

Tuesday – November 20, 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. (excused from meeting at 3:45 p.m.); 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:**

**Lease for Rock House**

Summary: The consideration of a resolution authorizing the City Manager to enter into a lease agreement with the Preservation Society of Asheville and Buncombe County for the use of the Rock House at Grove Park.

For several months, the Parks and Recreation Department has been working with the Preservation Society for the renovation and use of the Rock House at Grove Park on Charlotte Street. The Rock House was the original office building for E. W. Grove. This facility has been vacant for at least 10 years and has continued to deteriorate from lack of upkeep. The Preservation Society wishes to move their offices to the Rock House. This agreement calls for the Preservation Society to make all necessary renovations and improvements to the facility in order to obtain a Certificate of Occupancy. The rent will be deferred for a period of time in an effort to recoup their costs for this renovation. This lease will allow for the building to be brought back into a state of repair and will allow for a tenant in the facility that will continue to maintain the facility. The City of Asheville will not have any costs associated with this renovation and will maintain ownership of the facility. This agreement will greatly benefit both the Preservation Society and the City of Asheville.

The Parks and Recreation Department recommends that City Council authorize the City Manager to enter into a lease agreement with the Preservation Society of Asheville and Buncombe County for the use of the Rock House at Grove Park.

Parks & Recreation Director Irby Brinson responded to questions from Councilwoman Bellamy as they related to some of the concerns expressed by the neighbors with regard to the hours the building would be open.

**Agreement with Lewis' for Funding of Soccer Fields at Azalea Road Park**

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement amongst the Western North Carolina Soccer Foundation, Ben and Becky Lewis, and the City of Asheville for funding for the John B. Lewis Soccer Complex at Azalea Road.

Ben and Becky Lewis have donated \$350,000 to the Western North Carolina Soccer Foundation for construction of a soccer complex at Azalea Road in memory of their son, John, and avid soccer player, who tragically lost his life in a car accident several years ago. The Western North Carolina Soccer Foundation, in turn, will make grant payments to the City of Asheville in the amount of \$35,000 per year over a ten-year period to support construction of the soccer complex.

In order to begin construction within the next year, the City will need funding in advance of the \$35,000 annual payments from the Soccer Foundation. To provide the necessary advance funding, staff plans to

request from an appropriation of \$350,000 from Council in the upcoming budget process. This

-2-

amount will be reimbursed over a ten-year period as the Western North Carolina Soccer Foundation makes the annual grant payments to the City.

The agreement will allow the City, through communication with the Soccer Foundation, the right to use the soccer complex for other uses. We anticipate this funding will assist in securing additional funds in the future from both grants and corporate sponsorships.

The Parks and Recreation Department requests City Council to authorize the City Manager to enter into an agreement with Western North Carolina Soccer Foundation and Ben and Becky Lewis for \$350,000 for the construction of the John B. Lewis Soccer Complex.

Parks & Recreation Director Irby Brinson answered various questions from Councilman Peterson and Councilwoman Bellamy regarding how this affects the budget process, if the fields will be available for public use, and how this fits in with other priorities.

### **License Agreement Amendment for US Cellular at White Fawn**

Summary: The consideration of a resolution authorizing City Manager to execute Amendment #2 to the lease with North Carolina RSA #4, Inc. for tower and ground space at 36 Reservoir Road

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 leases antenna space on two of the towers and ground space for related equipment for a total of eight tenants. One tower is not in use. The property is the proposed future site of the "Sister Cities Park."

North Carolina RSA #4, Inc. (formerly U.S. Cellular "USC") has leased tower and ground space at the site since 1987. The site is the location of USC's primary mobile telephone switching office (MTSO) for Western North Carolina. Due to service demand, USC has requested an amendment to its lease in order to expand the MTSO facility and provide better all-weather access to the site. The proposed lease amendment will enable USC to expand the MTSO facility and separate the tower access from the proposed park access.

The lease currently is in a rent credit stage amortizing an original construction cost of \$76,500. Over \$20,000 construction cost remains to be credited at \$400 per month. Under the current lease terms, beginning in 2006 when the construction cost is fully credited, building rent in the amount of \$550 per month would begin making a total rent of \$950 per month payable until 2017. The present value of the current lease is approximately \$67,262. Under the proposed amendment both the rent credit and the building rent would be eliminated and a total monthly rent of \$1,500 would begin no later than January 1, 2002. The rent would be adjusted annually based on the Consumer Price Index. The term of the lease would remain unchanged. The present value of the proposed amendment is approximately \$228,507.

In addition to the above, USC will construct a separate access at a cost of approximately \$50,000 and remove the abandoned tower and equipment shed on the site. The appearance of the building will be upgraded along with the expansion and buffer planting will be added.

Planning Department staff recommends adoption of the resolution.

### **Grove Arcade Sidewalk and Bulb-Out Contract**

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Weaver Cooke Construction, LLC, to construct sidewalks and bulb-outs located

-3-

along Battle Square, Battery Park Avenue, Page Avenue, and O.Henry Avenue adjacent to the Grove Arcade in Asheville, N.C.

The City is in need of a contractor to provide sidewalk and bulb-out construction services for sidewalks and bulb-outs along Battle Square, Battery Park Avenue, Page Avenue, and O.Henry Avenue adjacent to the Grove Arcade. In accordance with N.C. Gen. Stat. sec. 143-131, informal bids for sidewalk and bulb-out construction services were solicited and five responses were received, with two qualified bids received. The bidders are listed below:

Company MB Part Drug Free Bond Bid

Weaver Cooke

Construction, LLC 0% Yes No \$ 71,000.00

Candler Concrete

Works Inc. 0% Yes No \$136,868.60

Funding for this project has been allocated in the Public Works Department's Capital Improvement budget.

The Public Works Department staff recommends City Council adopt a resolution authorizing the City Manager to enter into contract with Weaver Cooke Construction LLC to construct sidewalks and bulb-outs along Battle Square, Battery Park Avenue, Page Avenue, and O.Henry Avenue adjacent to the Grove Arcade.

### **Cost Sharing Agreement with Mountain Housing Opportunities**

Summary: The consideration of a resolution authorizing a cost sharing agreement between the City of Asheville and Mountain Housing Opportunities (MHO) to resurface and construct sidewalks located along Hilliard Avenue in Asheville, North Carolina.

In conjunction with the West End-Clingman Avenue Neighborhood (WE-CAN project, Mountain Housing Opportunities will resurface and install sidewalks along a portion of Hilliard Avenue. The City had previously identified Hilliard Avenue as a potential resurfacing project. The City and MHO wish to enter into an agreement for MHO to extend the limits of its project to resurface and install sidewalks along the entire length of West Hilliard Avenue. MHO will comply with all bidding laws as required of the City, specifically with N.C. Gen. Stat. sec. 143-129.

Funding for this project has been allocated in the Public Works Department's Capital Improvement budget.

The Public Works Department staff recommends City Council adopt a resolution authorizing the City Manager to enter into agreement with Mountain Housing Opportunities to resurface and construct sidewalks along West Hilliard Avenue.

### **Parking Citations Management Agreement**

Summary: The consideration of a resolution authorizing the City Manager to execute an agreement with

Complus Data Innovations, Inc. for parking citations management services.

In April 1992 the City entered into an agreement with Complus Data Innovation, Inc. for parking citation management services. The agreement was for a period of three years with two additional automatic one year extensions. In June 1997 the original agreement was extended for two years with an option for two additional one-year extensions – through 2001. Complus

-4-

provides the City with data automation equipment (handheld ticket writing devices, bar code reader, desktop computer with parking citation management software and modem), communications links with Complus' nationwide citation management system, nationwide research of vehicle owners and addresses and mailing of delinquent citation notices. In exchange for these services, the City reimburses Complus a percentage of the revenue received from citations issued through the Complus system (14.5% for tickets issued to North Carolina registered vehicles and 20% for out of state vehicles). Complus' equipment and delinquent citation follow-up services have been instrumental in improving the City's parking citation collection rates and increasing associated revenues.

The proposed new agreement is for a period of three years with an automatic option for one additional three year period unless either party gives sixty days notice of their intent not to enter into the option. Reimbursements to Complus in Fiscal Year '01-'02 are included in the Finance Department Collections Division Contracted Services budget.

City Council approve the proposed resolution which authorizes the City Manager to execute the agreement.

### **Olympic Torch Run Relay Agreement**

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the Salt Lake Organizing Committee (SLOC) to provide services for the Olympic Torch Relay in Asheville on December 5, 2001.

The SLOC for the Olympic Winter Games of 2002 approached the Mayor and City Manager and requested the City of Asheville's participation in the Olympic Torch Relay.

The Olympic Torch Relay is scheduled to come through Asheville on Wednesday, December 5, 2001, arriving at approximately 10:30 a.m. and departing at approximately 12:30 p.m. The Relay will begin in South Asheville on Hendersonville Road and depart from I-240. At approximately 12:15 p.m., the Relay will take an official break in downtown Asheville in City-County Plaza. Consultation with the Police Department for security and traffic procedures has been performed.

A Task Force was formed through the Parks and Recreation Department to coordinate this effort. Representatives from the City, the United Way of Asheville and Buncombe County, the Volunteer Center, Buncombe County Recreation Services, the Community Foundation of WNC, Henderson County, the Asheville Track Club, Asheville High School, and the Mayor's Committee on the Disabled serve on this Task Force.

The Parks and Recreation Department recommends the City of Asheville to enter into an agreement with the Salt Lake Organizing Committee for the Olympic Torch Relay for the Olympic Winter Games of 2002.

### **Budget Amendment regarding Outside Professional Fees**

Summary: The consideration of an amendment to the Fiscal Year 2001-2002 Budget Ordinance to provide for legal and professional services.

The budget for fiscal year 2001-2002 provided \$30,000 for legal services and \$1,000 for other professional services in the City Attorney's Office. Due primarily to costs associated with the defense of the challenges to the annexation ordinances adopted by the City in 2000, these line items are nearly depleted.

-5-

Two more legal challenges to the 2000 annexations will be tried during the current fiscal year. Additionally, there will be other matters arising during the remainder of the fiscal year for which outside counsel and professional services are required or are typically used.

We estimate that an additional \$40,000 will be needed for outside counsel to assist in our defense of annexation challenges and other matters and \$10,000 will be needed for the other professional services. A proposed ordinance making a \$50,000 appropriation from fund balance to cover these additional legal expenses has been prepared.

Adoption of the ordinance is recommended.

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.

### **BOARD APPOINTMENTS**

Councilwoman Bellamy moved to waive the rules and take action on the following four board appointments at this meeting. This motion was seconded by Councilwoman Field and carried unanimously.

#### **RESOLUTION NO. 01-168 - RESOLUTION APPOINTING A MEMBER TO THE ABC BOARD**

Vice-Mayor Cloninger said that this is the consideration of appointing a member to the Alcoholic Beverage Control Board.

The term of Gene Ellison, as a member on the ABC Board, expired on November 13, 2001.

Councilman Worley moved to excuse Councilwoman Field from participating in this item. This motion was seconded by Councilman Hay and carried unanimously.

Councilwoman Bellamy moved to appoint Barbara Field to serve a three year term, term to begin December 5, 2001, and expire November 13, 2004, or until her successor has been appointed. This motion was seconded by Councilman Worley and carried unanimously.

#### **RESOLUTION BOOK NO. 27 – PAGE 1**

#### **RESOLUTION NO. 01-169 - RESOLUTION APPOINTING A MEMBER TO THE AIRPORT AUTHORITY**

Vice-Mayor Cloninger said that this is the consideration of appointing a member to the Asheville Regional Airport Authority.

Mr. William Moore has resigned from the Asheville Regional Airport Authority, thus leaving an unexpired term until June 30, 2002.

On November 13, 2001, City Council interviewed Rod Whiteside, Edison Seel, George Keller, John Mills, Rhett Grotzinger and Barbara Shagan-Dave.

Mr. Rhett Grotzinger received seven votes, therefore, Mr. Grotzinger was appointed to serve the unexpired

term of William Moore, term to expire June 30, 2002, or until his successor has been appointed.

## **RESOLUTION BOOK NO. 27 – PAGE 2**

-6-

### **RESOLUTION NO. 01-170 - RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABLE ECONOMIC DEVELOPMENT STRATEGIC PLAN IMPLEMENTATION TASK FORCE**

Vice-Mayor Cloninger said that there currently exists four vacancies on the Sustainable Economic Development Strategic Plan Implementation Task Force: Ben Slosman, David Brown, Theo Pritchett and Brenda Webster. Said terms will expire June 30, 2003.

The Task Force has presented City Council with the following list of people who have been contacted and who have confirmed their willingness to serve, if asked: Paula O'Hara (New South Business Ventures); Marvin Slosman (Slosman Development); Oscar Wong (Highland Brewing); Gene Bell (Housing Authority); Tom Hallmark (Asheville Merchants Association); David Phillips (Carolina Power & Light Company); Brady Blackburn; Mike Greene (Wick and Greene); Valerie Dennis (Anaya Gallery); and Barbara Field.

Councilwoman Barbara Field asked that her name be removed from consideration due to her recent appointment to the ABC Board.

David Phillips received 6 votes; Gene Bell received 6 votes; Marvin Slosman received 4 votes; Paula O'Hara received 3 votes; Tom Hallmark received 2 votes; Valerie Dennis received 2 votes; Brady Blackburn received 2 votes; Mike Greene received 2 votes; and Oscar Wong received 1 vote. Therefore, Paula O'Hara, Marvin Slosman, Gene Bell and David Phillips are hereby appointed until June 30, 2003, or until their successors have been appointed.

After Councilwoman Bellamy pointed out that there is no African American female on this Task Force and that Valerie Dennis would fill that spot, City Clerk Burlison noted that there is still a vacancy on this Task Force as Council set the Task Force up to a maximum of 19 members. Councilwoman Field also pointed out that it would be good to have the Chairman of the MSD Board (Brady Blackburn) as a member on the Task Force.

Councilwoman Bellamy moved to appoint Valerie Dennis as a member to the Sustainable Economic Development Implementation Plan Task Force to serve until June 30, 2003, or until her successor has been appointed. This motion was seconded by Councilman Peterson and carried on a 6-1 vote, with Councilwoman Field voting "no".

## **RESOLUTION BOOK NO. 27 – PAGE 3**

### **RESOLUTION NO. 01-171 - RESOLUTION APPOINTING MEMBERS TO THE FILM COMMISSION**

Vice-Mayor Cloninger said that this is the consideration of appointing members to the Asheville Film Commission.

The terms of Vice-Mayor Chuck Cloninger, Gayle Wurthner, Lee Nesbitt, Andrea Dray, Kathleen Bobak, Guy Chancey, Diana Bilbrey, and David Quinn, as members on the Asheville Film Commission, expired on November 1, 2001. In addition, Sarah Blankenship has resigned her position, thus leaving an unexpired term until November 1, 2003.

At their November meeting, the Asheville Film Commission recommended City Council (1) reappoint Gayle Wurthner, Lee Nesbitt, Andrea Dray, Kathleen Bobak, and Guy Chancey to each serve a three year term,

terms to expire November 1, 2004; and (2) appoint Councilwoman Terry Bellamy to serve a three year term, term to expire November 1, 2004, or whenever her term of City Council ends.

-7-

In addition, the Commission requested City Council readvertise for the other three positions currently left vacant by the resignations of David Quinn, Diana Bilbrey and Sarah Blankenship. The Commission members were not comfortable making recommendations from the applications received from City residents. The Film Commission members will actively recruit for qualified candidates.

Mayor Sitnick moved to (1) reappoint Gayle Wurthner, Lee Nesbitt, Andrea Dray, Kathleen Bobak, and Guy Chancey to each serve a three year term, terms to expire November 1, 2004; and (2) appoint Councilwoman Terry Bellamy to serve a three year term, term to expire November 1, 2004, or until her term on City Council ends. This motion was seconded by Councilwoman Field and carried unanimously.

## **RESOLUTION BOOK NO. 27 – PAGE 4**

### **BOARD VACANCIES THAT EXPIRE ON OR AFTER 12/31/01**

City Attorney Oast explained that the City Council in office at the time the vacancies occur hold the power to fill those vacancies. Therefore, it was the consensus of City Council to defer action on the following boards/commissions that will have vacancies that expire on or after 12/31/01 to the new Council: Board of Adjustment, Community Relations Council, Fair Housing Commission, Firemen's Relief Fund, Greenway Commission, Metropolitan Sewerage District Board of Directors, Public Art Board, Transit Commission and Tree Commission.

At 3:45 p.m., Councilman Worley moved to excuse Councilman Hay from the meeting. This motion was seconded by Councilwoman Bellamy and carried unanimously.

### **AZALEA ROAD BENEFICIAL FILL REPORT**

Public Works Director Mark Combs said that in June City Council directed staff to investigate practicable sites for the long term disposal of beneficial fill materials.

The Public Works and Water Departments dispose of approximately 11,000 tons of old concrete, asphalt and dirt each year. In February the City's White Fawn Reservoir fill site reached maximum capacity, which necessitated disposal at the Buncombe County landfill.

In October of 1997 staff instituted a site selection team for the purpose of finding a new disposal/fill site. In June of 1998 staff selected a site on Azalea Road and started negotiations with the property owner. After numerous public hearings, a citizen/staff task force developed a request for proposal (RFP) to conduct a feasibility study of this site. In January 2001, Woolpert LLC (Engineering Firm who conducted feasibility study) presented their report to City Council and advised further development and subsequent operations.

On May 15, 2001, staff requested and received a \$75,000 appropriation to pay for anticipated tip fees due to the closing of White Fawn. Through October, 19, 2001, the City has paid tip fees of \$234,329.28. In the same meeting Council directed staff to conduct a thorough investigation into all potential sites and report their findings when completed.

In the current fiscal year (4 months), Public Works spent \$52,341 for tip fees, which is \$22,341 more than the \$30,000 originally budgeted. Staff had anticipated the final site selection would be completed by the second quarter.

Mr. Combs then explained that a beneficial fill is defined as including only used asphalt and inert debris such as concrete, brick, concrete block, uncontaminated soil, rock and gravel.

No permit is required so long as (1) fill activity involves no excavation; and (2) the purpose is to improve land use potential.

A letter received on June 15, 2001, from Mr. Dan LaMontagne, Head of the State's Superfund, stated that "no hazardous substances can be associated with the Azalea Road landfill and no release of hazardous substances from the landfill have been documented ..."

Mr. Richard Grant, Solid Waste Manager, explained that the following sites were investigated: Azalea Road, Bartlett Street (Murray Hill), Beaverdam Baptist Church, Buncombe County Landfill, Burney Mountain Road Fairview, Gaston Street, Hawthorne Drive (Beverly Hills), Houston Street and Courtland Avenue (Montford), Memorial Stadium property, Moore Street (Sycamore Hollow), and Richmond Hill Drive (Richmond Hill). Locations evaluated included: Azalea Road, Buncombe County Landfill, Burney Mountain Road (Fairview), Houston Street and Courtland Avenue (Montford), Memorial Stadium property, Moore Street (Sycamore Hollow) and Richmond Hill Drive (Richmond Hill).

Mr. Grant explained the estimated yearly tonnage from the Street Division and from the Water Resources Department. He then went into detail on each one of the site locations mentioned above outlining the tangible costs (with and without recycling) which included: mileage costs, labor costs (transportation), operational costs, site costs, land costs and tip fees.

Mr. Grant then explained the site evaluation criteria used for the seven locations which included cost, capacity, homes in 500-foot buffer, and homes on route.

Mr. Combs explained that as a result of this detailed investigation, City staff recommends the Azalea Road site. It is City-owned property, has 20 + years life, has the least neighborhood impact, the feasibility study and operations plan have been completed, and it can be integrated with the Parks & Recreation Master Plan.

Mr. Combs and Mr. Grant answered various questions from Council, some being, but are not limited to: how does recycling come into play regarding the life of the particular sites; how many years will be added to the life of the site with recycling; what were the reasons why smaller sites were not investigated; what is the value of some of the smaller sites vs. what their value would be if they were filled in and built on; what is involved with building on sites once they are filled; and how was the viewshed factored into the criteria.

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

### **BROTHERTON SITE DEVELOPMENT CONTRACT**

Community Development Director Charlotte Caplan said that this is the consideration of (1) the sale and development of the City-owned site on Brotherton Avenue; and (2) amendment of the City's 2001-02 Consolidated Action Plan to allocate program income from the sale of the site to site development.

The City has allocated a total of \$370,000 in Community Development Block Grant (CDBG) funds for the purchase and improvement of a 7.3 acre site at the intersection of Virginia and Brotherton Avenues, with the intention of developing it for affordable homeownership on the "cohousing" model. A cohousing development is characterized by:



- Resident involvement in the design process;
- Physical design that deliberately encourages a sense of community;
- Extensive common facilities, including a common house;
- Complete resident management when the development is complete.

An excellent example is the Westwood cohousing community on Vermont Place, about a mile to the west..

In September 2000, the City purchased the site from the Housing Authority for \$120,000. In March 2001 the City issued a Request for Proposals (RFP) for a developer. Two proposals were received, but only one was fully responsive to the terms of the RFP. This proposal from Morse Properties, Inc. is for a mixed-income development of 38 homes, 26 of which would be subsidized to be affordable to families with incomes less than 80% of area median. The Housing and Community Development Committee has reviewed the proposal and recommends acceptance.

To comply with CDBG regulations, the \$250,000 in CDBG funds already allocated for site improvements must be expended while the property is in public ownership. Additionally, to comply with State law, the property must be sold to the developer at not less than the current appraised value of \$147,000. Staff therefore recommend the following steps for approval by Council at this time:

1. Entering into a contract for sale of the site to Morse Properties, subject to City approval of the final design for the development (including all necessary planning and technical approvals) and satisfactory completion of site improvements;
2. Amendment of the 2001-02 Action Plan to recognize the anticipated receipt of the sales proceeds and allocation of the same amount to site development.
3. Entering into a CDBG funding agreement with Morse Properties for a total of \$397,000 CDBG subsidy for site improvements, to be passed on as subsidy to the 26 income-eligible homebuyers.

Steps 1 and 2 require a public hearing. As soon as these steps are implemented, the developer will develop a final site design which we expect will be submitted for approval as a Planned Unit Development early next year. Consultation with neighborhood residents will be an important part of this process.

Staff and the Housing and Community Development Committee recommend approval of the resolution for the sale of the property, the funding agreement, the amendment of the Action Plan, and a budget amendment regarding the increase in the CDBG budget to recognize receipt of program income from sale of land and allocation of sale proceeds to the Brotherton Avenue development project.

Ms. Caplan responded to several questions from Councilman Peterson regarding the infrastructure in the area.

Upon inquiry of Councilwoman Bellamy, Mr. Morse said that the estimated cost of the entire project is approximately \$4.2 Million with infrastructure improvements totaling approximately \$440,000.

Councilwoman Bellamy was concerned that the co-housing will not be filled by local residents.

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.

-10-

## **AMENDMENT TO ASHEVILLE SMOKE CONTRACT**

Civic Center David Pisha said that this is the consideration of a resolution authorizing the City Manager to

enter into an amended lease agreement with Asheville Professional Hockey, Ltd., for the use of the Civic Center.

For several months, the Civic Center Department has been working with the Asheville Smoke Hockey to amend the lease for use of the Civic Center for their games. The purpose of these discussions was to simplify the lease for both parties. At the same time, the Civic Center wanted to ensure a greater rent payment through all levels of attendance. As negotiated, the primary changes in the agreement are essentially the terms that would automatically go into effect in the option years (years 6 and 7) of the contract with the following exceptions: (a) The rent per game is \$250.00 higher than in the option years. Depending on attendance, this could be as much as \$1,000 higher than is currently charged per game; (b) the City agrees to assume the payments on the ice rink cover for the remaining three years; (c) no further rink reimbursement would be required of the team.

The changes are as follows:

- A flat rent per game of \$1,750. This replaces a floating rent that can vary between \$750 per game up to \$1,500 per game based on attendance.
- The City will assume the remaining payments on the ice rink cover.
- The City will cease collecting any ice rink reimbursement fees.
- The City will share concession revenues with the team after the first \$200,000 in sales. After deducting taxes and food costs the team would receive 10% of the resulting net.

Mr. Pisha responded to several questions from Councilman Peterson regarding the projected financial results of these changes.

The Civic Center Department recommends that City Council authorize the City Manager to enter into an amended lease agreement with the Asheville Professional Hockey.

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

**ADJOURNMENT:**

Mayor Sitnick adjourned the meeting at 5:29 p.m.

---

CITY CLERK MAYOR

---