

Tuesday - January 16, 1996 - 2:10 p.m.

Worksession

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

HANDMADE IN AMERICA PROJECT UPDATE

Mr. Jack Cecil briefed the City Council on the beginnings of HandMade in America.

Ms. Rebecca Anderson outlined the following projects that HandMade is current involved with: Economic Survey of Crafts in WNC; Craft Heritage Corridor; Investment Bank; Job Training Program; Institute of Creativity, Research and Design; Crafts Registry; Teacher Certification Program and Business Development Seminar; and, the Insurance Survey.

Ms. Anderson spoke very proudly of the National Planning Association Exemplary City Award that Asheville received for HandMade in America in November of 1995.

Vice-Mayor Field spoke in strong support of HandMade and noted that these craftsmen are actually bringing in a different kind of economic development into Western North Carolina.

Ms. Anderson answered questions from Mr. H.K. Edgerton regarding African American participation in HandMade in America.

Mayor Martin, on behalf of Council, thanked Ms. Anderson and Mr. Cecil for updating the Council on this very important organization which promotes and develops the handicraft industry in Western North Carolina.

PETITION FOR REZONING PORTION OF HAW CREEK AREA

Ms. Patty Joyce, Senior Planner, said that a petition has been submitted asking the City to consider rezoning 313 parcels in the Haw Creek section of the City from R-3 to R-2.

The petition meets the requirements of Section 30-11-1 (c) of the zoning ordinance. This section provides that "any group of individual property owners who compromise a minimum of 51% of the property owners in the area and who own at least 51% of the property located within the area to be considered ... may request that the City Council consider initiating a special zoning study to determine if a change in the development plan for the area in question is warranted." Staff has reviewed a petition for the rezoning of over 246 acres of the Haw Creek neighborhood from R-3 Medium Density Residential to R-2 Low Density Residential, submitted by Mr. Chris Pelly, President of the Haw Creek Homeowners Association. Staff has reviewed the signatures on the petition and has determined that it contains signatures of 51% of the property owners who combined acreage comprises 51% of the total acreage located within the area proposed for rezoning. Therefore, the petition is valid and is presented to City Council for their consideration.

If the Council wishes to direct the Planning & Development Department to

prepare a special zoning study of the area in question, the results of the study will first be heard by the Planning & Zoning

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Commission for their recommendations. City Council would then hold a public hearing, review the recommendations and make a final determination for any zoning changes.

The Planning & Development Department is working to present the Unified Development Ordinance ("UDO") for Council's consideration this year. In addition, after seeking community input, staff will also present a proposed zoning map which will incorporate the new zoning districts, as finally defined in the text of the UDO.

The Haw Creek Valley, along with each area of the City, will be a part of the comprehensive, City-wide UDO process. While recognizing that the UDO project has been considered by the City for several years, staff recommends incorporating the study of the Haw Creek community with the comprehensive City-wide study of zoning district changes based on the UDO for action at a later time.

Mayor Martin felt that the Haw Creek community has waited a long time for the UDO and since the mapping process is at least a year away, he would be supportive of initiating a rezoning study at this time of the area.

Ms. Joyce answered questions from Council as they related to how much staff time and what type of actions would be involved in the study, if this study could be incorporated into the UDO mapping project when it gets underway, how staff might make their recommendations if the rezoning created many non-conformities and how soon the study could come back to City Council for action.

Mr. Jack Parisot urged Council to proceed with the study at this time and not wait on the UDO mapping to hopefully avoid another Haw Creek Mews situation.

Mr. H. K. Edgerton made comments relative to the Housing Authority developments in neighborhoods. Mayor Martin stated that as long as the Housing Authority conforms with all local zoning standards, they cannot be denied the opportunity to build in neighborhoods.

Councilman Cloninger didn't want to bog down the Planning staff by working on individual zoning studies when they really need to be concentrating their efforts on the UDO; however, the Haw Creek community has been patient and has waited a long time for this study and supported the study taking place at this time.

When a man in the audience stated concerns about developers who will come in soon and start to build, Ms. Joyce said that she didn't know of any type of concrete development planned for the area at this time.

Vice-Mayor Field said that typically in the past if Council has a study underway, they would probably tell the developer that staff is working on the study and more than likely table the issue until the study is complete. She didn't see how Council could make a commitment at this time to not allow any development in the area.

Upon inquiry of Councilman Cloninger, City Attorney Slawter said that under the statute, the issuance of the permit is what is important rather than the date of the application for the purpose of establishing vested rights. However, case law has held that vested rights have been established based upon reliance upon

zoning and expenditure of funds based upon that reliance.

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Upon inquiry of Ms. Maggie Lauterer if the City could impose a moratorium on development in Haw Creek, City Attorney Slawter said that the City has only enacted moratoriums as they related to health. It was his opinion that City Council could not impose a moratorium on development pending the outcome of an application for rezoning.

Mr. Martin urged Council to rezone the area from 16 units per acre to 6 units per acre because it is more keeping with the nature of the neighborhood. He requested a moratorium for new permits.

Mayor Martin instructed the City Manager to meet with the City Attorney to see if there was any way the City could restrict development in the area until the study is received by Council.

It was the consensus of Council to proceed with a resolution directing the Planning & Development Department to prepare a special zoning study of the Haw Creek Community at the next formal meeting.

RENEWED ECONOMIC DEVELOPMENT EFFORTS FOR THE CITY OF ASHEVILLE

Ms. Julia Cogburn, Planning & Development Director, said that for several months two issues have been discussed with many unanswered questions surrounding them. Those issues are: (1) What should be the role of the current City Development Division; and (2) What should be the future of the City Development Office at 29 Haywood Street. She then outlined a proposal for renewed economic development efforts for the City. She also provided Council with information regarding economic development programs in other cities.

The staff is recommending that the City Development Division's role be expanded to encompass a broader range of economic development issues. Its mission would be to create an attractive business environment in Asheville by coordinating the general economic development and business district revitalization efforts of the City. Efforts already underway in such areas as the continued revitalization of downtown and the West Asheville Business District would continue. She stated four reasons for renewed/expanded City role: (1) to provide active leadership with regard to the City's economic development policy; (2) to establish department/division with economic development focus for the City and to carry out City Council initiatives with regard to economic development; (3) to continue to build strong network/working relations with other economic development entities, reinforce Chamber of Commerce efforts and provide a central point for economic development reference for the City; and (4) to broaden efforts to reach out to the business community through needs assessments, statistical reporting and providing appropriate assistance. Additional focus areas could be: serving as the business community ombudsman for the City; administering the City's Economic Development Policy; and conducting regular surveys to assess the business climate in Asheville.

Some specific recommendations include: (1) City Development Division become a Urban Economic Development Division for the City in the Planning & Development Department; (2) the Director of the Division is Economic development Coordinator for the City and recruit an individual with economic or business development background; (3) consider the current Downtown Commission evolving into an Urban Economic Development Commission for the City while the downtown area would remain an important focus with perhaps a subcommittee. It is also recommended that City Council discuss this issue with the Downtown commission and the business district coalition to determine their focus; (4) review the

economic development policy with Council to make any necessary revisions

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and to establish annual funding under the police; and (5) work with City Council to establish economic development priorities/strategy on an annual basis.

The staff is also recommending that 29 Haywood Street be retained as the Urban Economic Development Center for the City. We see other possibilities for utilizing the building such as the possibility of establishing a police/community resource center there.

She stated that there will be no additional staff being hired.

Councilman Cloninger moved to retain 29 Haywood Street and not put it on the market to be sold. This motion was seconded by Councilman Sellers and carried unanimously.

Councilman Skalski spoke in support of this new proposal.

Vice-Mayor Field had hoped that this proposal be delayed in order to give her time to review it thoroughly, having only received the information on Friday. Her initial reaction is that if the City is going to do economic development, then we don't need to be appropriating \$90,000 to the Chamber of Commerce to do it for the City. She expanded by saying that she thought there might be a duplication of efforts with the Chamber, but it was her understanding that the Chamber is only focusing on industrial development for the County and thus was very concerned over the City appropriating the \$90,000. She also felt the City needs to be providing and looking at some type of infrastructure for corporate offices. Since there are many organizations doing industrial recruitment, this leaves the City open to do some innovative things. She really would like some time to sit down with staff and develop a more exciting economic development plan.

Vice-Mayor Field said that with regard to 29 Haywood Street, she felt there was all kinds of positive opportunities for that space but stressed that some clean-up work needed to take place first. She did not, however, support the use of that building as a police resource center since the main Police Department is only blocks away. She stressed that we need a process, plan and strategy. She appreciated the work of the staff on this proposal; however, she didn't think it goes far enough.

Ms. Cogburn responded to questions as they related to what the Chamber is doing with the City's \$90,000 (which includes the City's share of the convention and visitors bureau, the visitors center, and also small business assistance). She felt the function of this office would not be duplicating efforts already being performed by the Chamber and other organizations. She envisioned the Economic Development Coordinator working with City Council to devise the strategies of the Division.

Vice-Mayor Field's final concern surrounded the abolishing of the Downtown Commission. She felt that downtown is special and important and a key to our economic future and we need to maintain that focus.

Councilman Worley felt the plan is basically moving in the direction that the City should be moving in. He felt the term "economic development" may be misleading, however. He felt this proposal will take what has been done in the downtown area and carry that experience to the rest of the City. Even though there is more to do in the downtown area, he felt the City is moving into a

maintenance mode in that area. He hoped Council would move forward with this plan but stressed not to de-emphasize the downtown area.

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Vice-Mayor Field disagreed with Councilman Worley stating that nothing has been done in the South Pack Square and nothing around the Federal Building.

Councilman Cloninger felt the proposal was move of an organizational plan and not a policy. He felt that some of Vice-Mayor Field's concerns would be addressed when they review the economic development policy and the annual funding issue. He agreed with the concept of expanding City-wide and using the lessons we have learned in revitalizing the downtown area. He did not support the idea of expanding the Downtown Commission City-wide. He felt the Downtown Commission serves a very useful purpose relating to items facing the downtown area. He then made statements concerning the need for the business district coalition being recognized.

Council then discussed the pros and cons of an overall economic development commission.

Councilman Hay said what appealed to him was that we were taking existing staff and resources to develop a program throughout the city. He also liked the idea of a business ombudsman on staff. He felt the proposal was basically good but some fine tuning would need to be done.

When Vice-Mayor Field asked Interim City Development Director Mary Fierle how she felt about the proposal, she said that they were cautiously optimistic with the proposal.

City Manager Westbrook said this would refocus the entire operation and staff wants Council's concurrence with that refocusing effort. There isn't any overlap here with the Chamber and the Chamber is doing a fine job. We need to start making strategic plans with room to be innovative. Once the concept is accepted, we can begin working with Council and the community as to what can be done.

Mr. Jay Garner, Executive Director for the Chamber of Commerce, explained how the Chamber is involved with economic development. He did point out that the Chamber's focus is not entirely on industrial development, that they also work with small business enterprise. He felt the City's plan will compliment the Chamber's efforts significantly and, thus, the Chamber supports the plan.

Mr. H.K. Edgerton voiced questions of where African Americans fit into the economic development process and how do they start bringing their creativity into downtown Asheville. He also questioned if the Minority Business Program would be moved from the Purchasing Division. Ms. Cogburn replied that the MB program would not be moved.

Ms. Leni Sitnick said that economic development takes various forms. She supported the idea of a business community ombudsman for the City. She suggested a Council committee of three be established to visit the industries already here to see how Asheville can serve them better. She stated that there are different kinds of investments and Council should look for the kind of investments that start here and stay here, e.g., a mass transit system. Basically she felt Asheville needed a Public Relations person to let people how great Asheville really is.

Councilman Worley suggested this proposal be presented to the Downtown Commission and the business district coalition for their suggestions. Ms.

Cogburn said that she would be happy to make this presentation to those bodies.

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It was the consensus of Council to support the basic premise with details to be worked out.

RENAMING THE WEST ASHEVILLE/HAYWOOD ROAD BRIDGE TO THE WEST ASHEVILLE/RIVERLINK BRIDGE

Ms. Julia Cogburn, Planning & Development Director, said that RiverLink has an interest in seeing the West Asheville/Haywood Road Bridge renamed the West Asheville/RiverLink Bridge. This bridge is the critical link between the downtown and the heart of West Asheville commercial business district. RiverLink sees the bridge serving as the symbol for the river redevelopment project.

Procedurally the name change, if requested by the City, must go to our Board of Transportation member, Gordon Myers. Mr. Myers will then pass the request on to the full Board of Transportation in Raleigh which will act on our request.

The West Asheville Business Association and the West Asheville Steering Committee have both been apprised of this request. Their only concern is that "West Asheville" remain in the name.

Councilman Skalski moved to take appropriate action at the next Council meeting to send a letter to Mr. Gordon Myers and Mr. Bill Smart to recommend that the N.C. Dept. of Transportation change the name of the West Asheville/Haywood Road Bridge to the West Asheville/RiverLink Bridge. This motion was seconded by Councilman Sellers and carried unanimously.

CONSENT AGENDA:

Budget Amendment regarding Crime Analysis Mapping Project

Summary: This budget amendment, in the amount of \$31,753, is to set up an appropriation to fund project costs associated with the Police Department's N.C. Dept. of Crime Control & Public Safety grant funded community policing program.

Reimbursement of Capital Expenditures regarding the Water Bonds

Summary: The City is in the process of preparing for the issuance of Water Revenue Bonds. This resolution is required by the internal Revenue Service if the City wishes to reimburse itself for any expenditures incurred prior to the date of closing on the bonds.

RiverLink Grant Requests

Summary: Recently RiverLink received a \$15,000 grant from the Tennessee Valley Authority towards a \$60,000 goal to be used to develop a master plan, economic impact analysis, and anchor project for the area between the I-240 Bridge and the corner of Depot Street, Riverside Drive and Lyman Street. RiverLink has spoke with both the Buncombe County Economic Development Commission and Advantage West about matching funds. They are asking for \$22,500 from each agency. RiverLink is requesting that the City submit letters to the Buncombe County Economic Development Commission and Advantage West endorsing the RiverLink funding requests.

Establishment of a Design Review Board for the Head of Montford, East End/Valley Street and East Riverside Redevelopment Projects

Summary: The redevelopment plans for the Head of Montford Redevelopment Project, East End/Valley Street Community Improvement

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Program and East Riverside Redevelopment Project provide for a Design Review Board to review each developer's plans and to advise on such matters as: adequacy of off-street loading, adequacy of off-street parking, provisions for open space, appropriate and densities, landscaping, provisions for aesthetic objects, group development, harmony of design, quality of design, and compliance with historic preservation guidelines and other provisions of the Redevelopment Plan.

The composition of the Design Review Board under the redevelopment plans included: the Housing Authority Executive Director, the City Planning & Development Director, the City Planning & Zoning Commission Chairman and two architects to be appointed by the Housing Authority. Since the responsibility for redevelopment property now rests with the City of Asheville, the Community Development Director should replace the Housing Authority Executive Director on the Design Review Board and the City Director of Planning & Development should be authorized to appoint two architects as needed to serve on the Design Review Board.

Vice-Mayor Field felt that since the Housing Authority has been involved a long time with redevelopment and has extensive experience, she felt that they should have some type of representation on the Design Review Board.

Mayor Martin saw the merit of having someone with experience on that Board. He suggested the City Director of Planning & Development be authorized to appoint the Housing Authority architect. Mr. Ed Vess, the City's Coordinator of Field Services, said that the Housing Authority's architect does not have a lot of experience and the Housing Authority assumed that they would come off of the Design Review Board.

Request for Support from A-B Arson Task Force

Summary: In 1992, the City of Asheville and Buncombe County created the A-B Arson Task Force ("ABATF") as a joint-exercise-of-powers agency. Since that time, ABATF has been an extremely successful example of effective City-County cooperation. Its success rate in determining fire cause is very high, as is its arrest/conviction rate. ABATF has been cited nationally by the U.S. Fire Administration as a model cooperative effort to combat arson.

For the past two years, members of the ABATF Board of Directors have worked to raise the estimated \$40,000 needed to acquire and mobile an arson investigation field unit. Approximately 75% of the needed funds - \$30,000 - are in hand.

The ABATF has adopted a resolution requesting support from the City and County in the form of \$5,000 from each, to allow ABATF to proceed with the acquisition of this mobile arson response unit.

It was the consensus of Council to proceed with appropriate actions necessary from the Consent Agenda at the next formal meeting.

BOARD AND COMMISSION APPOINTMENTS

Vice-Mayor Field suggested the Boards and Committees Committee look at the

Council policy as it relates to someone serving two years not being eligible for reappointment.

Board of Adjustment - City Council asked to interview Judy Long, Joseph Brady, Leon Rocamora and Bill Branyon.

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Citizens/Police Advisory Committee - City Council asked to interview Doyle Freeman, Dick Rice and David Sands. It was the consensus of Council to appoint Councilman Tommy Sellers as the Council appointment (to be a non-voting member).

Community Relations Council - Councilman Hay moved to take formal action to reappoint Bernadette Thompson. This motion was seconded by Vice-Mayor Field and carried unanimously. City Council then asked to interview Cynthia Janes, Cassandra Ingram, Lionel Williams, Luke Carpenter, Leslie Daugherty and Kathryn Liss.

Transit Authority - Councilman Cloninger moved to proceed with taking action at the next formal meeting to appoint Jim McCulley to the Asheville Transit Authority. This motion was seconded by Councilman Hay and carried unanimously.

OTHER BUSINESS:

Planning Meeting to develop plan regarding drug abuse

Mayor Martin invited Council to a meeting on Thursday, January 18, 1996, from 1:00 - 5:00 in Room 623 of the City Hall Building. This meeting will involve community leaders who will work on a comprehensive strategy to rid our community of drug abuse.

Comments by Leni Sitnick concerning Board of Adjustment and Planning & Zoning County Appointments

Ms. Leni Sitnick suggested City Council amend its local ordinance to allow County appointees to the Board of Adjustment and the Planning & Zoning Commission to vote on matters only inside the extraterritorial zoning jurisdiction (ETJ). Of, if Council continues to allow these appointees to make decisions concerning City issues, to ask Buncombe County to recompense the City for staff time and cost to the City.

She noted that when Buncombe County Commission Chairman Rainey was asked how he felt about this, his response was that he didn't have a problem with the change. Now is the time to make that change.

CLOSED SESSION

At 5:03 p.m., Councilman Worley moved to go into closed session: (1) as authorized by G.S. 143-318.11 (a) (5) to establish the City's position regarding the acquisition of real property (a) at the intersection of Coxe Avenue and Aston Street; and (b) on Page Avenue; (2) as authorized by G.S. 143-318.11 (a) (6) to consider the performance of an individual public officer or employee. This motion was seconded by Vice-Mayor Field and carried unanimously.

At 6:10 p.m., Mayor Martin moved to come out of closed session. This motion was seconded by Councilman Hay and carried unanimously.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:10 p.m.

CITY CLERK MAYOR
