

Tuesday - November 21, 1995 - 2:00 p.m.

WORKSESSION

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

Absent: Mayor Russell M. Martin; Councilman Joseph Carr Swicegood

Also Present: Councilmen-Elect Edward C. Hay Jr., Tommy G. Sellers and Charles R. Worley

CLOSED SESSION

At 2:03 p.m., Councilman Watts moved to go into closed session to instruct the City staff concerning the position to be taken by the City in negotiating the price and other material terms of (a) a proposed long-term lease of property at the Skyland Fire Department and (b) purchase of property on Coxe Avenue as authorized by G.S. 143-318.11 (a) (5); and to consult with the City Attorney in order to preserve the attorney-client privilege as authorized by G.S. 143-318.11 (a) (3), including the matter of the lawsuit involving Hobson Construction Company, Inc., and APAC-Carolina Inc. This motion was seconded by Councilwoman Field and carried unanimously.

At 2:45 p.m., Councilwoman Sitnick moved to come out of closed session. This motion was seconded by Councilman McClure and carried unanimously.

CERTIFICATE OF APPRECIATION TO J. DONALD WILLIAMS

Councilman McClure read a Certificate of Appreciation to J. Donald Williams who has retired after 27 years of dedicated service to the Board of Directors of Thoms Rehabilitation Hospital. He presented the Certificate to Mr. Williams.

CONSIDERATION OF CANCELLATION OF NOVEMBER 28, 1995, REGULAR CITY COUNCIL MEETING DUE TO LACK OF QUORUM

City Manager Westbrook said that in discussing the meetings of November 21 and November 28 with the Mayor and Council, it appears that there will not be a quorum present for the November 28 formal meeting. On November 14, it was discussed that there would be problems with the public hearings that have been advertised for the November 28 meeting. In addition to public hearings, there are a number of other issues that are time sensitive and require Council action prior to December 5 or December 12.

With the above information as background, the November 21 worksession has taken on some aspects of a formal meeting in which Council will be asked to take action on issues. Staff believes by taking care of some items, we can successfully bridge the gap left by not having a meeting on November 28, with most other items carried forward to the December 12 meeting.

City Attorney Slawter said that the Asheville City Council may take formal binding votes on matters before the Council today if Council cancels the regular City Council meeting scheduled for Tuesday, November 28, 1995. This information was also advertised in the Friday, November 17, 1995, Citizen-Times.

When Vice-Mayor Peterson asked for a motion to cancel the November 28 meeting, Councilwoman Sitnick said that she would not make that motion because she wanted Council's last meeting to be in the Council Chamber.

Councilman Watts moved to cancel the regular meeting of the City Council on November 28, 1995, due to lack of quorum. The motion was seconded by Councilwoman Field and carried on a 4-1 vote, with Councilwoman Sitnick voting "no".

RESOLUTION NO. 95-175 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS CONVEYING CITY-OWNED PROPERTY TO NC DOT FOR THE MCDOWELL STREET VIADUCT

Mr. Mark Combs, Public Works Director, said that the N.C. Department of Transportation ("NC DOT") is in the process of making necessary preparations for substantial improvements to the McDowell Street bridge. Currently NC DOT is in the process of acquiring the necessary rights-of-way for the successful commencement and completion of the project. The City owns a very steep parcel of property adjacent to the McDowell Street bridge improvements. NC DOT is in need of a portion of this property for the successful completion of the project. In obtaining a portion of the property for right-of-way purposes, the remaining portion will result in an uneconomic remnant. Consistent with NC DOT's policy, they have offered to purchase the entire parcel from the City in the amount of \$7,925.

When Councilwoman Sitnick asked if there would be a buffer, Planning Director Julia Cogburn said that the City does not have any buffer requirements that would apply to this property. Councilwoman Sitnick then suggested keeping the portion of the property that NC DOT did not need so as to utilize as a buffer. Mr. Combs suggested the City work with NC DOT on this issue.

Vice-Mayor Peterson said that members of Council have been previously furnished with a copy of the resolution and it will not be read.

Councilman Watts moved for the adoption of Resolution No. 95-175. This motion was seconded by Councilman McClure and carried unanimously.

RESOLUTION BOOK NO. 23 - PAGE 30

RESOLUTION NO. 95-176 - RESOLUTION AUTHORIZING THE EXECUTION OF A REGIONAL WATER SUPPLY AND WATER SERVICE AGREEMENT

Mr. Mike Holcombe, Water Resources Director, said a preliminary regional water agreement between the Asheville-Buncombe Water Authority, the City of Asheville, Buncombe County, and Henderson County was entered into in June 1994. The final details have been negotiated and approved by the Water Authority, Henderson County Commissioners and the Buncombe County Commissioners. Under the terms of this agreement, Henderson County will allow the Water Authority to build a water treatment plant in Henderson County at the confluence of the Mills River and the French Broad River. This Regional Water Agreement will meet the future water needs of the entire region.

Mr. Holcombe used slides to illustrate the benefits of the agreement: (1) establishes "ultimate" future water resource for entire region; (2) new water source permits economic development; declassification of Bent Creek site encourages development of South -3-

Buncombe and North Henderson; (3) protects region from future water droughts; (4) promotes regional wastewater infrastructure development; (5) encourages regional approach to water issues; (6) encourages rapid growth in new customer base through expansion of service area; and (7) accomplishes the No. 1 goal of

City Council. He presented a draft timetable for the Mills River Water Plant with September 1998 being the completion of the Mills River 5 MGD Water Treatment Plant.

Councilwoman Sitnick said that "while I agree that the regional approach is the way to go with water and perhaps other infrastructure needs in the future, I would just like to put my two cents in to say that we don't have the money to maintain and repair existing infrastructure and I hope the Authority in looking towards any future joiners to this regional approach are brought in with the proper financial considerations - money for maintenance needs to be there. I'd also like to say that while this encourages development and quick growth I hope it's not the old cancer mentality of growth for growth sake, but rather sensible and sensitive growth, that sort of thing. As Airports go and as water and sewer taps go, that's what regulates how big we get. And I hope we can maintain the essence of Asheville while we're growing. I'm happy to know that conservation is going to maintain it's lofty position in all of your work and I hope that the other counties and entities joining the Asheville-Buncombe Water Authority consider conservation as clearly and importantly as we have. Regarding the classifications, I'll be at that public hearing but when we start reclassifying and declassifying, more red flags go up in my head about pollution and less attention to environmental details. So I would hope that when that all comes to be, we're very clear that this is not just to allow wanton growth and that's how I feel about it, and we still have to maintain the integrity of our resources."

Vice-Mayor Peterson commended the staff and the Water Authority for completing the City Council's number one goal.

Councilman Watts also commended those involved in this great accomplishment.

Upon inquiry of Mr. H. K. Edgerton, Mr. Holcombe explained that the Water Authority will have no role on people building in the floodplain. He said that will be the responsibility of the Planning Department.

Vice-Mayor Peterson said that members of Council have been previously furnished with a copy of the resolution and it will not be read.

Councilwoman Field moved for the adoption of Resolution No. 95-176. This motion was seconded by Councilman McClure and carried unanimously.

RESOLUTION BOOK NO. 23 - PAGE 31

RESOLUTION NO. 95-177 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE WITH THE SKYLAND VOLUNTEER FIRE DEPARTMENT

City Attorney Slawter said that the City has had on-going discussions with the Skyland Volunteer Fire Department regarding the terms and conditions of a long-term ground lease. The lease provides for the lease to the City of property owned by Skyland for the purpose of constructing a new fire station. The lease term is 99 years. The -4-

rental to be paid to Skyland is in the form of a conveyance of a jointly owned fire truck as well as the location at the Skyland station of a surplus ladder truck owned by the City which will be used by Skyland.

This resolution will authorize the Mayor to execute a lease agreement with the Skyland Volunteer Fire Department so as to enable the City to construct a new fire station in the Skyland area.

Vice-Mayor Peterson and Councilman McClure were pleased that after eight months

of negotiations, a ground lease has finally been agreed upon.

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

Councilman McClure moved for the adoption of Resolution No. 95-177. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 23 - PAGE 33

RESOLUTION NO. 95-178 - RESOLUTION TO AWARD AUTOMOBILES AND TRUCKS FOR CITY OF ASHEVILLE

Purchasing Director Norwood Dunn said that sealed bids were received to furnish 14 full size and 6 mid-size police/patrol vehicles, one all wheel drive cargo mini van, three mid-size and one full size sedan for the Police Department; 1-1/2 ton pickup truck for the Public Works Department, Sanitation Division; two all wheel drive utility type passenger vehicles for the Fire Department; three mid-size pickup trucks for Building Safety Department; one mid-size pickup truck for the Engineering Department; and one cargo van for the Finance Department, Purchasing Division. Four bids were received. In addition to the normal considerations given in the evaluation of bids such as specification compliance, price, etc., bids were evaluated considering the energy efficient cost based on EPA gasoline mileage. Except for bid item no. 6, all bid items are recommended to be awarded to the low bidder of each item and are not affected by the energy efficient cost. Bid item no. 6 is recommended to be awarded on the basis of being the lowest energy efficient cost, thus saving the City \$330. Funds for the purchase of these vehicles are to be from the requisitioning departments capital equipment appropriations for Fiscal Year 95/96. All vehicles are budgeted as replacement vehicles. A copy of the complete bid summary is attached hereto and made a part hereof as "Exhibit A". The following is recommended for Council's approval:

Award to Matthews Ford, Asheville, NC, the following:

Bid Item Qty Description Unit Price Amount

1 14 ea 1996 Ford Crown Victoria \$18,325 \$256,550

5 1 ea 1996 Ford Crown Victoria 18,602 18,602

7 2 ea 1996 Ford Explorer 22,505 45,010

8 3 ea 1996 Ford Ranger 12,734 38,202

9 1 ea 1996 Ford Ranger 12,244 12,244

10 1 ea 1996 Ford E150 14,993 14,993

TOTAL AWARD - MATTHEWS FORD \$385,601

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Award to Parkway Chevrolet, Asheville, NC, the following:

Bid Item Qty Description Unit Price Amount

2 \*5 ea 1996 Chevrolet Lumina \$18,726 \$ 93,630

3 1 ea 1996 Chevrolet Astro 18,249 18,249

4 3 ea 1996 Chevrolet Lumina 14,824 44,472

6 1 ea 1996 Chevrolet 1/2 Ton 14,106 14,106

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TOTAL AWARD - PARKWAY CHEVROLET \$170,457

\*NOTE: Bid item no 2 - Bid issued and received for quantity of six. Award quantity reduced to five to stay within budgeted funds.

Upon inquiry of Councilwoman Sitnick about what the cost difference is in writing the letters "police" on the cars versus filling in the letter with local scenes, Police Chief Annarino said that there is a minimum savings of \$300 per car by filling in the letters with local scenes because they are just decals.

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

Councilman Watts moved for the adoption of Resolution No. 95-178. This motion was seconded by Councilman McClure and carried unanimously.

RESOLUTION BOOK NO. 23 - PAGE 34

RESOLUTION NO. 95-179 - RESOLUTION OF INTENT TO CLOSE A PORTION OF FEDERAL ALLEY RUNNING SOUTH FROM ASTON STREET TO HILLIARD AVENUE BETWEEN ASHELAND AVENUE AND COXE AVENUE AND CALLING FOR AN ADDITIONAL PUBLIC HEARING ON DECEMBER 19, 1995

Councilwoman Sitnick moved to adopt Resolution No. 95-179. This motion was seconded by Councilman Watts and carried unanimously.

RESOLUTION BOOK NO. 23 - PAGE 39

RESOLUTION NO. 95-180 - RESOLUTION OF INTENT TO CLOSE PARKWOOD ROAD BETWEEN HAYWOOD ROAD AND PATTON AVENUE AND CALLING FOR A NEW DATE FOR THE PUBLIC HEARING ON DECEMBER 19, 1995

Councilwoman Field moved to adopt Resolution No. 95-180. This motion was seconded by Councilman McClure and carried unanimously.

RESOLUTION BOOK NO. 23 - PAGE 40

RESOLUTION NO. 95-181- RESOLUTION OF INTENT TO CLOSE A PORTION OF AN ALLEY NAMED BISHOP PLACE, BETWEEN ELIZABETH PLACE AND WOODLAWN AVENUE, RUNNING PARALLEL TO STARNES AVENUE AND CALLING FOR A NEW DATE FOR THE PUBLIC HEARING ON DECEMBER 19, 1995

Councilman Watts moved to adopt Resolution No. 95-181. This motion was seconded by Councilwoman Sitnick and carried unanimously.

RESOLUTION BOOK NO. 23 - PAGE 41

RESOLUTION OF INTENT TO ANNEX THAT PORTION OF CITY-OWNED PROPERTY KNOWN AS THE RICHMOND HILL PROPERTY AND SETTING A NEW DATE FOR THE PUBLIC HEARING ON DECEMBER 19, 1995 -6-

Because staff is not satisfied with the boundary description for the Richmond Hill property, Upon staff's request, Councilman Watts moved to cancel the

public hearing originally set for November 28, 1995. This motion was seconded by Councilwoman Field and carried unanimously.

City Manager Westbrook asked for Council's authorization to proceed with the survey of this property with the amount for the survey to be taken out of the proceeds of the sale.

Councilwoman Sitnick said that she hoped "that this is not being done with the intention of sale. This is a major piece of property that the City can utilize for a number of things, for parks, some kind of exciting centerpiece on the river, like Chattanooga's done, for some affordable housing as Barbara has suggested. I would like to be very, very cautious and would hope that the new City Council would be very, very cautious in selling 180 acres of property when the City could get real long term benefits from rather than just an up front amount of money through a sale. There are other things to consider, especially when we talked about the fact that we have so little developable land left, so little park area left. I would be just very cautious about how we deal with this piece of property after those boundary surveys are done."

City Manager Westbrook said that staff is proceeding with Council's instructions which were originally to sell the property, along with some other property, and then later on there was discussion about the possibility of putting recreational facilities on it.

When Councilwoman Sitnick asked how much the survey would be and if it could be done in-house, City Manager Westbrook said that the survey would be approximately \$5,000 and the survey could be done in-house but we have other priorities that need to be taken care of first.

Mr. Samuel Camp said that the people in the Richmond Hill area do not want anymore development in that area.

Vice-Mayor Peterson said that he personally preferred to have ballfields constructed on the Richmond Hill property.

Councilwoman Sitnick added that the Richmond Hill property also offers one of the best views of the City of the river.

MOTION TO RESCHEDULE THE PUBLIC HEARING TO REZONE TWO LOTS AT 401 OLD COUNTY HOME ROAD FROM R-3 MEDIUM DENSITY RESIDENTIAL TO CS COMMERCIAL SERVICE DISTRICT FROM NOVEMBER 28, 1995, UNTIL DECEMBER 19, 1995

MOTION TO RESCHEDULE THE PUBLIC HEARING TO AMEND THE SUBDIVISION REGULATIONS TO PERMIT THE CREATION OF NON-RESIDENTIAL LOTS WHICH DO NOT ABUT A PUBLIC STREET FROM NOVEMBER 28, 1995, UNTIL DECEMBER 19, 1995

Councilman McClure moved to reschedule the public hearing to rezone two lots at 401 Old County Home Road from R-3 Medium Density Residential to CS Commercial Service District from November 28, 1995, until December 19, 1995, and to reschedule the public hearing to amend the subdivision regulations to permit the creation of non-residential lots which do not abut a public street from November 28, 1995, until December 19, 1995. This motion was seconded by Councilwoman Sitnick and carried unanimously.

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#### BELE CHERE FINANCIAL REPORT

Mr. Irby Brinson, Director of Parks & Recreation, said that this report is provided as a review of the 1995 Bele Chere Festival and to offer methods to

improve future festivals.

The following information has been broken down into four areas. These include the 1995 Bele Chere Financial Report, New Procedures and Guidelines, Procedures for Handling Cash, and Alcohol Risk Assessment Report.

Bele Chere Financial Report: Larry Fisher, Finance Director, presented the 1995 financial report and answered questions from Council as they related to revenues and expenditures; the loss of \$31,750; the reasoning behind some expenditures under entertainment; and the lack of sponsorships.

New Procedures and Guidelines: Mr. Brinson said that Bele Chere has been very successful in the past due largely to the efforts of over 500 volunteers who serve to make the festival function. This year the festival brought in \$12 Million in economic impact. However; due to turnover in volunteers from year to year as well as staff changes, there is a need for written policies and procedures for the operations of Bele Chere. As was mentioned above, an alcohol policy and emergency plan has been recommended. In addition, written guidelines need to be developed to explain the role of each group (Bele Chere Board, Festival Coordinator, Bele Chere Commission) and job descriptions for committee chairs. Furthermore written procedures for accounting and approving expenditures by all committees needs to be formalized. Over the next three months City staff, along with the Bele Chere Board will be developing a Festival's Procedures Manual that will be inclusive of pertinent procedures to be followed by volunteers and staff. Having written procedures will help reduce the liability and will allow for continuity when staff and volunteers change.

Vice-Mayor Peterson was pleased with this report.

Upon inquiry of Councilwoman Sitnick if the City can ban concealed weapons during street festivals, City Attorney Slawter said that he didn't think the City can ban the carrying of concealed weapons during street festivals, however, he would investigate it further.

Procedures for Handling Cash: Cindy Batson, Internal Auditor, discussed changes in regard to handling of cash during future festival. It was the consensus of Council to endorse the changes she outlined.

Upon inquiry of Mr. H.K. Edgerton about the theft of \$8,119, City Manager Westbrook said that a criminal investigation is still underway.

Councilman Watts answered Mr. Edgerton's question on why we don't utilize more local talent during the Bele Chere Festival. It was also noted that in general, 2/3 of the entertainers are local or regional artists.

Councilwoman Sitnick a dunking booth for staff, department heads and Council at the next festival.

When Councilman Watts inquired about the financial report for the Goombay! Festival, Mr. Brinson said that the City has asked for that report and they are required to provide us with a financial statement.

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Mr. Edgerton hoped that the Eagle/Market Street area is opened up during the next Bele Chere Festival. He also asked that the Goombay! Festival be allotted more resources.

Alcohol Risk Assessment Report: The Bele Chere Board approved hiring an independent service to perform an Alcohol Assessment during the 1995 festival.

This assessment occurred on Saturday of the festival and was performed by HOME TEAM through Public Health Foundation Enterprises, Inc. The results of this report indicate that Bele Chere staff and volunteers are committed to responsible alcohol management during the festival. Several concerns were made that included not having written alcohol policies and procedures and local businesses within the perimeter of the festival selling cans and bottles of beer out of their windows. In addition the assessment recommends improving lighting in certain areas and developing an emergency action plan for the festival.

Mr. Ray Bailey, 1996 Festival Chair, concurred with the report being presented. He thanked the current Council for their support and solicited the new Council's support for Bele Chere 1996.

Councilwoman Sitnick "thought this was the sweetest Bele Chere - it was really lovely. I felt the art work was the best ever. Congratulations to Dana Irwin. The volunteers were incredible and the staff, all of you, I don't know how you do it. It must start out as, something that gives you nightmares. But I also have to go on record to say that I oppose the City making money through the sale of alcohol. I wish, and maybe some of you wish, there was another way for us to generate those kinds of revenues. There were little spots during the festival that were rather unpleasant because of alcohol to me personally and to others in the crowd. And I don't only mean the spot you stepped on, but behavior spots as well. And I was happy that this alcohol assessment was done. I was one of the people who spoke up for it initially. And, I would encourage the new council members to look at the recommendations from the Home Team and be very stringent and clear about the philosophy this City wants to send out as a message regarding alcohol beverages being sold. I can also tell you that there's a large group of citizens in this City that wish, at least a portion of Bele Chere could be reserved for the family type attendance where maybe, Saturday, up until a certain point, alcohol is not sold - or something like that. And again, I realize revenues are the bottom line, but to me there are other bottom lines, for others are there other bottom lines. And rather than try to generate it all through Bele Chere, maybe with Parks & Rec, having taken this over, with Trina's expertise and Ben's expertise, we could create additional street festivals during the year that would not compete, say with the Harvest Festival in West Asheville, but would be in addition to it. Maybe some kind of ... art street festival, like the Coconut Grove Art Festival in Miami - those kinds of things to generate additional festival revenues. But I think alcohol is a real problem. The hocking of it at street corners is totally objectionable. And anything that can be done to ..., whether it's a written policy or the presence of police officers at every one of those stations, I would highly recommend and support."

Councilman Watts suggested a festival during Labor Day weekend, perhaps called the "Watt Daddy Festival."

Councilman McClure said that we have a perfect opportunity to bring in economic development into the City and that is with the development of the Lake Craig property into soccer fields.

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Councilwoman Field opposed making it illegal for a retail outlet to sell alcohol within fifteen feet of the sidewalk.

This report has been presented for information only concerning the 1995 Bele Chere Festival and future plans for improvement.

REPORT ON APPRAISALS OF CITY-OWNED PROPERTY

Ms. Patty Joyce, Senior Planner, said that several months ago the City Council requested that appraisals be conducted on three City-owned properties, specifically (1) the Richmond Hill tract - 181.21 acres of land - \$1,903,000; (2) the Asheland Avenue parcel - 1.32 acres of land - \$282,000; and (3) 29 Haywood Street - office and walkway is \$200,000 and office area only, excluding the walkway is \$172,000. She reviewed each appraisal which was prepared by Benjamin T. Beasley & Associates.

The cost of the appraisals (plus one other requested by Council) is \$5,500. A prepaid expense account has been established by Audit/Budget to net this and other disposition costs against revenue from any sales.

Councilman McClure asked how much the City had invested in the 29 Haywood Street property. City Manager Westbrook said that it was approximately \$600,000, including the purchase price. The annual cost of operation is approximately \$12,000.

City Manager Westbrook said that staff will be providing Council with some proposed future uses for the building to better utilize the space.

Councilman McClure said that from an economic standpoint, the highest and best use might be the sale and then the development of that property, but he felt that the best use for the City of Asheville would be for a park or put a priority on it to develop a park. Also, the Asheland Avenue property seems the most viable pieces of property that the City can liquidate from a cost basis. He suggested the money not go into the general fund because then it has the tendency to be absorbed in other things. He felt we should utilize this money for specific projects - one in particular, the purchase of the Lake Craig property. If the Asheland Avenue property was sold, the \$282,000 could be designated for the purchase of the Lake Craig property.

City Manager Westbrook said that the Council previously has indicated that the funds derived from the sale of property would be used for economic development. However, if the Council wanted to specify what the funds should be used for from the sale of property, that can be done.

When Councilwoman Sitnick asked if the Asheland Avenue site was big enough for a bus terminal, Ms. Joyce responded that it was not.

Mr. Samuel Camp said that the Recreation Board is in the process of prioritizing parks for City Council's review.

Councilwoman Field said that there is strong support for recreation and recreation facilities both in terms of ballfields and upgrading our existing recreation centers, for instance Stephens-Lee.

Councilwoman Sitnick noted that ballfields are not the only recreation needed. She suggested skateboard parks as an example.

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City Manager Westbrook said that Council will be considering setting priorities for parks and recreation at their upcoming retreat.

Councilwoman Sitnick said that maybe the new Council will consider a City-wide parks bond.

CONSENT AGENDA:

Sale of Scrap Metals

Summary: The Water Resources Department has requested the Purchasing Division to sell approximately 20 tons of assorted scrap metals that are currently stored at their facility on South Charlotte Street.

Advertise Offer of Purchase of Disposal Parcel 118 on Ridge Street

Summary: Disposal Parcel 188 is a residential lot on Ridge Street comprising of 5,500 square feet. The bid from Zaneta and Mary Redfern for Disposal Parcel 118 includes the proposal to build a home containing 1,296 square feet, four bedrooms and two baths for their personal residence at an anticipated cost of \$50,300. The Redferns have applied for the Incentive Housing Program (\$1 lot) subsidy.

The bid of Zaneta and Mary Redfern in the amount of \$2,500 for the purchase of Disposal Parcel 118 in the East End/Valley Street Community Improvement Area is not less than the established minimum price of \$2,500.

It was the consensus of Council to proceed with appropriate actions regarding the Consent Agenda items at the next formal meeting.

OTHER BUSINESS

Comments by Councilwoman Sitnick

Councilwoman Sitnick said that she "thinks it's important for the new Council to consider the requests for Minority Business Commission, those that are on record and perhaps they can avail themselves with those specifics so that they can be acted on post haste. I think we need a garbage pail on Central Street, I know that sounds like minutia, but the City Manager will confirm that I've had some pretty aggressive mail about it, that we were concerned about. Public Works has taken care of it, but this is not the first time. We were promised that, the public was promised that we would vote on the resolution regarding transporting high level nuclear waste through Asheville within 30 days. I don't know when that date comes up. Obviously this Council is not going to have the privilege of voting on that and so I will be lobbying the new Council and making them aware of what that involves, including bringing high level nuclear fuel up the Saluda grade, the steepest rail grade in the country, and right through Asheville on their way to the bottom. And all it is is a resolution of how we feel about it. It's not going to do a darn thing but it will send a message to Congress. I think that regarding the fact that we had authorized the expenditure of \$75,000 on a study on renewing our cable franchise agreement that the new Council needs to be made aware of the history and the current issues involved in that on-going negotiation and there ought to be certain requirements and requests made to the cable company, especially now that their selling, that will benefit the City. The City has, perhaps, lost large amounts of money in the past and I think it's important for us to address the cable negotiations with clarity. I think that the new -11-

Council needs to consider how they're going to address issues brought forth about the schools, by parents, teachers and students, and meet with the School Board and not let that drop. I think the new Council needs to consider how this City wants to go on impact fees. Whether we are going to continue being the only City in the state that has no impact fees or whether we're going to join the other growing cities where impact fees have not impeded growth, and whether or not we're going to consider having impact fees. I think we need to have a real stringent policy regarding weeds on our curbs and sidewalks - the City is getting overgrown and it looks terrible. I would hope that the new Council is enthusiastic about continuing the incredible efforts of the Planning Department staff and the PACE Committee in its evaluation of inventory of every mentioned sidewalk and pedestrian and bike path access in the City. Ben Wax and I and

Marshall Logan and Parks and Rec have been working with the schools on a youth project. It is something that the Mayor's Committee, which I chaired - we are trying to find out through a listening project, different from the Schools Foundation Listening Project, what the young people want to do in their leisure time, other than recreation, so that we can help the community in the private sector in committing ourselves to making sure young people are not bored, obviously government cannot do that alone. I think we need to put some real teeth into our tree ordinance and maybe consider the Treasure Tree Program as being part of that ordinance. I think that we need to look real hard at the numbers as to what this City can do for Stephens-Lee Community Center. It's a historic gem and very important to a large group of our citizens and I think we ought to be serious about what we can do to help Stephens-Lee get on the path to recovery, if you will. I think we need to look at the way our Board of Adjustment operates and the number of variances are being requested and granted. Whether or not they are all being granted according to the State statutes on what regulates Board of Adjustments. I think that we need to continue the efforts brought forth repeatedly by Vice-Mayor Peterson regarding recycling in this City. We have missed the boat on recycling and we don't have to reinvent any wheels here, we just have to apply it to Asheville and get going on it. I think that the new City Council ought to look at maybe putting a little more money into CityWorks so that we can inform the public how their representatives are representing them, how the people want to be represented, what's on the agenda, what board and commissions appointments are coming up, etc. And I think part of the cable negotiations ought to be letting the public access channel have a crawl so that people know what the agenda is and whether or not they want to come to a meeting. I think we need to be absolutely compassionate and caring about how we deal with the Housing and Community Development Committee and affordable housing. We have an incredible non-profit sector dealing with that. A number of groups that are very successful and they should be continued to be brought to the table as the Chairman of that Committee, Vice-Mayor Peterson, saw to it, from the beginning so that they were part of the solutions working with us. I think that we have to give absolute attention to the five major areas of economic development in our community that are already on the table, because the way you have thriving economy, is number you, you make sure it's the most beautiful, wonderful place to live. You can have a hole in the wall restaurant and they serve great food. People will crawl through a stormwater pipe to get there. So, what we ought to be doing is making the best place and the most beautiful place to live. And we ought to be stroking those businesses that are already here. Those businesses that are part of the tax base that provide jobs that contribute to charities and to the community. We ought to be making it wonderful to do business here for those already located here. That word will get out. And the five areas of economic development already on the table that need your attention - the riverfront development, the West Asheville business corridor, the Grove Arcade, Hand Made in America and -12-

South Pack Square. I think we need to do something about ARNIE, poor ARNIE, I don't know how much the City has spent with ARNIE, but we've got this great system, this technical system where people can call and get answers to almost anything and nobody knows about it. Maybe we need to change the name to the CityWorks and that be the number you actually call, or have a jingle contest - something. I think the UDO, you know, will have to be handled. And I think we need to make sure that the Fire Department and the Boy Scouts continue to make sure that houses and businesses have numbers on them, for delivery people, for emergency people, for fire people, for all of those folks. It's going to be up to this Council to create citizenship and to have meetings when people can attend. So I encourage you to do that."

Councilwoman Sitnick said that "the last thing I'd like to bring up, is I'd like to make a motion that the new Council revisit and reconsider the payroll

deduction draft done by Bill Farris, Bob Warren, Pam McGrayne, Bill Slawter, Martha McGlohon, and bring everybody involved to the table. I think it's fine that United Way is on board for payroll deduction. I think that's a worthy cause. I've been a supporter of United Way for 25 years, but we dropped everybody else, we dropped everybody, we brought them on board and never gave anybody else an opportunity. If an organization is willing to pay the administrative costs and it doesn't cost the City any money, I don't see why other organizations shouldn't have that opportunity and I would like to request that the new Council, that they revisit it and make that as a motion." This motion was seconded by Councilwoman Field and carried on a 4-1 vote with Councilman McClure voting "no."

Councilwoman Sitnick said that her "last thing is, my husband and I attended a wonderful three day conference in Atlanta two weeks ago, on conscious aging, on how to be an elder in the community. And, I would hope that the new Council, although you're all very, very young, you'll be elders in the community. One of the keynote speakers was Dr. Joycelyn Elders, who is the former Surgeon General of the United States and she said something very poignant that I pass along to the new Council. Some encouragement for the good times ahead, and that was, and it's become my new creed in life, my new motto. We need to, we must work like we don't need the money. Love like there's no tomorrow. And dance like there's no one watching. That's what you're going to have to do to maintain your equilibrium on Council. I wish you all God speed. It's been a pleasure and an honor to serve this City."

#### Comments by Council Members

Councilman Watts stated that he's learned more in two years while serving on Council than in the 25 years he was an officer in the Asheville Police Department. He stated serving on Council has been a rewarding experience and he wished the new Council the best.

Councilwoman Field said that she has respect for every single person on Council and feels that the Council has worked for the best of the whole City from their point of view. She looked forward to continuing to be able to serve the entire community.

Councilman McClure thanked everybody for the opportunity to serve the City for the past two years.

Vice-Mayor Peterson thanked City staff for their work and wished the new Council the best of luck.

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Councilman Watts said that Councilman Swicegood was not able to be at this meeting due to a catering engagement. However, Councilman Swicegood asked him to pass along that he enjoyed being on Council the last four years.

#### Comments by H.K. Edgerton relative to the Minority Business Commission

Mr. H. K. Edgerton urged Council to have an outside agency investigate the allegations of wrongdoing as it relates to the Minority Business disparity study. He also asked that more media attention be given to matters that affect the African Americans and women.

Councilwoman Sitnick said that she was "willing to wait and see what this investigation brings up. I don't think that's the end of it. I think most people, I don't know that it's an in-house investigation as much as an in-house gathering of information. As I understand it, staff is still attempting

to find all of the original documents. And I can assure you that if the report comes in with questions that still need to be answered, I will speak with every new City Council member and ask for an outside investigation. And I will add one more thing to that, to your comments about the media. Paul sits here meeting after meeting and I think it's great that the local newspaper has someone here for every meeting. I think that Paul submits much larger articles than get printed. He has editors that he has to answer to. I don't want to speak for you Paul. But you know I talk more than anybody on this Council, maybe I talk more than everybody put together, and if you go to the library and look up in the computer how many entries the Citizen-Times has for me, it's eight."

City Manager Westbrook said that there is no attempt to cover anything up. He said that he would come back to Council with what his investigation reveals. He said the results might include some disciplinary action that will might be addressed in closed session.

ADJOURNMENT:

Vice-Mayor Peterson adjourned the meeting at 4:55 p.m.

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CITY CLERK MAYOR

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