

Tuesday - October 17, 1995 -5:05 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Watts gave the invocation.

I. PROCLAMATIONS:

A. CAROLINA DAY STUDENTS

Mayor Martin welcomed Cathy Cline and her 6th grade students from Carolina Day School.

Councilwoman Sitnick spoke about how impressed she was with the teachers, the substance and the scope of the programs at Carolina Day School.

B. PROCLAMATION PROCLAIMING OCTOBER 31, 1995, AS "ASHEVILLE AREA CHAMBER OF COMMERCE DAY"

Mayor Martin read the proclamation proclaiming October 31, 1995, as "Asheville Area Chamber of Commerce Day" in the City of Asheville. He presented the proclamation to Mr. Jim Conshafter and Mr. Jay Garner.

II. PUBLIC HEARINGS:

A. CONTINUATION OF PUBLIC HEARING TO REZONE 29 JOHNSON DRIVE FROM R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

ORDINANCE TO REZONE 29 JOHNSON DRIVE FROM R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

Mayor Martin said that this public hearing was opened on September 26, 1995, and continued until this date, pursuant to the petitioner's request.

Mr. Mike Matteson, Urban Planner, said that Mr. George Kaltsunis is requesting that a 0.18 acre lot on Johnson Drive be rezoned from R-3 Medium Density Residential to CH Commercial Highway.

On June 23, 1995, notices were sent to 31 property owners making them aware of the rezoning request and the public hearing before the Planning & Zoning Commission ("Commission").

At the Commission's public hearing on August 2, 1995, seven people spoke, six of whom were opposed to the rezoning.

The Planning Department recommended denial of the rezoning request. After the Commission's public hearing on August 2, the Commission voted to recommend denial on a vote of 4-3.

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On August 31, 1995, Mr. Kaltsunis appealed the Commission's decision to the City Council.

Mr. George Kaltsunis, owner of 29 Johnson Drive, passed out a map of his property. He said that he wanted the property rezoned commercial in order to get a better price for it. He did note, however, that he didn't have any plans for the property. Then Mr. Kaltsunis stated that if his property was rezoned, he would like to expand his parking lot for customers and employees. He said that the wouldn't cut any trees if a parking lot was put in.

Councilwoman Sitnick questioned why Mr. Kaltsunis wanted his property rezoned to "get a better price for it" and then state that he was not going to sell it, just extend his parking lot. She also wanted Mr. Kaltsunis to understand that the Council will be voting on the zoning of the property, not the use of the property.

Mr. Mike Lewis, President of the Grace Neighborhood Association, presented a petition to Council containing 185 signatures. The petition reads "Please sign below if you are AGAINST the petition to rezone the property at 29 Johnson Dr. from Residential (R-3) to Commercial Highway (CH). DO NOT sign if you have signed this petition before." He gave several reasons why City Council should not rezone this property to Commercial Highway, some being, but are not limited to, rezoning to commercial would be a threat to the residential neighborhood, if the property was sold a developer could put in anything allowed under the Commercial Highway District, the neighborhood is unsure about exactly what the petitioner plans to do with his property, and the neighborhood does not need nor want any further commercial encroachment into it.

Mr. Tom Leslie, Manager of Gracelyn Garden Apartments, said that 29 Johnson Drive offers a buffer from the commercial development on Merrimon Avenue. He said that if the house is torn down, they will lose the peace and quiet the retirees in the apartments have. If they lose their residential buffer, they lose a value in the product that they provide their customers.

Mr. Leslie then answered Councilman Swicegood questions about the price difference between the Gracelyn Garden Apartments and the apartments located closer to downtown on Merrimon Avenue.

Mr. Bill Whalen, 1 Oaklawn Avenue, voiced strong opposition to rezoning. He noted that the neighborhood could not take any more commercial development encroachment.

Mr. Frank Schepis, owner of a home on Manetta Road, also voiced opposition to the rezoning. He said that he has talked with some ladies in the neighborhood who were concerned on what affect the rezoning would have on their lifestyle.

A resident at 11 Ottari Road voiced his opposition to the commercial rezoning. He said that the people in the neighborhood have put a lot of investment and time into their houses. If the neighborhood keeps getting chipped away with commercial development, the houses that they have worked so hard to improve will become places not worth living in.

Mr. Bill Sabo, resident on Lynmar Avenue in Grace neighborhood, expressed his opposition to the proposed rezoning.

Councilwoman Sitnick said that she was "a member of the Commercial Hub Subcommittee of the original UDO effort a number of years ago. -3-

There were only two things that the Commercial Hub Subcommittee agreed on fully, without question, without doubt, without hesitation and we were a very mixed group, I can assure you. We agreed on two things. We agreed on the fact that the only true commercial hub in the entire City is downtown. And we agreed on the fact that the Merrimon, the North Merrimon Avenue commercial hub area was fully built out. Those were the only two things that committee, after a year or more of deliberations, fully agreed on. The 2010 Plan maps were the only part of the 2010 Plan, in my opinion, that were not done with the same kind of care and time that the document itself was done with. The maps were drawn up in the 11th hour with little or no public input and if any of you have the map drawings of the 2010 Plan, I suggest you look at them so that you're aware of them when the UDO hearings begin. If you look at the dotted lines that covered the North Merrimon Avenue commercial corridor, you will see that those dotted lines, which were hardly seen by members of the public, encroach way, way, way into both commercial neighborhoods on both sides of Merrimon. All the way out Lakeshore and practically to Kimberly on the Johnson Drive side of Merrimon. In view of the fact that there are 185 signatures on this petition, I've received 13 letters in opposition and about 23 phone calls in opposition. I have received no letters or phone calls supporting this request. Planning and Zoning has denied the request twice. I am concerned about the package that is being created at this end of Merrimon. Not only for the neighborhood sake, but for the sake of people who drive on Merrimon every day who are already in harm's way because of the incredible traffic saturation that has occurred. I'm concerned about the lights. I'm concerned about the noise. I'm concerned about buffers. I'm very concerned about the domino effect that this kind of commercial encroachment seems to always have. True, it's not spot zoning. True, it's abutting another commercial area. But, every time you take out a residential piece and make it commercial, you are encroaching. And I'm concerned about what could happen. I, too, have heard the rumors for that piece of property - I don't know if Harris Teeter will ever build there. But the larger that property becomes, the larger the contiguous commercial property becomes, the greater the chance for a large development occurring there. I find it difficult, as a representative of all the people, to vote on a zoning request that will give a greater property value to one at the price of decreasing the property values to many. And, so I am going to vote against the rezoning request and would be happy to make that motion when the Mayor is ready to entertain it."

Mayor Martin closed the public hearing at 5:45 p.m.

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

Councilwoman Sitnick moved to deny the rezoning request to rezone 29 Johnson Drive from R-3 Residential District to CH Commercial Highway District. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, the ordinance failed.

III. UNFINISHED BUSINESS:

IV. NEW BUSINESS:

A. FINAL PLAT APPROVAL FOR RIVER HILLS SUBDIVISION

Mr. Mike Matteson, Urban Planner, said that Collette Land Company is proposing the subdivision of a 39 acre tract into a five lot -4-

commercial subdivision. A final plat has been prepared and presented to the

City of Asheville for approval and acceptance. The property is located at the intersection of Swannanoa River Road and Wood Avenue. The City has previously approved the construction of a commercial development on this property through the group development review process. The developers are proposing the construction of a new street to provide access to the lots. The street will be constructed to City standards and will be dedicated to the City for ownership and maintenance. The proposed public road will provide access from Wood Avenue. The design of the road and the intersection has been reviewed and approved by NC DOT. This road has not been constructed. A letter of credit has been provided to the City to guarantee the construction of the road and of other public improvements. A second, private street will provide access into the development from Swannanoa River Road.

The preliminary plat for the River Hills Subdivision was reviewed and approved by the Planning & Zoning Commission at their October 11, 1995, meeting. The final plat and letter of credit have been reviewed by the City Attorney's Office, the Public Works Department and the Planning & Development Department.

The Planning Department staff recommends that the City Council accept the final plat for River Hills Subdivision with the following conditions: (1) Provide letters confirming allocation of water services; (2) Provide sidewalk along Wood Avenue; (3) Plat must be designated as "final plat"; (4) River Hills Subdivision name on plat; (5) Seal and signature of surveyor on plat; (6) Get final approval from Public Works Director for plat and letter of credit; (7) Identification of property owners along southern boundary; (8) Confirmation of street name; and (9) Revise owner's certification for corporation.

When Councilwoman Field questioned if this group development was really ready to come before Council for final approval because of so many conditions being attached, Mr. Matteson explained that the developers are in a time crunch and they want to close very soon.

Upon inquiry of Councilwoman Sitnick, Mr. Matteson said that this project falls under the City's stormwater ordinance and it's requirements must be met.

Councilman Swicegood moved for final plat approval of River Hills Subdivision, subject to the nine conditions outlined above. This motion was seconded by Councilwoman Field and carried unanimously.

B. RESOLUTION AWARDDING THE BID FOR STREET REHABILITATION PROJECT (CONTRACT NO. 12, PHASE I) TO THE LOW BIDDER, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS RELATED THERETO

Due to only one bid being received, this item was pulled from the agenda.

C. ORDINANCE NO. 2244 - ORDINANCE PERMITTING THE POSTING OF A PROHIBITION AGAINST CARRYING A CONCEALED HANDGUN IN LOCAL GOVERNMENT BUILDINGS, THEIR APPURTENANT PREMISES AND PARKS

Police Chief Will Annarino said that House Bill 90, Chapter 398 of the 1995 Session Laws, allows a unit of local government to enact an ordinance to permit the posting of a prohibition against carrying a concealed handgun into local government buildings or onto other City premises and parks. To ensure a handgun free environment on City -5-

property, City Council must enact an ordinance which will allow the City Manager to post all City property prohibiting the carrying of a concealed weapon on any City property. Once enacted, violators will be guilty of a misdemeanor under G.S. 14-145.10 (c).

Mr. John Sexton felt that this ordinance should not be applied to parks because joggers need to have the right to protect themselves.

Mr. Bruce Miller also felt that parks should be deleted from this ordinance because runners and joggers are concerned for their safety.

Mr. Ralph Bishop, resident of the City of Asheville, said that people should be allowed to carry weapons to protect themselves.

Upon inquiry of Mr. Bishop, City Attorney Slawter explained how an officer would enforce this ordinance without a search warrant.

Councilwoman Sitnick said that "the State law (House Bill 90) only allows federal and state buildings. There is a provision within the law that allows federal and state buildings, that prohibits concealed handguns on those premises. It was left up to the counties and municipalities to create their own law. I have to agree with Mr. Sexton, who brings up another good point, that it's pretty darn horrible that law-abiding citizens cannot go into parks at night or other sections of town. Especially as a woman, I can tell you that I have felt threatened. While I would like to think that we, as citizens, can protect ourselves, especially a woman, and I can only speak from a woman's perspective, quite frankly, I don't know, I guess men feel as threatened as we do. The sad thing for me is that we needed this law in the first place. I understand the desire for people to protect themselves, but for me the sad thing is that I thought what we were about as a society was to get guns off the street. And I would like to see us, as a society, have the kind of judicial backup for our law enforcement agencies that gets those violent criminals, whether they're carrying knives, or guns, or a brick off the street rather than making the rest of us feel like we have to go around protecting ourselves. I feel like I'm in prison, quite frankly. This is an issue that has two very important sides for me. And there is a third side that has no emotion to it and that's the liability side for the City. If a situation, like Mr. Edgerton brought up occurs, the City is placed in a terrible, terrible position that has to do with liability. So, as representatives of people from that City, we have to consider that as well. I don't want to sound like I'm sitting on both sides of the fence here, but I am. I feel for the need of the citizen to protect themselves, and I feel for the City to protect itself, and I feel for the law enforcement agencies who will really be placed in harm's way with people carrying weapons because the training that's going to be done that will allow the permit to be issued is going to be training under very controlled circumstances. Not training that occurs in the highly charged incident that you described, you know, like being faced with having to protect yourselves in a bizarre situation, like confronting a criminal. This is good and bad and this is not a fun thing to think about. As representatives of the people, I think it behooves us to think about every aspect of this. I hope that this is followed up with the citizens speaking up to make sure that our court system begins to have real backup for our law enforcement so we can get people who are illegally and criminally carrying weapons off the streets and keep them off the streets so we don't have to exist, either in our parks, or our neighborhoods or our downtowns or our homes, in such fear. It's gotten out of hand."

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Councilwoman Field noted that this ordinance doesn't say you can't carry weapons - only that you can't carry concealed weapons.

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

Councilman Watts moved for the adoption Ordinance No. 2244. This motion was

seconded by Councilman Sitnick.

On a roll call vote of 7-0, Ordinance No. 2244 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 239

V. CONSENT:

Resolutions & Motions:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 26, 1995, AND THE WORKSESSION HELD ON OCTOBER 3, 1995

B. RESOLUTION NO. 95-152 - RESOLUTION OF INTENT TO CLOSE NICHOLS STREET AND SETTING A PUBLIC HEARING ON NOVEMBER 14, 1995

RESOLUTION BOOK NO. 23 - PAGE 1

C. RESOLUTION NO. 95-153 - RESOLUTION OF INTENT TO CLOSE AN ALLEY OFF ASTON STREET AND SETTING A PUBLIC HEARING ON NOVEMBER 14, 1995

RESOLUTION BOOK NO. 23 - PAGE 2

D. RESOLUTION NO. 95-154 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICE AGREEMENT RENEWAL BETWEEN THE CITY OF ASHEVILLE AND MOTOROLA COMMUNICATIONS AND ELECTRONICS INC.

Summary: In August of 1994, the City of Asheville entered into a new service agreement with Motorola Communications and Electronics Inc. for the maintenance of the City's radio communication system. The agreement provides for a fixed rate maintenance cost per unit of equipment for a three year period.

New radio equipment when installed is covered under warranty for a period of one year. As the warranty expires on this new agreement, it needs to be added to the service agreement. The requested service agreement renewal incorporates the new radio equipment that has come off warranty during the past year. The monthly cost of the service agreement is \$10,387.90.

RESOLUTION BOOK NO. 23 - PAGE 3

E. RESOLUTION NO. 95-155 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA CIVIC CENTER COMMISSION

Summary: Dr. Joyce Dorr has resigned from the Civic Center Commission. This resolution will appoint J. Howard Collins to fill Dr. Dorr's unexpired term. His term will expire on June 30, 1997, or until his successor has been appointed.

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RESOLUTION BOOK NO. 23 - PAGE 4

F. MOTION TO PROCEED WITH THE DEMOLITION PROJECT AND LINE ITEM TRANSFER OF \$10,000

Summary: Earlier this year Buncombe County adopted new rules on landfill operations. The rules require hand-sorting of most demolition debris into painted and unpainted wood, painted and unpainted masonry and metal.

For most demolitions of dilapidated houses, Public Works crews would be called on to remove those houses. This work would be done on days where weather was not suitable for street work. However, Buncombe County's new requirements mean a week or more of work on each dilapidated dwelling, and Public Works crews cannot be spared for hand-sorting for demolition debris from dilapidated single-family dwellings.

As a result, we have bid out removal of four dilapidated houses (106 Burton Street, 1 Buffalo Street, 17 Ridge Street and 25 Ridge Street) at a low bid cost of \$22,185. According to Building/Life Safety crew, this low bid cost is four times as much as the cost of Public Works crew removal. That amount also exceeds what we budgeted for dilapidated house removal for all of Fiscal Year 1996, since the original budget proposal did not anticipate that outside contractors would be required.

Unless Buncombe County's rules change, we expect that this situation will recur for the balance of this fiscal year in cases where City Council orders demolition of dilapidated houses when owners refuse (or are unable) to do so.

Upon City Council's approval to proceed a line item budget transfer from the nondepartmental contingency line item to Building Safety - Demolitions line item in the amount of \$10,000 will be made in accordance with the authorization to transfer funds in the City's 1995/96 budget ordinance.

G. RESOLUTION NO. 95-156 - RESOLUTION DIRECTING THE PLANNING & ZONING COMMISSION TO INVESTIGATE A REZONING PETITION TO REZONE 21 LOTS ON MARNE ROAD FROM R-2 to R-1A.

Summary: The residents of Marne Road, located in the Kenilworth neighborhood, have presented a petition requesting the rezoning of 21 lots from R-2 to R-1A. All of the lots are located on Marne Road. Section 30-11-1 (c) of the zoning ordinance permits residents of an area to petition for rezoning of the area if the petitioners "comprise a minimum of 51% of the property owners in the area and who own at least 51% of the property within the area to be considered." The petitioners meet those standards. Nineteen of the lots are developed with single family homes and the other two lots are vacant. All of the lots meet the minimum size requirements for the R-1A District.

The current R-2 zoning permits single family and multi-family development at a density of up to six units per acre, with a minimum lot size of 10,000 square feet. The requested R-1A zoning permits only single family development at a density of 8 units per acre, with a minimum lot size of 5,400 square feet. Both zoning districts also permit non-residential development such as churches, schools, and family care homes. The property owners are requesting the rezoning to protect the single family status of their neighborhood. -8-

The zoning ordinance requires that rezoning requests initiated by petitions such as this request be reviewed first by City Council. Council then directs the Planning Department staff as to how to proceed with this rezoning request. The options available to Council are to forward the request to the Planning & Zoning Commission for their consideration, to recommend that no further action be taken on the request, or to table the request for additional study and/or information. If the request is sent to the Planning & Zoning Commission for consideration, they will review it, make a recommendation, and forward the recommendation to City Council for a final decision.

The Planning Department staff recommends that City Council forward this rezoning request to the Planning & Zoning Commission for review and a recommendation.

RESOLUTION BOOK NO. 23 - PAGE 5

H. MOTION ADOPTING THE CITY OF ASHEVILLE MISSION STATEMENT

Summary: The Total Quality Management (TQM) effort of the City is made up of four principles: respect for people, customer satisfaction, decision-making by fact and continuous improvement. The City's name for its TQM program is the Legacy of Excellence (LX). The LX program aims at integrating all aspects of the organization through a model made up of three components: excellence teams, goal management and excellence in daily work. A part of the goal management component is the need for the governing body to adopt a current mission statement. A mission statement is the "bread and butter" purpose of the organization; its essential reason for being. Missions are usually stated in product and/or service terms. In other words, they are the statement of what business we are in. We believe the following mission statement captures the essence of what the City's mission should be.

"Motion adopting the City of Asheville Mission Statement - The City of Asheville will enhance the quality of life for its customers (citizens, employees and visitors) by providing professional and efficient services. The City of Asheville will respond to customer needs, provide for employee development, serve as a partner in the community and be a leader in Western North Carolina."

I. MOTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LAW ENGINEERING AND ENVIRONMENTAL SERVICES FOR ENGINEERING, GEOTECHNICAL BORING AND TESTING FOR RICHMOND HILL PROPERTY

Summary: This will authorize the City Manager to enter into an agreement with Law Engineering and Environmental Services for engineering, geotechnical boring and testing for Richmond Hill property.

Councilman Watts moved for the adoption of the Resolutions & Motions Consent Agenda. This motion was seconded by Councilman McClure and carried unanimously.

Ordinances:

A. ORDINANCE NO. 2245 - BUDGET AMENDMENT RELATIVE TO HUMAN RELATIONS SKILLS TRAINING

Summary: This budget amendment, in the amount of \$20,500, is to fund Human Relations Skills Training for police employees. The offsetting revenue is provided by the N.C. Dept. of Crime Control and Public Safety. -9-

ORDINANCE BOOK NO. 15 - PAGE 240

B. ORDINANCE NO. 2246 - ORDINANCE PROHIBITING CROSSING BARRICADES AND TAMPERING WITH OR REMOVING BARRICADES

Summary: There have been several public emergency situations in the past when it has become necessary to block off a public street with a barricade in order to prevent public egress and ingress of an area. It appears that a number of people find it convenient to remove or cross a barricade that has been placed on a public street to block egress and ingress since there is no disincentive to do otherwise. This ordinance would prohibit such activity and make it a misdemeanor to cross or remove a barricade that has been placed on a public street by a designated City employee to prevent egress or ingress during emergency situations.

ORDINANCE BOOK NO. 15 - PAGE 242

Councilwoman Field moved for the adoption of the Ordinance Consent Agenda. This motion was seconded by Vice-Mayor Peterson.

On a roll call vote of 7-0, the Ordinance Consent Agenda passed on its first and final reading.

VI. OTHER BUSINESS:

A. GROUP DEVELOPMENTS

City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. In accordance with this procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. The following actions were taken by the Planning and Zoning Commission on October 11, 1995:

WESTWOOD COHOUSING COMMUNITY ON VERMONT COURT

Mr. Carl Ownbey, Urban Planner, said that on August 29, 1995, the Planning Department received the site plan for the proposed 24 unit cohousing community to be located on Vermont Court in West Asheville. The proposed construction will include six housing structures and one "common house". Of the two residential buildings currently on the property, one will be renovated for use in the community and the other will be removed. The site plan was presented to the Technical Review Committee on September 11, 1995, for their comments.

On October 11, 1995, the Planning & Zoning Commission ("Commission") reviewed the site plan and opened the meeting for public comments. Those that spoke did support the project, however, several calls were received by the Planning staff prior to the meeting that opposed the project.

The Commission voted unanimously to approve the project with the following condition: The project comply with the City's Stormwater Ordinance and Erosion Control Plan.

Council accepted the report of the Planning and Zoning Commission with the above conditions, thereby approving the project by taking no action.

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CREEKSIDE RETIREMENT COMMUNITY ON TSALI TRAIL

Mr. Carl Ownbey, Urban Planner, said that Creekside will be a 46 unit retirement community located on a 7.75 acre site on Tsali Trail (the former Little Beaver Day Care site). All internal drives will be privately maintained. The developers are requesting a slight variance in the number of required parking spaces (from 92 to 84).

On September 21, 1995, a notice was sent by the Planning Department to 39 adjacent property owners making them aware of the October 11, 1995, public hearing held by the Planning and Zoning Commission.

At the Planning and Zoning Commission ("Commission") meeting on October 11, 1995, two people spoke about the proposal. Although not in opposition, concerns were expressed regarding the density of the development.

The City Planning staff recommended approval of the project with four conditions:

- 1) That the final landscape buffering plan be approved by the Planning Department;
- 2) Receipt of a letter confirming adequate water pressure for fire protection;
- 3) Compliance with the City's floodplain ordinance; and
- 4) That the variance request for a reduction in parking spaces be approved by City Council.

At their October 11, 1995, meeting, the Commission reviewed the request and voted unanimously to recommend that City Council approve this group development but deny the variance request for a reduction in parking. The following conditions were recommended:

- 1) That the final landscape buffering plan be approved by the Planning Department;
- 2) Receipt of a letter confirming adequate water pressure for fire protection; and
- 3) Compliance with the City's floodplain ordinance.

The Commission and the City Planning staff recommend approval of the group development with the aforementioned conditions being met. The Commission recommended denial of the parking variance request.

Councilwoman Field moved to set a public hearing for 5:00 p.m. on October 31, 1995, to consider the variance request to allow a reduction in the parking spaces from 92 to 84. This motion was seconded by Councilman Watts and carried unanimously.

B. H.K. EDGERTON - MOTOROLA SERVICE AGREEMENT

Mr. H. K. Edgerton voiced strong opposition in the City not putting the Service Renewal Agreement with Motorola Communications and Electronics Inc. out for bid.

C. JANUS PROGRAM

Ms. Marguerite Melendez, volunteer at the JANUS Program, said that since the Federal government has taken away the funds for this Program, young children are suffering. Being a City taxpayer, she wanted City government to become involved and get something started for the youth to take place of the JANUS program. -11-

Vice-Mayor Peterson and Councilman Watts offered to look into this matter and see how the City could help.

Mr. H. K. Edgerton also offered his help with Ms. Melendez.

Councilwoman Field said that she has talked with Mr. Vaughn Ownbey, Executive Director of the Buncombe County Drug Commission, and he said that his staff has had discussions about the JANUS program. Mr. Ownbey stated that he was going to see if they could find out what was going on with the money and how to get another executive director so the program could move forward.

D. CLAIMS

The following claims were received by the City of Asheville during the week of

September 14-28, 1995: Allison Sullivan (Streets), Carolyn Ayers (Water), Thomas Kane (Water), Enterprise Rent-A-Car (Parks and Recreation), Michael Wells (Water), Frank Jones (Sanitation) and Paul Skarlatos (Sanitation).

The following claims were received by the City during the week of September 29-October 5, 1995: Jesse Holloway (Water), Don Campbell (Water), Lashanda Logan (Streets), Belinda Crooks (Water), Gail Conner (Water), Mettie Allen (Water), Joey Allen (Sanitation), Alma Bowman (Water), and Amy Nicholson & Karen Kuretsch (Water).

He said that these claims would be referred to Asheville Claims Corporation for investigation.

E. LAWSUITS

The City of Asheville was served with the following lawsuits on October 9, 1995: Edith Anne Dosier v. City of Asheville (False Arrest/Damages); and Timothy K. McCade v. City of Asheville and Civil Service Board of the City of Asheville (Civil Service Board Appeal).

These lawsuits have been referred to the appropriate legal counsel for action.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:35 p.m.

CITY CLERK MAYOR
