

Tuesday - October 24, 2000 - 5:00 p.m.

Regular Meeting

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger; Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; Councilwoman Terry Bellamy; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burlison

Absent: None

INVOCATION

Councilman Hay gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING OCTOBER, 2000, AS AMERICORPS APPRECIATION MONTH"

Mayor Sitnick read the proclamation proclaiming October, 2000, as "Americorps Appreciation Month" in the City of Asheville. She said that she had presented the proclamation last week to Ms. Eula Shaw and Mr. George Gibson. Ms. Shaw and Mr. Gibson both spoke about the outstanding work Americorps did when they cleared the South Asheville Cemetery.

B. RECOGNITION OF ASHEVILLE'S PARKS AND RECREATION DEPARTMENT'S GOLD MEDAL FINALIST AWARD

Mayor Sitnick recognized Recreation Board Chair Frank Fishburne and Parks and Recreation Director Irby Brinson. She said that the Asheville Parks and Recreation Department continues to make Asheville proud, and has just been named one of the top municipal park and recreation department in the entire nation. Asheville received the Gold Medal Finalist Award from the National Sporting Goods Association and the National Recreation and Parks Association at the NRPA National Congress in Phoenix, Arizona, last week. Up to 10,000 park and recreation professionals attended the largest annual park and recreation conference for educational and networking opportunities in the field. Top-notch departments from around the country vied for the award in four different categories based on population size. Asheville is one of three departments to win the Finalist Award, and went up against several dozen departments in Category III for cities with populations of 50,000 to 100,000.

Mr. Fishburne said that the Gold Medal is the most prestigious award given through a partnership with NRPA and NSGA's Sports Foundation to honor the nation's outstanding community park and recreation agencies for excellence in the field of park and recreation management.

Mr. Brinson recognized the following the key staff who put together the materials for the City receiving this Award: Debbie Ivester, Bill Hamilton, Jeff Mueller and Bob Applegate.

C. RECOGNITION OF CITY STAFF AND SPONSORS FOR SUCCESSFUL LEAD-BASED PAINT WORKSHOP

Mayor Sitnick recognized City staff Jeff Baker, Housing Code Coordinator, and Isaac Coleman, Housing Rehabilitation Specialist. In addition, she recognized the following sponsors: UNC-A Lead Poisoning Prevention Unit, the Board of Realtors, Carolina Real Estate Investors

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Association, and the Asheville Regional Housing Consortium for their success in the "Clean, Screen, and Stabilize" Workshop held on September 20-22, 2000.

II. CONSENT:

Councilman Peterson asked that Consent Agenda Item G be removed from the Consent Agenda to discuss the location of the public hearing.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 10, 2000

B. ORDINANCE NO. 2761 - BUDGET AMENDMENT FOR LITTLE BEAR CARE CHILD CARE PROGRAM

Summary: The consideration of a budget amendment, in the amount of \$2,326, from Smart Start-Buncombe County Partnership for Children through the Special Needs Assistance Program for assistance for inclusive child care at Little Bear Care Program.

The City of Asheville applied to Smart Start for assistance in September 2000 for costs associated with providing extra staff for a child with special needs in Little Bear Care. The allocation was recently awarded in the amount of \$2,326, and designated for costs associated with providing extra part-time staff for a child with special needs in Little Bear Care.

The Parks and Recreation Department recommends City Council approve the budget amendment, in the amount of \$2,326, to establish a budget for the extra part-time staff at Little Bear Care.

ORDINANCE BOOK NO. 18 – PAGE 503

C. ORDINANCE NO. 2762 - BUDGET AMENDMENT FOR JUNIOR GOLF PROGRAM

Summary: The consideration of a budget amendment, in the amount of \$16,530, for a grant appropriation from the Dogwood Fund through the Western North Carolina Community Foundation for the new Junior Golf Program.

The City of Asheville presented the Junior Golf Program to the Community Foundation in the Fall 1999. The allocation was recently awarded in the amount of \$16,530, and designated for the operational costs of the program.

The Parks and Recreation Department is responsible for the management and operation of the new Junior Golf Program, which is a partnership with the Northwoods Golf Club and Nevada Bob's Golf Shop. The allocation from the Community Foundation will assist the department in implementing the program.

The Parks and Recreation Department recommends City Council approve the budget amendment, in the amount of \$16,530, to establish a budget for the Junior Golf Program.

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D. RESOLUTION NO. 00-199 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE N.C. DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF W.T. WEAVER BOULEVARD PHASE 2

Summary: The consideration of a resolution authorizing the City Manager to sign a municipal agreement with

the N. C. Department of Transportation (NC DOT) for the construction of W.T. Weaver Greenway Phase 2, and associated budget amendment.

The W.T. Weaver Greenway Phase 2 project consists of the installation of approximately 2,100 linear feet of 10 foot wide asphalt facility. The facility will extend the existing greenway along W.T. Weaver to Broadway Avenue.

The City will be responsible for designing, bidding and constructing the greenway in accordance with NC DOT and Federal guidelines. The NC DOT will reimburse the City of Asheville up to \$300,000 for the cost of the installation of the greenway. The cost of installing the greenway is estimated under \$300,000. All costs over \$300,000 will be the responsibility of the City of Asheville.

In addition to the municipal agreement request, a budget amendment needs to be approved to appropriate an additional \$300,000 to this project from the North Carolina Department of Transportation. These funds will be used for the greenway whereas the municipal funds allocated to the project will be spent on roadway improvements along Weaver Boulevard.

Staff recommends the consideration of a resolution authorizing the City Manager to sign a municipal agreement with the NC DOT for the installation of W.T. Weaver Greenway Phase 2 and a budget amendment, in the amount of \$300,000, for the construction. City Council approval is also recommended for the approval of the budget amendment in the amount of \$300,000 for this project.

RESOLUTION BOOK NO. 26 – PAGE 205

E. ORDINANCE NO. 2763 - BUDGET AMENDMENT TO APPROPRIATE FUNDS INTO A CAPITAL FUND FOR THE CONSTRUCTION OF A GREENWAY ALONG W.T. WEAVER BOULEVARD

Summary: See Consent Agenda Item "D" above.

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F. RESOLUTION NO. 00-200 - RESOLUTION APPROVING AN AMENDED STATE DEVELOPMENT ZONE

Summary: The consideration of a resolution approving an amended State Development Zone.

The current State Development Zone for the City Of Asheville will expire on January 1, 2001. In August 2000, following Council approval, the City submitted an application to the State for a new, revised zone based on new criteria. That application was returned citing an error in a statistic for one of the areas in the zone. Actually, the problem is not the result of an oversight or a mistake; rather, it is the result of a quirk in the methodology used to calculate that statistic that leaves open the possibility of arriving at more than one answer. Our number is different from the State's number. The problem has been corrected in accordance with the State's finding, and a

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new application for an amended zone is ready. Because the zone boundary has been amended (slightly reduced), it nevertheless is a new zone requiring formal Council approval. The area being removed from the zone is Census Tract 4, Block Group 1 which corresponds to the mainly residential area between UNC-Asheville and Merrimon Avenue.

Staff recommends City Council approve the amended Zone as proposed.

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G. MOTION SETTING A PUBLIC HEARING ON NOVEMBER 14, 2000, IN THE CITY COUNCIL CHAMBER, TO CONSIDER A CONDITIONAL USE PERMIT TO CONSTRUCT A WAL-MART SUPERCENTER AT THE INTERSECTION OF GERBER ROAD AND HENDERSONVILLE ROAD

This item was removed from the Consent Agenda for further discussion.

Mayor Sitnick said that members of Council have been previously furnished with a copy of the resolutions and ordinances and the Consent Agenda and they would not be read.

Vice-Mayor Cloninger moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Worley and carried unanimously.

ITEM REMOVED FROM THE CONSENT AGENDA FOR FURTHER DISCUSSION

MOTION SETTING A PUBLIC HEARING ON NOVEMBER 14, 2000, IN THE CITY COUNCIL CHAMBER, TO CONSIDER A CONDITIONAL USE PERMIT TO CONSTRUCT A WAL-MART SUPERCENTER AT THE INTERSECTION OF GERBER ROAD AND HENDERSONVILLE ROAD

Councilman Peterson requested the public hearing on the conditional use permit to construct a Wal-Mart Supercenter on Gerber Road be located in South Asheville. It was his understanding that the Auditorium at T.C. Roberson High School is available. He said that given the distance and inconvenience, particularly of having it in the Council Chamber, he felt a location in South Asheville would be more suitable. Also, considering that South Asheville has a number of retirement communities where it makes it especially difficult for retirees to get out, and considering the size and uniqueness of this project, he felt that those concerns would justify the hearing be held in a location in South Asheville. He realized that City Council would not want to have their public hearings outside the Council Chamber for every project, but he felt this proposed move would benefit the area residents.

Discussion was held about moving the hearing. Some concerns expressed were: other items scheduled on the November 14 agenda, moving of equipment, City staff moving their presentation materials, hiring of a crew to tape the meeting, additional cost for taping the meeting (the November 14 City Council meeting was to be the first live meeting broadcast), the precedence of moving public hearings to different spaces, parking concerns, and equipment and materials not available.

Councilman Peterson moved to set the public hearing on the conditional use permit to consider the construction of a Wal-Mart Supercenter on Gerber Road on November 14, 2000, at T.C. Roberson High School. This motion died for a lack of a second.

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Vice-Mayor Cloninger moved to hold the conditional use public hearing in the Council Chamber. This motion was seconded by Councilwoman Field and carried on a 6-1 vote, with Councilman Peterson voting "no".

Mayor Sitnick asked the City Manager to prepare a brief report to City Council on what is involved with moving a Council meeting, including expenses, etc.

CHANGE IN AGENDA

Mayor Sitnick said that she has had a request to move the two Grove Arcade construction financing items higher on the agenda. Therefore, Councilman Worley moved to amend the agenda and consider the two Grove Arcade construction financing items at this time. This motion was seconded by Councilwoman Field

and carried unanimously.

Vice-Mayor Cloninger asked to be excused from participating in these matters because he is a partner in the law firm that represents the Grove Arcade Public Market Foundation. Therefore, Councilman Worley moved to excuse Vice-Mayor Cloninger from participating in these matters due to a conflict of interest. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION NO. 00-201 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONSENT TO ENCUMBER, ESTOPPEL CERTIFICATE, AND NON-DISTURBANCE AGREEMENT FOR THE GROVE ARCADE CONSTRUCTION FINANCING

RESOLUTION NO. 00-202 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A NON-DISTURBANCE AND ATTORNMENT AGREEMENT FOR THE GROVE ARCADE CONSTRUCTION FINANCING

City Attorney Oast said that this is the consideration of resolutions authorizing the Mayor to execute (1) a consent to encumber and estoppel certificate; and (2) a non-disturbance and attornment agreement. Both documents will facilitate construction financing for the renovations to the Grove Arcade.

In August of 1997 the City acquired the Grove Arcade building and leased it to the Grove Arcade Public Market Foundation (GAPMF). The GAPMF subleased part of it to a developer. Through a complex transaction, the subleased development interests in the building are now held by an entity (HGA Development, LLC) that can obtain and market historic tax credits; the new primary developer interest of HGA is CP&L, through its subsidiary, CaroHome. Substantial work has obviously begun on the building since CaroHome has been involved.

HGA is seeking financing from Wachovia Bank, N.A. for the improvements to the building. Under the City's agreement with GAPMF (Article XXII) the City agreed that GAPMF could use its leasehold interest as security for a construction loan. By extension, this same provision applies to GAPMF's assignees (per Article VI). The first resolution is the City's assurance to Wachovia that HGA can pledge its leasehold interest in the Grove Arcade as security for construction financing.

The lease to GAPMF also contains a non-disturbance and attornment provision (Article XXXVII), that essentially provides that if GAPMF's lease from the City is terminated, the City will honor valid subleases and assignments. The

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second resolution is essentially the City's specific recognition that that provision applies to HGA's development interest.

It is recommended that City Council adopt the resolutions.

City Attorney Oast responded to questions from Councilwoman Field relative to the financing.

Councilwoman Field wanted to make sure that there is no exposure to the City of Asheville. City Attorney Oast said that this does not increase the exposure that the City of Asheville already has.

Mayor Sitnick said that members of Council have been previously furnished with a copies of the resolutions and they would not be read.

Councilman Worley moved for the adoption of Resolution No. 00-201. This motion was seconded by Councilman Hay and carried unanimously.

RESOLUTION BOOK NO. 26 – PAGE 207

Councilman Hay moved for the adoption of Resolution No. 202. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 26 – PAGE 208

III. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO REZONING PROPERTY LOCATED AT THE CORNER OF SWEETEN CREEK ROAD AND ROSSCRAGGON ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO CB II COMMUNITY BUSINESS II DISTRICT AND ISSUANCE OF A CONDITIONAL USE PERMIT (CONDITIONAL USE ZONING)

ORDINANCE NO. 2764 - ORDINANCE REZONING PROPERTY LOCATED AT THE CORNER OF SWEETEN CREEK ROAD AND ROSSCRAGGON ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT (CONDITIONAL USE ZONING)

ORDINANCE NO. 2765 - ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT THE CORNER OF SWEETEN CREEK ROAD AND ROSSCRAGGON ROAD

City Clerk Burleson administered the oath to anyone who anticipated speaking on this matter.

City Attorney Oast reviewed with Council the conditional use district zoning process by stating that this is a two part process. It requires rezoning, which is a legislative act, and the issuance of a conditional use permit, which is a quasi-judicial site specific act. Even though the public hearing on those two items will be combined, all the testimony needs to be sworn and two votes will need to be taken. The first vote will be to grant the rezoning to the conditional use district category and the second vote will be to issue the conditional use permit. If Council runs into a situation that it votes to rezone, Council doesn't have to vote to issue the conditional use permit on the same night.

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After hearing no questions about the procedure, Mayor Sitnick opened the public hearing at 5:54 p.m.

Mr. Gerald Green, Chief Planner, submitted into the record the Affidavit of Publication (City Exhibit 1), the Certification of Mailing of Notice to Property Owners (City Exhibit 2) and the Staff Report (City Exhibit 3). This public hearing was advertised on October 13 and 20, 2000.

Mr. Green said that this is the consideration of rezoning property located at the corner of Sweeten Creek Road and Rosscraggon Road from RM-16 Residential Multi-Family High Density District to CB II Community Business II District, and issuance of a conditional use permit (conditional use zoning).

The potential owners of the property, Ned Gibson and Barney Bryant, are requesting conditional use rezoning for the seven acres of land off Sweeten Creek Road and Rosscraggon Road (PIN Nos. 9654.05-29-3670 and 9654.06-29-6306, 6536) (City Exhibit 3 – Location Map). The 2010 Plan indicates this area as low density residential which exists south (RS-4) and east (outside the City's jurisdiction) of these properties. The areas to the north and west are developed as high density residential up to the railroad tracks. Given the high impact uses permitted in the CB II District, staff recommends restricting the uses to low impact commercial and mixed use development which would be more compatible for this neighborhood. Also, given the residential character of the surrounding community and the residential component of the project, sidewalks would be required along all three street frontages. The conceptual plan (City Exhibit 3 –

Conceptual Plan) shows how this mixed use development will be integrated into the surrounding community by providing passive pedestrian amenities and shops with access to the adjacent residential uses.

The Planning and Development staff recommends rezoning this property located at the corner of Sweeten Creek Road and Rosscraggon Road and approval of a conditional use permit with conditions. In addition, the Planning and Zoning Commission reviewed this project on October 4, 2000, and unanimously recommended approval of the conditional use rezoning and the conditional use permit with the condition that the permitted land uses for the site be limited to the following:

- garden center (which shall make up more than 50% of the gross floor area of the property);
 - plant sales and greenhouses;
 - hardware and garden supply stores;
 - offices;
 - studios, galleries, and workshops for artists, designers, and craftspeople;
 - cafes and delicatessens;
 - multi-family residential development including accessory apartments; and
 - complimentary / associated retail sales.
- The petitioner must submit complete site plans and elevation drawings for approval by TRC,
- the widening of Sweeten Creek Road must be taken into account in the site plan design, and
 - sidewalks shall be placed on all three street frontages.

In addition, City staff and the applicant have agreed on one additional condition. That condition is that City staff and the applicant and their design professionals continue to work on the site plan to ensure that the pedestrian access, and incorporation of this development into the surrounding residential neighborhood, be at the utmost.

Councilwoman Field liked the mixed use in this project and felt this was a positive step towards our smart growth policies.

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Mr. Green responded to a question from Mayor Sitnick relative to the fence in addition to the buffer along a portion of the property.

Mr. Ned Gibson, one owner at B.B. Barnes, was excited about this project in terms of creating an outdoor living center that benefits not only south Asheville, but the entire City.

When Councilman Worley asked about how much residential development might occur on the property, Mr. Gibson said that this is still a very conceptual plan and they would want to leave that open. He did note that residential units may be on the second levels in some of the buildings.

Mr. Steve Ergel, in the commercial insurance business, spoke in support of this project.

Discussion surrounded Councilman Hay's concern about the condition regarding the garden center having to make up more than 50% of the gross floor area of the property. Mr. Green said that it is the applicant's intent is that the garden center be the dominant use. He was not sure if that safeguard is needed, given the intent of the applicant.

Mayor Sitnick noted that four of the uses seemed to be similar: the garden center, plant sales and greenhouses, hardware and garden supply stores, and complimentary and associated retail sales.

Vice-Mayor Cloninger and Councilwoman Field felt the condition which requires the garden center to be made up of more than 50% of the gross floor area of the property should be eliminated.

Councilman Hay said that if it is Council's intent that the garden center, etc., be the dominant use, then he suggested the condition be amended to read "garden center, plant sales and greenhouses, hardware and garden supply stores, which shall be the dominant use." Councilman Peterson and Councilman Worley agreed.

Upon inquiry of Vice-Mayor Cloninger on the definition of "dominant," Mr. Green said that typically if staff tries to identify that, they do it based on square footage.

Mr. Gibson said that it was his understanding, from the Planning & Zoning Commission, that the 50% area was the property area, not floor square footage and that would include the outdoor sales space – which is the predominant use. He said that he is comfortable with the garden center as the predominant use.

There being no request from the applicant for rebuttal, Mayor Sitnick closed the public hearing at 6:25 p.m.

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

Vice-Mayor Cloninger moved to adopt Ordinance No. 2764 to rezone the property located at Sweeten Creek Road and Rosscraggon Road from RM-16 Residential Multi-Family High Density District to CB II Community Business II District (conditional use zoning). This motion was seconded by Councilwoman Bellamy and carried unanimously.

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Councilman Hay moved to adopt Ordinance No. 2765 granting the conditional use permit for the property located at the corner of Sweeten Creek Road and Rosscraggon Road with

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the condition that the permitted land uses for the site be limited to the following: (1) garden center, plant sales and greenhouses, hardware and garden supply stores, which shall be the dominant use; offices; studios, galleries, and workshops for artists, designers, and craftspeople;

cafes and delicatessens; multi-family residential development including accessory apartments; and complimentary/associated retail sales. In addition, the petitioner must submit complete site plans and elevation drawings for approval by TRC, the widening of Sweeten Creek Road must be taken into account in the site plan design, and sidewalks shall be placed on all three street frontages. Also, City staff, the applicant and their design professionals shall continue to work on the site plan to ensure that the pedestrian access, and incorporation of this development into the surrounding residential neighborhood, be at the utmost. Said motion also instructs the City Attorney to prepare the Order for the Mayor's signature reflecting information presented by staff and subject to the conditions outlined by staff. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

Councilwoman Bellamy felt this is an excellent idea of mixed use for our smart growth policies.

ORDINANCE BOOK NO. 18 – PAGE 511

B. PUBLIC HEARING TO INITIALLY ZONE 65 AND 67 LONG SHOALS ROAD TO OFFICE BUSINESS DISTRICT

ORDINANCE NO. 2766 - ORDINANCE TO INITIALLY ZONE 65 AND 67 LONG SHOALS ROAD TO OFFICE BUSINESS DISTRICT

Mayor Sitnick opened the public hearing at 6:29 p.m.

Ms. Stacy Merten, Urban Planner, said that this is the consideration of an ordinance to initially zone 65 and 67 Long Shoals Road to Office Business District. This public hearing was advertised on October 13 and 20, 2000.

The Planning and Zoning Commission, at their October 4, 2000, meeting, reviewed and recommended approval to zone the recently annexed parcels known as 65 & 67 Long Shoals Road (PIN Nos. 9644.08-79-7334 & 5345) as Office Business. The property is located on Long Shoals Road in the vicinity of Lake Julian, just east of the Overlook Road intersection. This is a 2.13 acre tract, consisting of two parcels, which are currently in residential use. The adjacent property on the north side of Long Shoals Road is zoned institutional. These properties were voluntarily annexed on February 22, 2000.

The purpose of the Office Business is to reserve areas for medium scale office and a limited range of business uses and to serve as a transition area between commercial and residential uses. These parcels are adjacent to the proposed annexation area 'C'. With the widening of Long Shoals Road, this corridor will eventually become a major gateway to the City. Staff has done a preliminary land use plan for the Long Shoals corridor and the proposed zoning is in compliance with this land use plan, which calls for a mixture of uses, avoiding strip commercial development along the corridor.

The Office Business zoning will allow for commercial development but will limit the uses to prevent strip-type highway commercial development. The Planning and Development staff and the Planning and Zoning Commission recommend approval of the initial zoning of this property as Office Business.

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

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

Councilman Worley moved for the adoption of Ordinance No. 2766. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

ORDINANCE BOOK NO. 18 - PAGE

IV. UNFINISHED BUSINESS:

A. ORDINANCE AMENDING THE CURRENT TAXICAB ORDINANCE INCLUDING THE IMPLEMENTATION OF A NEW TAXICAB RATE SCHEDULE

Finance Director Bill Schaefer said that this is the consideration of a request to continue to November 28, 2000, a revision of the current taxicab ordinance, including the implementation of a new rate table.

At the formal meeting on September 12, 2000, City Council directed staff to conduct further discussion with taxicab owners and other interested parties, to determine an appropriate rate structure to compensate taxicab owners and operators for the expense of possible increases in minimum insurance coverage requirements.

Staff has been working with taxicab owners and their counsel to assess the impact of increasing required

insurance coverage. During a September 27, 2000, public forum on this issue, all of the attendees requested that additional time be allowed in order to gather the data needed to make valid decisions regarding adjustments to insurance requirements and the rate structures. On October 10, 2000, City Council agreed to hear the proposal on October 24, 2000. Taxicab owners and their counsel have petitioned staff to extend the preparation time for this matter.

City staff recommends Council continue this agenda item to its formal meeting on November 28, 2000.

Councilwoman Field moved to continue this matter until November 28, 2000. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

V. NEW BUSINESS:

A. ORDINANCE NO. 2767 - BUDGET AMENDMENT TO REFLECT ADDITIONAL REVENUE AND OFFSETTING EXPENSES IN THE TRANSIT SERVICES DEPARTMENT

Transit Director Bruce Black said that this is the consideration of a budget amendment, in the amount of \$410,892, to reflect additional revenue and offsetting expenses in the Transit Services Department.

The City of Asheville received \$258,193 in additional state grant funds during the current fiscal year to support transit operations in Fiscal Year 2000-2001. In addition, the Transit Fund has a fund balance available for appropriation that accumulated from additional state grant funds received during the prior fiscal year.

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Staff is requesting that these funds be appropriated in the current fiscal year to further enhance transit service. Transit Service Enhancements consist of:

- the addition of more bus service;
- an increase in advertising capability;
- an increased ability to implement the capital portions of the Transit Improvement Plan, including;

- the purchase and installation of shelters;

- schedule and route map refinement;

- the purchase & placement of benches;

- the purchase of shop equipment; and

- an increase in the vehicle replacement fund contribution in anticipation of

replacement of the fleet with alternative fuel vehicles.

City staff recommends City Council adopt a budget amendment, in the amount of \$410,892, to reflect additional revenue and offsetting expenses in the Transit Services Department.

Mayor Sitnick spoke in favor of the many improvements and creative ideas that have been accomplished and initiated regarding transit services.

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

Councilwoman Field moved for the adoption of Ordinance No. 2767. This motion was seconded by Councilwoman Bellamy and carried unanimously.

ORDINANCE BOOK NO. 18 - PAGE

VI. OTHER BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Comments by Adam Balus

Mr. Adam Balus urged City Council to move the public hearing location on the proposed Wal-Mart Supercenter on Gerber Road from the Council Chamber to a place that is large enough to accommodate the number of people anticipated to attend. He noted that the City has not been bombarded with calls and letters because he has been advising residents to wait until the public hearing to make their comments and present their information in order that it be entered into the record.

After further discussion about the anticipated numbers of citizens who are planning to attend, it was the consensus of City Council to move the public hearing to a location, to be determined by City staff, large enough to accommodate the large crowds anticipated, taking into account the parking needed.

It was also the consensus of City Council to have Planning staff arrange a tour for City Council of the property proposed for the Wal-Mart Supercenter on Gerber Road.

Mr. Balus questioned why the order from the Board of Adjustment regarding the proposed Wal-Mart at the old Sayles Bleacheries site went out seven weeks after the Board made it's ruling. City Attorney Oast could not explain why the Order took so long to be sent out,

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however, a 30-day delay is not at all unusual since once the Order is written, the Board approves the Order at their next formal meeting.

Comments by Bill Evans

Mr. Bill Evans also urged City Council to move the public hearing location on the proposed Wal-Mart Supercenter on Gerber Road from the Council Chamber to a place that is large enough to accommodate the number of people anticipated to attend.

Need for Increased Trash Pick-Up

Councilwoman Field asked that when there are large events at the Civic Center, that trash cans be emptied at least two or three times over the weekend.

Claims

The following claims were received by the City of Asheville during the period of October 6-12, 2000: Melissa Quinlan (Civic Center), Sharon Allen (Streets) and BellSouth (Water).

The following claims were received by the City during the period of October 13-19, 2000: Michael Lurey (Water), Jennifer Labita (Water), BellSouth (Water), Jesse Samuels (Police) and John Ludavico (Streets).

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

Closed Session

At 6:58 p.m., Councilman Hay moved to go into closed session to consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including lawsuits involving the following parties: Carolina Power & Light Company and the City of Asheville. The statutory authorization is contained in G. S. 143-318. 11 (a) (3). This motion was seconded by Councilman Worley and carried unanimously.

At 7:45 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Councilwoman Bellamy and carried unanimously.

VIII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 7:45 p.m.

CITY CLERK MAYOR
