

Tuesday - March 10, 1998 - 5:00 p.m.

Regular Meeting

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor Edward C. Hay Jr.; Councilman M. Charles Cloninger; Councilman Earl Cobb; Councilwoman Barbara Field (arrived at 5:40 p.m.); Councilman Thomas G. Sellers; and Councilman O.T. Tomes (arrived at 6:57 p.m.); City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

### **INVOCATION**

Mayor Sitnick gave the invocation.

### **I. PROCLAMATIONS:**

#### **A. PROCLAMATION PROCLAIMING MARCH 8-14, 1998, AS "DENTAL ASSISTANTS RECOGNITION WEEK"**

Mayor Sitnick read the proclamation proclaiming the week of March 8-14, 1998, as "Dental Assistants Recognition Week " in the City of Asheville and presented the proclamation to Ms. Betty Finnegan.

#### **B. PROCLAMATION PROCLAIMING MARCH 15-21, 1998, AS "UNITY IN DIVERSITY WEEK"**

Mayor Sitnick read the proclamation proclaiming the week of March 15-21, 1998, as "Unity in Diversity Week " in the City of Asheville and presented the proclamation to Ms. Raphael Peter who briefed Council on some planned activities taking place during the week.

#### **C. PROCLAMATION PROCLAIMING MARCH 16-22, 1998, AS "HI NEIGHBOR AND FRANK SCOTT WEEK"**

Mayor Sitnick read the proclamation proclaiming the week of March 16-22, 1998, as "Hi Neighbor and Frank Scott Week " in the City of Asheville and presented a proclamation to Mr. Keith Murlless, President of the Asheville Volleyball Club, who briefed Council on some planned activities taking place during the week. She also presented proclamations to Ms. Teresa Scott, daughter of Frank Scott, and Ms. Diane Mugnai, who was Frank Scott's fiancée.

### **II. CONSENT:**

#### **A. RESOLUTION NO. 98-25 - RESOLUTION AWARDED CONTRACT TO HAYNES ELECTRIC UTILITY CORPORATION FOR THE PURCHASE AND INSTALLATION OF TWO TRAFFIC SIGNALS AT THE TRANSIT CENTER**

Summary: In an effort to provide adequate vehicular and pedestrian access at the new transit center, the City's Traffic Engineer and the Asheville Transit Authority (ATA) have formulated a traffic signal system that addresses these needs. The City received a transit grant in the amount of \$70,000 for this project and the City has allocated another \$35,000 toward this effort.

The City, through the Engineering Department, solicited formal bids for the above stated project. This bid process engaged in November, 1997; whereas a total of 18 advertisement for -2-

bid letters and bid packages were sent out, including five to certified minority businesses registered with the City. Advertisement letters were also sent to the Association of General Contractors, F. W. Dodge and the Buncombe County Minority Affairs' office. We did not receive enough bids at our initial bid opening on December 3, 1997. The project was re-advertised and two bid proposals were received, none of which were from certified minority businesses.

The lowest most reasonable bid that met the City's and ATA's requirements was from Haynes Electric Utility Corporation of Asheville, North Carolina, for a bid price of \$119,619. After negotiations by the Traffic Engineer with Haynes Electric, Haynes Electric reduced their bid to \$96,995.

Staff recommends that the City Manager be authorized to enter into a contract with Haynes Electric Utility Corporation for the bid price of \$96,995, for the project known as Purchase and Installation of Two Traffic Signals for the New Asheville Transit Center.

#### **RESOLUTION BOOK NO. 24 - PAGE 353**

#### **B. RESOLUTION NO. 98-26 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN PLAN DOCUMENTS TO ALLOW FOR THE PARTICIPATION OF THE CITY COUNCIL IN THE CITY'S EMPLOYEE BENEFIT PROGRAM**

Summary: The consideration of a resolution authorizing the City Manager to execute appropriate Health Benefit Plan documents to allow the City to amend its benefit plan to 1) allow for the voluntary participation of Council Members, and 2) change the "plan year" as it is defined for purposes of keeping the plan qualified for tax exempt status with the IRS.

Since 1983 when the City first began self-funding its benefit program various members of the City Council have asked about their own participation in the plan. Unfortunately, no Council to date ever reached consensus on whether or not to participate.

To avoid the problems inherent with some members wanting to participate, and others perhaps not wanting to participate the plan amendments as drafted will allow for individual members of the City Council now, and in the future to decide to participate, or not on an individual, and voluntary basis.

Also, due to a change in the stop-loss renewal contract date it is necessary to redefine the "plan year" so that the IRS can accurately track the tax exempt contributions of employees to the health plan, and qualified reimbursement accounts.

This action requires no new outlay of funds.

Staff recommends adoption of the resolution authorizing the City Manager to execute plan documents to allow the City to amend its benefit plan to 1) allow for the voluntary participation of Council Members, and 2) change the "plan year" as it is defined for purposes of keeping the plan qualified for tax exempt status with the IRS.

#### **RESOLUTION BOOK NO. 24 - PAGE 355**

#### **C. RESOLUTION NO. 98-27 - RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE THE EXCHANGE OF PROPERTY BETWEEN THE CITY OF ASHEVILLE AND THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES -3-**

Summary: The consideration of a resolution directing the City Clerk to advertise the exchange of property located behind the W.C. Reid Community Center Annex Building with the Opportunity Corporation of Buncombe-Madison County.

The Parks and Recreation Department and the Advisory Board have worked with the Opportunity Corporation of Buncombe and Madison County concerning a piece of property located behind Reid Center which would serve as administrative offices for their operations. The approximate size of this purchase would be approximately 1.3 acres. The survey shows the exact location for this purchase. The Opportunity Corporation of Buncombe and Madison County would be making a financial contribution of \$20,000 to the Parks and Recreation Department to fund a mini park in the West End section of Asheville. In addition, the Opportunity Corporation would be donating materials and administrative costs up to \$16,000 to construct a bridge across the creek at the base of the property as well as providing an easement across their property for greenway development.

The Parks and Recreation Department recommends adoption of the resolution directing the City Clerk to advertise the exchange of property located behind the W.C. Reid Community Center Annex Building with the Opportunity Corporation of Buncombe-Madison County.

**RESOLUTION BOOK NO. 24 - PAGE 356**

**D. RESOLUTION NO. 98-28 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDING FROM THE GOVERNOR'S HIGHWAY SAFETY PROGRAM TO FUND DRIVER'S SAFETY PROJECTS**

Summary: The consideration of a budget amendment, in the amount of \$14,250, to fund a Police Impaired Driving Enforcement and Training Project and a resolution authorizing the City Manager to accept funding from the Governor's Highway Safety Program relative to this project.

The Governor's Highway Safety Program (GHSP) has made \$14,250 available to reimburse the police department for costs associated with Impaired Driving Enforcement and Training. Specifically the funds are for the purchase of five (5) in-car video cameras, miscellaneous supplies, and public information materials. The GHSP will fund \$2,250 per video camera. The cameras cost approximately \$4,800 each. The City will therefore have to provide the balance of the cost of the five video cameras in the amount of \$12,750. No other local funds are required for the project. The police department has sufficient funds available to commit \$12,750 from its operating budget. Total project cost is estimated at \$27,000.

City staff recommends adoption of a resolution authorizing the Police Department to accept the reimbursement of funds from the GHSP and adoption of a budget ordinance amendment to appropriate the revenue and expenditures.

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**E. ORDINANCE NO. 2456 - BUDGET AMENDMENT TO FUND A POLICE IMPAIRED DRIVING ENFORCEMENT TRAINING PROJECT**

Summary: See Item "D" above.

**ORDINANCE BOOK NO. 16 - PAGE 421**

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**F. MOTION SETTING A PUBLIC HEARING FOR MARCH 24, 1998, TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE AS IT RELATES TO THE DEFINITION OF ANTENNAS AND TELECOMMUNICATION TOWERS**

**G. MOTION SETTING A PUBLIC HEARING FOR MARCH 24, 1998, TO REZONE A PORTION OF A LOT**

**LOCATED ON 488 HENDERSONVILLE ROAD FROM RS-8 RESIDENTIAL SINGLE FAMILY HIGH DENSITY TO HB HIGHWAY BUSINESS**

**I. MOTION SETTING A PUBLIC HEARING FOR APRIL 14, 1998, RELATIVE TO PROHIBITING DOGS IN RIVERSIDE CEMETERY**

Mayor Sitnick said that members of Council have been previously furnished with copies of the resolutions and ordinances on the Consent Agenda and they will not be read.

Councilman Sellers moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Cobb and carried unanimously.

**III. UNFINISHED BUSINESS:**

**A. RESOLUTION NO. 98-29 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MASTER MUNICIPAL RENTAL AGREEMENT WITH NEC AMERICA INC. FOR LEASING A TELEPHONE SYSTEM**

Finance Director Bill Schaefer briefed City Council on the information he presented at their meeting on February 24, 1998, which was that the City government's present telephone system is made up of several small switches which have limited capabilities and do not provide the functionality and growth capabilities the City needs to handle essential communications requirements. Additionally, the mix of old and newer technologies has caused considerable interoperability problems in attempting to get the various segments of the current system to function together and many components are nearing the end of their service life expectancy. As a result, in June of this year, the City initiated a Request for Proposal process to select a provider of a single, fully-integrated telephone system for the City government which has the functionality and anticipated expansion capabilities the City requires. Newspaper ads announcing the solicitation resulted in six companies responding that they would like to participate. Of those, four actually submitted proposals. A team made up of representatives from several departments evaluated the responses and selected the Southeastern Telecom proposal as offering the best solution to the City's telephone requirements.

The Southeastern Telecom proposal incorporates state-of-the-art functionality, fully-integrated compatibility throughout the City (including such locations as City Development, the new Mills River Water Plant, and with the addition of a supporting T-1 line in next year's budget for the North Fork Water Plant), expansion capability to accommodate both anticipated growth in communications needs and the addition of future functionality developments. For example, if needed, the system will be able to handle the increased communications requirements of the Civic Center future transition to a convention center/hotel complex with little or no modification of the telephone system.

Under their proposal, Southeastern Telecom will be the local provider of equipment, installation and maintenance of the system. However, as has been the City's policy with other areas in which technology is changing rapidly, such as computer hardware and software, the system will be leased rather than purchased outright. The Master Municipal Rental Agreement, between the City and NEC, requires monthly payments of \$6,457.50 for a term of seven years . -5-

Funds for this lease are provided in the Fiscal Year 97-98 budget.

On February 24, 1998, City Council directed staff meet with personnel from Telephone Systems of Asheville (TSA) to discuss their proposal to provide a leased telephone system to the City of Asheville and, in light of any additional information provided during those meetings, that staff reconsider its recommendation that City Council adopt a resolution authorizing execution of a lease of the system proposed by Southeastern Telecom.

On March 3, a team of staff members consisting of representatives from Fire, Police, Water Resources, Building Safety, Civic Center, Planning, Finance, Parks and Recreation, Risk Management, Information Services, and Administration met with representatives of TSA. The TSA representatives outlined their proposed system, explained its current and future capabilities, demonstrated some of the equipment they have proposed and answered questions from staff.

On March 4 staff representatives met with representatives from Southeastern Telecom for a similar presentation.

Following those face-to-face meetings and a re-review of portions of the proposals submitted by TSA and Southeastern Telecom, staff members were unanimous in their belief that the Southeastern Telecom proposal represents the best solution to the City's telephone system needs and was unanimous in their recommendation that Council approve the proposed resolution authorizing the lease of the system proposed by Southeastern Telecom.

At the request of Councilman Cloninger, Mr. Schaefer went through TSA's deficiencies in the Request for Proposals as follows: (1) requested features - no response 33 of 389; (2) ACD requested applications software features -- no response 25 of 52 and -- no multiple-split capability (available release 29); (3) no itemized pricing list (provided 12/27/97); (4) no enhanced 911 (provided information on 11/5/97 at added cost); (5) no centralized billing; (6) emergency response -- lost 50% of stations or lines or no station-to-station; (7) system size - need immediate expansion (60 vs. 80 trunks); (8) year 2000 certification (verbal but not written); and (9) no integrated call processing platform - (ACD, IVR, etc.).

Councilman Sellers said that Mr. Kennedy, owner of M.B. Haynes, informed him and Vice-Mayor Hay that they would withdraw from the proposal process.

At 5:40 p.m., Councilwoman Field arrived at the meeting from the Congressional Cities Conference in Washington, D.C.

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

Councilman Cloninger moved for the adoption of Resolution No. 98-29. This motion was seconded by Vice-Mayor Hay, in light of TSA withdrawing their proposal.

Mr. John Pierce, Chief Financial Officer of M.B. Haynes, said that they are withdrawing their proposal. He said that as community members and in the future, they would like, as a vendor, to have the City come back to them earlier in the process so they wouldn't feel compelled to come to City Council and discuss these normal matters in a public forum.

The motion made by Councilman Cloninger and seconded by Vice-Mayor Hay carried unanimously.

## **RESOLUTION BOOK NO. 23 - PAGE 359**

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### **IV. PUBLIC HEARINGS:**

#### **A. PUBLIC HEARING RELATIVE TO CONSIDERING THE REZONING OF PROPERTY ON OLD HAYWOOD ROAD FROM RS-4 RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY**

Mayor Sitnick said that on March 6, 1998, Mr. Charles Worley, attorney for the petitioners, requested this

public hearing be continued until March 24, 1998. His letter read in part: "A protest petition has been filed with respect to this appeal thereby requiring the affirmative vote of at least six members of City Council in order to be successful in the appeal. I understand that two members of City Council will be attending the Congressional Cities Conference in Washington, D.C., and will not be returning until Tuesday evening. This obviously creates a substantial risk that only five members of Council will be present for the hearing."

City Attorney Oast said that there appears to be a valid protest petition, so when this matter is voted on, it will require six affirmative votes from Council.

Councilman Sellers moved to continue this public hearing until March 24, 1998, without further advertisement. This motion was seconded by Councilman Cobb and carried unanimously.

## **B. PUBLIC HEARING RELATIVE TO THE SALE OF PROPERTY OWNED BY THE CITY OF ASHEVILLE KNOWN AS MEMORIAL STADIUM AND ASSOCIATED PROPERTY TO ROBERT CAMILLE JR. IN THE AMOUNT OF \$1,400,000**

The original public hearing was set for January 27, 1998, however, that meeting was cancelled due to adverse weather conditions. On February 3, 1998, City Council moved to set a worksession on this matter on February 17, 1998, and then continue the public hearing until this date.

Mayor Sitnick said that Councilman O.T. Tomes has not yet arrived from the Congressional Cities Conference in Washington, D.C. His plane will not arrive under 5:45 p.m., which means that he would not get to this hearing until at least 6:15 p.m. She said that if Council doesn't vote tonight on this issue that a tape of the proceedings be made available to Councilman Tomes so that he can listen to whatever comments are made prior to his arrival, otherwise, it would mean holding everyone up for another half an hour. She said that unless she receives a 100% affirmation by the entire audience, she would proceed with the hearing.

Councilman Cloninger asked if by opening the hearing without Councilman Tomes being present, would that prevent him from voting if he were to come in during the course of the hearing? City Attorney Oast replied that it would not prevent Councilman Tomes from voting.

Councilwoman Field suggested that City Council not vote tonight so that Councilman Tomes has an opportunity to hear the whole tape of the hearing.

Mr. Irby Brinson, Director of Parks & Recreation, said that recognizing that approximately \$30 million is necessary over the next 15 years in order to enhance recreation facilities in the community, the Parks and Recreation Department has been exploring alternative financing to meet these needs without a tax increase. Their current Capital Improvement Plan is over \$5 million and generally his department receives about \$500,000 per year and the majority of that going to maintaining the existing facilities we currently have. The revenue received is not meeting the demand for services. Based upon City Council's Strategic Plan in Fiscal Year 1997- -7-

98, direction was given to his department to look for alternative ways to finance their needs. There has been a concerted effort by his department through grants, sponsorships and other means to reach that particular goal. For example, the Parks and Recreation Trust Fund grant in the amount of \$250,000 which they received for the renovation of Stephens-Lee Recreation Center. Their sponsorship for other activities such as First Night and Bele Chere have exceeded almost a 400% increase. They have applied to FEMA for a mitigation grant of \$1.2 million. The sale of Memorial Stadium represents one alternative. If he had the money, he would not be talking about this issue. In February of 1997 he was approached about the sale of Memorial Stadium and immediately approached City Council with this item. The Parks & Recreation Advisory Board was given authority to proceed with the proposal. The Advisory Board reaffirmed their position at the February 1998 meeting. They prioritized their needs over the past several years and Stephens-Lee

renovation was the number one concern which is now under renovation. The second prioritized need was ballfields in North Asheville. Researching back through the Advisory Board minutes, in 1967 this issue was first discussed. Currently the little league program for North Asheville has grown to almost 300 children. This issue is not just about the 300 children in the North Asheville Little League, it is also about an area of the City that has no recreation facilities and serves a large number of the tax payers of the City as well - Richmond Hill. Memorial Stadium currently is a 21 acre tract zoned institutional with only about seven acres that are relatively flat. The rest of the property slopes between 10-35%. It is currently used by the West Asheville Sports Program for football, Asheville Volleyball Club, the Asheville Ultimate Frisbee, Asheville Rugby Club, Youth Flag Football, the North Asheville Little League and the Martin Luther King Youth League. If the stadium is sold, all of these groups will be accommodated. The sale of the stadium will take a seven acre tract and develop a 20 acre site which will serve the needs of the previous users as well as provide needed recreation for the residents of the northwest area. The sale price includes \$1.4 million and also an additional \$75,000 to purchase the access across the right-of-way into the Richmond Hill property off of Richmond Hill Drive. The funds will be used to develop the ballfields at Richmond Hill and also renovate the playground and park at Mountainside Park. We have two cost estimates of the ballfields at Richmond Hill which have come in under this amount however he cannot state that the figure will be the total amount because a lot depends on the final outcome of what we want to put in the park and when they actually start construction. An appraisal in the amount of \$1,161,000 was done. This has been a very difficult decision both personally and professionally for him because it is totally against what he believes. He pledged to continue to work towards the expansion and enhancement of recreation services to the citizens and visitors. They are facing an even greater problem and that is the lack of money to meet these needs. Therefore, the Parks and Recreation Department and the Parks and Recreation Advisory Board recommend proceeding with the sale of Memorial Stadium to Robert Camille.

Upon inquiry of Councilman Cloninger, Mr. Brinson said that the three acre Mountainside Park will remain with improvements of new playground accessible equipment, access parking for the disabled, walking trail around the park, a green area kept and maintained, and also a picnic shelter with other facilities.

Upon inquiry of Councilman Cloninger, Mr. Brinson explained that the North Asheville Little League's jurisdiction comes into the central area so those children would be served in the North Asheville Program. There is another program that was started by the Martin Luther King Youth Committee that has participation at Martin Luther King Park. There is sometime conflicts with those groups and with the ballfields in Richmond Hill, that would allow for more use of Martin Luther King Park by the Martin Luther King League.

When Councilman Sellers asked if Mountainside Park would be renovated if the sale of Memorial Stadium doesn't go through, Mr. Brinson said that eventually it would be renovated. -8-

However, they have 26 playgrounds they are trying to renovate and they have only renovated four. They do two a year and they are planning to do one in Shiloh and one in Kenilworth this year.

Councilman Cobb stated that he was not anti-recreation but was reluctant to sell any property. He stressed the need to find other ways to fund recreation.

Vice-Mayor Hay stated that regardless of what action Council takes on this issue, he commended Mr. Brinson for trying to find new and creative ways to meet the needs of this community.

Mr. Brinson responded to various questions from Council regarding how the price of \$1.4 million was arrived at, if staff reviewed the options that were available in selling off portions of Memorial Stadium and associated properties, how the money will be committed to the Richmond Hill ballfields and renovation of Mountainside Park, and when would the completion of the Richmond Hill ballfields take place.

Mayor Sitnick said that City Council has received multiple letters, phone calls, postcards, personal visits from

members of the public regarding this issue and they are grateful for that. She believed that everyone involved in this, including City Council, believe in investing in our children, believe in recreation and believe in the fact that we need the proper and appropriate resources to provide that investment in our children in this community. It would be her hope that those of us who chose to sell Memorial Stadium are not seen as anti-parks and those of us who chose not to sell Memorial Stadium are not seen as being anti-kids.

The following persons spoke in support of selling Memorial Stadium and associated property. Some reasons being, but are not limited to: North Asheville is the most recreationally-deprived area of the City; this proposal is a great opportunity to develop ballfields at Richmond Hill; intentions are to redraw some of the little league lines to take into account children playing closer to home; there are two unused pieces of property because there is not any recreation going on them; City has owned Richmond Hill property for 60 years with the purpose of developing it into a recreational site but that has never been done; Asheville needs recreational facilities for our children; Asheville does not need any intercity greenways or suburban greenways because we have a million acres of federal greenway surrounding the City; Memorial Stadium is a largely-abandoned used and unwanted recreational facility; the price offered by Robert Camille is more than what it's worth; seems like alternatives only come up when North Asheville is being told no for recreational facilities; those groups that use Memorial Stadium have supported this proposal to sell; this is no expenditure from the public purse; this will in not affect the neighborhood; the arch will remain so we will not forget the veterans; Mountainside Park will be improved; children's needs are immediate and this is the only plan to bring about the needs now; unable to have girls softball due to lack of fields; North Asheville Little League has transported kids to other facilities; and the recreational facility is not only for North Asheville Little League.

Mr. Tom Asick, President of the North Asheville Little League

Mr. Jim Drummond, Asheville resident, member of the West Asheville Sports Program for football and cheerleading, member of the Asheville-Buncombe Fair Housing Commission

Mr. Samuel Camp, member of the Parks & Recreation Advisory Board

Mr. Ed Backe, former PTO President of Claxton Elementary School and former Little League Basement Coach

Mr. Bill Estes, Chairman of the Parks & Recreation Advisory Board

Ms. Mary Kathryn Asick -9-

Mr. David Parker, Vice-President of the North Asheville Little League

Ms. Barbara Weinkle

Mayor Sitnick asked if the North Asheville Little League has ever approached the County, since City residents are also County residents, and asked for their help in coming up with some funding for this need.

Mr. Asick said that he has not approached the County because North Asheville is entirely in the City of Asheville's jurisdiction and the County has it's own leagues.

The following persons were not opposed to the development of ballfields in North Asheville, but with the selling of Memorial Stadium and associated property to build those ballfields. Some comments and questions were, but are not limited to: goals should be to find equitable solutions to our parks and recreation needs - not taking from one part of the community and putting it in another part of the community; Parks and Recreation Department has been traditionally under-funded and the community needs to come up with methods for a sustainable funding source; it goes against any fundamental planning principle to go about funding parks and recreation development this way; the selling of Memorial Stadium will not meet the \$30 million need to enhance our recreation facilities; the City needs the Parks and Recreation Master Plan and the Greenway Plan prior to making any decisions; Asheville is in desperate need for good quality open space in the City; there are a lot of other real recreation demands in Asheville beyond a baseball facility, like the needs of the soccer community and other youth and adult sports groups; Asheville needs to look beyond this



one single opportunity because all of our facilities are aging, and need maintenance; the City needs to look at the potential of Memorial Stadium as a recreational space; don't give up the quality of open space in downtown because it's very important to protect the space we have; if we sell Memorial Stadium we give up a tremendous opportunity to bring different social classes from coming together; Asheville needs to develop civic leadership, the leadership of City government, the leadership of community organizations and corporate sponsorships to make parks happen; do not put the burden of funding a park in North Asheville on the backs of people in Central Asheville; over 495 children live in public housing within walking distance of Memorial Stadium; don't think of this one singular issue but of long range funding sources like a parks and recreation bond referendum; Memorial Stadium is being used by the neighborhood; Memorial Stadium is used by the elderly as a safe, secure place to walk and exercise; parents allow their children to play at Memorial Stadium because it is a safe structure; not all kids belong to an organized little league and they need a safe, structured place to play; the neighborhood will change; this could be a link to a walkable community; Memorial Stadium should remain for the historic value; difficulty to transport kids out of their neighborhoods; don't put a price on a veteran's memorial park; this is an excellent site for the community to hold large, controversial meetings; need to save the land not only for ourselves, but for future generations; find other ways to meet recreation needs other than selling parks; do not sell Memorials; if Memorial Stadium is sold, the Land-of-Sky Veterans Memorial proposes that the alternative site for a veterans memorial be in Pritchard Park, that some of the funds from the sale of that land be devoted to a veterans memorial, (currently propose a statute of a Minute Man surrounding by 3,000 bricks that would be sold to raise \$150,000), and that City Council change the name of Pritchard Park to Veterans Memorial Park; Memorial Stadium may be worth more than \$2 million; instruct Parks & Recreation staff to find ways to develop both properties; a bond referendum may be the only solution; ideal time to work cooperatively with Buncombe County; the community is being left out; if Memorial Stadium is upgraded, programs will use it; maybe someone in North Asheville can donate land for a field; a large number of acres so close to downtown should be worth more than \$1.4 million; wrong to take a park from the poor and build a replacement that most of them can no longer access; do not sell the Memorial Stadium but work to rehabilitate the facility and increase its availability to all; we should promote a Parks Bond; Memorial Stadium is being used; much of the land in the predominantly African American communities have been sacrificed for development over the -10-

years by urban renewal; we need to protect the downtown central open public space that we have rather than to give it up to private development; the community will be damaged when offices come into the area; this proposal is divisive and short-sighted; parents of children on ballteams should help make ballfields better and not rely on the City; veterans didn't decide that America was something they could trade in because it was a profit; it is a long way for the kids to walk to Martin Luther King Jr. Park; the area will continue to be developed and take the neighborhood homes; stop redeveloping in that area; concern about potential loss of neighborhoods; development will displace several multi-generation families; work with The Trust for Public Land on building trails on this property; what is the cost to the City to provide for the contingencies in the contract and would the money come out of the contract proceeds; proposal is short-sited, based on poor planning principles, is exclusionary and not consistent with current community-wide planning efforts; the sale is counter to sustainable viability of downtown neighborhoods; the sale will drastically change the make-up of the neighborhood by increasing the amount of non-permeable asphalt and office building; the sale will drive up rents and make some residents of the community look for alternative housing; the youth that will be losing a park are predominantly minority and low income; an issue this divisive can't be the right thing to do; there are racial and class bias undertones that should be taken into account; Memorial Park is near the bus lines and the land on Richmond Hill is far away from public transportation, making it less appealing to the children and youth without transportation; Memorial Park is graded for sports activities and Richmond Hill is woody and hilly meaning costs of grading must be considered; why not get estimates on the costs of bringing Memorial Stadium into line for a recreational facility; consider selling the Richmond Hill property; an easement would have to be granted by someone owning nearby land and easements can cause trouble; adjoining residential owners have given no public discord on being near Memorial Stadium if it remains a recreational facility; restore old landmarks; Memorial Stadium is beneficial to low income people; area

residents don't want their neighborhood disrupted; and commercial business will start to intrude into the neighborhoods.

Mr. Tom House, representative of Memorial Stadium Coalition (Presented Council with a packet of information from the Master Plan document along with 1990 census data information for the central and north areas)|

Ms. Willie Mae Brown, resident of the White Fawn/Buchanan community

Mr. Briggs Sherwood, Director of Development for the Asheville-Buncombe Youth Soccer Association (Presented petition from Board opposed to sale and to master planning for parks that does not include accessible public field spaces for youth soccer in all of our neighborhoods. Also presented 17 form letters which note the opposition of selling Memorial Stadium)

Mr. Bill Cravener, representative of the Buncombe County Veterans Council

Mr. Steve Rasmussen, High Priest of Coven Oldenwilde

Ms. Erin McLoughlin, Asheville resident

Ms. Susan Andrew, President of the Kenilworth Residents Association

Mr. Larry Owen, representative of the Veterans of Foreign Wars, member of Disabled Veterans of America, AMVET 333, American Legion

Mr. Richard Griffin (presented drawings of proposed veterans memorial statute)

Ms. Eleanor Earle, Director of a Housing Authority Program

Ms. Elizabeth Brank, 952 West Chapel

Mr. Bob Smith, Asheville-Buncombe Community Relations Council

Mr. Michael Fan

Mr. Rusty Sivils (presented newspaper articles dating back to 1949 regarding Memorial Stadium)

Ms. June Lamb

Ms. Laura Whitley

Mr. Charles McClary Small, Mental Health Tech with the Cooperative Learning Center in Enka-Candler and basketball official -11-

Ms. Janet Hart, resident on Baird Street

Rev. John Grant, Pastor of Mt. Zion Missionary Baptist Church

Mr. John Dean

Mr. Hugh Kelley

Ms. Jan Howard

Mr. Tom Rogers

Ms. Nicki Thurston, veteran

Mr. Benny Lake, Asheville resident and property area in area

Mr. James Geter, President and Chairman of the Eagle/Market Street Redevelopment Corporation

Ms. Jane Mathews

Asheville citizens and former resident of the White Fawn neighborhood

Mr. Ken Fulford, North Asheville resident

Ms. Caroline Tingle, former employee of the County Commissioners Office and former Chairman of the Parks and Recreation Advisory Board

Mr. Tom Wilson, North Asheville resident and served on the North Asheville Little League Board for two years previous to now

Mr. George McConnell, Asheville resident

Mr. Alan Kirkpatrick, representative of the Asheville Ultimate Frisbee Club (Presented Council with a petition containing 502 signatures encouraging City Council to consider other funding options for new recreational resources for the community and not sell Memorial Stadium. Also presented 137 form letters which note the opposition of selling Memorial Stadium)

Mr. Brian Peterson, President of the Coalition of Asheville Neighborhoods

Ms. Marilyn Muccio

Ms. Minnie Jones

Ms. Hazel Fobes (Mayor Sitnick read her letter dated March 10, 1998, into the record)

Mr. John Legerton (Councilman O.T. Tomes was requested to voice opposition)

At 6:57 p.m., Councilman Tomes arrived at the meeting from the Congressional Cities Conference in Washington, D.C.

Upon inquiry of Councilwoman Field, Mr. Brinson said that there is a person in Parks and Recreation who is dedicated to writing grants and who has a 75% success rate on obtaining those grants. He stressed that they are very active in applying for grant money.

Councilwoman Field spoke recently with County Commissioner Chairman Tom Sobol who told her that there was kind of an agreement that the County would deal with soccer facilities and the City would deal with the Little League facilities. She suggested that persons who comment on the need for soccer facilities take their comments to the County Commissioners as well. Mr. Brinson said that the soccer program is actually run by the County Parks & Recreation Services. The City of Asheville has been a player for some time in providing facilities even though on a limited basis. Our competition comes from the programs that we sponsor which happens to be five or six little league organizations and the over 150 adult softball teams that we have that are competing with the same fields. There has been a concentrated effort to try to address the particular needs of all, and the comprehensive Master Plan will do some of that, but as far as the soccer facilities themselves, it has been the direction of the County to address those on a neighborhood level.

Mayor Sitnick noted that the City resident pays 3 and 1/2 times as much for recreation as does the resident outside the City even though the parks are available to everyone equally.

City Manager Westbrook pointed out that it was reported in the newspaper that the City had asked the County to cooperate on a soccer area in the purchase of the property to do that -12-

and the County declined to do so. So, the City staff is at this point unilaterally moving forward to try to acquire some property for soccer. That has not come back to City Council for any decision because we haven't come up with a solution yet but we are moving forward on that.

Mr. Robert Camille said that when this issue was first being talked about, it was never intended to do anything negative to anyone. They saw this viable field but our need was greater than a single field - we needed a lot of fields. He originally approached the City first about an easement to the adjoining 29 acres and after talking with Mr. Brinson they saw it as a win-win proposition for everyone. Since this particular field is within the North Asheville District that we would not be taking away from those children but rather giving them more than what they currently have. To expand that facility would require significant grading and taking away the trees - things that people want to save. Only one person has called to ask him to ask about what his plans were for the property. The way he sees it, they were going to add a substantial amount of money to the tax base which would benefit all residents. They were going to provide four baseball fields and two football/soccer fields in place of one. There really is no comparison in terms of usage. The people in Richmond Hill area have nowhere to play and there are some in downtown. Some people talked negatively about redevelopment, but Martin Luther King Park was a product of a redevelopment effort. He thought what they were doing was a good thing for everyone in the City of Asheville by providing privately funded fields. He has no interest in a bond referendum but he would support one for the right purpose. They specifically made this contract requirement to build a new park in exchange for this park - it was not just a matter of giving money to the City.

Upon inquiry of Mayor Sitnick, Mr. Camille said that he is no longer working with the original group of doctors regarding this purchase - he is working alone. He said at this point he has no concrete plans but he does have somewhat of a vision for the area - and he does not see it as something like the Asheville Mall. It is

really set up to be developed in smaller parcels. He sees a much greater area to walk. Right now a lot of that property is inaccessible - it's too steep and couldn't be developed for any use. The 29 acres that he's looking at buying is primarily a buffer. What would probably happen is to be split up into five residential lots and sell them off as that with deed restrictions that would require them not to be subdivided and restrict them to single-family.

Mayor Sitnick noted that Mr. Beasley, who performed the appraisal, called the City's 21 acres as prime downtown land and said that if it was divided up it would bring in a lot more money. Mr. Camille responded that it would be worth more, but you would have to pay to bring in the infrastructure, the roads, etc. at a substantial cost.

Mayor Sitnick closed the public hearing at 9:29 p.m. and called for a short recess.

Councilman Tomes stated that he was very comfortable in making a decision regarding this issue at this time as a result of the mail, phone calls and comments made at this hearing.

City Attorney Oast advised City Council the motions available. City Attorney advised them that they can accept Mr. Camille's bid as it is offered, or you can reject Mr. Camille's bid. If what Council wants to do is keep Mr. Camille's bid out there, they can establish another ten day period for making upset bids and that way they wouldn't be forced to reject his offer. However, if Council wants to re-open the process and consider selling part of the property or somehow deed restrict it, he suggested that Council take some action on Mr. Camille's bid.

Vice-Mayor Hay felt that we should start with the basic premise of if Council wants to sell under any circumstances. If the answer is no, then we can just stop and reject the bid. If the answer is yes, then we can decide under what circumstances and under what term. -13-

Upon inquiry of Vice-Mayor Hay, City Attorney Oast said that it would be appropriate for Council to consider a motion to direct staff to discontinue efforts to sell Memorial Stadium at this time.

Councilman Tomes thanked all of citizens for their comments on this issue. He said that he has struggled with this issue from its very inception. He has come to a clear resolve in his own mind that he cannot support the sale of Memorial Stadium. He believed that if we had the Comprehensive Master Plan of parks and recreation needs of this City along with cost estimates, it would help me have some thorough feeling and perception as to what the needs are. He felt that the sale of Memorial Stadium is just a fraction of the finance that's needed for the recreational needs of this City. He didn't think Council would be good stewards to piece-meal the process that needs to be thought through thoroughly and needs to have some vision and depth to it. He could not support the sale of Memorial Stadium because he didn't have the whole picture.

Mayor Sitnick also felt that we should wait for the Master Plan. She was concerned about a lot of the issues brought up, i.e., the impact on the neighborhood, not knowing exactly what the development would be, and certainly the argument posed to Council by the veterans. She was concerned about setting a precedent. She felt that everyone agree with the fact that we need ballfields in North Asheville. She believed that this Council is committed to achieving that, at least with great diligence during their term. She has been on the phone for the last two weeks with people in Raleigh, with local corporations and developers, and with some people who provide foundation grants, looking for that money. She noted that she has a couple of potential things happening. She agreed that we need to look at the bigger picture of parks and recreation needs. If we don't begin to invest in our children at the front end, then the cost down the line will be much greater than the parks and recreation needs. And, according to Mr. Brinson, \$30 million is the least amount needed and that figure could exceed \$50 million to provide adequate soccer fields, little league fields, skateboard parks, passive parks, etc. that this community needs and deserves. She didn't know whether a bond is the way to proceed but certainly she would support a referendum to let the people decided on whether a bond was the

way to proceed. But, for now, the thought of selling Memorial Stadium for all of the reasons that have been stated is not something that she is comfortable with.

Councilman Cobb felt that after City Council reviews the Master Plan, then Council can decide if they want to proceed.

Councilman Cloninger said that Mr. Brinson has already told Council that although the Master Plan has not been released yet that the sale of this property and using the money to build the fields at Richmond Hill is consistent with what the Master Plan would say, in that we currently have more playing fields and recreational opportunities in the center of the City than we do in other areas, including North Asheville. He has always been a part of organized sports and he felt it is one of the most important things we can do for our youth. Some concerns he had have been satisfied like the effect it would have on the people in the area of Memorial Stadium. He noted we will continue to have a three acre park and it will be greatly improved and give people a place to go. In addition, there are ways we can reconfigure the boundaries of the different little league areas so that the kids in the center city will not have to travel out to these other places and they'll have more playing time available on these fields because the North Asheville group won't require as much use of those fields. He has heard a lot of examples of where parents have gotten together to carpool and transport kids to playing fields and he was confident that the little league groups would help along those lines as well. The concern he has about accepting Mr. Camille's proposal is that he doesn't think we have done a good enough job of finding out if that is the top dollar that we can get for the property or whether we can perhaps sell a smaller portion of that property rather than all of it. Also, as the proposal stands now, there are not adequate protections as to limitations on what the steep slope could be back behind the flat area where - 14-

Memorial Stadium is. At the worksession he believed Council reached generally a consensus that if we decide to sell, we would want to have some kind of restrictions so that would be protected. Also, Council wanted right-of-way easements for greenways and that sort of thing. He felt that when the City received the offer from Mr. Camille there was only a ten day upset bid period. Frankly he didn't feel that was enough time for the other real estate agents and developers to try to perhaps put together a package to offer more than what Mr. Camille had offered. Therefore, he would like to see the City come up with a way to put the property back on the market, noting that Council can always not accept the offer. But, at least we can explore what the value of it is. He suggested that we do it in a way that doesn't involve simply putting it out for another 10 day bid period. He also suggested Council should decide whether to list it with a Realtor or market it ourselves through advertising. In any event, if the City is going to sell it, they need to be assured that they are getting the most money they can. He supported putting every penny of it back into parks and recreation - not only Richmond Hill but other areas where it may be used as well.

Councilwoman Field said that the possibility of a parks and recreation bond comes slimmer and slimmer when you look at the responsibility that the City will have for stormwater. Asheville will be mandated to meet the requirements of Phase II of the Clean Water Act, which means that we are going to have to treat stormwater. That means we are going to have to capture stormwater and that means a \$40 million investment. We cannot do that without some kind of bond funding. Also, there is a bill that has passed the House and is going into the Senate (the InterNet Sales Tax Bill) which is going to prevent the charging of sales taxes on the InterNet for items that are sold in our communities. What that means is local retail merchants will have to compete with the InterNet for selling of items. The InterNet is currently doubling the volume of business that it does every four weeks. What that does is put tremendous competition to local small businesses and it also puts us globally in the position of if we charge sales taxes at all, we are not in the global market. The N.C. League of Municipalities sees that sales tax will cease to be a viable tax in any community in this country. Sales taxes usually amount to between 30-50% of a city's revenues. The point is we will see our revenues going down, we will see our businesses getting smaller - at least for the short term. All those businesses that take advantage of the InterNet will also get larger. She understood that the

President, the Vice-President, the Senate and the House all are in support of this bill. Therefore, we will be looking at less resources rather than more resources coming into our City and she really didn't see that we are going to be able to go forward with a \$30 million parks and recreation bond, once all of these things start coming forward. She didn't think Council should make their decisions based on the fact that there will be a parks and recreation bond.

Councilman Tomes added a footnote to Councilwoman Field's comments in that after Councilwoman Field left Washington, Senator Lauch Faircloth was in a meeting and he made it clear to them that he would not support the bill before the Senate. Senator Faircloth asked that the local business people send their comments because they have not heard from anyone in the local communities.

Councilman Cobb moved to reject Mr. Camille's bid. This motion was seconded by Councilman Tomes.

Vice-Mayor Hay said that he was committed in finding the money for North Asheville parks. However, he felt the present proposal was a mistake for us. He would like for Council to take a step back. He shared Councilman Cloninger's concern that we are not getting top dollar for it. He is particularly taken with the arguments in favor of keeping greenspace, the acreage behind the stadium itself, the connection to the top of the mountain, and the greenways. The appraiser told us that the portion of the sales price, which is attributable to that acreage, is relatively small. He wanted to preserve the part that is wooded behind which goes up the mountain and not putt that up for sale at all. He also felt we could take advantage of the portion - 15-

from the gate over, towards Mountainside Park, by retaining it and developing it into a very functional neighborhood park so that the people who live in the neighborhood will have expanded opportunities for parks. He wanted Council to take a step back and suggested staff see what we can do about selling just that portion of the gated Memorial Stadium property. That is the part where the offices are proposed to be built, that is least used by the public, and that is the part that we can easiest replace with facilities at Richmond Hill. He would vote in favor of the motion, but would follow it with his proposal.

Mayor Sitnick noted that the gated portion of Memorial Stadium that Vice-Mayor Hay was talking about is zoned Institutional, which allows many uses in that district.

The motion made by Councilman Cobb to reject Mr. Camille's bid and seconded by Councilman Tomes carried unanimously.

Vice-Mayor Hay moved that we direct staff to report back to Council on the feasibility of selling the gated portion (approximately 7 acres) of Memorial Stadium property. This motion was seconded by Councilwoman Field.

Mayor Sitnick said that she had a problem with selling a memorial anything. Given the institutional zoning for that portion of the property, the neighborhood will be impacted severely because there are extensive uses permitted in that district. She also felt that we are setting a precedent and in 20 years we would look back on the sale like we are looking back now on other things that the City has given away including our water and sewer systems - the only revenue sources any municipality really has. Even though she understands we would be looking at a smaller portion of Memorial Stadium, she has a problem with the fact that parks and recreation is not getting better funding and that we are not looking in every possible place for revenues. She applauded that there has been this effort to create new ways to create revenues and she hoped that continues. However, selling Memorial Stadium, or any portion of it, is not the way to do it.

Vice-Mayor Hay said that the City can put whatever restrictions on the property that want. Regarding the memorial issue, he would like to hear more from the veterans about the possibility of replacing that memorial piece with something that the veterans find every bit as acceptable.

Mayor Sitnick asked if there was a possibility for the Parks and Recreation Department to create two or three little league ballfields at Memorial Stadium.

Councilman Cobb was opposed to selling any of Memorial Stadium. After hearing comments and by the number of phone calls and letters he's received, in his mind, there is no question that the majority of the people in Asheville don't want it sold.

Councilman Tomes stressed from his point of view, the City needs to have the broad picture of the master plan before making any decisions.

The motion made by Vice-Mayor Hay and seconded by Councilwoman Field carried on a 4-3 vote, with Mayor Sitnick and Councilmen Cobb and Tomes voting "no".

## **V. NEW BUSINESS:**

## **VI. OTHER BUSINESS:**

### **A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 24, 1998, AND THE WORKSESSION HELD ON MARCH 3, 1998 -16-**

Councilman Tomes moved for the adoption of the minutes of the regular meeting held on February 24, 1998, and the worksession held on March 3, 1998. This motion was seconded by Councilman Sellers and carried unanimously.

### **B. REQUEST FOR FUNDING ECOTOURISM SUMMIT**

Mr. Ian Booth, Project Manager for the Mountain Area Ecotourism Project, requested a one time commitment of \$5,000 in support from the City of Asheville for the upcoming Ecotourism Summit for July 24 and 25, 1998. The County Commissioners have voted unanimously on February 17, 1998, to provide \$5,000 support, contingent upon confirmation of the City's commitment to match.

After a brief discussion, it was the consensus of Council to have the Outside Agency Committee meet on Tuesday, March 17, 1998, at 2:30 p.m. in Room 209 of the City Hall Building to discuss the request and report back to Council at their worksession later that day.

### **C. CLAIMS**

The following claims were received by the City of Asheville during the period of February 6-26, 1998: Scott G. Buchanan (Fire), Dr. Leo Potts (Sanitation), CP&L (Water), Monte Frank Roper (Sanitation), Amanda Vance (Streets), David Cornwell (Water), Michelle Evans (Water), Hank Miller (Water), Amy Vinca (Water), Janet Desloges (Water), Adam Boone (Water), Steven Brown (Water), James & Mary Seward (Water), Ray Denny (Inspections), Mindy Hughes (Water), Bill Mitchell (Sanitation), Randy Smith (Water) and Lenior Swicegood (Sanitation).

The following claims were received during the week of February 27 - March 3, 1988: Mike Byer (Fire), Sheryl Hill (Parks & Recreation), Lisa McFee (Water), Travis Owen (Parks & Recreation), Patty Lyda (Sanitation) and Dianna Gricus (Water).

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

### **D. LAWSUITS**

The following complaint was served on February 25, 1998: Multimedia Publications of North Carolina, Inc.,

d/b/a Asheville Citizen-Times Publishing Company v. City of Asheville. The nature of the proceeding is release and disclosure of certain documents related to the payment of franchise fees by the cablevision company to the City of Asheville.

The following complaint was served on March 6, 1998: Richard A. Black, individually and in his capacity as Administrator of the Estate of Dorcas Faye Black, deceased, v. City of Asheville. The nature of the proceeding is wrongful death and personal injury.

These lawsuits will be handled by attorneys outside of the City Attorney's Office.

**VII. ADJOURNMENT:**

Mayor Sitnick adjourned the meeting at 10:40 p.m.

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CITY CLERK MAYOR

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