

Tuesday - February 23,1999 - 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; Councilman Thomas G. Sellers; and Councilman O.T. Tomes; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Tomes gave the invocation.

AGENDA CHANGES

At the request of City Manager Westbrook, Item A on the Consent Agenda was removed due to an upset bid being received.

At the request of Mayor Sitnick, the following item was added to the agenda under Other Business: consideration of appointing Vice-Mayor Hay to the Joint Task Force of the Chamber of Commerce and Tourism Development Authority Product Development Task Force.

I. PROCLAMATIONS:

A. RESOLUTION NO. 99-30 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE EDWARD A. LEMON

City Manager Westbrook said that Edward A. Lemon has been employed by the City of Asheville for over 26 years and has requested retirement from his position, effective March 1, 1999, as Construction Inspector in the Engineering Department.

Resolution No. 99-30 was adopted by acclamation.

RESOLUTION BOOK NO. 25 - PAGE 155

B. RECOGNITION OF THE PARKS AND RECREATION DEPARTMENT ACCREDITATION

Mayor Sitnick said that in February 1994, the Asheville Parks & Recreation Department ("APRD") became the first municipal recreation department to receive national accreditation from the Commission for Accreditation of Park and Recreation Agencies. Every 5 years an accredited agency must be reviewed to ensure compliance with the 154 standards established by the Commission. The standards represent all areas of operations for municipal parks and recreation. She said that on February 12 1999, APRD was re-accredited.

Mayor Sitnick then recognized Parks and Recreation Director Irby Brinson for his Department's hard work in receiving the honorary designation.

C. PROCLAMATION PROCLAIMING THE WEEK OF FEBRUARY 22-27, 1999, AS "BIG SOUTH CONFERENCE BASKETBALL WEEK"

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Vice-Mayor Hay, member of the Big South Steering Committee, read the proclamation proclaiming the week of February 22-27, 1999, as "Big South Conference Basketball Week" in the City of Asheville.

II. CONSENT:

A. RESOLUTION AUTHORIZING THE SALE OF A VACANT LOT ON PARK AVENUE TO DAVID J. HEETDERKS

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

B. ORDINANCE NO. 2546 - BUDGET AMENDMENT APPROPRIATING FUNDS FROM THE SALE OF 110 MORRIS STREET INTO CAPITAL PROJECTS DESIGNATED FOR PARKS AND RECREATION

Summary: The consideration of a budget amendment appropriating the funds from the sale of 110 Morris Street into capital projects designated for Parks and Recreation.

Over the past year, the City of Asheville has been working to sell the dwelling at 110 Morris Street located on the property at West Asheville Park administered by the Parks and Recreation Department. The closing of this property has occurred and funds totaling \$74,354.00 need to be allocated into a capital fund for improvements at the park. The Parks and Recreation staff currently plans to make improvements and upgrades to the playground facility at West Asheville Park. These improvements will result in the playground being in compliance with the Americans With Disabilities Act and the recommendations by the Consumer Product Safety Commission.

The Parks and Recreation staff is recommending approval of the budget amendment to appropriate \$74,354 into a capital fund for improvements at West Asheville Park.

ORDINANCE BOOK NO. 17 - PAGE 264

C. RESOLUTION NO. 99-31 - RESOLUTION SUPPORTING FUNDING FOR THE LAND AND WATER CONSERVATION PROGRAM

Summary: The consideration of a resolution to endorse the reestablishment of Land and Water Conservation Funds through the Federal Government.

For over 30 years the Land and Water Conservation Fund (LWCF) established by the Federal Government assisted local parks and recreation departments specifically for the purpose of acquiring and developing natural resources that would provide recreation opportunities for future generations. Funding for the Land and Water Conservation Program was generated from revenues produced from off-shore drilling rights. Over the past three years, funding for LWCF has not occurred which has greatly diminished opportunities for further development of parks and recreation facilities by local governments. During the last session of Congress, Bills were introduced by both the House and the Senate which would reinstate funding from the Land and Water Conservation Fund. City Council is well aware of the needs identified in the Parks, Recreation and Greenway Master Plans. Funding for the LWCF or similar Bill would greatly help meet the needs of this community.

The Parks and Recreation staff recommends City Council approving a resolution supporting funding for the Land and Water Conservation Program. -3-

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D. RESOLUTION NO. 99-32 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS TO PURCHASE 2.09 ACRES AT THE CORNER OF BELL ROAD AND NEW HAW CREEK ROAD TO BE USED FOR PARKING FOR BULLMAN PARK

Summary: The consideration of a resolution and budget amendment, in the amount of \$55,000 out of Fund Balance, to purchase property located at the corner of Bell Road and New Haw Creek Road to be used for parking at Bullman Park.

Currently, the East Asheville Youth Activities Program is serving over 500 children in the youth baseball and softball program. For many years, problems have occurred in regard to adequate parking for the activities at the park. The Parks and Recreation Advisory Board has identified this needs as a high priority within the department. For several months, staff has been working with an adjacent property owner for the purchase of 2.09 acres at the corner of Bell Road and New Haw Creek Road. This purchase would be used for the development of a parking lot to meet the above need. The current property owner has agreed to a price of \$55,000. Staff is requesting an appropriation from Fund Balance to go towards the purchase of this property.

The Parks and Recreation Advisory Board and staff recommend City Council authorize the City Manager to enter into any agreements for the purchase of this property and approval of a budget amendment in the amount of \$55,000 for the purchase of 2.09 acres at the corner of Bell Road and New Haw Creek Road.

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E. ORDINANCE NO. 2547 - BUDGET AMENDMENT FOR THE PURCHASE OF 2.09 ACRES AT THE CORNER OF BELL ROAD AND NEW HAW CREEK ROAD

Summary: See Item "F" above.

ORDINANCE BOOK NO. 17 - PAGE 266

F. MOTION SETTING A PUBLIC HEARING ON MARCH 9, 1999, TO REZONE PROPERTY LOCATED ON LIVINGSTON STREET, SOUTH FRENCH BROAD AVENUE AND CHOCTAW STREET FROM OFFICE DISTRICT TO OFFICE II DISTRICT

G. RESOLUTION NO. 99-33 - RESOLUTION RENAMING THE REID ANNEX BUILDING IN MEMORY OF LONNIE D. BURTON

Summary: The consideration of a resolution naming the Reid Annex Building in memory of Lonnie D. Burton.

The Opportunity Corporation has entered into a 10-year lease on the Reid Center Annex Building and is renovating the facility in order to open a Head Start Child Development Center. This program will offer education and socialization activities to low-income children and their families. Mr. Lonnie D. Burton served as Executive Director of this organization for 23 of the 28 years of his employment here. He was passionate about this program and believed that early intervention is a way to move people out of poverty. Therefore, the Opportunity Corporation -4-

wants to honor his memory and his family by naming this Head Start facility and City-owned building the "Lonnie D. Burton Child Development Center."

The Parks and Recreation Advisory Board and staff support this request and recommends that City Council approve renaming the Reid Center Annex Building as the "Lonnie D. Burton Child Development Center."

RESOLUTION BOOK NO. 25 - PAGE 158

H. RESOLUTION NO. 99-34 - RESOLUTION STATING THE INTENT OF THE CITY OF ASHEVILLE TO CONSIDER THE ANNEXATION OF NONCONTIGUOUS PROPERTY KNOWN AS THE "RICHMOND HILL ROAD PROPERTY" AND SETTING A PUBLIC HEARING ON MARCH 9, 1999

Summary: The consideration of a resolution stating the intent of the City of Asheville to consider the annexation of noncontiguous property known as the "Richmond Hill Property" and setting a public hearing on March 9, 1999.

In order to annex City-owned property, the North Carolina General Statutes specify that the City Council initiate the process by adopting a resolution stating its intent to annex the property, and to fix a date on a public hearing to permit any resident of the City to appear and be heard on the question of the desirability of the annexation.

This annexation area would be a satellite annexation as it is not directly adjacent to the existing corporate limits. The standards for such annexations are specified in N. C. Gen. Stat. sec. 160A-58.1 and include: (1) The annexation area may not be more that 3 miles from the existing corporate limits; (2) The annexation area may not be closer to another city or town; (3) The city must be able to provide the same services to the annexation area that it provides in the rest of the city; (4) If the area is part of a subdivision, the entire subdivision must be included; and (5) The sum of the area in satellite areas may be no more than 10% of the area in the primary corporate limits. This area meets these standards.

The Richmond Hill property consists of 183 acres located between Richmond Hill Drive, Adams Hill Road and the Norfolk Southern Railway tracks along the French Broad River. It is located approximately 70' west of the existing City limits along Richmond Hill Drive. Both water and sewer lines are not extended to the property, but are available approximately 250' to the east of the property.

The Planning and Development Department recommends City Council adopt a resolution stating its intent to annex and set a public hearing for March 9, 1999.

RESOLUTION BOOK NO. 25 - PAGE 159

I. RESOLUTION NO. 99-35 - RESOLUTION STATING THE INTENT OF THE CITY OF ASHEVILLE TO CONSIDER THE ANNEXATION OF NONCONTIGUOUS PROPERTY KNOWN AS THE "BENT CREEK PROPERTY" AND SETTING A PUBLIC HEARING ON MARCH 9, 1999

Summary: The consideration of a resolution stating the intent of the City of Asheville to consider the annexation of noncontiguous property known as the "Bent Creek Property" and setting a public hearing on March 9, 1999.

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The Bent Creek property consists of two tracts of land which together are located between Brevard Road and I-26 along the French Broad River. One tract consists of 137 acres and the other tract consists of 1.78 acres. The tracts are located approximately 4,500' south of the existing City limits in the Biltmore Square Mall area. The two tracts together are served by both water and sewer.

The Planning and Development Department recommends City Council adopt a resolution stating its intent to annex and set a public hearing for March 9, 1999.

RESOLUTION BOOK NO. 25 - PAGE 162

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

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

III. PUBLIC HEARINGS:

Vice-Mayor Hay moved to amend the agenda to consider the public hearing regarding rezoning on property located on Asheland Avenue, Grove Street and Morgan Street at this time. This motion was seconded by Councilman Tomes and carried unanimously.

A. PUBLIC HEARING RELATIVE TO REZONING PROPERTY LOCATED ON ASHELAND AVENUE, GROVE STREET AND MORGAN STREET FROM OFFICE BUSINESS DISTRICT TO OFFICE II DISTRICT

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

City Clerk Burleson presented the notice to the public setting the time and date of the public hearing.

Mr. Gerald Green, Senior Planner, said that this is the consideration of an ordinance rezoning property located on Asheland Avenue, Grove Street and Morgan Street from Office Business District to Office II District.

The Asheville Planning and Zoning Commission, at their February 3, 1999, meeting, reviewed and recommended approval of the rezoning of property located on Asheland Avenue from Office Business District to Office II District. Eight parcels are included in the area to be -6-

rezoned. Three of the parcels front on Asheland Avenue, four on South Grove Street, and one is a through lot with frontage on both Asheland Avenue and South Grove Street. Current land uses on the parcels include medical offices, residential structures used for offices, and residential uses. Structures up to 30,000 sq. ft. in gross floor area are permitted under the current Office Business zoning. The proposed zoning would reduce the permitted structure size to a footprint of 8,000 sq. ft. and a maximum gross floor area of 16,000 sq. ft. The smaller scale of development permitted in the Office II District would be a better fit with the residential uses found on South Grove Street and could also be better served by the streets in the area, particularly South Grove Street. There were significant comments from the residents of South Grove Street during the public hearing. The residents were fearful that the proposed rezoning would permit more intense development in the area. Concern was also expressed regarding traffic on the residential streets, particularly cut-through traffic using Dailey, South Grove, and Morgan Streets as a short cut between South French Broad and Asheland Avenues.

The Asheville Planning and Zoning Commission voted 6 to 0 to recommend approval of the rezoning. The Planning and Development staff recommends approval of the rezoning.

Mr. Green said that he recently spoke with the property owners in the area and they requested a one foot strip be zoned residential along the Grove Street side to prohibit traffic from exiting onto Grove Street. Mr. Green felt it would be better to talk to the Traffic Engineer to find more comprehensive ways to address the traffic in the neighborhood.

Upon inquiry of Councilman Tomes, Mr. Green said that prior to adoption of the Unified Development Ordinance, South Grove Street was zoned commercial service, which was a much more intensive use, and staff is now trying to refine that zoning to be more compatible with the scale of the residential area that abuts it.

When Councilman Cobb asked about what type of traffic studies have been done in the area, Mr. Green said that no studies have been done yet. However, Planning staff will work with the Traffic Engineer to find a solution to problems with cut-through traffic and other types of traffic problems the area is currently experiencing.

Upon inquiry of Vice-Mayor Hay, Mr. Green said that the Planning and Zoning Commission did not have the one foot strip suggestion in front of them for consideration, however, they did hear the traffic concerns.

The following residents spoke in opposition to the proposed rezoning, unless there was a one foot strip of residential land on the Grove Street side. Some comments were, but are not limited to: the Office II District is not in the scale of the residential neighborhood; concerns about more traffic onto the narrow S. Grove Street; need to keep the neighborhood in tact and affordable for minorities; there is a lot of on-street parking on S. Grove Street already;

Mr. Mel Thomason, owner of 9 Blanton Street

Mr. Joe Craig, 155 S. Grove Street

Mr. Gary Sanford, 139 S. Grove Street

Ms. Mary Warren, 136 S. Grove Street

Dr. Gray, Senior Managing Physician for Asheville Women's Medical Center and owner of some of the property under discussion, said that he accepted the City's request to "down-size" his property from Office District to Office II District because of his sensitivity to the neighborhood. He understands that the primary problem is the amount of cut-through traffic from South French Broad to Asheland Avenue. However, as a property owner, he has a serious problem in accepting the one foot strip limitation, which further reduces his use of that property in -7-

the future. He said they have commercial access to that property now and the one foot restriction would limit that commercial access and would make that piece of property not useful.

Dr. Gray responded to questions from Councilman Tomes relative to the rental properties he owns in the area.

Councilman Tomes was concerned with how fragile the neighborhood is and personally felt that if we are going to embrace the sensitivity in a holistic manner, one foot would not be asking too much. He was concerned about the encroachment into the residential neighborhood in five-ten years from now.

Councilwoman Field asked if there is, at the present time, access to any of the lots that serve Asheville Women's Medical Center, from S. Grove Street. Dr. Gray responded that two lots (5418 and 5402) are commercial property that have been developed as commercial property and there is access from there to S.

Grove Street. The other two lots (5544 and 5650) could potentially have access out of 5418 and 5402, so to put a foot restriction would only further limit any architectural development that would meet the requirements allowed for that property.

Upon inquiry of Councilwoman Field, Mr. Green said that if Council zoned the one foot strip residential, the access would remain.

There was some discussion about the property Dr. Anderson owns (5698).

Councilman Cloninger suggested remanding this matter back to the Planning and Zoning Commission for their review of the one-foot strip of residential land. The Commission, and/or City staff, may think of other creative ideas to protect the neighborhood. Or, if Council did not want to remand the matter back to the Commission, he suggested a delay in the decision for two weeks so that Council can visit the area with the one foot strip in mind.

Mr. Green said that the earliest this matter could be reviewed by the Planning & Zoning Commission would be at their April 7, 1999, meeting.

Mayor Sitnick closed the public hearing at 6:14 p.m.

Councilman Cloninger moved to remand this matter back to the Planning and Zoning Commission to consider the one-foot strip, as well as any other ideas that the Commission, or staff or the public might come up with to accomplish the same goal of protecting the neighborhood. This motion was seconded by Councilman Tomes.

Upon inquiry of Councilwoman Field, Mr. Green said that he would research the impacts of split zoning and report back to Council his results.

Vice-Mayor Hay asked Mr. Green to contact Dr. Anderson and report back to Council his feelings about this rezoning.

The motion made by Councilman Cloninger and seconded by Councilman Tomes carried unanimously.

Councilman Sellers moved to amend the agenda to consider the presentation by Speedway 99 at this time. This motion was seconded by Councilwoman Field and carried unanimously.

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B. ASHEVILLE MOTOR SPEEDWAY

On behalf of Speedway 99, Mr. Ron Crane expressed their appreciation to the Asheville City Council, the City Manager, the City Attorney and Parks & Recreation Director Irby Brinson for their work associated with restoring racing at the Asheville Motor Speedway for the 1999 racing season. Each member of Speedway 99 presented the Mayor, City Council and City Attorney Oast with a model race car. They especially thanked Councilman Sellers as the lead Council member who worked directly with their Committee.

On behalf of City Council, Mayor Sitnick said that this was a very unified effort by everyone who participated in it, from City staff, to City Council, to RiverLink, to the donors, to the spokespeople for Speedway 99, but mostly to the people of Speedway 99 who were so passionate from the very beginning, yet so willing to work things out for everyone's best interest. She felt this was a model for any kind of dealings in the future that bring people together who don't necessarily agree, but who can work through their difficulties and concerns.

C. PUBLIC HEARING RELATIVE TO REZONING PROPERTY LOCATED ON CENTRAL AVENUE,

ORANGE STREET, LIBERTY STREET, CLAYTON STREET AND ORCHARD STREET OFFICE BUSINESS DISTRICT TO OFFICE II DISTRICT

ORDINANCE NO. 2548 - ORDINANCE TO REZONE PROPERTY LOCATED ON CENTRAL AVENUE, ORANGE STREET, LIBERTY STREET, CLAYTON STREET AND ORCHARD STREET OFFICE BUSINESS DISTRICT TO OFFICE II DISTRICT

Mayor Sitnick opened the public hearing at 6:30 p.m.

City Clerk Burleson presented the notice to the public setting the time and date of the public hearing.

Mr. Gerald Green, Senior Planner, said that this is the consideration of an ordinance rezoning property located on Central Avenue, Orange Street, Liberty Street, Clayton Street and Orchard Street from Office Business District to Office II District.

The Planning and Zoning Commission, at their February 3, 1999, meeting, reviewed and recommended approval of the rezoning of property located on Central Avenue and Orange Street from Office Business District to Office II District. Fifty-four parcels are included in the area to be rezoned. In addition to Central Avenue and Orange Streets, streets providing access to the parcels are Orchard, Clayton, and Liberty Streets. Current land uses on the parcels include a wide range of offices, churches, clinics, and residential uses. With the exception of a few structures, the buildings are of a residential scale and design. Structures up to 30,000 sq. ft. in gross floor area are permitted under the current Office Business zoning. The proposed zoning would reduce the permitted structure size to a footprint of 8,000 sq. ft. and a maximum gross floor area of 16,000 sq. ft. The smaller scale of development permitted in the Office II District would be a better fit with the residential scale uses found in the area and in the Office District to the north. The residential scale streets in the area, on which parking is permitted, could better accommodate the smaller scale structures permitted in the Office II District. There were a few comments in support of the rezoning from property owners in and around the area to be rezoned. One property owner was concerned about an existing use which is non-conforming under the Office Business zoning and would remain non-conforming under the Office II zoning.

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The Asheville Planning and Zoning Commission voted 6 to 0 to recommend approval of the rezoning. The Planning and Development staff recommends approval of the rezoning.

Councilwoman Field asked if she would have a conflict of interest since one of the properties which contains the non-conforming use is a client of the firm that she works for. City Attorney Oast said that he felt there was no conflict of interest.

Mr. Al Austin, President and CEO of Teleco Credit Union and Affiliates located at 7 Orchard Street (Lot 0295), said that long range plans for expansion of their facility will be virtually eliminated if their property is rezoned to Office II District.

Upon inquiry of Councilwoman Field about excluding Lot 0295 from the rezoning request, Mr. Green said that would create an unusual zoning pattern, however, it could be a transition lot from Office Business to Office II to Office.

Mayor Sitnick closed the public hearing at 6:43 p.m.

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

Vice-Mayor Hay moved for the adoption of Ordinance No. 2548, excluding PIN No. 9649.19-52-0295, which is to remain zoned Office Business District. This motion was seconded by Councilman Cloninger and carried unanimously.

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D. PUBLIC HEARING RELATIVE TO REZONING PROPERTY LOCATED ON MAUDE AVENUE AND SUMMIT AVENUE FROM OFFICE BUSINESS DISTRICT TO OFFICE II DISTRICT

ORDINANCE NO. 2549 - ORDINANCE TO REZONE PROPERTY LOCATED ON MAUDE AVENUE AND SUMMIT AVENUE FROM OFFICE BUSINESS DISTRICT TO OFFICE II DISTRICT

Mayor Sitnick opened the public hearing at 6:44 p.m.

City Clerk Burleson presented the notice to the public setting the time and date of the public hearing.

Mr. Gerald Green, Senior Planner, said that this is the consideration of an ordinance rezoning property located on Maude Avenue and Summit Avenue from Office Business District to Office II District.

The Planning and Zoning Commission, at their February 3, 1999, meeting, reviewed and recommended approval of the rezoning of property located on Maude Avenue and Summit Avenue from Office Business District to Office II District. Sixteen parcels, all located at least one lot back from Hendersonville Road, are included in the area to be rezoned. Current land uses on the parcels include offices, a bank, residential uses, and vacant. The current Office Business zoning of the property permits structures up to 30,000 sq. ft. in gross floor area. The proposed zoning would reduce the permitted structure size to a footprint of 8,000 sq. ft. and a maximum gross floor area of 16,000 sq. ft. The streets which access the property are narrow and it is felt that the scale of development permitted under the Office II zoning can be better accommodated -10-

by the limited street capacity in the area. The smaller scale of development permitted in the Office II District would also fit better with the scale of adjacent development. There were no comments from the public regarding this request.

The Asheville Planning and Zoning Commission voted 6 to 0 to recommend approval of the rezoning. The Planning and Development staff recommends approval of the rezoning.

Ms. Charlotte Penley, 1 Summit Avenue, asked if the City could maintain Summit Street and what impact the rezoning would have on her property. Mr. Green said that rezoning the property would have no impact on Summit Avenue. He said that Summit Street has never been developed as a City street and the City has no obligation to maintain it. However, if the property were developed for any type of office use or single- or multi-family residential, other than a single lot, the developer would be required to provide an access that met the standards set forth in the City's Standards and Specifications Manual.

Mayor closed public hearing at 6:50.

Councilman Tomes questioned stormwater runoff control by the City.

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

Councilwoman Field moved for the adoption of Ordinance No. 2549. This motion was seconded by Councilman Sellers and carried unanimously.

ORDINANCE BOOK NO. 17 - PAGE 270

E. PUBLIC HEARING RELATIVE TO FILING OF AN APPLICATION FOR MASS TRANSIT FUNDING

RESOLUTION NO. 99-36 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION

Mayor Sitnick opened the public hearing at 6:51 p.m.

City Clerk Burleson presented the notice to the public setting the time and date of the public hearing.

Mr. Bruce Black, Urban Planner, said that this is the consideration of a resolution applying for Mass Transit Funding in the amount of \$470,631 for Fiscal 1998/99.

The Fiscal 1998/99 Annual Operating Budget included Asheville Transit Authority funding as follows:

Operating revenues \$675,000

Operating subsidy:

City of Asheville 813,485

State funding 182,165

Federal funding 470,631

Total funding \$2,141,281

In order to receive the Federal funding, the City Council must hold a public hearing at which time the service will be discussed, and certain environmental, land use planning and social -11-

impacts of the service will be outlined. Upon completion of the public hearing, a resolution authorizing the Mayor to file an application for the grant and provide certain required assurances to the U.S. Department of Transportation should be considered.

Staff recommends City Council consider authorizing the Mayor to file an application for Mass Transit funding in the amount of \$470,631 for Fiscal Year 1998/99.

Mayor Sitnick closed the public hearing at 6:53 p.m.

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

Councilman Tomes moved for the adoption of Resolution No. 99-36. This motion was seconded by Councilman Cobb and carried unanimously.

RESOLUTION BOOK NO. 25 - PAGE 165

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

A. MOTION DIRECTING STAFF ON HOW TO PROCEED WITH FUNDING THE PRITCHARD PARK PROJECT

Mr. Alan Glines, Assistant Landscape Architect, said that the Parks and Recreation Department has been

directed by Council to study funding options for the estimated budget for the Pritchard Park project.

Mr. Glines reviewed the following project highlights: lighting in park space and street lighting; rock work and small water feature in the park; outdoor tables and chairs along sidewalks and the park; sidewalk expansion and use of special paving materials; park landscape plantings; benches along sidewalks and the park; improvements to pedestrian crosswalks and connections to the park; community gathering space in the park; traffic calming measures and roundabouts; public art which may include historical markers and sculptural elements and artwork; and street trees, tree grates and decorative sidewalk planters.

He said that the total estimated project budget is \$1.4 million. This includes: demolition (pavement, bus shelter removal and tipping fees) - \$150,000; streets and sidewalk improvements (including roundabouts) - \$590,000; park space development - \$300,000; public art components - \$160,000; and design fees and contingency - \$200,000. He said that approximately \$350,000 would be for the park itself, with the balance of the estimate being traffic improvements, sidewalk and streetscape improvements.

He said funding sources for the project include: City Capital Improvement Project Budget (approximately 1/3 of the proposed budget over the next two years to provide seed money to match grants and to support partial construction); grants from relevant state, federal and private grant sources to be identified and applied for; donations from private individuals, corporations, organizations; and grass roots fundraising.

As a result of the discussion at the February 16, 1999, worksession, Council directed staff to coordinate the fundraising committee with City Council members being closely involved and helping in the fundraising efforts for the project. We might include the assistance of a non-profit agency to apply for some of the grants that have restricted funds. The non-profit agency -12-

would hold the money for the project and then turn it over on behalf of the City for construction. We could also seek possible funding, through a grant, to hire a professional fundraiser to manage the project for the City. He said they are still in the process of evaluating the conceptual plan for traffic feasibility. He said we are also looking at the option of phasing in portions of the plan.

Upon inquiry of Vice-Mayor Hay, Mr. Glines said that they will pursue funding options with the N.C. Dept. of Transportation.

When Vice-Mayor Hay asked if it would be possible to do the park before we got the traffic improvements done, Mr. Glines said that sometimes it's hard to expand a park footprint and not have the traffic improvements in place, however, they will work with the consultant on phasing options.

Mr. Chris Peterson, representing the Merchants' Action Coalition ("MAC"), read the following letter dated February 16, 1999, from Joe Eckert, President of MAC: "We the members of MAC which consists of downtown business and property owners were excited to receive information on the 18 million dollar Bond Issue for Parks and Greenways. However, after we reviewed the information we were extremely disappointed that no money has been allocated for Pritchard Park or for that matter any other parks located in downtown. As downtown property owners who have helped revitalize the city we as a group cannot support this Bond Issue until it is revised to include Pritchard Park. If you have any questions please contact Beth Stickle at 254-6447 who is a member of our Budget Committee." He urged City Council to re-direct \$1 million of the bond money to complete the Pritchard Park Project.

Mr. Irby Brinson, Director of Parks & Recreation, explained that there was a 100 member citizens committee that went through a public process to prioritize projects for the bond. Basically every issue that was identified in the Parks & Recreation Master Plan was on that list. Issues that were currently funded, which Pritchard Park was currently funded with \$250,000, were not included as far as prioritization. The committee went through a multi-voting process and identified the top issues. He said that in addition to the \$200,000 in the

Capital Improvement Project ("CIP") for Pritchard Park, he is requesting an additional \$300,000 be included in the CIP for this year, which would be the City's 1/3 funding. He said that the Finance Director felt that the Parks, Recreation and Greenway Bond should deal with parks and recreation issues only and that the traffic issues should be addressed with the N.C. Dept. of Transportation.

Councilman Cloninger said that the fact that Pritchard Park is not in the bond referendum package is not a reflection that it's not a high priority. Actually, that it's already in the CIP project budget indicates that it is an extremely high priority and that it's one that will go forward, regardless of what happens with the parks, recreation and greenway bond referendum. He was concerned with the \$1.4 million estimate for the Project. He felt we needed to look at ways to cut that down and concentrate on making that park itself a useable, attractive greenspace as quickly as possible.

Mayor Sitnick noted that the park itself can be completed with the City's one-third. The street and sidewalk improvements and the roundabouts will have a N.C. Dept. of Transportation component. She also noted that the public art might have to wait for another phase of the project.

Mr. John Driscoll, architectural intern, showed an illustration of the park where the street configuration utilizes the center of the square rather than the perimeter. He felt that the City should direct the money towards greenspace primarily so we have a true park.

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Ms. Regina Trantham, President of the Battery Hill Association and member of MAC, felt that the Pritchard Park plan is a well thought out plan, however, she felt it was too expensive. She suggested maybe volunteerism, use of prison labor or use of interns. As a business owner, she was concerned about how long the project will take to be completed. Since the buses have been moved from Pritchard Park, business has declined 10-15% because of the state the park has been left in. She also supported MAC's position that Pritchard Park be included in the bond referendum.

As a fundraising idea, Ms. Cynthia Wade suggested citizens purchase bricks (with their names engraved) that could be incorporated into the overall design. She said \$2.5 million could be raised if 125,000 bricks were purchased at a price of \$20 a brick.

Councilman Cloninger felt that making the area an attractive, usable greenspace at Pritchard Park should be a high priority. His concern is that if we can't raise \$1.4 million, we're not even going to go forward expeditiously on improving the park itself. He said that we should start with making the park a nice area and then improve on the surrounding area if the money is raised. The design the consultant came up with is great, however, we can't afford it. A million dollars will be hard to raise for this project and he wasn't sure if we really want to raise \$1 million for a project that is only going to affect one City block. He encouraged Council to scale down the project and concentrate on the design and building of the greenspace in such a way that in future years we can improve the surrounding area. If we don't specifically concentrate on the park area now and if we don't put ourselves on a specific timeline for improving that park, he sees this plan sitting on the shelf and nothing being done.

Councilman Tomes agreed with Councilman Cloninger. He, too, felt we should scale the project down with a beautiful greenspace. Several people have told him that our infrastructure needs should be a major priority over a \$1 million park.

Councilwoman Field said felt it was very important to coordinate the demolition work at Pritchard Park at the same time we put in the water lines down Haywood Street because of how it will affect the merchants. To that end, she felt like we should do the whole Pritchard Park Project at one time. The roundabouts are very important to her in that they are a new concept that the N.C. Dept. of Transportation has just said they are

very supportive of. She thinks that we can get that portion of the money from the N.C. Dept. of Transportation enhancement funds. The \$160,000 for public art is something that we can easily put out as a public/private partnership and we have been able to get large contributions for artwork on the Urban Trail. The largest portion of the \$150,000 for demolition is for tipping fees at the County Landfill. Perhaps we can get the County to waive some of those tipping fees. If we consider one of our goals this year to be able to provide for the cultural, arts, recreation and entertainment of the City, then downtown and Pritchard Park is very important to achieving that goal. The merchants of downtown deserve the park and deserve to have the opportunity to have the wonderful design that has been designed by a very long public process. She strongly supported that the project be done all at once as designed. She felt Pritchard Park is the key to the very best downtown in all of North Carolina and strongly supported moving forward.

Mayor Sitnick agreed with Councilwoman Field. She did note that if the bond referendum fails, the Pritchard Park project will still move forward. Asking the County to waive the tipping fees is a great idea since Pritchard Park is in Buncombe County. In addition, there is the potential of Better America Bonds that have been proposed for greenspaces. Pritchard Park is an aggressive design and we have other needs in the community, however, she felt that there are ways that we can scale this back a little and still create a magnificent downtown focal point. She would like for us to work with the design that has been created, find the ways to be more efficient with the money that we have and then go from there. She urged the City Manager to include the \$300,000 request in the CIP for Pritchard Park next fiscal year. -14-

Vice-Mayor Hay recalled that the consultant said that this project can be completed in phases, that we wouldn't have to raise the money all at one time, and that they would come back with a plan for all that. He felt that we really need to determine how much money we really do need to raise after taking out all the different aspects, like possible N.C. Dept. of Transportation funds. He would like to see some effort put into phasing the project in, like creating the greenspace first.

Councilman Cobb supported the project being developed. He felt that after we take out all the possible funding sources, we could possibly reduce the \$1.4 million needed to \$650,000, most of which the City will have earmarked for this project. He felt the citizens of Asheville would love to contribute and be a part of this project. He felt that the project would need to be completed in phases.

After Mayor Sitnick expressed concerned that MAC would not support the bond referendum if Pritchard Park was not included in the bond, Mr. Brinson said that he would be happy to attend the next MAC meeting to make them aware of why Pritchard Park was not included in the bond referendum, in addition to the many things that the City does to support the downtown.

When Mr. Peterson said that MAC was willing to work with the City and suggested adding \$1.5 million to the bond referendum, Mr. Brinson explained that the bond referendum amount could not be changed.

Councilwoman Field suggested a Council committee meet with staff and resolve some of these problems on how we are going to proceed and report back to the full Council with a recommendation. Since the traffic study on the roundabouts won't be completed for at least two months, that will give the committee time to make some decisions so they can give staff clear direction on how to proceed.

Councilman Cloninger suggested Council direct staff to start looking at ways to phase in this project, as opposed to doing it all at once.

Mayor Sitnick said that she would formally request that Buncombe County consider waiving the tipping fees for demolition for Pritchard Park.

It was the consensus of City Council for Councilwoman Field and Councilman Cloninger (Council committee) to meet with City staff and decide on how the City should proceed in the Pritchard Park Project and report

back to the full Council with a recommendation. Staff will also begin looking at ways to phase in the project.

B. RESOLUTION NO. 99-37 - RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CHARTER AND RELATED LAWS OF THE CITY OF ASHEVILLE TO PROVIDE FOR SELECTION OF THE MAYOR AND CITY COUNCIL BY NON-PARTISAN ELECTION AND RUNOFF AND SETTING A PUBLIC HEARING ON MARCH 9, 1999

Ms. Patsy Meldrum, Assistant City Attorney, said that this is a resolution of intent to consider an amendment to the City Charter to change the method of election of Mayor and Council to General Election – Runoff and setting a public hearing on March 9, 1999.

She reviewed with Council the current method (non-partisan primary and general election) and then the method under discussion (general election and runoff).

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Assuming that Council adopts the resolution of intent to consider the above-described change at its February 23 meeting, the earliest that a public hearing could be held would be March 9, and the earliest that the ordinance could be adopted would be March 23.

The statute provides that the ordinance amendment may be put to a vote of the people, either by Council, or by a petition signed by 10% of voters qualified to vote in municipal elections. Obviously, if this occurs, the timing of the process will be altered.

If Council wishes to change its method of election to the primary-runoff method, the resolution of intent should be adopted. The proposed resolution assumes that the schedule discussed above is acceptable, but Council can adjust the schedule within certain limitations.

Ms. Meldrum then reported the results of various questions Council raised at their worksession on February 16, 1999, i.e., who can call for a runoff, and information from the City of Wilmington and the City of Monroe who have non-partisan general and runoff elections.

Vice-Mayor Hay said that he was concerned about the October general election and whether that would reduce voter participation, which is not what we want to do. He said that if there are no runoffs, it is in furtherance of one of our goals which is to reduce the cost of running for election. If there is only one election, whether it be campaign finance or just simply the cost of holding the election, it seems like that is something that City Council should look into. He would like to go forward with the public hearing process and see if we want to consider making a change.

Upon reviewing the information Ms. Meldrum submitted for the City of Wilmington, she asked Ms. Meldrum to find out the percentage of the voter turnout in the City of Wilmington elections. She said that her tendency at this time is to leave the elections as they are now, but would like to see what the community thinks.

Councilman Cloninger also preferred to keep the election process as it is now, however, he did feel that it is a good idea to go through the process and get additional information.

Mr. Brian Peterson felt that since City Council has been making some changes in their election process in the last few years (change in how the Mayor is elected, change to four-year staggered terms, partisan elections to non-partisan elections), he felt that the citizens might need time to get adjusted to those changes before making another change. He understood the concern about the expenses, but given the way that this system will be set up, it's generally going to be the incumbents and the well-known candidates who will save money because if you're an unknown you're not going to win that first time and you're still going to have to campaign in the run-off. It gives the appearance that it's the incumbent's protection plan. He also felt it might

make it more difficult for a minority candidate to get elected to City Council.

Councilman Cobb said that if the voters wanted the election process changed, he would have no objection making a change.

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

Vice-Mayor Hay moved for the adoption of Resolution No. 99-37. This motion was seconded by Councilman Cloninger and carried on a 5-2 vote, with Mayor Sitnick and Councilman Cobb voting "no".

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C. RESOLUTION NO. 99-38 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LOCKWOOD GREENE CONSULTING INC. TO PREPARE THE STRATEGIC PLAN FOR ECONOMIC DEVELOPMENT

ORDINANCE NO. 2550 - BUDGET AMENDMENT TO INITIATE THE STRATEGIC PLAN FOR ECONOMIC DEVELOPMENT

Assistant City Manager Doug Spell said that this is the consideration of selecting a consultant to prepare a Strategic Plan for economic development for the City of Asheville.

One critical component for the future positive growth of the City of Asheville pertains to an aggressive economic development program. In order to have an effective economic development program the focus must be well defined. Therefore, staff prepared a request for proposals (RFP) for a Strategic Plan for Economic Development. The RFP outlined a Scope of Work consisting of ten (10) tasks as a part of the preparation of a Strategic Plan. He then reviewed the Scope of Work from the RFP.

The RFP was advertised in The Asheville-Citizen Times and The Charlotte Observer on December 6, 1998. Additionally, Staff sent out notices to prospective consulting firms including three (3) potentially interested firms from the list of certified minority businesses.

The City received proposals from four (4) consulting firms. The cost estimate from the proposals received ranged from \$60,000 to \$162,500. Additionally the range in time schedules outlined in the proposals stipulated that the Strategic Plan would be completed in six (6) to ten (10) months.

A selection panel comprised of Dale Carroll, Executive Director for AdvantageWest, Bruce Tompkins, Local Merchant and Chairman of the City Business and Development Commission, Jim Westbrook, and Douglas Spell reviewed and evaluated the proposals. An evaluation criteria was prepared in order to objectively consider each proposal. The evaluation criteria included items such as:

- prior experience in the tasks comprising the Scope of Work;
- firm's approach to accomplish the plan;
- involvement of stakeholders;
- availability to begin the project and time schedule to complete;
- cost estimate included in the proposal.

The selection panel recommended the selection of Lockwood Greene Consulting, Inc. to prepare the Strategic Plan for Economic Development. This recommendation is based upon the national scale of economic development, experience of the firm, significant client contact, opportunity for new ideas, closer proximity of firm location, and national identity of firm. Their cost estimate is in the amount of \$66,000 plus estimated expenses of \$12,700 for travel and other reimbursables for a total estimate of \$78,700.

The Strategic Plan has been listed as a priority project of City Council. In order to initiate the Strategic Plan a budget ordinance amendment will be required. The amendment will appropriate \$67,700 from Fund Balance for this project. Additionally, funds in the amount of \$11,000 are available from Community Development Block Grant (CDBG) funds which have previously been earmarked for "planning." The Strategic Plan will provide some elements of economic diversification consistent with HUD direction for CDBG funds. If City Council concurs, Staff will include the CDBG funds in the budget amendment. -17-

Staff recommends the selection of Lockwood Greene Consulting, Inc. to prepare the Strategic Plan for Economic Development for the City of Asheville in the submitted proposal amount of \$78,700 and approval of an appropriation from Fund Balance to fund this project.

Upon inquiry of Councilwoman Field about contingency, Mr. Spell said this is a not to exceed amount so if there were unanticipated expenses, they would have to come back to City Council for an additional appropriation.

Mr. Spell and Mr. Kalzow, consultant with Lockwood Greene, responded to Councilman Tome's inquiry about their experience in dealing with ethnic groups.

Mayor Sitnick said that she feels very strongly that we have to assess as part of our economic plan the impact of poverty in general and the impact of the economic gap that exists here and across this nation and to make every single person a part of our investment portfolio. She said the Chamber of Commerce and Advantage Asheville has been very successful in many of their efforts to grow the economy and keep it vibrant. She would like to concentrate on those types of positive efforts that have occurred in this community and concentrate on the positive comments from people in the community as the process begins. She wants to do everything in our power to say away from the misrepresenting negative comments that often times comes from certain segments of the community that are not necessarily reality. There is more good happening here than negative happening here. She stressed that we need to accentuate the positive rather than concentrate on the negative.

Mr. H.K. Edgerton, Board Director for the Housing Alliance Committee for Buncombe County, said that until all issues of affordable housing for the poor and the working poor have been worked out that will allow the poor people of this community to realize their dreams of home ownership, he is personally opposed to any expenditure of funds for economic development. He felt there was not enough ethnic minority components throughout the City of Asheville.

Mr. Brian Peterson said that as the consultant is developing his study, the City might give some thought to its structure of the Planning & Development Department in conjunction with the Economic Development Director.

Mayor Sitnick asked that all references to economic development be prefaced with the word "sustainable."

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

Councilman Cobb moved to adopt Resolution No. 99-38. This motion was seconded by Councilman Tomes and carried unanimously.

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Councilwoman Field moved for the adoption of Ordinance No. 2550. This motion was seconded by Councilman Tomes and carried unanimously.

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VI. OTHER BUSINESS:

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A. APPROVAL OF THE MINUTES OF THE ANNUAL RETREAT HELD ON JANUARY 29, 1999, THE REGULAR MEETING HELD ON FEBRUARY 9, 1999, AND THE WORKSESSION HELD ON FEBRUARY 16, 1999

Councilman Tomes moved for the adoption of the minutes of annual retreat held on January 29, 1999, the regular meeting held on February 9, 1999, and the worksession held on February 16, 1999. This motion was seconded by Councilman Sellers and carried unanimously.

B. PRODUCT DEVELOPMENT TASK FORCE

At the request of Mayor Sitnick, Councilman Sellers appointed Vice-Mayor Hay to the Joint Task Force of the Chamber of Commerce and Tourism Development Authority Product Development Task Force. This motion was seconded by Councilman Cobb and carried unanimously.

C. CLAIMS

The following claims were received by the City of Asheville during the week of February 5-11, 1999: Robin Bokur (Civic Center) and Howard Frankel (Water).

The following claims were received by the City during the week of February 12-18, 1999: Asheville Transit (Water), Kim Duncan (Water), Jr. League of Asheville (Water), Katrina Robinson (Fire) and Rhea Ferguson Jr. (Water).

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

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

CLOSED SESSION

At 8:57 p.m., Councilman Sellers moved to go into closed session for the following reasons: (1) To establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease - G.S. 143-318.11(a)(5); (2) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee - G.S. 143-318.11(a)(6); and (3) To consult with an attorney employed by the City in order to preserve the attorney-client privilege between the City and its attorney. The parties to the lawsuits about which the Council expects to receive advice are: (A) CC&J Enterprises, Jackson Park/Woolsey Neighborhood Association, and City of Asheville; and (B) SBA, Inc., BellSouth Carolina PCS, L.P., d/b/a BellSouth Mobility DCS, Paul Tescione and City of Asheville - G.S. 143-318.11(a)(3). This motion was seconded by Councilwoman Field and carried unanimously.

At 10:20 p.m., Councilman Sellers moved to come out of closed session. This motion was seconded by Councilman Cobb and carried unanimously.

VIII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 10:20 p.m.

CITY CLERK MAYOR
