources Commission to each serve three-year terms respectively, terms to expire June 30, 2009, or until their successors have been appointed. In addition, Todd Williams was appointed to serve the unexpired term of Mr. Hargrove, term to expire July 1, 2007, or until his successor has been appointed.

**RESOLUTION BOOK NO. 30 – PAGE 68**

**D. RESOLUTION NO. 06-140 - RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD**

Vice-Mayor Jones, Chair of the Boards & Commissions Committee, said that the terms of Sam Camp, Frank Fishburne, Carol Ann Pothier, James Grant and Laura Williams, as members

on the Recreation Board, expire on June 30, 2006. In addition, Matt Davis and Eleanor Campbell have resigned, thus leaving two unexpired terms until June 30, 2008.

At City Council's worksession on June 20, 2006, the City Council instructed the City Clerk to prepare the proper paperwork to reappoint Sam Camp, Carol Ann Pothier and Laura Williams to each serve an additional three-year term respectively, terms to expire June 30, 2009, or until their successors have been appointed.

Also at Council's June 20, 2006, worksession, the City Clerk was instructed to arrange interviews for Wind Peter Motika, Pastor Spencer Hardaway, Randolph Walter, Scott Barnwell and Shelley Booth. Mr. Walter called the City Clerk and withdrew his name from consideration for physical reasons.

By unanimous vote, Wind Peter Motika and Pastor Spencer Hardaway were appointed as members of the Recreation Board to each serve a three-year term respectively, terms to expire June 30, 2009, or until their successors have been appointed; and Scott Barnwell and Shelley Booth were each appointed to serve the unexpired terms of Mr. Davis and Ms. Campbell, terms to expire June 30, 2008, or until their successors have been appointed.

In addition, Sam Camp, Carol Ann Pothier and Laura Williams were each reappointed to each serve an additional three-year term respectively, terms to expire June 30, 2009, or until their successors have been appointed.

#### **RESOLUTION BOOK NO. 30 – PAGE 69**

### **VI. OTHER BUSINESS:**

#### **Board and Commission Appointments**

Vice-Mayor Jones was very disappointed around the process of the Airport Authority appointments. Her number one criteria for appointment for any board is not knowledge (because the right people can learn), and it is not a certain status (although very important, she doesn't believe that political correctness of representation should trump over-qualifications). Her number one criteria is that a person understands their role as a board member. Part of that understanding is what is off-limits for board members to do. Board members do not amend by-laws because they are dissatisfied with the operational aspects of the board. Another important criteria is conclusive communication. Last night our state representative who was appointed to the Airport Authority and calling in on a conference call was not given the courtesy of one minute to get off hold in order to participate as a voting member of that board. She would have hoped for better behavior particularly our City appointees. The behavior of this board, as recently as last night, has not met either of her standards. She works for a board of directors for a living and has also served on numerous boards and observed many up close and personal. This Airport Authority has been very dysfunctional. Sadly, the pattern of odd maneuvers continue and the dysfunction lives on. Back-door deals sicken her and must stop. The Airport is critical to our economic future and as one of our excellent candidates stated "boards are instruments of public service, not vehicles to build resumes or exercise personal agendas." She will hold out hope for a better future for that board.

Councilman Mumpower agreed with Vice-Mayor Jones in that politics for board positions is distasteful. He will look forward to hearing more details about this. But in fairness to Mr. Grotzinger, he specifically raised the question at our last Board & Commission meeting as to whether he was still a candidate or not. We had heard some rumors about that. So, he didn't think we are coming into this blind. He thinks there was ample opportunity to reach out to Mr. Grotzinger and confirm that.

Vice-Mayor Jones confirmed with the City Clerk that there was no written correspondence from Mr. Grotzinger asking that he be re-considered for reappointment. The last correspondence that she saw was the letter from Mr. Grotzinger asking that "his name be withdrawn from consideration for reappointment to the Asheville Regional Airport Authority at this time."

#### **Miscellaneous Topics**

Councilman Mumpower thanked the volunteers for helping build the Top-A-Stop on Fairview Road. In addition, he thanked former Councilwoman Barbara Field for her good effort helping come up with the design for the Top-A-Stop.

Councilman Freeborn thanked Mr. Bill Hensley and a large number of parents to have worked on the playground at Vance Elementary School.

Councilman Newman spoke about the successful evening transit service and announced the 90-day ride for free promotional campaign starting on August 14, 2006.

Councilwoman Cape spoke about her participation in the Design Science Lab, which is a design science program formed in conjunction with the United Nations and other organizations to look at a problem-solving mechanism for regional issues.

### **Claims**

The following claims were received by the City of Asheville during the period of June 30 – July 13, 2006: Hilbert Council (Sanitation), Riley Cleveland (Transit Services), Ben Trotter (Streets), Sabrina Hilario Gilbert (Streets) and Progress Energy (Streets).

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

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

Reverend Christopher Chiaromonte asked Council to encourage the Bele Chere food vendors to give to the poor what they would only throw away.

Mr. Gene Hampton spoke about how the quality of life begins with quality education.

### **VIII. ADJOURNMENT:**

Mayor Bellamy adjourned the meeting at 7:03 p.m.

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CITY CLERK

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MAYOR