

Tuesday - April 14, 1998 - 5:00 p.m.

Regular Meeting

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor Edward C. Hay Jr.; Councilman M. Charles Cloninger; Councilman Earl Cobb; Councilwoman Barbara Field; Councilman Thomas G. Sellers; and Councilman O.T. Tomes; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and Deputy City Clerk Phyllis Corns

Absent: City Clerk Magdalen Burleson

INVOCATION

Councilman Sellers gave the invocation.

I. PROCLAMATIONS:

A. PRESENTATION OF INTERNATIONAL FIRE CODE INSTITUTE ANNIVERSARY COVER

Mayor Sitnick presented Fire Chief John Rukavina with the International Fire Code Institute's 10th Edition Anniversary Cover of the Urban Wildland Interface Code. She noted that Fire Chief Rukavina has served as a member of the Board of Directors of the Institute for three years and his work on the Board has included participation in the development of this Code and in development of education and certification programs for fire inspectors throughout the United States.

B. PROCLAMATION PROCLAIMING APRIL 17-30, 1998, AS "LITTER SWEEP DAYS"

Mayor Sitnick read the proclamation proclaiming April 17-30, 1998, as "Litter Sweep Days" in the City of Asheville and presented a proclamation to Mr. Bob Tinkler, Adopt-A-Highway Program. She asked Mr. Tinkler to present a duplicate proclamation to Ms. Susan Roderick with Quality Forward. Mr. Tinkler then briefed Council on some planned activities taking place during the month.

C. PROCLAMATION PROCLAIMING FRIDAY, APRIL 17, 1998, AS "EARTH DAY "

Vice-Mayor Hay read the proclamation proclaiming Friday, April 17, 1998, as "Earth Day" in the City of Asheville and presented the proclamation to Mr. Mort Jonas who briefed Council on some planned activities taking place during the day.

D. PROCLAMATION PROCLAIMING SUNDAY, APRIL 19, 1998, AS "CANDLELIGHT VIGIL FOR VICTIMS OF CRIME DAY "

Councilwoman Field read the proclamation proclaiming Sunday, April 19, 1998, as "Candlelight Vigil for Victims of Crime Day" in the City of Asheville and presented the proclamation to Ron Brown who briefed Council on some planned activities taking place during the day.

E. PROCLAMATION PROCLAIMING THE WEEK OF APRIL 19-26, 1998, AS "DAYS OF REMEMBRANCE" OF THE VICTIMS OF THE HOLOCAUST

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Mayor Sitnick read the proclamation proclaiming the week of April 19-26, 1998, as "Days of Remembrance" of the victims of the Holocaust and presented the proclamation to Rabbi Ratner who briefed Council on some

planned activities taking place during the week.

II. CONSENT:

At the request of City Manager Westbrook, Item "D" was removed from the agenda.

A. RESOLUTION NO. 98-37 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A JOINT COOPERATION AGREEMENT WITH THE ASHEVILLE REGIONAL HOUSING CONSORTIUM

Summary: The consideration of a resolution authorizing the Mayor to enter into a joint cooperation agreement with the Asheville Regional Housing Consortium.

HUD regulations require execution of a new Cooperation Agreement for the Asheville Regional Housing Consortium to continue receiving formula allocations under the HOME grant program. The deadline for submission of fully executed Cooperation Agreement to HUD is June 30, 1998. The City of Asheville serves as Lead Entity for the Consortium.

The City entered into a Joint Cooperation Agreement with twelve governmental units within Region B and formed the Asheville Regional Housing Consortium on March 31, 1992. The City received a letter from HUD recently stating that a new Cooperation Agreement and authorizing resolutions must be submitted to HUD by June 30, 1998 to continue to receive an annual formula allocation as required in HUD Notice CPD 97-05.

This Agreement states in section 14 that: "The Lead Entity and the Cooperating Units agree to remain in the Consortium at least through September 30, 2001. Thereafter, each party shall continue to participate in the Consortium to the extent required by HUD regulations or other applicable law."

Since formation of the Consortium in 1992 the region has received formula allocations totaling \$6,876,837. The City of Asheville has received an allocation of \$2,230,172 for its affordable housing program and administrative cost as Lead Entity since inception of the program.

Community Development staff recommends adoption of the Resolution.

RESOLUTION BOOK NO. 24 - PAGE 368

B. RESOLUTION NO. 98-38 - RESOLUTION DESIGNATING THE PUBLIC SERVICE BUILDING SIGN LOCATED AT 89-93 PATTON AVENUE AS A LANDMARK SIGN

Summary: The consideration of a resolution designating the Public Service Building sign located at 89-93 Patton Avenue as a landmark sign.

Signs may be designated historically significant or landmark signs by the Asheville City Council provided the sign satisfies one or more of the following criteria:

A. The sign is significant to the history of the City of Asheville, including but not limited to, the character of the city as a tourist attraction or cultural center.

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B. The sign is unique, notably aesthetic or creative so as to make a significant contribution as a work of art.

C. The sign merits recognition as an important example of technology, craftsmanship, materials or design of the period in which it was constructed and may no longer be economically feasible to produce or manufacture the sign today.

The Asheville-Buncombe Historic Resources Commission ("HRC") finds that the *Public Service Building* sign meets criteria A for landmark designation for the following reasons:

1. The sign is an icon for the City of Asheville and is a part of our collective memory. "Historic signs give continuity to public spaces, becoming part of the community memory. They sometimes become landmarks in themselves, almost without regard for the building to which they are attached, or property on which they stand. Furthermore, in an age of uniform franchise signs and generic plastic "box" signs, historic signs often attract by their individuality: by a clever detail, a daring use of color and motion, or reference to particular people, shops, or events." Preservation Brief #25

At their regularly scheduled March 11, 1998 meeting, HRC, by a unanimous vote, recommends to City Council that the *Public Service Building* sign be designated as a landmark sign.

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C. ORDINANCE NO. 2460 - BUDGET AMENDMENT TO PROVIDE FUNDING FOR CHANGE ORDER NO. 2 TO THE PIPELINE REPLACEMENT PHASE II PROGRAM, CONTRACT A - SOUTH ASHEVILLE/SOUTH BUNCOMBE WATER LINE PROJECT (29 FUND)

Summary: The consideration of a budget amendment to provide funding for Change Order No. 2 to the Pipeline Replacement Phase II Program Contract A - South Asheville/South Buncombe Water Line Project.

By Resolution 92-17 dated May 19, 1992, the Authority authorized and budgeted for various capital projects to be funded by City Water Bond proceeds in the 29 Fund.

Change Order No. 2 for the Pipeline Replacement Program Phase II Contract A with Wheeler Construction Company is needed for the following reasons:

- Installation problems with pavement removal and bad weather conditions on Kenilworth Road;
- Additional stone and binder was required due to bad weather on the other streets along this project.

Cathy Ball, P.E., City Engineer, recommends approval of Change Order No. 2 in the amount of \$126,105.11. This will increase the total contract cost to \$1,078,389.11.

Funds for this Change Order are available in the Water Distribution Master Plan Downtown Water Line Replacement Project due to the decision by the Authority to delay the Haywood Street Water Line Replacement Project.

The Regional Water Authority approved a resolution amending and restating Capital Project Ordinance 92-17 on March 17, 1998. -4-

Staff recommends adoption of the budget amendment to provide funding for Change Order No. 2 to the Pipeline Replacement Phase II Program Contract A - South Asheville/South Buncombe Water Line Project.

ORDINANCE BOOK NO. 16 - PAGE 432

D. BUDGET AMENDMENT TO THE WATER MAJOR CAPITAL PROJECT ORDINANCE (35 FUND) TO REFLECT THE TRANSFER OF REVENUE BOND RELATED PROJECTS TO THE 29 FUND, TO REIMBURSE THE 30 FUND FOR 1998-98 DISTRIBUTION SYSTEM IMPROVEMENTS, TO FUND THE GLENDALE WATER LINE (NC DEPT. OF TRANSPORTATION PROJECT), AND TO PROVIDE FUNDING FOR FUTURE N.C. DEPT. OF TRANSPORTATION PROJECTS THROUGH FUTURE "CONTRIBUTIONS FROM OTHER FUNDS"

This item was removed from the agenda at the request of staff.

E. RESOLUTION NO. 98-39 - RESOLUTION AUTHORIZING A RELEASE OF LIEN ON REAL PROPERTY ON RICHIE STREET

Summary: In 1984, the Housing Authority of the City of Asheville provided a Rental Rehabilitation loan to George B. Herndon in the amount of \$35,000.00 secured by a third deed of trust recorded in Book 1088, Page 79 on property owned by Herndon on Richie Street comprising four structures with a total of seven units on contiguous parcels. The terms of the loan included zero interest, deferment and forgiveness of the loan over a 10 year period on the condition that the units be rented to low income tenants. Herndon rehabilitated the property and rented to low income tenants but subsequently moved to Florida and failed to keep the property in good repair. The property was eventually vacated and finally foreclosed by the first mortgagee. The property currently is dilapidated and a source of blight in the neighborhood.

Myc Klepper recently acquired the properties with the intent of renovating them for affordable housing and discovered that the first mortgagee's foreclosure had not been completed on the property at 10 Richie Street. Therefore the deed of trust in Book 1088, Page 79 is still a lien of record on that one parcel. Klepper has requested a release of the property at 10 Richie Street from the lien in order to facilitate the renovation of the property. He has demonstrated good faith by his investment of considerable time and money in cleaning up the title to the property as well as the property itself.

Approval of the resolution will release the property from the lien in Book 1088, Page 79 making it possible for Klepper to obtain private financing necessary to renovate the properties. The end result will be the elimination of a blighting influence in the Montford community, the production of seven units of decent, safe, sanitary and affordable housing and an increase in the tax base.

Community Development staff recommends adoption of the resolution.

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F. RESOLUTION NO. 98-40 - RESOLUTION NAMING THE CITY OF ASHEVILLE AS A HOST TOWN FOR THE 1999 SPECIAL OLYMPICS WORLD SUMMER GAMES

Summary: The consideration of a resolution naming the City of Asheville as a Host Town for the 1999 Special Olympics World Summer Games.

North Carolina will be hosting over 7,000 athletes from over 150 countries for the 1999 Special Olympics World Summer Games which will be held in the Research Triangle area. The City of Asheville has been asked to serve as a Host Town which will allow athletes an opportunity to practice, adjust to the North Carolina climate, and to meet and visit the citizens of North Carolina in order to exchange and learn about each others' culture. It is anticipated that international civic groups will take the lead in providing services for this special opportunity along with some possible logistic coordination with the City's Parks and Recreation Department and Buncombe County Recreation Services. These games will be held on June 21 - July 4, 1999, and is an excellent opportunity for the City of Asheville to participate in such a worthwhile event.

The Parks and Recreation recommends City Council approval of the resolution to name Asheville as a Host Town.

RESOLUTION BOOK NO. 24 - PAGE 372

G. RESOLUTION NO. 98-41- RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CRISP, HUGHES EVANS LLP FOR AUDITING SERVICES FOR FISCAL YEAR 1997-98

Summary: The consideration of a resolution to authorize the Mayor to sign a municipal

The consideration of a resolution authorizing the Mayor to execute a contract with Crisp Hughes Evans LLP, Certified Public Accountants, for auditing services for Fiscal Year 1997-98.

N. C. Gen. Stat. sec. 159-34 requires that local governments of North Carolina have their accounts audited each fiscal year and submit a copy of the audit to the Local Government Commission.

In January of 1998, the City Finance Department sent letters to 36 local CPA firms, including three minorities, soliciting proposals from qualified firms of certified public accountants to audit the City of Asheville's financial statements for the fiscal year ending June 30, 1998, with the option of auditing the City of Asheville's financial statements for the two subsequent fiscal years. Four firms expressed interest and were provided a copy of the request for proposals. Only one firm, Crisp Hughes Evans LLP, submitted a complete proposal. Crisp Hughes Evans LLP is also the City's current external audit firm. The proposal received from Crisp Hughes Evans LLP proposes a fee of \$ 47,500 for the 1997/98 fiscal year. This fee is a reduction of the firm's fee for the 1996/97 fiscal year of \$52,000. Funds are appropriated in the budget of the Accounting Division of the Finance Department. The fee includes an audit in accordance with generally accepted auditing standards which includes an assessment of the City's internal control procedures, testing for compliance with N. C. General Statutes, testing for compliance with pronouncements of the Governmental Accounting Standards Board, Standards for Audit of Governmental Organizations, Programs, Activities and Functions, the Guidelines for Financial and Compliance Audits of Federally Assisted Programs and the Federal Office of Management and Budget's Compliance Supplement for Single Audits of State and Local Governments.

Staff recommends adoption of the resolution and re-appointment of the audit firm Crisp Hughes Evans LLP. - 6-

RESOLUTION BOOK NO. 24 - PAGE 373

H. RESOLUTION NO. 98-42 - RESOLUTION ABANDONING RESERVOIR EASEMENT AND AUTHORIZING AGREEMENT FOR REMOVAL

Summary: Consideration of the abandonment of an easement belonging to the City of Asheville for operation of a water reservoir, together with the associated underground pipes and other property, at the abandoned CTS Reservoir site.

Due to recently completed water system improvements project in the South Asheville/South Buncombe area, the Water Resources Department has ceased to utilize the CTS Reservoir. In accordance with the Water Distribution System Master Plan, the Water Resources Department wishes to dispose of this reservoir and has no future use for the reservoir site, for which the City was granted an easement by CTS. This reservoir is located off Mills Gap Road at the site of the former CTS Plant. A developer has purchased the remainder of the CTS property and has plans for its development. The abandoned CTS Reservoir and the City's easement on which it is located are restricting his development and he desires to acquire the property and demolish the reservoir.

The Deed of Easement from CTS to the City (and Buncombe County) provides that the easement terminates when the reservoir and pipes cease to be used for water supply purposes. In consideration for recording an instrument abandoning the easement, the developer will demolish and remove the reservoir structure at no cost to the City. Since the reservoir was apparently in place when the easement was created, it is not clear

that the City would have an obligation to remove the reservoir, but such an agreement would resolve the issue. Because the City needs to retain use of part of one of the waterlines on the property, an easement will be reserved over part of the property.

Staff recommends that City Council authorize the abandonment of the subject easement in accordance with the terms of the conveyance, subject to the above-described reservation, as recorded in the Buncombe County Register of Deeds Office, and a letter agreement with the owner that the reservoir structure will be removed by the owner.

RESOLUTION BOOK NO. 24 - PAGE 374

I. MOTION SETTING A PUBLIC HEARING FOR APRIL 28, 1998, TO REZONE 1201 PATTON AVENUE FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO HB HIGHWAY BUSINESS

Mayor Sitnick said that members of Council have been previously furnished with copies of the resolutions and ordinances on the Consent Agenda and they will not be read.

Councilwoman Field moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Sellers and carried unanimously.

III. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO PROHIBITING DOGS IN RIVERSIDE CEMETERY

ORDINANCE NO. 2461 - ORDINANCE PROHIBITING DOGS IN RIVERSIDE CEMETERY

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Mayor Sitnick opened the public hearing at 5:18 p.m.

Deputy City Clerk Corns presented the notice to the public setting the time and date of the public hearing.

Mr. Irby Brinson, Director of Parks & Recreation, said that based upon City Council's request from the worksession on February 17, 1998, the Parks and Recreation Department is proposing a revision to Code of Ordinances Section 3-27 (3) regarding control of animals in Riverside Cemetery.

Asheville City Council, in July of 1997, adopted an ordinance revision dealing with animals in Riverside Cemetery. This revision required dogs to be leashed, remain on paved roads, be cleaned up after by their owners, and be prohibited from the facility during funeral services. Per City Council's direction, a six-month evaluation of the ordinance changes were required in order to evaluate the effectiveness of these revisions. Over this period of time, the Cemetery Manager and the Park Warden have been documenting occurrences of violations of the ordinance. This information was presented to City Council at a work session on February 17, 1998. Based upon a request by City Council the Parks and Recreation Department and Legal staff is proposing a revision to Section 3-27 (e) of the Code of Ordinances of the City of Asheville. This change represents prohibiting animals at Riverside Cemetery with the exception of allowing dogs or domestic animals which assist persons with sight disabilities. The Department has initiated a Dog Park Task Force which has been meeting since January of 1998. The purpose of this task force is to determine an appropriate location for development of a dog park within the City. This group is very active and is planning to present their report to City Council on May 19, 1998. The Parks and Recreation Department has been assisting this group in trying to address the provision of a dog park within the City.

Upon inquiry of Vice-Mayor Hay about the penalties, City Attorney Oast said that our standard civil penalty is a \$50 fine for every violation. If a violation becomes severe enough then the Police would get involved and

issue a criminal citation, which could be a fine or imprisonment of up to two years.

Councilwoman Field said that she was disappointed that the trial period did not work and applauded the Parks and Recreation Department for trying.

Mayor Sitnick felt it was important to pursue the Dog Park Task Force. Even though she was opposed to having dogs in Riverside Cemetery, she sympathized with dog owners who need places to walk their dogs. She suggested a grace period of ten days for posting of signs and educating the public of the change.

Mayor Sitnick closed the public hearing at 5:28 p.m.

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

Councilman Sellers moved for the adoption of Ordinance No. 2461 with a ten day grace period. This motion was seconded by Councilman Tomes and carried unanimously.

ORDINANCE BOOK NO. 16 - PAGE 434

B. PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO CHANGE ADULT ESTABLISHMENTS FROM USES BY RIGHT SUBJECT TO SPECIAL REQUIREMENTS TO CONDITIONAL USES -8-

ORDINANCE NO. 2462 - ORDINANCE AMENDING CHAPTER 7 (UNIFIED DEVELOPMENT ORDINANCE) OF THE CITY OF ASHEVILLE TO CHANGE ADULT ESTABLISHMENTS FROM USES BY RIGHT SUBJECT TO SPECIAL REQUIREMENTS TO CONDITIONAL USES

Mayor Sitnick opened the public hearing at 5:30 p.m.

Deputy City Clerk Corns presented the notice to the public setting the time and date of the public hearing.

City Attorney Oast said that City Council requested that staff look at establishing a moratorium on or adopting other resolutions for any new adult establishments within the city limits while the North Carolina General Assembly considers new legislation allowing local governments to have additional regulatory control over adult businesses.

City Council at its formal meeting on February 28, 1998, directed staff to initiate the process to consider a temporary moratorium on or other regulations for new adult establishments in the City of Asheville. The purpose of this process is to provide the City with an opportunity to determine whether additional or different regulations will be appropriate in the event that new authority is granted to North Carolina's local governments by the General Assembly. Senate Bill 452 was introduced in the 1997 Regular Session of the North Carolina General Assembly, and if adopted, would potentially return a measure of regulatory control over adult businesses to local governments.

In reviewing this issue, staff felt that the best was to insure strict review of any potential new locations for adult establishments, while preserving the constitutionality of our ordinance, would be to amend the current zoning regulations pertaining to adult establishments. Specifically, the proposed ordinance provides that adult establishments, currently a Use by Right Subject to Special Requirements (staff review only if all conditions are met; no additional conditions can be placed on the permit), be treated during the period of time stated in the ordinance as a Conditional Use (review by Council; additional conditions may be placed on a permit).

The Planning and Zoning Commission at its meeting on March 4, 1998, voted unanimously to approve the

ordinance amendment. The Commission did express a concern for the time being spent on this issue in that they felt the amendment really made very little change as to how adult establishments are handled under the ordinance at present.

Staff recommends City Council consider the adoption of an ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville to change adult establishments from Uses by Right Subject to Special Requirements to Conditional Uses.

Upon inquiry of Mayor Sitnick, City Attorney Oast said that adult establishments do cover adult book stores and we currently do not have any adult book stores in Asheville.

Councilwoman Field confirmed that there are only four districts that allow adult establishments now, those being the Commercial Industrial, Highway Business, Regional Business and they are not prohibited in the River District.

When Councilman Tomes asked if the City Attorney has heard anything about pending legislation regarding adult entertainment on the Internet, City Attorney Oast said that he's heard legislation discussed at the federal level, however, nothing at the state level.

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Mayor Sitnick closed the public hearing at 5:49 p.m.

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

Councilman Sellers moved for the adoption of Ordinance No. 2462. This motion was seconded by Councilman Cloninger and carried unanimously.

ORDINANCE BOOK NO. 16 - PAGE 436

C. PUBLIC HEARING TO CONSIDER REZONING TWO LOTS AT 16 BEAR CREEK DRIVE DROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY TO HB HIGHWAY BUSINESS

ORDINANCE NO. 2463 - ORDINANCE TO REZONE TWO LOTS AT 16 BEAR CREEK DRIVE DROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY TO HB HIGHWAY BUSINESS

Mayor Sitnick opened the public hearing at 5:50 p.m.

Deputy City Clerk Corns presented the notice to the public setting the time and date of the public hearing.

Mr. Gerald Green, Senior Planner, said that this is consideration of an ordinance to rezone three lots located at 16 North Bear Creek Road from RM-8 Residential Multi-Family Medium Density to HB Highway Business.

The three lots at 16 N. Bear Creek (PIN Nos. 9628.15-54-7654, 7721, and 8515) are approximately 1.5 acres with one residential structure that is currently vacant. The 2010 Plan shows this area to be low density residential which the current RM-8 zoning permits. The property is within the city limits of Asheville. Possible access to this property would cause intrusion through an existing residential neighborhood and street and have traffic impacts on the existing single family neighborhood.

The Planning staff reviewed the rezoning request and recommended denial from RM-8 Multi-Family Residential to HB Highway Business. However, at their March 4, 1998, Planning & Zoning Commission meeting, the Commissioners voted 4- 2 to deny the rezoning of 9628.15-54-7721 but approve the rezoning

request for lots 9628.15-54-7654 and 8515 except for a ten foot strip around the right-of-way of Bear Creek Drive which is to remain RM-8.

Upon inquiry of Councilman Cloninger, Mr. Green explained to what extent the recommendation of the Planning & Zoning Commission addressed the concerns that the Planning staff had in recommending denial.

At the request of Councilman Cobb, Mr. Green explained the difference between the Commercial Industrial District and the Highway Business District.

Mr. Ed Brandle, 6000 Castlebrook Drive in Raleigh, N.C., petitioner, spoke in support of the rezoning request.

Mayor Sitnick closed the public hearing at 6:03 p.m. -10-

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

Councilman Cloninger moved for the adoption of Ordinance No. 2463. This motion was seconded by Councilman Tomes and carried unanimously.

ORDINANCE BOOK NO. 16 - PAGE 438

D. PUBLIC HEARING TO CONSIDER A MODIFICATION REQUEST OF STREET DESIGN STANDARDS FOR CARDINAL PARK SUBDIVISION

Mayor Sitnick opened the public hearing at 6: 04 p.m.

Deputy City Clerk Corns presented the notice to the public setting the time and date of the public hearing.

Mr. Gerald Green, Senior Planner, said that this is consideration of a modification to the subdivision street design standards for Cardinal Park Subdivision.

The Planning and Development Department received a request to approve a nine lot subdivision known as Cardinal Park on approximately 1.75 acres off Shannon Drive in Oakley. The staff reviewed the request and presented it to the Technical Review Committee ("TRC"). The TRC reviewed the request and required the developer to make several changes to the preliminary plat prior to any approval by the TRC.

The major concern with the preliminary plat was the design at the end of the street where the developer wanted to construct a "T" turnaround instead of the required cul-de-sac. After review by the appropriate departments, the developer was approved to submit the preliminary plat, with conditions, to the Planning and Zoning Commission ("Commission") for review of the street design modification. After review by Commission, the preliminary plat with the "T" turnaround street design modification was recommended for approved by City Council.

The staff presented the preliminary plat to TRC at their meeting on February 16, 1998, and then to the Commission at their meeting on March 4, 1998. Both TRC and the Commission voted unanimously to recommend approval of the preliminary plat with the street design modification.

Mayor Sitnick closed the public hearing at 6:09 p.m.

Councilman Tomes moved to approve the modification request of street design standards for Cardinal Subdivision. This motion was seconded by Councilman Sellers and carried unanimously.

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

A. RESOLUTION NO. 98-43 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

Vice-Mayor Hay said that Mike Holcombe has resigned as one of the City's representatives on the Metropolitan Sewerage District Board, thus leaving a vacancy until January 19, 2000. The Boards and Commissions Committee recommends that the position be -11-

immediately filled with another City staff person. Therefore, this resolution will appoint Mr. S. Douglas Spell, Assistant City Manager, to fill Mr. Holcombe's unexpired term, or until his successor has been duly appointed.

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

Vice-Mayor Hay moved for the adoption of Resolution No. 98-43. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE 375

VI. OTHER BUSINESS:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 24, 1998, THE COMMUNITY MEETING HELD ON MARCH 31, 1998, AND THE WORKSESSION HELD ON APRIL 8, 1998

Vice-Mayor Hay moved for the adoption of the minutes of the regular meeting held on March 24, 1998, the community meeting held on March 31, 1998, and the worksession held on April 8, 1998. This motion was seconded by Councilman Cobb and carried unanimously.

B. COMMENTS BY JERRY RICE

Mr. Jerry Rice said that he has investigated Genette's holdings and feels that our community deserves better than what the Asheville Citizen-Times newspaper is promoting which is mistrust in how they are printing their material. Mr. Rice also commented that he had contacted several cities in the eastern part of the state that had cable franchises with Multi-Media and requested public records from those cities and was refused.

C. CLAIMS

The following claims were received by the City of Asheville during the week of: March 6-26, 1998: Hobson Construction (Water), Kathy Sprouse (Sanitation), Jim Reato (Civic Center), Debbie Ledford, and William L. Percy (Streets).

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

D. CLOSED SESSION

At 6:25 p.m., Councilwoman Field moved to go into closed session for the following reasons: (1) to consult with an attorney employed by the City of Asheville in order to preserve the attorney-client privilege between the City and its attorney - the parties in the matter about which the Council expects to receive advice are:

Multi-Media Publications of North Carolina, Inc., d/b/a Asheville Citizen-Times; Brenmor Cable Partners, d/b/a InterMedia, and the City of Asheville - the statutory authority is G.S. 143-318.11 (a) (3). This motion was seconded by Councilman Sellers and carried unanimously.

At 7:50 p.m., Councilman Sellers moved to come out of closed session. This motion was seconded by Vice-Mayor Hay and carried unanimously.

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VII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 7:50 p.m.

CITY CLERK MAYOR
