

Tuesday – February 13, 2001 - 5:00 p.m.

Regular Meeting

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

Absent: None

INVOCATION

Councilman Hay gave the invocation.

ADDITIONS TO THE AGENDA

City Manager Westbrook requested an item be added under "Other Business" dealing with the suspension of local government reimbursement payments.

Councilwoman Bellamy requested Mr. Gene Bell be added under "Other Business" to discuss the elimination of the achievement gap in relation to the upcoming appointing to the Asheville School Board.

Mayor Sitnick stated that she would like to make some comments about litter in general under "Other Business."

I. PROCLAMATIONS:

A. RESOLUTION NO. 01-13 RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE ORALENE SIMMONS

Mayor Sitnick read the resolution of appreciation to retiring employee Oralene Simmons, who has retired from her position as Program Supervisor of Cultural Arts in the Parks and Recreation Department, on February 1, 2001. Ms. Simmons served the citizens of Asheville for 26 years. City Council and City staff thanked Ms. Simmons for her service.

Resolution No. 01-13 as adopted by acclamation.

RESOLUTION BOOK NO. 26 – PAGE 270

B. PROCLAMATION PROCLAIMING THE MONTH OF FEBRUARY 2001 AS "BLACK HISTORY MONTH"

Councilwoman Bellamy read the proclamation proclaiming February 2001, as "Black History Month" in the City of Asheville. She presented the proclamation to Ms. Oralene Simmons who briefed City Council on some activities taking place during the month.

II. CONSENT:

Mayor Sitnick requested Item G "Appointment of Members on Mayor's Committee on (Dis)Abilities" be pulled from the Consent Agenda to be discussed individually.

A. APPROVAL OF THE MINUTES OF THE CITY COUNCIL RETREAT HELD ON JANUARY 19-20, 2001, THE REGULAR MEETING HELD ON JANUARY 23, 2001, THE COMMUNITY MEETING HELD ON JANUARY 30, 2001, AND THE WORKSESSION HELD ON FEBRUARY 6, 2001

B. RESOLUTION NO. 01-14 - RESOLUTION ACCEPTING THE NEW STREET NAME OF "CASTEEL LANE" LOCATED OFF MILLS GAP ROAD

Summary: The consideration of a resolution accepting the new proposed street name "Casteel Lane."

Clayton Casteel, owner of lots in Pine Lane Mobile Home Park, has petitioned the City of Asheville to accept the street name "Casteel Lane."

The new street will be located off Mills Gap Road.

City staff recommends adoption of the resolution.

RESOLUTION BOOK NO. 26 – PAGE 271

C. RESOLUTION NO. 01-15 - RESOLUTION APPOINTING A MEMBER TO THE SUSTAINABLE ECONOMIC DEVELOPMENT STRATEGIC PLAN IMPLEMENTATION TASK FORCE

Summary: The consideration of a resolution appointing Brian Moore (Mission/St. Joseph's Health System) on the Sustainable Economic Development Strategic Plan Implementation Task Force, to serve the unexpired term of David Spillers, term to expire June 30, 2003.

RESOLUTION BOOK NO. 26 – PAGE 272

D. RESOLUTION NO. 01-16 - RESOLUTION CONFIRMING MEMBERS TO THE MINORITY BUSINESS COMMISSION

Summary: The consideration of a resolution confirming the appointment of (1) Clara Jeter, representative of the Asheville-Buncombe Community Relations Council, on the Minority Business Commission, to serve the unexpired term of Bonnie Habel, term to expire August 1, 2002; and (2) Valerie Dennis, one of three certified minority owned businesses, on the Minority Business Commission to serve the unexpired term of Katherine DeBrow, term to expire August 1, 2001.

RESOLUTION BOOK NO. 26 – PAGE 273

E. RESOLUTION NO. 01-17 - RESOLUTION AWARDING THE HAZARD MITIGATION GRANT PROGRAM DEMOLITION PROJECT TO GARLAND BROTHERS INC. TO DEMOLISH THREE BUILDINGS ON RIVERSIDE DRIVE

Summary: The consideration of a resolution awarding the Hazard Mitigation Grant Program Demolition Project to Garland Brothers Inc. and authorizing the City Manager to enter into a contract with them to demolish three buildings on Riverside Drive.

The City of Asheville Parks and Recreation Department has obtained a grant through the federally funded Hazard Mitigation Grant Program to demolish buildings in flood-prone areas. City staff through the Hazard Mitigation Grant Program has acquired three buildings targeted for demolition. Staff solicited sealed bids from ten contractors, five of which were minority

contractors, to demolish three buildings on Riverside Drive. Staff received three sealed bidders and they are as follows:

Empire Dismantlement, Inc. \$134,820.00

Garland Brothers, Inc. \$134,850.00

Superior Grading, Inc. \$140,000.00

Staff has reviewed all bids and determined that Garland Brothers, Inc., is the lowest qualified bidder. Empire Dismantlement, Inc., was disqualified for not having the required insurance. Superior Grading, Inc., was disqualified for not providing the required minority business participation forms. Staff recommends acceptance of the total bid amount of \$134,850.00 from Garland Brothers, Inc.

Approved funding is available from the Federal Government under the Hazard Mitigation Grant Program.

The Parks and Recreation Department staff requests City Council authorize the City Manager to enter into a contract with Garland Brothers, Inc., in the amount of \$134,850.

RESOLUTION BOOK NO. 26 – PAGE 274

F. ORDINANCE NO. 2791 - BUDGET AMENDMENT FOR CONSTRUCTION OF DOG PARK

Summary: The consideration of a budget amendment, in the amount of \$15,000, to establish a grant project budget for construction of a dog park.

The City of Asheville Parks and Recreation Department has received private donations, in the amount \$9695, to construct a dog park at the French Broad River Park. The City anticipates receiving another \$5,305 in private donations for a total of \$15,000. Staff is recommending that Council approve a \$15,000 increase in appropriations to the City's grant fund to cover expenses related to construction of the dog park, and that the City fund this increase with revenues from private donations.

City staff recommends City Council approve the budget amendment, in the amount of \$15,000, to construct a dog park.

ORDINANCE BOOK NO. 19 – PAGE 86

G. MOTION APPOINTING MEMBERS TO THE MAYOR'S COMMITTEE ON (DIS)ABILITIES

This item was pulled 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 PULLED FROM THE CONSENT AGENDA FOR FURTHER DISCUSSION

MOTION APPOINTING MEMBERS TO THE MAYOR'S COMMITTEE ON (DIS)ABILITIES

-4-

Mayor Sitnick said that a group of individuals have approached her to re-establish the Mayor's Committee on

(Dis)Abilities. The role of this Committee will be to (1) be an advocacy committee for inclusion of people with disabilities into the programs, services and facilities provided by the City of Asheville; (2) develop innovative programs, activities and outlets through community involvement of persons with disabilities; (3) develop collaborative efforts between City of Asheville departments and local agencies for access to programs, services and facilities; and (4) develop a community awareness effort/program making people aware of the abilities of persons with disabilities.

Members of the Committee include: Bart Floyd, Chair; Kim Leatherwood, Myra Hill, Bob Brummond, Joe Difalco, Joanna Chantemerle, Deanna Stone, Sheila Roberson, Bernadette Thompson, Kathy Hembree and Bill Cook. Lyle Willis, the City's ADA Coordinator, will serve as staff liaison to this Committee. These appointments are on a voluntary basis only.

Councilman Worley moved to authorize the Mayor to make appointments to the Mayor's Committee on (Dis)Abilities. This motion was seconded by Councilwoman Bellamy and carried unanimously.

III. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE IDENTIFYING JAILS AND RELATED CORRECTIONAL FACILITIES AS CONDITIONAL USES IN THE CENTRAL BUSINESS DISTRICT, REGIONAL BUSINESS DISTRICT AND COMMERCIAL INDUSTRIAL DISTRICT AND ESTABLISHING STANDARDS FOR THESE USES

ORDINANCE NO. 2792 - ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE IDENTIFYING JAILS AND RELATED CORRECTIONAL FACILITIES AS CONDITIONAL USES IN THE CENTRAL BUSINESS DISTRICT, REGIONAL BUSINESS DISTRICT AND COMMERCIAL INDUSTRIAL DISTRICT AND ESTABLISHING STANDARDS FOR THESE USES

Upon inquiry of Councilman Hay, City Attorney Oast felt there was no conflict of interest for Councilman Hay, even if he is an adjacent land owner to the proposed County's satellite jail location.

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

Chief Planner Gerald Green said that this is the consideration of an amendment to the Unified Development Ordinance (UDO) to identify detention centers, jails, and related correctional facilities as conditional uses in the Central Business, Regional Business, and Commercial Industrial Districts and to establish standards for these uses. This public hearing was advertised on February 2 and 9, 2001.

The proposed ordinance amendment would identify detention facilities, jails, and related correctional facilities as conditional uses in the central Business, Regional Business, and Commercial Industrial Districts. Conditional uses are defined in the UDO as uses that are generally compatible with other land uses permitted in a zoning district but which, because of their unique circumstances or potential impacts on the surrounding neighborhoods and/or the City as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Detention centers, jails, and related correctional facilities can have significant impacts on surrounding properties. Review of these facilities as

-5-

conditional uses provides a process that permits the consideration of these impacts and the identification of ways to mitigate the impacts. Opportunities for public hearings are provided through the conditional use permitting process, allowing for public comment and input on the development of these facilities.

In reviewing the zoning districts and uses currently permitted in the zoning districts, it is felt that the Central

Business, Regional Business, and Commercial Industrial districts are the appropriate districts for the location of these facilities, provided that they are reviewed as conditional uses. As conditional uses, certain standards can be identified in the ordinance to mitigate impacts and assure that they are compatible with surrounding uses. In addition, the City Council may attach conditions to address impacts unique to a particular site or development proposal. The ordinance amendment identifies standards designed to address issues common to detention centers, jails, and related correctional facilities.

He reviewed the standards listed in the ordinance amendment as follows:

- Design standards – The structure must comply with the Downtown Design Review Guidelines for new construction in the areas covered by the Design Review Guidelines. Compliance with the design guidelines for structures located in this area shall be mandatory. The City Council approving the Conditional Use Permit shall assume authority for determining compliance with the Downtown Design Review standards for these uses. In other locations, the structure must comply with the design standards set forth in the supplemental developmental standards for large retail structures. For the purpose of this condition, the structure shall be treated as a general retail structure.
- Fencing – No chain link, barbed wire, razor wire, or similar fence materials shall be used in areas that are visible from adjacent properties or from the public way unless specifically permitted by the City Council approving the Conditional Use Permit.
- Fenced areas – Fenced areas shall not abut any principal street unless specifically permitted by the City Council approving the Conditional Use Permit.
- Lighting – Lights in pedestrian areas and parking lots shall not exceed 16 feet in height. All lights other than those in public pedestrian areas, including security lights, shall be full cut-off type fixtures, and shall not produce direct glare or light trespass on adjacent properties.
- Signage – All signage must be reviewed and approved as part of the conditional use permit application. City Council may attach conditions addressing the location, size, number, and illumination of signs based upon circumstances related to the location and impact of the sign(s).
- Operational standards – No outdoor speaker systems shall be permitted. Vehicle entering and/or leaving the facility shall not use sirens or emergency lights unless responding to an emergency.
- Loading/Unloading – All loading and unloading areas shall be located internally on the site and screened from view from adjacent properties and public ways. All loading and unloading activities shall take place between the hours of 6:00 AM and 9:00 PM, unless specifically waived by the City Council approving the Conditional Use Permit or in conflict with a judicial order. This condition includes prisoner pick up and drop off of more than two (2) prisoners.
- Exercise Yard - Exercise yards and other outdoor activity areas shall be located internally on the site and screened from view from adjacent properties and public ways.
- Vehicle Storage – All vehicles associated with the use shall be stored in an enclosed or screened area. The vehicle storage area may be screened with vegetation, fences, a combination of fences and landscape material, or other means designed to effectively screen the stored vehicles from adjacent properties and the public way.

-6-

Identifying detention centers, jails, and related correctional facilities as conditional uses will ensure that these facilities are appropriately located and designed so as to have minimal impact on neighboring uses. This

process will also provide for a public forum to review and discuss development plans.

The Planning and Development staff recommends approval of the wording amendment. At the Planning and Zoning Commission meeting on February 7, 2001, the Commissioners unanimously recommended approval of the ordinance amendment.

Mr. Green provided City Council with a revised ordinance amendment with minor changes suggested by Buncombe County Planning staff.

Mr. Green responded to questions from Councilman Peterson regarding the Downtown Design Review Guidelines, fencing, and vehicle storage.

Ms. Vickers, property owner on Ravenscroft Drive, spoke of support of this proposed UDO amendment.

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

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

Vice-Mayor Cloninger moved for the adoption of Ordinance No. 2792 as revised by Mr. Green. This motion was seconded by Councilwoman Field and carried unanimously.

ORDINANCE BOOK NO. 18 – PAGE 88

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

A. RESOLUTION DESIGNATING THE SIGN KNOWN AS "DREAMLAND FLEA MARKET SIGN" LOCATED AT 9 SOUTH TUNNEL ROAD AS A LANDMARK SIGN

Historic Resources Director Maggie O'Connor said that this is the consideration of a resolution designating the Dreamland Flea Market Sign at 9 South Tunnel Road historically significant and/or a landmark sign..

The owner of the Dreamland Flea Market Sign located at 9 South Tunnel Road requests landmark sign designation of the 125 square feet, 24 feet high marquee style Dreamland Flea Market Sign. The structural components of the sign were erected in the late 1950s and altered in the 1990s; the sign panels are from the 1990s. Sec. 7-13-2(c) of the Unified Development Ordinance (UDO) "Signs Exempt from Regulation," provides in paragraph 12 that landmark or historically significant signs are exempt from regulation, and that signs may be designated historically significant and/or landmark signs by the city council provided the signs satisfy one or more of the following criteria:

1. 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.
2. The sign is unique, notably aesthetic or creative so as to make a significant contribution as a work of art.

-7-

3. 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.

Pursuant to UDO Sec. 7-3-4(a)(2), the Historic Resources Commission may recommend to the City Council

that certain objects be designated as historic or landmark. Though not specifically mentioned, this function includes signs. At its November 8, 2000, meeting, the Historic Resources Commission of Asheville and Buncombe County (HRC) reviewed a request for landmark sign designation for the Dreamland Flea Market sign. By a vote of 4-7 the motion to recommend that designation failed. The applicant has elected to proceed with his request without a favorable recommendation from HRC.

Staff recommends denial of the request to designate the Dreamland Flea Market sign at 9 South Tunnel Road as an historically significant and/or a landmark sign consistent with the HRC action. If Council wishes to designate the Dreamland Flea Market Sign as a landmark or historic sign, adoption of a resolution is required. If Council wishes to deny the request, a motion to that effect may be made, but is not required, or Council may vote down the resolution.

When Councilman Worley asked if City Council could require new panels that mirror those old panels, Ms. O'Connor said one of the issues discussed at the HRC meeting was if it was possible to remove the existing panels and replicate the old 1970 "Dreamland Drive-In Theatre" sign. City Attorney Oast told the Commissioners that it was possible. He also suggested that if the Commissioners do that, they might want conditions associated with it. The Commissioners did discuss this and one of their conditions was that the sign could not be used for advertising. The owner did agree to those conditions, however, the motion by the Commissions to designate the sign, even with conditions, failed.

Upon inquiry of Councilman Worley, Ms. O'Connor said that the sign is considered an abandoned sign and the only way the owners can keep the sign is if it is designated historically significant or a landmark sign – then it's exempt from the sign regulations.

Councilwoman Field said that she didn't see a reason for the sign to remain since the Dreamland Flea Market and the Dreamland Drive-In are no longer there. She noted that the sign is presently in front of the new Lowe's building.

Mr. Scott Jones, attorney representing the owner, urged City Council to designate the sign as a landmark sign or a historic sign because the Drive-In was an important part of the history of Asheville since 1947 and the sign has been there since 1958. He said the sign is the same as the one in 1958, except the panels had to be changed over the years due to wind damage. He said the request is that the present sign be designated historic or a landmark sign, however, at the first meeting of the HRC, at a Commission's suggestion, Mr. Pless (owner of the sign) agreed to do a replica of the 1970's panel. Mr. Jones said that the only other changes to the sign is the location of the sign since it had to be moved when the N.C. Dept. of Transportation moved the road, a catwalk has been added, and the small "flea market Fri. Sat. Sun." sign removed which was at the bottom of the 1970's sign. He said they would be willing to do a replica of the small sign which was attached to the bottom of the 1970's sign too. He said Mr. Pless is willing to accept conditions that the open marquee space not be used for current advertising, but to have movies listed that were only released in the 50's and 60's.

Mayor Sitnick noted that the present panel which Mr. Pless agrees to change back to the 1970's panel would be just a replica – and not the original sign. Mr. Jones pointed out that the Sluder Furniture Company sign that City Council designated was not the original sign either – it was made in 1987. Mayor Sitnick then responded that Sluder Furniture Company is still in business as is the other landmark/historic signs that City Council has designated in the past.

-8-

Councilman Worley said that he agrees that the sign is significant to the history of Asheville in that the Dreamland Drive-In and subsequently the Flea Market has been an institution in Asheville for 50 years.

Councilman Peterson said that in talking with people who grew up in this area, the sign does have a lot of sentimental attachments. He also felt the 1970's sign is somewhat unique.

Mr. Peter Dawes felt that City Council should not get rid of things in Asheville that have a history to the City.

Mayor Sitnick said she would love to see the 1970's replica panels be a part of the current Dreamland Convenience Store. City Attorney Oast said that to place those panels on the current building might require an ordinance amendment.

Mr. Pless agreed to make a replica of the 1970's sign and put it on the current sign. He also agreed that they would not use the marquee for any type of advertising, but use it for "little sayings."

Mayor Sitnick was concerned that as Asheville grows and changes, businesses will go out of business that existed many years ago and everyone will want to preserve their signs as historic structures. Then we'll have all of the old signs, in addition to all of the newer signs. The idea is to minimize those visual signs, especially ones that still exist for businesses that are no longer there.

Councilman Worley moved to adopt the resolution designating the "Dreamland Drive-In Theatre" sign as a landmark sign based on the that 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. Conditions attached to the sign include: (1) the old panels be replicated so that it has the blue panel with "Dreamland Drive-In Theatre" ; and (2) that the changeable sign portion of it not be used for advertising or for political advertising. This motion was seconded by Councilman Peterson with some suggested amendments to the conditions as follows: (1) the return to the original appearance be on both sides; and (2) the blank panel be limited to movies released during the 1950's and 1960's; and (3) add a designation (to be determined by City staff) that notes that "this is a landmark sign." Councilman Worley agreed to amend his motion to include Councilman Peterson's suggested amendments.

Mr. Pless agreed to the conditions in the motion, but wanted to be able to keep the "little sayings" on the marquee. After understanding that the "little sayings" would no longer be allowed, Mr. Pless agreed to discontinue those if that is the only way City Council would designate the sign as a landmark sign.

Upon inquiry of Mayor Sitnick, Ms. O'Connor listed the other historic and/landmark signs City Council designated. She said that all of the signs designated are attached to the existing businesses. In defense of Sluder Furniture Company, there was a fire and the sign was replaced.

Councilwoman Bellamy said that she did grow up in Asheville and frequented the Dreamland Drive-In. She understands the historic nature of the sign and how it has a lot of memories. However, she felt the sign was confusing for people who are passing by and for tourists in our area. She didn't feel that the sign meets the requirements to be designated as a historic or landmark sign.

Councilman Hay agreed with Councilwoman Bellamy in that there is a sentimental attachment to the Dreamland Drive-In Theatre, but not necessarily the sign. He felt that we need

-9-

to respect the opinion of the HRC because we do ask them to make these decisions on Council's behalf.

Vice-Mayor Cloninger very much respected Mr. Pless and what he has done for this community. But given that there is no drive-in theatre and no flea market, the sign today simply constitutes a billboard.

The amended motion made by Councilman Worley and seconded by Councilman Peterson failed on a 2-5 vote, with Councilman Peterson and Councilman Worley voting "yes" and Mayor Sitnick, Vice-Mayor

Cloninger, Councilwoman Bellamy, Councilwoman Field and Councilman Hay voting "no."

Mayor Sitnick suggested Mr. Pless see if there is a possible way for him to replicate the 1970's Dreamland Drive In Theatre sign and get permission to attach it to the building as a memory.

B. RESOLUTION NO. 01-18 - RESOLUTION APPOINTING A MEMBER TO THE TREE COMMISSION

Vice-Mayor Cloninger said that this is a consideration of a resolution reappointing Monty Wooten as a member of the Tree Commission to serve a three year term, term to expire December 31, 2003, or until his successor has been appointed.

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

Councilman Worley moved for the adoption of Resolution No. 01-18. This motion was seconded by Mayor Sitnick and carried unanimously.

RESOLUTION BOOK NO. 26 – PAGE 275

C. APPROVAL OF SCHOOL BOARD CANDIDATE QUESTIONS

After discussion, City Council approved 14 questions to be sent out to the School Board candidates. Written responses will be due to the City Clerk by Noon on February 23, 2001. On February 27, City Council will determine who they wish to interview. Interviews will be on Tuesday, March 6, 2001, beginning at 5:00 p.m. in Room 209 of the City Hall Building. Formal appointments to the School Board will be made on Tuesday, March 13, 2001.

VI. OTHER BUSINESS:

Suspension of Local Government Reimbursement Payments

City Manager Westbrook said that the City has developed a plan to reduce the current Fiscal Year 2000-01 budget by \$600,000 to offset an equivalent loss in revenue resulting from the state's decision to withhold local business inventory reimbursement payments to local governments.

In 1988 the General Assembly exempted business inventories from the local property tax base. To compensate local governments for the reduction in their taxing authority, the General Assembly agreed to make annual reimbursement payments to local governments equal to the value of the lost tax revenues. The state typically distributes 50% of the business inventory reimbursement payments to local governments on September 30 and 50% on April 30 of each year.

-10-

As a measure to address the state's projected \$791 million budget shortfall, Governor Mike Easley recently suspended the business inventory tax reimbursement payments to local governments that were scheduled for April 30, 2001. Approximately \$95 million in total reimbursements will be withheld from local governments. Asheville will lose approximately \$600,000, almost one and a half cents on the tax rate. City staff regrets the state's decision to solve its budget problems at the expense of local governments.

It is possible that business inventory reimbursements will be returned to local governments before June 30 if the state's budget projections improve before the close of the fiscal year. Due to the uncertainty of the state's budget situation, however, staff must assume that reimbursable revenues will not be returned during the current fiscal year and must have a plan for reducing the current FY 2000/2001 budget by \$600,000 to offset

the revenue loss. To address the state's cuts to reimbursable revenues, staff will implement the following budget reduction strategies:

Strategy Projected Savings

1. Modified hiring freeze, with exceptions for public safety, public \$186,300

works, and water resource services.

2. Suspension of purchases for certain capital equipment and capital \$333,700

improvement projects.

3. Limitations on out-of-state and some in-state travel. \$ 80,000

Total Projected Savings \$600,000

He said that grants which the City has applied for at the state level, including the compressed natural gas grant for City vehicles, is hung up at the State level because of this short-fall. In addition, a grant from the Clean Water Trust Fund and from the Parks and Recreation Trust Fund are being held up. He said there may be more outcomes that he will be trying to determine over the next couple of days.

City Manager Westbrook responded to several questions from Council, some being but are not limited to, what does a modified hiring freeze mean; who is included in the hiring freeze; what is some of the capital equipment that will be suspended; and what capital improvement projects will be suspended.

Upon inquiry of Mayor Sitnick, City Manager Westbrook said that the N. C. League of Cities is advocating for cities.

Councilman Worley said that he, Councilwoman Field and Councilman Hay were planning to attend a very important National League of Cities Conference in Washington, D.C., in March. Aware of this budget crunch and after conferring with Councilwoman Field and Councilman Hay, he instructed the City Manager to cancel those reservations.

It was the consensus of City Council to have the City Manager proceed in this plan to reduce the current Fiscal Year 2000-01 budget.

Comments by Mr. Gene Bell on Significant Gap Between Achievement of Majority Students and Students of Color and the Disproportion Number of Suspensions and Expulsions of the Same Group

-11-

Mr. Gene Bell expressed concern on the significant gap between achievement of majority students and students of color and the disproportionate number of suspensions and expulsions of the same group. In addition to a very disturbing and staggering number of drop-outs among children of color in our school system. We have all agreed that the students, parents and teachers, as well as the community must address this situation with equal energy and commitment. We are seeing significant changes already in addressing some of the issues to address the gap. One is the KIPP Program. This community has established a Education Coalition that consists of 27 different organizations and some members of the Coalition are non-profit youth programs. All programs have experienced some success. The vision of that Education Coalition is for Buncombe County to have a number one graduation rate by the year 2010. There is a critical need in our community and they ask that when City Council appoints new School Board members that Council be selective and take strong consideration with emphasis on educational opportunities for all the youth in

Asheville. We are failing miserably at that at this point as evident by the statistical data that shows a disparity in every category for students that are not in the majority category. This is a community effort and we all need to be involved, but we have to agree that our society, as it exists today, expects the school system to educate our youth. He said that when City Council begins looking at appointing a School Board member that you keep in mind that we need to address this in order to maintain our society and to improve the opportunities for all our youth.

Litter

Mayor Sitnick stressed that City Council is serious about the City's efforts to clean up Asheville. With regard to that, she said staff is instructed to report back on the following issues: how much staff time would be involved; what is the budget impact; what will it take to work with the N. C. Dept. of Transportation for them to clean up their roads that come through Asheville; and what it will take to enforce the law about posting signs on poles. That includes enforcing laws already on the books that require residents and business owners to clean up their own properties.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Comments by Mr. Mickie MaHaffey

Mr. Mickie MaHaffey, representative of Peacemakers, said that he had a lot of suggestions with regard to cleaning up Asheville and would meet with the Mayor on those suggestions. He encouraged City Council to continue to scrutinize the budget as much as possible. He said the curb on Haywood and Walnut Street is very difficult for wheelchairs and even though he's told the curb meets Code requirement, it still doesn't make it any easier for

those wheelchairs to cross the street. He understood that City Council is trying to get some type of temporary shelter for the Transit Center, but also felt that if City Council were the ones waiting in the rain, wind and cold, something would have been done long ago.

Comments by Ms. Shirley Dozier

Ms. Shirley Dozier presented City Council with a resolution regarding donations of taxpayer funds to non-profit organizations which she hoped City Council would adopt. She explained that if non-profit organizations do not reveal their funding sources and expenditures that they be ineligible for taxpayer funding.

Comments by Mr. Peter Dawes

Mr. Peter Dawes emphasized the City should advise the WNC Regional Air Quality Agency that there is a possibility the compressed natural grant may be held up due to the

-12-

suspension at the state level of local government reimbursement payments since the Agency is considering purchasing two alternative vehicles.

Claims

The following claims were received by the City of Asheville during the period of January 5-25, 2001: William Cagle (Water), Simon Becker (Water), Tonya Henderson (Water), Marsha Ring (Water), Jolene Moody (Water), Frank Green (Water), BellSouth (Water), Michael Ferjack (Water), Candace Peek (Water) and Laura Maltby (Water).

The following claims were received by the City during the period of January 26 – February 1, 2001: Molly Nizamian (Streets), Madge Simpson (Water), Chris Miller (Water) and Bill Chase (Water).

The following claims were received by the City during February 2-8, 2001: David Castlewitz (Water), David Britt (Water) and Wayne Rice (Water).

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

Lawsuit

The City was served with a Complaint on or about October 17, 2000, which is generally described as follows: Debra Garing, et al, vs. Great Smokies Hotel Associates, et al. Nature of the proceeding is compensatory damages for violation of state civil rights.

This matter will be handled by an Fred Barbour, an out-side attorney.

Closed Session

At 7:52 p.m., Councilman Hay moved to go into closed session for the following reasons: (1) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered in negotiations – G.S. 143-318.11 (a) (4); and (2) to prevent disclosure of information that is privileged or confidential pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that renders the information to be discussed confidential is G.S. 160A-168, the Personnel Privacy Act – G.S. 143-318.11 (a) (1). This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

At 9:35 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

VIII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 9:35 p.m.

CITY CLERK MAYOR
