

Tuesday – July 17, 2001 - 3:00 p.m.

Worksession

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

Absent: None

CONSENT:

Renewal of License Agreement with Motient Communications Inc. for Antenna at 36 Reservoir Road

Summary: The consideration of a resolution authorizing the City Manager to enter into a License Agreement with Motient Communications, Inc., for an antenna at 36 Reservoir Road.

The Notice of Intent to enter into a License Agreement with Motient Communications Inc. was published on Friday, July 13, 2001, in the Asheville Citizen-times. Ten days have passed since the publication and authorization to execute the License Agreement is being requested.

The property at 36 Reservoir Road is the site of the former White Fawn Reservoir. In recent years the site was used as a beneficial fill site for the City of Asheville. Currently, three telecommunication towers are located on the property and the City of Asheville leases antenna space on two of the towers and ground space for related equipment to a total of eight tenants. One tower is not in use. The property is the proposed future site of the "Sister Cities Park."

Motient Communications, Inc. has operated an antenna and related equipment at the site since October, 1995. The antenna is located on the tower known as the "BellSouth Tower" which is immediately west of the proposed Sister Cities Park. The proposed License Agreement will enable Motient to continue operating an antenna at that site; however, there is a provision which allows either the Licensor or the Licensee to terminate the agreement upon 180 days notice. The term of the License Agreement will be 3 years with 2 renewal periods of 3 years. Motient will pay a License Fee of \$5,400 the first term with a 10.5% increase at each renewal thereafter. In addition to the License Fee Motient will pay a Utility Fee of \$150.00 per annum.

Planning Department staff recommends adoption of the resolution authorizing the City Manager to execute the License Agreement with Motient Communications Inc.

Budget Amendment for Pritchard Park Donation

Summary: The consideration of a budget amendment, in the amount of \$3,000, for a donation from the Dogwood Fund of the Community Foundation of Western North Carolina.

The City of Asheville staff had several conversations with representatives of the Dogwood Fund of the Community Foundation of Western North Carolina about their interest in

-2-

supporting the renovation of Pritchard Park. The fund is able to make a donation in the amount of \$3,000 towards the purchase of pedestrian lighting and tables in the park space.

The Parks and Recreation Department recommends City Council approve the budget amendment to increase the budget for the Pritchard Park.

Upon inquiry of Councilwoman Bellamy, City Manager Westbrook said that he would provide a report to Council regarding the cost of Pritchard Park and the breakdown of donations vs. City money.

Minority Business Commission Appointments

Summary: The consideration of a resolution confirming the appointment of three members and the reappointment of six members to the Minority Business Commission.

On May 26, 1998, City Council adopted Resolution No. 98-63 adopting a City-County Minority Business Plan.

The composition of the Minority Business Commission consists of 13 members, 10 of whom are nominated by various groups and three of whom are minority business owners nominated by the Minority Business Commission. All nominees are considered and appointed by both the City Council and County Commission.

Mr. Iba Taye has been named by Eagle/Market Streets Development Corporation to represent them on the Minority Business Commission. Mr. Taye has been nominated to replace Stephanie Coleman who resigned on December 14, 2000. Mr. Taye's term will expire August, 2004.

Ms. Lisa Slechter has been named by the National Association of Women in Construction to represent them on the Minority Business Commission. Ms. Slechter has been nominated to replace Lynn Staton whose term will expire August, 2001. Ms. Slechter's term will expire August, 2004.

Mr. Alejandro 'Al' Cortés, owner of AC Interpreting Service, has been named by the Minority Business Commission to replace Ms. Gráinne Brophy, former owner of Altura Environmental, Inc., who resigned on December 29, 2000, as a minority business owner representative. Mr. Cortés will complete the unexpired term of Ms. Brophy through August, 2002.

The following MB Commission members whose term expires August, 2001, have requested reappointment:

Ms. Jacquelyn Schauer American Institute of Architects

Ms. Vonna Cloninger Council of Independent Business Owners

Ms. Debra Weaver Minority Business Alliance

Ms. Carol Hensley Asheville Area Chamber of Commerce

Mr. Wendell Howard Associated General Contractors of America

Ms. Valerie Dennis Minority Business Owner (Val's Frame Shop)

City staff recommends City Council adopt the resolution confirming the appointments members of the Minority Business Commission.

Clerk to Advertise for Upset Bids on Property at 5 - 7-1/2 Biltmore Avenue and Parking Lot on South Lexington Avenue

-3-

Summary: The consideration of a resolution establishing minimum price and authorizing the City Clerk to

advertise an offer to purchase 5 - 7 1/2 Biltmore Avenue and the parking lot on South Lexington Avenue.

The property at 5 - 7 1/2 Biltmore Avenue is located about 75 feet south of Pack Square. It is improved with two store front buildings dating from the 1920s. The land area comprises 8,030 square feet and the total combined building area is approximately 5,535 square feet. The lot located on the east side of South Lexington Avenue, about 75 feet south of the intersection with Patton Avenue, is contiguous with the Biltmore Avenue lot and is improved with marked and metered parking spaces on an asphalt surface. Both lots are rectangular in shape and mostly flat with street level access. The combined appraised value of the property is \$461,000.

Robert Camille Jr., Peter Y. Alberice and Robert M. Todd have submitted a proposal to purchase the property in the amount of \$461,000. The bid from Camille, Alberice and Todd includes the proposal to renovate 5 Biltmore Avenue as well as to construct a new mixed use building containing parking, retail, offices and residential units on South Lexington Avenue. The new building would contain approximately 40,000 square feet and an estimated value after completion of about \$6.8 million.

Approval of the resolution will establish the appraised value as the minimum price and initiate the sale of the property through the upset bid process as provided in N. C. Gen. Stat. sec. 160A-269.

Community Development staff recommends adoption of the resolution.

Request to Withdraw Bid to Purchase Property at 125 Iris Drive and Refund of Bid Deposit

Summary: The consideration of a resolution authorizing the release of the bidder and return of the bid deposit, less advertising expenses, in connection with an offer to purchase 125 Iris Drive.

Brian K. Perry was the successful bidder on the vacant lot at 125 Iris Drive in the amount of \$12,200. Mr. Perry submitted a bid deposit with his bid in the amount of \$610. After City Council approved the sale to Mr. Perry, he was notified by his employer, Square D Company, that he would be included in a permanent workforce reduction. As a result of this change in his financial capacity, Mr. Perry is unable to complete the purchase of the property and has requested that the City release him from his bid on 125 Iris Drive and return his bid deposit. Staff recommends return of the bid deposit, less the cost of advertising. Mr. Perry has indicated his acceptance of staff's recommendation. The cost of advertising for upset bids amounted to \$98.28. The amount of bid deposit recommended to be returned to Mr. Perry is \$511.72.

Approval of the resolution will authorize the release of Mr. Perry from the bid and return of his bid deposit less advertising cost.

Planning staff recommends adoption of the resolution.

Mayor Sitnick asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda.

-4-

BUNCOMBE COUNTY ECONOMIC DEVELOPMENT COMMISSION INFORMATION TECHNOLOGY UPDATE

Mr. Dave Porter, Vice-President of Economic Development at the Chamber of Commerce, and Mr. Daniel Prevost, Chairman of the Asheville Area Information Technology Council, updated City Council on the use of funds for Fiscal Year 2000-01 which involved the information technology marketing plan and the office

market analysis. They explained that the Commission (1) established the Asheville Area Information Technology Council (over 70 members); (2) completed the Information Technology Marketing Plan; (3) had their first success of eWorker Technologies which relocated their corporate headquarters to Asheville; (4) outlined their publicity; and (5) explained how they partnered with the local real estate community and AdvantageWest to develop a sophisticated office market report which will enhance their ability to market the area to high technology firms.

Mr. Porter explained that the Economic Development Commission will allocate the City's entire \$50,000 for the implementation stage of the Information Technology Marketing Plan. Developing a website will be the first priority followed by direct mail and/or special advertisements to drive people/targeted companies to the website.

Mr. Porter responded to inquiries from Council, some being, but are not limited to: what the Commission is doing in particular to capture companies who are closing in California because of the current energy crisis and impending water crisis; is the Commission doing anything regarding bringing educational resources to WNC; how well connected are we with band width; and the need to be cautious with the bio-tech industry.

Councilman Hay, City appointee to the Buncombe County Economic Development Commission, spoke in support of the work of the Commission.

On behalf of City Council, Mayor Sitnick thanked Mr. Porter and Mr. Prevost, along with the entire Economic Development Commission for their work.

LEASE AGREEMENT WITH DISCOVERY MOUNTAIN CORPORATION LTD.

Civic Center Director David Pisha said that this is the consideration of authorizing the City Manager to enter into a three year contract with Discovery Mountain Corporation, Ltd., (herein DMC) for indoor football games at the Civic Center.
