

Regular Meeting

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor Terry M. Bellamy; Councilman Joseph C. Dunn; Councilman James E. Ellis; Councilwoman Diana Hollis Jones; Councilman R. Carl Mumpower; and Councilman Brian L. Peterson; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Vice-Mayor Bellamy gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MAY, 2002, AS "MOTORCYCLE AWARENESS MONTH"

Mayor Worley read the proclamation proclaiming May, 2002, as "Motorcycle Awareness Month " in the City of Asheville. He presented the proclamation to Mr. Eldon Moore, who briefed City Council on some activities taking place during the month.

II. CONSENT:

Mayor Worley announced that Consent Agenda Item C has been removed from the Agenda due to an upset bid being received.

Vice-Mayor Bellamy asked that Consent Agenda Item B be removed from the Consent Agenda due to her conflict of interest.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 9, 2002, AND THE WORKSESSION HELD ON APRIL 16, 2002

B. RESOLUTION APPROVING THE CONSOLIDATED COMMUNITY DEVELOPMENT BLOCK GRANT/HOME ACTION PLAN

Vice-Mayor Bellamy removed this item from the Consent Agenda due to a conflict of interest.

C. RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID FROM NEIGHBORHOOD HOUSING SERVICES TO PURCHASE 17 KENDALL STREET

This item was removed from the Consent Agenda due to an upset bid being received.

D. RESOLUTION NO. 02-70 - RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH A NOTICE OF INTENT REGARDING RENEWAL OF LICENSE AGREEMENTS WITH MORRIS COMMUNICATIONS INC. FOR ANTENNAS AT 36 RESERVOIR ROAD AND PEACH KNOB RESERVOIR

Summary: The consideration of a resolution directing the City Clerk to publish notices of intent regarding renewal of License Agreements with Morris

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Communications, Inc. for antennas at 36 Reservoir Road and Peach Knob Reservoir.

The properties at 36 Reservoir Road (White Fawn) and Peach Knob Reservoir are the sites of telecommunication towers owned by the City of Asheville. The City leases antenna space on the towers and ground space for related equipment.

Morris Communications, Inc., has operated an antenna and related equipment at each of the sites since December, 1996. There are three towers at 36 Reservoir Road and the Morris antenna is located on the tower

known as the "U. S. Cellular Tower" which is immediately east of the proposed Sister Cities Park. The proposed License Agreements will enable Morris to continue operating antennas at each site; however, there is a provision, which allows either the Licensor or the Licensee to terminate the agreement upon 180 days notice. The term of the License Agreements will be 3 years with 2 renewal periods of 3 years. Morris will pay a License Fee of \$6,300 for the White Fawn site and \$5,100 for the Peach Knob site, the first term with a 10.5% increase at each renewal thereafter. In addition to the License Fee, Morris will pay a Utility Fee of \$150.00 per annum at each site.

Approval of the resolution will authorize the City Clerk to publish notices of intent to renew the License Agreements.

Planning Department staff recommends adoption of the resolution authorizing the City Clerk to publish notices of intent to renew license agreements with Morris Communications Inc.

RESOLUTION BOOK NO. 27 – PAGE 140

E. RESOLUTION NO. 02-71 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION

Summary: The consideration of a resolution approving a grant from the Federal Aviation Administration in an amount not to exceed \$366,676.

The Federal Aviation Administration (FAA) has offered a grant agreement to the Asheville Regional Airport. This grant, in an amount not to exceed \$366,676, is for reimbursement of security operational costs as provided under Public Law 107-117.

Staff recommends adoption of the resolution authorizing the Mayor to execute the grant agreement for Project No. 3-37-0005-26.

RESOLUTION BOOK NO. 27 – PAGE 141

F. RESOLUTION NO. 02-72 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AMENDMENTS TO THE 1997 MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE

Summary: The consideration of a resolution authorizing the Mayor to sign an amendment to the 1997 Municipal Records Retention & Disposition Schedule.

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On September 23, 1997, by Resolution No. 97-158, the City approved the Municipal Records Retention and Disposition Schedule issued August 15, 1997, by the N. C. Department of Cultural Resources, Division of Archives and History.

The N. C. Department of Cultural Resources has now amended said Schedule. The first amendment to Standard 3 (Budget and Fiscal Records) adds Powell Bill records to the schedule and amends Payroll and Payroll Deduction records. The second amendment to Standard 13 replaces the entire Personnel Records schedule.

It is in the best interest of the City of Asheville to promote municipal records management as provided by the N. C. Department of Cultural Resources, Division of Archives and History by adopting these amendments.

Staff recommends City Council authorize the Mayor to execute an amendment dated February 25, 2002, to the Municipal Records Retention and Disposition Schedule.

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G. RESOLUTION NO. 02-73 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH DONNA SPRATT, d/b/a DONNIE APPLESEED LANDSCAPING, FOR MOWING THE EAST ASHEVILLE AND WEST ASHEVILLE DISTRICTS

Summary: The consideration of a resolution authorizing the City Manager to enter into a grass mowing contract for the East and West mowing districts.

In an effort to provide mowing services for grass areas throughout the City of Asheville, City staff divided the grass areas into five separate mowing districts and solicited sealed bids from ten Commercial Lawn Mowing Contractors, four of which were minority contractors, to provide mowing services for each and/or all of the five mowing districts. City staff reviewed the bids and concluded that Donna Spratt, d/b/a Donnie Appleseed's Landscaping, was the responsive low bidder for the East and West mowing districts at \$68,000, combined for both districts and recommends acceptance of the bid.

Approved funding is available in the Park and Recreation operating fund account to pay for these mowing services.

The Parks and Recreation Department requests City Council authorize the City Manager to enter into a contract for \$68,000 with Donna Spratt, d/b/a Donnie Appleseed's Landscaping.

RESOLUTION BOOK NO. 27 – PAGE 143

Mayor Worley 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.

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

ITEM REMOVED FROM THE CONSENT AGENDA

RESOLUTION NO. 02-74 - RESOLUTION APPROVING THE CONSOLIDATED COMMUNITY DEVELOPMENT BLOCK GRANT/HOME ACTION PLAN

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Councilman Mumpower moved to excuse Vice-Mayor Bellamy from participating in this matter due to a conflict of interest. This motion was seconded by Councilman Peterson and carried unanimously.

Summary: This is the consideration of a resolution authorizing submission of the City's Consolidated Action Plan for 2002/03, allocating federal Community Development Block Grant (CDBG) and HOME funds.

The City expects to have available \$1,902,224 in CDBG funds and \$1,506,326 in HOME funds to allocate for housing and community development activities in the fiscal year beginning July 1, 2002. The City's Housing and Community Development Committee and the Asheville Regional Housing Consortium have made recommendations for allocating these funds to 21 CDBG-assisted and 13-HOME assisted projects.

If approved, the funding will assist in adding or preserving 92 affordable housing units in the City and 109 units in the rest of the Consortium area. CDBG funds will also help provide 150 Asheville residents with employment or business training and over 3,000 residents with other needed services. CDBG will also continue to support revitalization of the WECAN and South Pack Square neighborhoods.

Notice of the public hearing and a summary of the draft plan were published on March 22. A 30-day public comment period is required by federal regulations. The final plan must be submitted to HUD by May 15, 2001. City Council held their public hearing on April 9, 2002.

Councilman Peterson moved for the adoption of Resolution No. 02-74. This motion was seconded by Councilman Mumpower and carried unanimously.

RESOLUTION BOOK NO. 27 – PAGE 144

III. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO REZONING 26 WEDGEFIELD DRIVE FROM COMMUNITY BUSINESS I DISTRICT TO REGIONAL BUSINESS DISTRICT

ORDINANCE NO. 2914 - ORDINANCE TO REZONE 26 WEDGEFIELD DRIVE FROM COMMUNITY BUSINESS I DISTRICT TO REGIONAL BUSINESS DISTRICT

Mayor Worley opened the public hearing at 5:15 p.m.

Urban Planner Jeff Tacy said that this is the consideration of an ordinance to rezone 26 Wedgefield Drive from Community Business I District to Regional Business District. This public hearing was advertised on April 12 and 19, 2002.

The project applicant, Spake Real Estate, has requested a rezoning from Community Business I to Regional Business to allow for an expansion of an existing business. The purpose of the CB-I District is to provide areas for medium-density business and service uses to several residential neighborhoods with a maximum building size of 12,000 square feet. The purpose of the Regional Business District is to provide areas for large-scale commercial operations without any limitations on structure size.

The subject property contains .96 acres. It is located within the City's extraterritorial jurisdiction, in an area dominated by regional business land uses. The area surrounding the project site has mixed zoning including Regional Business, CB-I, RM-8 (Residential Multi-Family),

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and RS-4 (Residential Single-Family). The existing land uses in the area include offices, auto body shop, hotels, retail stores, the Biltmore Mall, single-family residences, manufactured housing, and a variety of others. The project site has frontage along Wedgefield Drive, however, the parcel will be combined with a development fronting on Brevard Road and will be oriented facing Brevard Road. Brevard Road is major thoroughfare with sufficient capacity to handle uses allowed in the Regional Business District. In addition, the project site is located in close proximity to the I-26 interchange.

In consideration of other land uses in the area and the project sites proximity to major thoroughfares and interstates, the proposed zoning change appears to be consistent with the intent and purpose of the Unified Development Ordinance.

It is the recommendation of the Planning and Development Department to approve the request to rezone 26 Wedgefield Drive from Community Business I District to Regional Business District. The Planning & Zoning Commission held a public hearing on April 3, 2002, and unanimously voted to recommend the rezoning request be approved.

Upon inquiry of Councilman Peterson, Mr. Tacy said that the existing property is approximately 25-30 feet below the elevation of the road and that there will be consider buffering giving to the residential neighborhood.

Mr. Charles Murdock, speaking on behalf of Spake Development, felt that this particular parcel fits into the expansion, update and renovation of the supermarket and rezoning the property represents the highest and best use of that property. He felt that expanding the store to an upgraded and renovated store benefits the City residents in that area. He felt they were confident that they could buffer that property after construction is complete. He asked for Council support of the rezoning.

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

City Attorney Oast reminded City Council that if the property is rezoned, that any use in the Regional Business District can be made of that property.

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

Councilman Mumpower moved for the adoption of Ordinance No. 2914. This motion was seconded by Councilman Peterson and carried unanimously.

ORDINANCE BOOK NO. 19 – PAGE 467

B. PUBLIC HEARING RELATIVE TO CONSIDER A REQUEST TO APPROVE A MODIFICATION FROM THE SUBDIVISION STANDARDS TO ALLOW THE LENGTH OF THE FLAGPOLE PORTION OF A FLAG LOT TO EXCEED THE MAXIMUM PERMITTED LENGTH OF 250 FEET AND TO ALLOW A SINGLE-FAMILY HOME TO BE CONSTRUCTED FURTHER THAN 500 FEET FROM A FIRE HYDRANT FOR PROPERTY ON BALLANTREE DRIVE

Mayor Worley opened the public hearing at 5:29 p.m.

Urban Planner Carter Pettibone said that this is the consideration of a request to approve a modification from the subdivision standards to allow the length of the flagpole portion of a flag lot to exceed the maximum permitted length of 250 feet and to allow a single-family home to be

constructed further than 500 feet from a fire hydrant for property on Ballantree Drive. This public hearing was advertised on April 12 and 19, 2002.

The City has received a request to subdivide a 5.74-acre parcel into two lots. The parcel is a flag lot type of property, with narrow frontage on Ballantree Drive that continues behind smaller properties along Ballantree and opens up to the bulk of the lot approximately 300 feet from Ballantree. The subdivision regulations of the Unified Development Ordinance require all residential lots to have at least 25 feet of frontage and flag lots to have a minimum width of 25 feet for the flagpole portion of the lot. The maximum length for the flagpole portion is 250 feet. A flag lot may only serve one single-family dwelling and the dwelling is required to be within 500 feet of a fire hydrant where public water is available.

The petitioners wish to create two flag lots out of the parent parcel in order to build homes on both lots. Each resulting lot would have the required street frontage and flagpole width, but due to the dimensions of the parcel, the maximum flagpole length and permitted distance from a fire hydrant cannot be observed.

An old logging road currently provides access to the undeveloped lot and it would be upgraded to a driveway to serve one of the resulting lots and another driveway would branch off from the upgraded driveway to access the other lot.

Staff received comments at both the Technical Review Committee (TRC) meeting and the Planning and Zoning Commission meeting from surrounding neighbors. Their concerns were primarily based on potential stormwater and erosion issues as well as possible strain on the existing water system resulting from development of the property. The TRC, in its decision, attached conditions to ensure that the applicants work with the Engineering Department to ensure compliance with the City's erosion control and stormwater ordinances. The applicant has had a preliminary meeting with a representative of the City's Engineering Department to discuss stormwater and erosion control requirements and measures that would be used for compliance with them. Another condition was that the Water Resources Department evaluates the water system to make sure adequate water and water pressure is available for the existing homes in the area as well as the potential new homes on the property.

At the TRC's meeting on March 18, 2002, they recommended approval with conditions. At their April 3, 2002, meeting, the Planning and Zoning Commission voted unanimously to recommend approval. The Planning and Development staff also recommends approval of the subdivision modification.

Councilman Dunn, who lives in the Ballantree neighborhood, stated that they do not want to block the applicant from building on their property, but they are concerned about stormwater runoff problems to the homes at the bottom.

When Vice-Mayor Bellamy asked if the Fire Department truck would be able to drive up the steep driveway, Mr. Pettibone said that at the TRC meeting, the Fire Department did review and approve the modification request.

Councilman Dunn said that the developer has agreed to install two silt fences to prevent erosion from running down the hill onto adjoining property.

There was a brief discussion about the hillside ordinance and stormwater control ordinance and whether the ordinances are strict enough. City Manager Westbrook said that they would be glad to review those ordinances at some point in time, but to his knowledge, he felt our ordinances are in line with other municipalities of our size in the state.

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Councilman Ellis pointed out that there is a parking lot at the medical complex on Sweeten Creek Road that is entirely pervious. Progress is being made in this area and we need to try to encourage developers to proceed with that type of construction.

Councilman Peterson pointed out that this is an example of the need for the City to expand its extraterritorial jurisdiction (ETJ) because when the Pinnacles were developed, it was in the County and they didn't have to meet City standards. Part of the rationale for expanding the ETJ is that development just outside the City does have an impact within the City.

Mr. John Gear, 15 Elmwood Lane, presented City Council with an engineering report dated March 28, 2002, regarding his property and the proposed development located at the rear of his residence. It was the engineer's opinion that "the development will have adverse effects" to his property and the adjoining property owners. Mr. Gear was concerned that his house (and adjoining houses) will be the collection point of all the water runoff from this project. If Council approves this, he asked that a condition be placed that the construction must meet or exceed all the City's rules and regulations.

Mr. George Ribaud, 7 Elmwood Lane, voiced concern over water runoff and the danger of a fire occurring in the woods where the proposed house will be built.

Mr. Roy Birchfield, President of the Ballantree Homeowners Association, said that a concern they had when they first heard about this project was would the construction be single- or multi-family. They have now been assured that any more development would have to come back through the same process. He urged City Council to make sure that the developer follows these plans.

Mr. Leo Wentzel, property owner, explained that he has met with the City Engineer and he understands the erosion control problem in the area. He said that he intends to do everything he can to prevent erosion from running off his property and will cooperate with the City Engineer.

Mayor Worley closed the public hearing at 6:02 p.m.

When Councilman Mumpower asked about if the Planning staff has reviewed the engineering report Mr. Grear presented, Planning & Development Director Scott Shuford responded that the letter is evident of the possibility of some civil action that could be pursued outside the standards that the City imposes. If the construction is not installed correctly, not only would the property owner be liable to face the enforcement of our ordinances, but also they might suffer civil damages of the neighboring property owners.

Councilman Mumpower moved to approve the modification from the subdivision standards to allow the length of the flagpole portion of a flag lot to exceed the maximum permitted length of 250 feet and to allow a single-family home to be constructed further than 500 feet from a fire hydrant for property on Ballantree Drive with the condition that the developer work with the Engineering Department to ensure compliance with the City's erosion control and stormwater ordinances. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

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A. REPORT SETTING FORTH PLANS TO PROVIDE SERVICES TO THE FOLLOWING SEVEN AREAS PROPOSED FOR ANNEXATION WHICH ARE GENERALLY KNOWN AS (1) LEICESTER HIGHWAY AREA; (2) SHERWOOD HEIGHTS AREA; (3) HUNTINGTON-CHASE AREA; (4) PORTION OF BELL ROAD; (5) FOREST LAKE AREA; (6) MILL STONE AREA; AND (7) KENSINGTON-WINDSOR AREA

Urban Planner Paul Benson said that the Annexation Services Plan is being submitted for Council's approval for the following areas: Leicester Highway area, Sherwood Heights area, Huntington-Chase area; portion of Bell Road, Forest Lake area, Mill Stone area and Kensington-Windsor area.

City Council approval of this document is the second step in the annexation process that began on April 9, 2002, when Council adopted the resolutions of intent to annex these seven areas.

Upon review and approval by City Council, the Plan will be made available for public review. The follow steps will complete the annexation process.

Approval of Annexation Services Plan	April 23, 2002
Public information meeting	June 3, 2002
Public hearings	June 11, 2002
Adoption of annexation ordinances	June 25, 2002
Effective date of annexations	June 30, 2003

The N.C. General Statutes require that municipalities exercising annexation authority make plans for the extension of services to the area proposed to be annexed and shall, prior to the public hearing and public information meeting, prepare a report setting forth such plans.

The Statutes require that the reports include:

- 1) Maps showing: (a) The present and proposed boundaries of the municipality; (b) The present major water and sewer lines, and any proposed extensions; and (c) The general land use pattern in the area to be annexed.

- 2) A statement that the area to be annexed meets the standards of N. C. Gen. Stat. sec. 160A-48 (basically contiguity and urbanization).
- 3) A statement setting forth the plans of the municipality for extending to the annexation area each major municipal service performed within the municipality. Specifically, (a) police protection, fire protection, solid waste collection and street maintenance on the date of annexation; and (b) extension of major trunk water mains and sewer outfall lines so that property owners in the area will be able to secure public water and sewer service according to the municipal policies in effect for extending such service to individuals lots or subdivisions.
- 4) The method under which the municipality plans to finance extension of services into the area to be annexed.
- 5) A statement of the impact of the annexation on any rural fire department providing service in the area to be annexed and a statement of the impact of the annexation on fire protection and fire insurance rates in the area to be annexed.
- 6) A statement showing how the proposed annexation will affect the City's finances and services, including City revenue change estimates.

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He then reviewed with Council the specifics of how each area qualifies for annexation:

Leicester Highway – Contains 64 acres, northwest. The area is contiguous and urbanized. It meets all three tests – population density test, the population density and subdivision test, and the subdivision test.

Sherwood Heights – Contains 61 acres, north – The area is contiguous and urbanized. It meets two tests – population density and subdivision test, and subdivision test.

Huntington Chase – Contains 63 acres, east - The area is continuous and urbanized. It meets two tests – population density and subdivision test, and subdivision test. This area also contains two non-urbanized areas.

Bell Road – Contains 21 acres, east – The area is contiguous and is urbanized. It meets the subdivision test.

Forest Lake – Contains 53 acres, south – The area is contiguous and meets all three tests – population density test, the population density and subdivision test, and the subdivision test.

Mill Stone – Contains 7 acres, south – The area is contiguous and meets all three tests – population density test, the population density and subdivision test, and the subdivision test.

Kensington-Windsor – Contains 67 acres, south – The area is contiguous and meets the population density test.

Mr. Benson then explained the Plan for extension of services, including police protection, fire protection, solid waste collection, street maintenance, water distribution and sewer collection.

Police protection: The additional land area, street mileage, dwelling units, businesses and improvements will not require expansion of the Police Department. He explained how each area would be served by an expansion of a particular district. At the current population, the number of sworn positions reflects a police/citizen ratio of one officer per 410 residents. A ratio of one officer per 300-400 residents is typical for North Carolina cities and towns. The police/citizen ratio following annexation is estimated at one officer to 417 residents. Because of the relatively small size of the annexation areas and close proximity to the existing municipal boundaries, no additional capital or operating expenses is anticipated in adding these areas to the existing patrol districts.

Fire protection: The additional land area, street mileage, dwelling units, businesses and improvements will not require immediate expansion of the Fire and Rescue Department. The N.C. Gen. Statutes require the City to compensate rural fire departments for lost revenue by either contracting with the rural fire departments for fire protection, (usually the case). City services supplement the rural fire departments under contract to bring fire protection to City standards. The Fire and Rescue Department participates with surrounding fire departments in accordance with mutual aid agreements. The City currently has an insurance rating of 3, on a scale of 1-10, with 1 being the highest level.

Solid waste collection: The additional land area, street mileage, dwelling units, businesses and improvements will not

require immediate expansion of Public Works Department, Sanitation Division. New customers would receive the automated collection service. Compensation would be offered to private solid waste hauler to offset economic loss as required by the statutes. Therefore, there will be costs to the City associated with the purchase of new rollout containers and potential "economic loss" payments to affected contractors.

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Street maintenance services: The additional land area, street mileage, dwelling units, businesses and improvements will not require immediate expansion of Public Works Department, Street Maintenance Division. Existing personnel and equipment are planned to serve the proposed additions to the City maintenance system; therefore, no specific personnel and equipment additions will be made. Streets are resurfaced on a scheduled rotation established by classification, construction type, use, condition and inspections. The following are private and state maintained streets planned for inclusion on the scheduled rotation: Leicester Highway: Eliada Home Road and Old County Home Road; Sherwood Heights: Robinhood Road, Brookwood Road, and Brookwood Court; Huntington Chase: Huntington Chase Drive; Bell Road: Bell Road; Forest Lake: Forest Lake Drive, Sawmill Road, Meadow Lake Road, Simpson Hollow Road, Kingbird Lane, Glen Woods Court, and Goldfinch Lane; Mill Stone: Mill Stone Drive; and Kensington-Windsor: Windsor Drive, New Castle Court and Saint Charles Court. In order for privately owned streets to be considered by maintenance by the City, there is certain criterion that must be met. Some immediate maintenance issues include trimming of overgrown vegetation adjacent to streets in Sherwood Heights area; and need for some patching in the Forest Lake area.

Water distribution: On the effective date of annexation, all residents, businesses and property owners within the proposed seven annexation areas that are adjacent to existing water facilities will receive service on a basis substantially equal to all current portions of the City. The following four areas require no water line improvements: Sherwood Heights area, Forest Lake area, Mill Stone area and Kensington-Windsor area. The following three areas have water line improvements which are planned for completion by June 30, 2005: Leicester Highway: There is a need to upgrade the existing 2-inch water line to bring fire protection coverage to the same level as other parts of the City. The City will install approximately 2,600 linear feet of new 6-inch water line, fire hydrants and related appurtenances. Huntington Chase: There is a need to upgrade the existing 2-inch water line to bring fire protection coverage to the same level as other parts of the City. The City will install approximately 560 linear feet of new 6-inch water line, fire hydrants and related appurtenances. Bell Road: There is a need to upgrade the existing 2-inch water line to bring fire protection coverage to the same level as other parts of the City. The City will install approximately 1,300 linear feet of new 6-inch water line, fire hydrants and related appurtenances.

Sewer collection: The following five areas require no sanitary sewer system improvements: Leicester Highway area, Sherwood Heights area, Bell Road area, Forest Lake area and Kensington-Windsor area. The following two areas have sanitary sewer system improvements which are planned for completion by June 30, 2005: Huntington-Chase: The City will install approximately 560 linear feet of 8-inch sanitary sewer line and related appurtenances to enhance the level of service to this area. Mill Stone area: The City will install approximately 270 linear feet of 8-inch sanitary sewer line and related appurtenances to enhance the level of service to this area.

Administrative and other municipal services: The City provides a full range of services. Basically key professional and department directors specializing in public works, police protection, fire protection, urban land use planning and zoning, building code enforcement, legal matters, parks and recreation and various other municipal activities and functions. The City is active in minimum housing code and State building code administration, zoning and subdivision ordinance administration, recreational programs and parks administration, community revitalization and affordable housing grants administration, economic development efforts and many other planning and related activities.

Financial Impact:

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Revenue: Total ad valorem property tax revenue - \$375,547; Total state utility tax revenue - \$51,300; Total local option sales tax - \$144,058; Total Powell Bill allocation - \$37,393; and Total fees, permits, licenses and charges for services - \$47,149. Total revenue - \$655,447.

Annual recurring expenditures: Fire (rural fire department contracts expected to be in place for at least 5 years) - \$64,564; Solid waste (tonnage fee) - \$9,632; and Street lighting (electrical charge to CP&L) - \$6,644. Total recurring expenditures - \$80,840.

Annual capital expenditures: Water line improvements - \$310,000; Sewer line improvements - \$101,000; Solid waste (economic loss compensation for private solid waste haulers) - \$25,920; Rollout containers - \$12,040; Street signs - \$1,599; Street

repair - \$2,500; and Street lighting - \$2,307. Total one-time annual capital expenditure - \$455,366.

Mr. Benson explained the impact on insurance rates to property owners and commercial properties.

City Attorney Oast noted that if this Plan is found to be deficient after the public information meeting or after the City Council public hearing, it could be amended during Council deliberation of adoption of the ordinances.

Mr. Benson responded to various questions/comments from Council, some being, but are not limited to: does the City automatically take in all the streets in the annexation areas; are people required to tap into water or sewer after annexation; how much does it cost to tap into an existing water line; how long do we contract with the rural fire departments; how does the City handle street lights when subdivisions have more decorative street lights installed; are there different size roll-out containers; do we anticipate growth and more development around these proposed areas that will require building another fire station in the future; what is the status of multi-family apartments having recycling pick-up; how does the street scheduled maintenance rotation work; does the City feel that the police/citizen ratio is sufficient to protect our citizens; where does the City rank in crime throughout the state; what is the average response call for a Priority 1 police call; what constitutes Priority 1 police calls; and describe fire insurance rates.

Upon inquiry of Councilman Mumpower, City Manager Westbrook said that the City is legally bound to provide services to the annexation areas on the effective date of annexation, except water and sewer line improvements which can be completed within a two year period after the effective date of an annexation.

Councilman Dunn briefed Council on a problem in Hollybrook where elderly people cannot roll down the trash containers for pick-up. He felt that if the City annexes an area, they should have the equipment to take care of the needs of that area. He understood the need for efficiency, but he felt that we are sacrificing services. Public Works Director Mark Combs explained the circumstances in Hollybrook and said that he is working with the homeowners association on that concern. He also noted that the City does have a set-out system in place for people who are physically not able to get their trash out to the curb.

Councilman Mumpower said that he wouldn't feel comfortable going forward with further annexations if the City is not providing good service to the current residents. However, Council does have assurance by staff that they are trying to provide good service. He invited City residents to contact Council to report if they see patterns of inadequate service.

At 7:25 p.m., Mayor Worley announced a short break.

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Mr. Fred English, resident in Haw Creek, felt that the City should maintain what they have before trying to annex more people. He pointed out that there is only one short section of sidewalk in the whole Haw Creek valley.

Mr. Dennis Seeney, Forest Lake Subdivision resident, spoke against the annexation and said that even though he will be saving approximately \$180-200 a year on fire insurance, it doesn't equal the amount of \$1,000 of additional property taxes. He felt that he has adequate law enforcement protection already from the Sheriff's Department and their response time would be pretty much the same as the Asheville Police Department's response time. He wondered if the City would start maintenance of the common area that the association currently pays for.

In reply to Mr. Seeney, Mr. Benson said that the Forest Lake common area would be private property, however, if they would like to dedicate the land to the City, our Parks and Recreation Department may take over the maintenance.

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

RESOLUTION NO. 02-75 - RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION WHICH IS GENERALLY KNOWN AS THE LEICESTER HIGHWAY AREA

Councilman Ellis moved for the adoption of Resolution No. 02-75. This motion was seconded by Councilwoman Jones and carried on a 6-1 vote, with Councilman Dunn voting "no."

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RESOLUTION NO. 02-76 - RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION WHICH IS GENERALLY KNOWN AS THE SHERWOOD HEIGHTS AREA

Councilman Peterson moved for the adoption of Resolution No. 02-76. This motion was seconded by Councilwoman Jones and carried on a 6-1 vote, with Councilman Dunn voting "no."

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RESOLUTION NO. 02-77 - RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION WHICH IS GENERALLY KNOWN AS THE HUNTINGTON CHASE AREA

Councilman Ellis moved for the adoption of Resolution No. 02-77. This motion was seconded by Councilwoman Jones and carried on a 6-1 vote, with Councilman Dunn voting "no."

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RESOLUTION NO. 02-78 - RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION WHICH IS GENERALLY KNOWN AS A PORTION OF BELL ROAD

Councilwoman Jones moved for the adoption of Resolution No. 02-78. This motion was seconded by Councilman Peterson and carried on a 6-1 vote, with Councilman Dunn voting "no."

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RESOLUTION NO. 02-79 - RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION WHICH IS GENERALLY KNOWN AS THE FOREST LAKE AREA

Councilwoman Jones moved for the adoption of Resolution No. 02-79. This motion was seconded by Councilman Ellis and carried on a 6-1 vote, with Councilman Dunn voting "no."

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RESOLUTION NO. 02-80 - RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION WHICH IS GENERALLY KNOWN AS THE MILL STONE AREA

Councilman Peterson moved for the adoption of Resolution No. 02-80. This motion was seconded by Councilman Ellis and carried on a 6-1 vote, with Councilman Dunn voting "no."

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RESOLUTION NO. 02-81 - RESOLUTION APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION WHICH IS GENERALLY KNOWN AS THE KENSINGTON-WINDSOR AREA

Councilman Ellis moved for the adoption of Resolution No. 02-81. This motion was seconded by Councilman Peterson and carried on a 6-1 vote, with Councilman Dunn voting "no."

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Councilman Dunn said that he is not against annexation and he would have voted in favor had he felt like the City was not stretched as far as we are. He was not convinced this was the right time to annex.

B. RESOLUTION NO. 02-82 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE SCHOOL BOARD

Vice-Mayor Bellamy said that on April 16, 2002, City Council interviewed Allison Jordan, Marsha Bate, Roxie Wynn, Pegi O'Hagan and Keith Thomson for a vacancy on the Asheville School Board.

After each Council member spoke about the excellent credentials of all candidates, Councilman Ellis nominated Allison Jordan, Councilman Dunn nominated Allison Jordan, Councilwoman Jones nominated Marsha Bate, Mayor Worley nominated Allison Jordan, Councilman Mumpower nominated Marsha Bate, Councilman Peterson nominated Marsha Bate, and Vice-Mayor Bellamy nominated Roxie Wynn. There being a tie between Allison Jordan and Marsha Bate, Vice-Mayor Bellamy changed her

vote in support of Allison Jordan.

Therefore, Allison Jordan was appointed as a member of the Asheville School Board to fill the unexpired term of Mr. Mark Gordon. Said term will begin immediately and expire on April 1, 2005, or until his successor has been appointed.

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VI. OTHER BUSINESS:

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Salvation Army Boys & Girls Club

Vice-Mayor Bellamy presented the City with several hand-made thank you cards and pictures from the Salvation Army Boys & Girls Club thanking firefighters and police officers.

Southeastern Airport Managers' Association

Mayor Worley said that he was presented with a resolution from the Southeastern Airport Managers' Association thanking the City of Asheville and the Asheville Regional Airport Authority for their generosity in assisting the 2002 Annual Conference held in Asheville.

Consolidation of Services

There was a brief discussion on the issue of consolidation with Buncombe County, in particular parks and recreation services. City Manager Westbrook said that as a result of a list of items Councilman Dunn had given him with regard to a proposal from Buncombe County, he prepared a memo to City Council noting that staff is analyzing the proposal and he would report back to Council within the next month on those items. Councilman Peterson felt that a subcommittee of Council working with a subcommittee of County Commissioners might be a better approach than having City staff working with County staff on consolidation proposals.

With regard to the consolidation of after-school programs, City Manager Westbrook said that at the budget worksession on May 13, 2002, Parks & Recreation Director Irby Brinson will explain his proposal.

Claims

The following claims were received by the City of Asheville during the period of April 5-11, 2002: Tim Vorst (Fire), Joy Reid (Water) and Michael H. Carter (Transit Services).

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

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Veterans Memorial Request

Mr. Tuck Gudger, North Asheville resident, presented City Council with a petition containing approximately 650 names which read: "There is not a Veterans' Memorial in downtown Asheville commemorating those who have served, are serving and will serve in the military forces of the United States of America, especially during times of armed conflict, and there has long been a need for an appropriate veteran's memorial. The last open space in the city for a Veterans' Memorial is in the Pack Square/City/County Plaza area which area is being configured for better public use. We petition for a reservation of space in the Pack Square/City/County Plaza area for erection of a monument commemorating all veterans and, to the extent feasible, for erection of such monument." He asked that Council adopt a resolution supporting a veterans' memorial to be included in the projected plans for the renovation of the City/County Plaza. He also asked that the City contribute \$50,000 towards the \$100,000 total project cost. The other \$50,000 is being requested from the Buncombe County Commissioners. He said that the City could maybe allocate the \$50,000 over 3 years since the project may not be completed until that time.

Mr. Bill Griffin also spoke in support of the veterans' memorial and passed out to Council a sketch on what they would like the memorial to look like.

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Mr. Richard Griffin supported the veterans memorial and stressed they need a place in Asheville that is appropriate and accessible for large crowds.

Mayor Worley asked the City Manager to place this item on Council's worksession agenda within 30 days and asked that Pack Square Conservancy Inc. (group contracted with the City) be invited to the worksession for a briefing on the project.

Comments by Walter Plaue

Mr. Walter Plaue invited City Council to attend the Memorial Day Services at 10:00 a.m. on Monday, May 27, 2002, at the City/County Plaza. He hoped this celebration would be the first of many.

Comments by Fred English

Mr. Fred English, Haw Creek resident, felt that the \$15,000 appropriation to the Asheville Youth Sports Program voted on by Council at their worksession on April 9, 2002, was a conflict of interest for Vice-Mayor Bellamy and she should not have voted on that issue.

Closed Session

At 8:42 p.m., Councilwoman Jones 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: Henderson County, Cane Creek Water and Sewer District, Asheville-Buncombe-Henderson Water Authority, James E. Martin, Jeffrey A. Martin, Susanne A. Zuerner, Donald E. Williams, Paul E. Fruits, B. Joy MacFadyen Bulluck, Buncombe County, and City of Asheville – G. S. 143-318.11(a)(3). This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

At 10:10 p.m. Councilman Mumpower moved to come out of closed session. This motion was seconded by Councilman Dunn and carried unanimously.

VIII. ADJOURNMENT:

Mayor Worley adjourned the meeting at 10:10 p.m.

CITY CLERK

MAYOR