

Tuesday - February 15, 2000 - 3:00 p.m.

Worksession

Present: Vice-Mayor M. Charles Cloninger, Presiding; Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; Councilwoman Terry M. Whitmire; and Councilman Charles R. Worley; Assistant City Attorney S. Patterson Brison Meldrum; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Mayor Leni Sitnick

CONSENT:

Budget Amendment for Facility Maintenance

Summary: The consideration of a budget amendment, in the amount of \$250,000, to appropriate additional funds for necessary repairs to various City facilities.

The Parks and Recreation Department has been working for several months on identifying urgent needs to existing City-owned facilities. In the current budget, \$250,000 was appropriated for maintenance repair to over 100 facilities currently under City ownership. Due to a number of emergency situations which included preparation for Y2K emergency shelter service, new HVAC system for Senior Opportunity Center, renovations to the Murphy-Oakley Resource Center, and replacement of the sewer line in City Hall, the current budget has been depleted. The costs associated with those emergency situations total approximately \$160,000.

In addition, staff has identified that Fire Stations #2 and #5 are in desperate need of roof replacement. Both facilities cannot continue to be patched and a complete roof replacement is necessary in order to continue occupancy of these facilities. In addition, the boiler at Murphy-Oakley Resource Center needs to be replaced. The estimated costs for the above work represents approximately \$106,200. Staff is requesting a budget amendment of \$250,000 in order to implement and supplement the above mentioned improvements.

The Parks and Recreation Department is requesting City Council approval of the budget amendment in the amount of \$250,000.

Festivals and Special Events for 2000

Summary: The consideration of a motion to approve the Parks and Recreation Department's 2000 festival and special events schedule.

In March of 1995, the Asheville City Council adopted a "Festivals Policy." A segment of that policy requires that City Council approve the list of festivals on an annual basis. Therefore the Parks and Recreation Department is recommending the approval of the following festivals and special events (Please note 3 new events applying for co-sponsorship this year include: Bike for the Bell, Come-Unity Asheville and Earth Day 2000 Festival): Special Olympics; Holiday Luncheon; Buncombe County Appreciation Day; Movies in the Park; Very Special Arts Festival; Youth 5K Run; Martin Luther King Peace Walk; Unity in Diversity; Earth Day 2000; Festival; Easter Eggstravaganza; Walk America; Come-Unity Asheville; Senior Games; Friends for Animals Anti-Cruelty Animal Walk; Bike for the Bell/Strive Not to Drive; Hershey's Track n' Field; Symphony on the Block; 3rd Annual "Biltmore Estate 15K Classic" Foot Race; Moonlight over Downtown; Sunday in the Park; RiverLink Triathlon; Honda Hoot Wall Street Policy; Honda Hoot Downtown After Five; Shindig on the Green; Downtown After Five; French Broad River -2-

Wildlife Art & Craft Show; Burton Street Gospel Jubilee; Goombay Festival; 4th Annual "Brew Grass Festival"; La Fiesta Latina; Asheville Greek Festival; Walk Into History (Urban Trail); Westfest; Asheville Merchants Corporation Christmas Parade; Light Up Your Holidays; and

2000 Arby's Reindeer Romp.

The Parks and Recreation Department recommends approval of the above festivals and special events for 2000.

Vice-Mayor Cloninger asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda.

UDO AMENDMENT REVIEW

Assistant City Attorney Meldrum said that this Unified Development Ordinance amendment is being brought before City Council in order that staff may respond to questions Council may have prior to the public hearings, which are scheduled on Tuesday, February 22, 2000. She advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Parks and Open Space District

Urban Planner Carl Ownbey said that this is the consideration of an ordinance amendment to the Unified Development Ordinance to establish a new zoning district entitled "Parks and Open Space."

After direction from City Council to establish a new parks and open space zoning district, the Planning and Development staff met several times with staff from the Parks and Recreation Department and the Public Works Department to compile guidelines and development standards for the new zoning district. In addition to City staff review, the draft of the ordinance was given to the Greenway Commission and RiverLink for their input.

During the Planning & Zoning Commission's public hearing, the Commissioners discussed at great length the need to add to the Parks and Open Space District a provision that only the property owner or their authorized agent be permitted to file a request to have their parcel of land rezoned.

The Commissioners raised issues concerning: the grandfathering of uses on the property, creating non-conforming uses, changing the economic benefit of the property, possible government "takings claim," and fairness to the property owner. The main concern seemed to be that any City Council could change the zoning on a parcel of land to this classification against the wishes of the property owner; thereby eliminating the economic benefit of the land to the landowner.

The Commissioners voted to recommend that this zoning district incorporate specific wording to permit only the property owner or their authorized agent to request the rezoning of a parcel of land to this particular zoning classification.

The Planning and Development staff presented this new zoning district to the Planning and Zoning Commission at their February 2, 2000, regular meeting. After presentation by staff and the lengthy discussion, the Commissioners voted 5 to 1 to recommend to City Council the adoption of this new zoning district with the additional wording regarding the initiation of an amendment. -3-

However, the Planning staff feels strongly that the inclusion of this particular wording to this one zoning district limits the ability of the City Council to apply this zoning classification at its discretion. Staff recommends the adoption of the ordinance without the additional wording.

City Council discussed the issue regarding whether to permit only the property owner or their authorized agent to request the rezoning vs. City Council rezoning the property against the property owner's wishes.

Councilman Peterson requested that in the future City staff present City Council with what the Planning & Zoning Commission recommended and if staff disagrees with the Commission, a version of the proposed ordinance as recommended by staff.

Conditional Use District Zoning

Senior Planner Gerald Green said that this is the consideration of an amendment to the Unified Development Ordinance (UDO) which would establish a Conditional Use District.

The Planning and Zoning Commission, at their February 2, 2000, meeting, reviewed and recommended approval of an amendment to the UDO which would establish Section 7-9-9 to create a Conditional Use District. This district will provide a level of flexibility in the rezoning process which is not available with the existing zoning districts. The new district could be applied anywhere within the City and its jurisdiction. Unlike conventional rezoning, a rezoning to a Conditional Use District would permit review and approval of detailed site plans, building designs and elevations, and floor plans as well as identification of specific uses. Conditions could be attached to the rezoning to further mitigate impacts on surrounding properties. Upon application by the property owner or authorized representative, the Conditional Use District zoning request would be subject to a review process involving the following steps:

- Review and recommendation by the Technical Review Committee (with public notification);
- Review and recommendation by the Planning and Zoning Commission (public hearing); and
- Review and action by City Council (public hearing).

In acting upon the Conditional Use District zoning request, the City Council would be charged with changing the zoning of the site to a conditional use zoning and issuing a conditional use permit for the proposed development. The City Council may attach conditions to ensure that the proposed development does not adversely impact the surrounding properties. Any violation of the conditional use permit or other failure to comply with the conditions imposed would be treated as a violation of the City's Zoning Ordinance.

The Planning and Zoning Commission voted 6 to 0 to recommend approval of the wording amendment. The Planning and Development staff recommends approval of the amendment.

Upon inquiry of Councilman Peterson, Mr. Green said that the protest petition standards would apply to this district.

Assistant City Attorney Meldrum responded to questions from Councilman Peterson relative to the questions of spot zoning.

Councilwoman Field wanted to make sure that this district would be available to all segments of the population. -4-

Vice-Mayor Cloninger asked that the record show that City Council has received this information and instructs the City Manager to proceed with the appropriate public hearings on February 22, 2000.

RESOLUTIONS OF INTENT TO ANNEX

Planning & Development Director Scott Shuford said that this is the consideration of adoption of resolutions of intent so as to begin the process to annex six areas which are first priority areas.

In 1998 the City entered into an agreement with Benchmark, Inc., to develop a Five Year Annexation Plan.

The first phase of this project consisted of the consultant identifying first priority areas and Council authorized staff to proceed with formulating plans to annex those areas. Six areas have been identified as qualifying for annexation under Part 3, Article 4A, Chapter 160-A of the North Carolina General Statutes. Adoption of the resolutions of intent sets forth a process that will result in the annexation of the six areas effective June 30, 2001. Steps in the process are proposed according to the following schedule:

Adoption of the Resolutions of Intent February 22, 2000

Approval of Plans of Services March 15, 2000

Public Information Meeting May 2, 2000

Public Hearing(s) May 23, 2000

Adoption of Annexation Ordinances June 13, 2000

Effective date of Annexations June 30, 2001

Staff recommends that the resolutions of intent be adopted by City Council to set in motion the process of consideration of annexation of the six areas.

Mr. Richard Flowe, President of Benchmark Inc., reviewed with City Council the proposed six areas for annexation stating that they are to clean up some inequity issues, service boundary issues and economic based diversity issues. He reviewed the procedural and technical phases with regard to these annexations. After briefly reviewing some annexation area data for each of the six areas, he proceeded to review the areas as follows: Area 01-A is generally located east of Chunns Cove Road and including properties abutting Piney Mountain Road and I-240; Area 01-B is generally located north of US 70 east of Riceville Road and west of Lower Grassy Branch Road, including properties on both sides of Arnold Road and Park Vista Drive; Area 01-C is generally located east of I-26 surround Lake Julian including properties located both north and south of Long Shoals Road, west of Hendersonville Road and north of Glen Bridge Road; Area 01-D generally consists of the Ridgefield Business Center and surrounding properties east and west of Brevard Road; Area 01-E generally consists of properties located on the east side of New Leicester Highway south of Westwood Drive; and Area 01-F generally consists of properties located on the north and south side of Rocky Ridge Road and the west side of Wedgefield Drive 1000 or less feet west of Brevard Road. He explained that alternations and deletions of the proposed areas can occur, but no areas can be expanded once the process is in place. He then reviewed the following financial plan for the annexation areas: Ad Valorem Property Tax Revenues, North Carolina Utilities Franchise Tax, Sales and Use Tax and Powell Bill allocation.

Councilman Peterson asked that the new Lowe's on Smokey Park Highway be included in the Phase 2 annexation process. He also wanted to make sure that any water and sewer districts that apply to any of these areas is taken into account.

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Vice-Mayor Cloninger asked that the record show that City Council has received this information and instructs the City Manager to place this item on the next formal City Council agenda.

PACK SQUARE CONCEPTUAL PLAN CONSULTANT

Ms. Carol King, Chair of the Pack Square Task Force, said that this is the consideration of a resolution to approve the execution of a contract for the Pack Square conceptual design and associated budget amendment.

The Pack Square Task Force has sent requests for qualifications (RFQs) to a number of design firms for the Pack Square Renaissance Project. Based upon their qualifications, past projects and other criteria, one firm will be selected to work with the Task Force and community to develop a conceptual design for Pack Square/City-County Plaza. The RFQ packets were sent to the following firms:

Urban Design Associates (Pittsburgh) Streetworks (Alexandria)

Olin Partnership (Philadelphia) Wallace, Roberts & Todd (Philadelphia)

Design Workshop, Inc. (Aspen) Duany, Plater-Zyberk & Co. (Charlotte)

Cooper, Robertson & Partner (New York)

The list of firms selected to receive the RFQ was established based upon recommendations from members of the Design Subcommittee of the Pack Square Task Force (which includes several architects). It was felt that there are a limited number of firms nationally with the ability to provide this type of design assistance.

Responses to the RFQ are due on Monday, February 14, 2000. At this point, it is anticipated that at least four firms will respond to the RFQ. On Friday, February 18, 2000, the Downtown Commission will meet jointly with the Pack Square Task Force to select the firm for recommendation to Council. On February 22, 2000, City Council will be asked to approve the execution of a contract for this conceptual design.

The Task Force is in the process of raising \$40,000 for this design process, which will include significant public participation in the form of a public forum on the design of public spaces as well as two public design workshops. Fifteen thousand dollars has been provided from the public sector (\$7,500 from both the City and the County). The remaining \$25,000 will come from private sector fundraising. A list of private sector contributors will be furnished to Council at the February 22, 2000, City Council meeting.

A special account has been established within the Planning and Development Department budget for this project. In addition to approval of the contract execution, Council will be asked to approve a budget amendment, which is necessary in order to receive and disperse funds through this account.

City staff recommends City Council adopt a resolution to approve the execution of a contract for the Pack Square conceptual design and associated budget amendment.

Vice-Mayor Cloninger asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda.

PUBLIC ACCESS CHANNEL

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Ms. Robin Nix, Public and Community Information Coordinator, said that this is the consideration of a proposal received from the League of Women Voters to operate the public access channel.

The Cable Franchise Agreement adopted by City Council designates three initial access channels to be used for public, educational and/or government programming. In November 1998, the Asheville City Council directed staff to prepare a Request For Proposal (RFP) to solicit non-profit organizations who were interested in managing the public access channel. The City of Asheville sent out this RFP in August 1999 after receiving input from staff and the community on the document.

On January 26, 2000, a proposal was received from the League of Women Voters (LWV) indicating interest in managing the channel and providing a timeline for activities. In their letter they stated "it is with much

regret that we advise that we are unable to present a technical response to your RFP. There are multiple reasons. Not the least of these is our concern as to financing the endeavor so long as the City refuses to assume any responsibility for operating expenses" Although they did submit a response, it was not the technical response that the City requested in the RFP. This was the only proposal received by the City.

Mr. Talmadge Neece, representing the LWV, passed out a statement and stressed that the LWV is eager to add their effort to bring to our community a well-designed and sound operational public access operation. He reviewed the following key issues where the LWV can be effective: community acceptance, community commitment and community involvement. He said that the LWV " stands ready to aid the Commission in developing community awareness of the potential of public access television to facilitate dialog within our community and with the Commission which should lead to a sound plan of operation supported by the broader community. This should provide strong support for timely development and implementation of an operational philosophy. There should then be an easy and prompt transition to an operating entity that will ensure a successful community supported public access station for all the people of our city."

Vice-Mayor Cloninger said that in a meeting held earlier in the day regarding the response received by the LWV. Since no complete RFP was received, the LWV did respond by expressing an interest in assisting the City of Asheville with developing a method for establishing the public access channel. It was determined that the LWV could provide advice and assistance to the Public Access Channel Commission in order to facilitate the establishment and management of a public access channel on the cablevision system. It was recommended that the LWV be appointed to act as an advisory group to the Public Access Channel Commission. It was also recommended that the membership of the Public Access Channel Commission be expanded to include a position for a representative of the LWV as a non-voting, ex-officio member.

Discussion surrounding allowing the LWV a seat on the Commission when there may be other non-profits that would like to have a seat as well.

Further discussion surrounding a potential conflict of interest for the LWV if another RFP were developed. Mr. Neece said that the LWV would absent themselves from that process.

It was the consensus of City Council that if the ordinance is expanded to include a seat for the LWV that a sunset provision be included in that the LWV appointment would terminate after the City Council has entered into a contract with a third party to operate the public access channel.

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Councilwoman Whitmire asked that the funding for the Educational Access Channel be a future worksession item.

Vice-Mayor Cloninger asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda.

Councilman Worley moved to suspend the rules and take formal action on the following two items: (1) resolution appointing members to the Public Access Channel Commission; and (2) approval of City Council goals. This motion was seconded by Councilman Peterson and carried unanimously.

RESOLUTION NO. 00-27 - RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ACCESS CHANNEL COMMISSION

Vice-Mayor Cloninger said that on January 25, 2000, City Council interviewed Raphael Peter, Jim Torpey, Wally Bowen, Andrew Reed, Lisa Michie, Orpheus Allison, Mark Rosenstein, John Hayes, Beth Lazer, Rebecca Em Campbell, Allan Goodstadt, Marianna Bailey, Clifford Davids, Mark Goldstein and Mary Ellen Brown.

Jim Torpey received 6 votes; John Hayes received 6 votes; Mary Ellen Brown received 6 votes; Beth Lazer received 5 votes; Mark Goldstein received 5 votes; Mark Rosenstein received 5 votes; Raphael Peter received 4 votes; Andrew Reed received 4 votes; Orpheus Allison received 3 votes; Marianna Bailey received 3 votes; Allan Goodstadt received 3 votes; Wally Bowen received 2 votes; Rebecca Em Campbell received 1 vote; Clifford Davids received 1 vote; and Lisa Michie received 0 votes. Therefore, a resolution will be prepared (1) appointing Jim Torpey, John Hayes, Mary Ellen Brown, Beth Lazer and Mark Goldstein to each serve a three year term respectively, terms beginning on March 1, 2000, and expiring on March 1, 2003, or until their successors have been appointed, and (2) appointing Mark Rosenstein, Raphael Peter and Andrew Reed to each serve a two year term respectively, terms beginning on March 1, 2000, and expiring on March 1, 2002, or until their successors have been appointed.

Because of a tie vote, City Council voted again. Orpheus Allison received 2 votes; Allen Goodstadt received 2 votes; and Marianna Bailey received 2 votes.

Because of the remaining tie vote for the ninth seat, it was the consensus of City Council to place the names of Orpheus Allison, Allan Goodstadt and Marianna Bailey on the City Council agenda for February 22, 2000, for consideration of appointment to the remaining seat on the Public Access Channel Commission.

RESOLUTION BOOK NO. 25 - PAGE 420

APPROVAL OF CITY COUNCIL GOALS

Budget Director Ben Durant presented City Council with the following proposed goals:

- 1) Aggressively implement the Sustainable Economic Development Strategic Plan.
 - 2) Adopt policies and ordinances that promote "Smart" growth:
 - o Continue to review the UDO and make changes consistent with greater utilization of the property tax base and the concept of new urbanism.
 - o Continue to implement the Housing Action Plan.
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- o Expand recycling program in accordance with staff proposals.
 - o Review and adopt recommendations of the Waste Reduction Plan.
 - o Maintain and expand Asheville's quality of life.
 - o Work with MSD and Regional Water Authority to promote cooperative growth policies.
 - o Increase diversity on boards and commissions and City work-force.
 - o Communicate effectively with the Citizens of Asheville.
- 3) Improve all transportation systems through innovative and cost effective planning.
 - o Adopt and implement the Transit Improvement Program.
 - o Approve an additional five dollar motor vehicle tax dedicated to the transit system capital improvement program.
 - o Improve traffic flow by updating the traffic signalization system.
 - o Continue to install traffic calming devices in residential areas.
 - 4) Provide new resources to increase street and sidewalk maintenance and repair so as to address the needs identified in the ITRE study.

5) Improve the quality of life for Asheville residents through identification of resources to fund parks and recreation capital needs.

6) Develop a multi-year operational and capital improvement program designed to provide adequate capital funding for the Civic Center as an interim approach pending a decision

about the future direction of the Civic Center.

Councilwoman Field said that she re-worded some of the proposed goals as follows:

1) Create opportunities for Sustainable Economic Development

- Aggressively implement the Sustainable Economic Development Strategic Plan.
- Develop an interim multi-year operational and capital improvement program designed to provide adequate funding for the Civic Center pending decisions on the long-term future of the Civic Center.
- Continue Downtown initiatives that support the strong private sector revitalization effort.

2) Adopt policies and ordinances that promote "Smart Growth"

- Define "Smart Growth" for the City of Asheville.
- Maintain and expand Asheville's quality of life.
- Review the UDO and make changes consistent with the concept of "new urbanism" and greater utilization of the property tax base.
- Implement the Housing Action Plan.
- Expand the recycling program in accordance with staff proposals.
- Review and adopt recommendations of the Waste Reduction Plan.
- Work with MSD and the Regional Water Authority to promote cooperative growth policies.

3) Improve all transportation systems through innovative and cost effective planning.

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- Adopt and implement the Transit Improvement Program.
- Approve an additional five-dollar motor vehicle tax dedicated to the transit system capital improvement program.
- Update the traffic signalization system to improve traffic flow.
- Install traffic calming devices in residential areas based on the Traffic Calming Policy.

4) Provide new resources to increase street and sidewalk maintenance and repair.

- Address the needs identified in the ITRE study.
- Implement the Pedestrian Thoroughfare Plan as funds become available.

5) Develop resources to fund parks and recreation needs that improve the quality of life for Asheville residents.

- Implement the Greenway Master Plan as funding becomes available.
- Construct phase I of Pritchard Park.
- Develop the Lake Craig property per the staff's recommendations.
- Build the Skateboard Park.

6) Work towards common sense governance.

Communicate more effectively with the Citizens of Asheville.

- Work to find better and meaningful participation processes.
- Increase diversity in the City workforce and in City Council appointments.
- Resolve conflicts between new ordinances and existing local, state or federal regulations.
- Adopt new ordinances and resolutions only when there are resources to implement them.
- Examine and revise the "Conditions Use" process, implement the Planning Director's recommendations presented to us at the 2000 retreat.

With regard to the Housing Action Plan, Councilwoman Whitmire felt that if a plan is funded and implemented by the City, that the City should not rely on outside agencies to do the work for us.

Councilman Worley moved to adopt the revised goals as presented by Councilwoman Field. This motion was seconded by Councilwoman Field and carried unanimously.

Budget Director Ben Durant confirmed with Council that the adopted goals would provide direction to staff during the budget process. Council further indicated that staff would have the discretion to recommend alternative strategies to achieve those goals.

OTHER BUSINESS

School Buses

At the request of Councilwoman Whitmire, Interim Transit Services Director Bruce Black updated City Council on the school bus operation. She asked that she be kept abreast of what happens to the buses.

Civic Center

Councilmen Hay and Worley briefly updated City Council on the consultant's report with regard to the future of the Civic Center. Councilman Hay said that the Future of the Civic Center Task Force will be making a formal report to City Council in the near future. -10-

Some discussion occurred about the location of an arena and the need for it to remain in downtown Asheville.

Councilman Peterson hoped that the City can look for some private funding for not only the convention center, but the arena as well.

Length of City Council Meetings

In response to the February 8, 2000, City Council meeting which was nine hours, City Council briefly discussed the length of City Council meetings. It was the consensus of City Council that since Mayor Sitnick was not present at this meeting that discussion would continue on this matter on the April 4, 2000, worksession.

Councilman Worley proposed a policy that when the City Council meeting reaches 10:00 p.m., that Council finish the item they are considering and continue the remainder of the meeting to perhaps the following Wednesday or Thursday. He also pointed out that if Council did not want to have a policy regarding the length of Council meetings, that at some appropriate time (around 10:00 p.m.) a motion could just be made to continue the meeting to a time, place and date specific.

Councilwoman Whitmire asked City staff to explore ways to improve their staff reports so information presented to them is concise.

Councilman Peterson suggested that conditional use permits be reviewed by the Planning & Zoning Commission prior to their being brought before City Council.

Councilwoman Field also suggested that if the formal meeting runs past 10:00 p.m. that perhaps the meeting can be continued to the following Tuesday. Assistant City Attorney Meldrum noted that if Council does intend to take formal action at a worksession, that a motion suspending the rules will be necessary.

City Council also instructed the City Manager to suggest ideas to streamline the Council meetings.

Council discussed tools for City staff to use when presenting their reports to Council, e.g., in-house training, review the video tape of the meeting.

Mayor's Absence

Vice-Mayor Cloninger said that he has been advised by the City Attorney's Office that there are some documents that need to be executed and he needs to be authorized to sign them in the Mayor's absence.

Councilman Worley moved to suspend the rules and take formal action at this meeting. This motion was seconded by Councilwoman Field and carried unanimously.

Due to Mayor Sitnick being out of town, Councilwoman Field moved to temporarily confer the powers of the Mayor to Vice-Mayor Cloninger. This motion was seconded by Councilman Worley and carried unanimously.

Boards & Commissions

It was the consensus of City Council to instruct the City Clerk to arrange interviews (1) with Scott Fowler, Tom Tarrant and Headlee Howard for vacancies for an alternate position on -11-

the Board of Adjustment; and (2) with Judith Hamill, Crystal Pace and Phyllis Stiles for a vacancy on the Greenway Commission.

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to appoint Robert Jackson to serve on the Tree Commission, term to expire December 31, 2000, or until his successor has been appointed.

ADJOURNMENT:

Vice-Mayor Cloninger adjourned the meeting at 6:45 p.m.

CITY CLERK MAYOR
