

Tuesday – September 2, 2003 - 4:00 p.m.
Council Chamber – 2nd Floor – City Hall

Worksession

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor Terry M. Bellamy; Councilman Joseph C. Dunn; Councilman James E. Ellis; Councilwoman Diana Hollis Jones; Councilman R. Carl Mumpower; and Councilman Brian L. Peterson; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

UPDATE ON THE DOWNTOWN SOCIAL ISSUES TASK FORCE

- Mr. Pat Whalen, Chair of the Downtown Social Issues Task Force, updated City Council on the Task Force's progress to date.

In December 2002, City Council appointed a Downtown Social Issues Task Force to develop recommendations to Council about social problems in downtown, such as homelessness, graffiti and panhandling. The Task Force began meeting in March 2003. Since then the Task Force has educated each other about problems in downtown and the services currently available. At present, the Task Force is working on goals and recommendations.

Because many of these problems have deep causes, the Task Force realized that any solutions it proposed would have to be feasible and manageable. At the beginning of this process a set of principles was adopted to guide any recommendations put forth in the future. He reviewed the principles.

Additionally, the Task Force has split into two working committees to address both immediate problems and conditions leading to social problems. These committees are the Behaviors Working Committee and Conditions Working Committee. The Behaviors Committee is developing recommendations to deal with graffiti, panhandling, public drunkenness and loitering or blocking the sidewalk. Meanwhile the Conditions Working Committee is working on reasonable solutions for dealing with the chronically homeless, those who are at risk for being chronically homeless and homeless youth.

During the process of developing recommendations, the Task Force is researching what has been done in other communities, how well those strategies have worked, and what would be appropriate for Asheville. The Task Force is planning on submitting its report to City Council in December 2003 or January 2004.

No action is required by City Council at this time.

CONSENT AGENDA:

Councilwoman Jones moved to waive the rules and take formal action on the two Consent Agenda items. This motion was seconded by Councilman Ellis and carried unanimously.

RESOLUTION NO. 03-155 - RESOLUTION AUTHORIZING THE MAYOR TO APPROVE A GRANT FROM THE FEDERAL AVIATION ADMINISTRATION IN AN AMOUNT NOT TO EXCEED \$3,085,435

Summary: The consideration of a resolution approving a grant from the Federal Aviation Administration in an amount not to exceed \$3,085,435.

The Federal Aviation Administration (FAA) has offered a grant agreement to the Asheville Regional Airport. This grant, in an amount not to exceed \$3,085,435, is for the project consisting of: rehabilitate service road (replace Southeast Aircraft Rescue Fire Fighting Road culvert); rehabilitate taxiways; acquire snow removal equipment; construct Runway 16/34 blast pads; and expand terminal building (baggage claim expansion and hold room addition) Phase II.

- Staff recommends adoption of the resolution authorizing the Mayor to execute the grant agreement for Project No. 3-37-0005-28.

Councilman Ellis spoke in support of the grant.

RESOLUTION NO. 03-156 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO DISPOSE OF CITY-OWNED PERSONAL PROPERTY BY PUBLIC AUCTION ON SATURDAY, OCTOBER 4, 2003, AT 10:00 A.M. IN THE WILLIAM F. WOLCOTT JR. PUBLIC WORKS COMPLEX AT 161 S. CHARLOTTE STREET, ASHEVILLE NC

Summary: The consideration of a resolution authorizing the Purchasing Director to dispose of City-owned personal property by public auction.

The resolution authorizes the City's Purchasing Division to hold a public auction to dispose of motor vehicles, off-road equipment, and other miscellaneous property declared as surplus by various City departments. The auction to be held Saturday, October 4, 2003, at 10:00 a.m. in the William F. Wolcott Jr. Public Works Complex located at 161 S. Charlotte Street, Asheville, North Carolina.

Staff recommends Council adopt the resolution authorizing the Purchasing Director to hold a public auction on October 4, 2003 at 10:00 a.m. at the Public Works Complex, 161 S. Charlotte Street.

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

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

NEW OR UNFINISHED BUSINESS:

RESOLUTION NO. 03-157 - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH BUNCOMBE COUNTY FOR THE CONCEPT OF THE JOINT EMERGENCY COMMUNICATIONS CENTER WITH INTERIM TRANSFER OF THE ASHEVILLE FIRE AND RESCUE DISPATCH OPERATIONS UNTIL A JOINT CENTER IS CONSTRUCTED AND OPERATIONAL

Fire Chief Greg Grayson said that this is the consideration of an agreement with Buncombe County for the concept of the joint emergency communications center with interim transfer of the Asheville fire and rescue dispatch operations until a joint center is constructed and operational.

During the 2003-04 Council Budget Retreat in January, 2003, city staff presented Council with concerns about the delays that were occurring with over 32,849 emergency 911 fire/rescue and police calls that are being transferred to the City of Asheville from Buncombe County. At that time, staff recommended to City Council that the City of Asheville create its own primary 911 Public Safety Answering Point (PSAP) in order to provide more rapid response to all emergencies occurring in the City of Asheville.

Council requested more information on the subject and most Council members toured the Buncombe County 911 emergency communications center, the City of Asheville emergency communications center and the Sheriff's communications center. In the past year, Council has had much discussion about the 911 dispatch situation. In addition, Buncombe County Commission Chairman Nathan Ramsey stepped forward with a written proposal on behalf of Buncombe County to construct a joint emergency communications center that should be built and operational in approximately 2.5 years.

The operational benefits of a joint emergency communications center are significant. Most importantly, all 911 callers will experience the most minimal delay possible in receiving emergency services. Council took action affirming support to participate in a joint emergency communications center when it is built by Buncombe County. Council's commitment to this joint venture will allow Buncombe County to properly design a joint center. In addition, city and county staff can begin working together in planning and facilitating the joint operation.

On June 3, 2003, City Council authorized the City Manager to execute a performance based contract with Buncombe County for dispatch of fire/rescue calls (approximately 11,389 calls annually) and continue dispatching police emergency calls as we are doing currently (approximately 21,460 calls annually) during this 2.5 interim period. This arrangement would be in effect until a joint consolidation communication center is constructed and operational.

City staff has been working closely with County staff over the past sixty days to develop an agreeable, performance based contract for fire and rescue dispatch during the interim period. The contract is based upon national standards for

communications, accreditation and communications operations.

Some highlights of the contract are as follows:

- Buncombe County is to construct a facility for a joint emergency communications center at no cost to the City of Asheville.
- Buncombe County is to provide all of the fixed dispatch equipment necessary for the entire joint communications center and the maintenance for that equipment at no expense to the City of Asheville. All equipment purchased will have to meet the City's technical requirements.
- Buncombe County will also agree to provide the City new consoles on or before January 1, 2005, for the police dispatch function.
- In the interim period between January 1, 2004, and the time that the new joint emergency communications center is constructed and operational (approximately January 1, 2006), Buncombe County will provide emergency dispatch services for the Asheville Fire and Rescue Department. In order to accomplish this task, Buncombe County will add three full-time telecommunicators in the County dispatch center. This enhancement will be at no cost to the City of Asheville.
- Buncombe County has agreed to provide the City with a quarterly performance report to ensure that emergency fire and rescue dispatches are being handled according to national standards for emergency call processing.
- The City of Asheville agrees not to establish its own Public Safety Answering Point (PSAP) as long as Buncombe County meets their contractual agreements.
- There is specific termination language in the agreement in the event that either party determines that the agreement is not meeting the needs of the governmental unit.

City staff recommends City Council approve the agreement with Buncombe County for the concept of the joint emergency communications center with interim transfer of Asheville fire and rescue dispatch services until a joint center is constructed and operational.

Councilman Dunn was proud that the City and County worked together realizing this is the best system for our entire community.

Councilman Mumpower thanked Councilman Dunn for his hard work in this matter.

Councilman Mumpower moved to waive the rules and take formal action at this meeting. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

Councilman Dunn moved for the adoption of Resolution No. 03-157. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

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RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

Mayor Worley said that since two candidates were unable to attend their interviews prior to this meeting, those interviews would be arranged on September 16, 2003, and City Council would take formal action on appointing members at the September 23, 2003, meeting.

CONTINUATION OF CONSIDERING ENTERING INTO AN OPTION TO CONVEY CERTAIN CITY-OWNED PROPERTY IN THE CENTRAL BUSINESS DISTRICT TO THE GROVE PARK INN FOR A MIXED USE DEVELOPMENT PROJECT

Mayor Worley said that this public hearing was opened on August 19, 2003, and continued to this date to receive additional information regarding proposed option with Grove Park Inn.

Planning & Development Director Scott Shuford said that at the August 19, 2003, meeting, several questions arose. He

has since created a link on our website to answer those questions. Using pictures, he responded to the following questions: what is the Grove Park Inn proposing; how is the City considering this proposal; why didn't the City open the development of these two sites up for competitive bidding; is the Site A property part of the land bequeathed by George Willis Pack; what is the relationship between the Grove Park Inn proposal and the Pack Square Renaissance Plan; what design controls will be in place to govern the design of the buildings on Site A and Site B; how do these two projects fit into the City's plans for downtown; will the sale of these two properties, especially Site A, decrease the amount of open space in downtown Asheville; how will the development of Site A affect emergency vehicle traffic; how will this development affect Bele Chere and other festivals; will these big developments cut into the existing markets for downtown businesses and residential providers; and will there be traffic congestion after eliminating the angled extension of Patton Avenue.

City Attorney Oast said that based on Council comments at the public hearing on August 19, he has prepared some more specific language for the design issues to be incorporated into the City's proposed option with the Grove Park Inn for the purchase of property located in the area bounded by College, Market and Spruce Streets, and traversing Patton Avenue. Specific issues covered include building height and footprint, sidewalks, preservation of the view corridor, and location of parking and service facilities. In drafting this language, he had reference to Council's identified concerns, the Pack Square Conservancy's (PSC) guidelines (as currently proposed) and Grove Park Inn's (GPI) requirements.

City Council also requested clarification as to the non-monetary consideration involved in this transaction. That consists primarily of improvements to public infrastructure in the immediate vicinity of the building site, such as sidewalks, and restoration of any disturbed areas in accordance with the approved plan for the Pack Square/City County Plaza area. It is difficult at this time to be specific, or to quantify what those improvements might be.

He said the above-noted design changes only affect paragraph 4. While reviewing, in detail, the changes below, he also used drawings prepared by GPI showing a slight revision in the southern line of the Subject Property, based on Council's desire not to intrude on the Spruce Street sidewalk, and illustrating the horizontal dimensions of the above-ground building envelope.

4. Building Design: Other Matters. GPI and the City further agree to the following in connection with the conveyance of the Subject Property and the development thereof by GPI:
 - a. GPI shall comply in all respects with the terms and provisions of the Downtown Development Agreement to the extent that said Agreement applies to the Subject Property.
 - b. GPI shall comply with the terms and provisions of the PSC Agreement as to the development of the Subject Property to the same extent as the City would have to comply with said Agreement, and nothing in this Contract or the Development Agreement may be construed to abrogate or limit the applicability of the PSC Agreement to development of the Subject Property.
 - c. Notwithstanding the terms and provisions of the Downtown Development Agreement or the PSC Agreement, the following provisions shall apply to the development of the Subject Property, and shall be incorporated in the deed from the City to GPI such that said provision shall run with the land, and be binding in perpetuity on GPI and any of its successors and assigns.
 - (1) The height of the primary exterior shell of the building shall not exceed the height of the north facade of the Jackson Building as measured from the sidewalk to the lower edge of the tile roof of the penthouse structure on top of the Jackson Building; this dimension is 128.7 feet, but for the purposes of the application of this height limitation it shall be 130 feet, and shall be measured from the lowest point of the south facade of the building to be constructed by GPI. This height limitation may be exceeded by a penthouse structure; provided, said penthouse structure is set back from the primary exterior shell on all sides, does not exceed 24 feet in height, and does not cover more than 40% of the horizontal roof area of the building. There shall be no further height allowances or projections for any purpose, including mechanical equipment installation(s). The limitations on the size of the penthouse structure shall apply even if the height of the primary exterior shell of the building does not exceed 130 feet.
 - (2) Building footprint. The exterior dimensions of the primary exterior shell of the building shall not exceed 158.00 feet wide, measured in a westerly direction from the point of intersection of the southern line of the sidewalk on the south side of College Street, extended, with the western line of the sidewalk on the west side of Spruce Street, extended, parallel to College Street (approximately east-west), by 60

feet deep, measured in a southerly direction perpendicular from the southern line of the sidewalk on the south side of College Street (approximately north-south). These dimensions are based on the current configuration of the streets in the area. To the extent that implementation of the approved plans for the Pack Square / City-County Plaza area requires or permits alterations in these dimensions while remaining consistent with the other design limitations specified herein, including the PSC design guidelines, this agreement may be amended to require or permit different horizontal dimensions, provided that no such amendment may limit the horizontal area created by the primary exterior shell of the building, measured on the outside, to less than 9450 square feet without GPI's consent.

- (3) Preservation of view corridor. No part of the primary exterior shell of the building may intrude into the Vance Monument view corridor, which is the northwest corner of the Buncombe County Courthouse and the southwest corner of the Asheville City Building, as seen from a point measured five feet above the base and two feet east of the eastern face of the Vance Monument.
 - (4) Sidewalks. The building shall provide for sidewalks along its north, east, and west sides. The north side or College Street sidewalk shall be preserved or replaced in its current location and width. The east or Spruce Street sidewalk and the west or Market Street sidewalk shall be preserved, replaced or constructed at their current widths or otherwise to City standards, and may be relocated in accordance with the PSC plan.
 - (5) Underground parking. The parking facility for the building, if located on the Subject Property, may extend outside the building footprint, but not beyond the lines of the Subject Property; provided, that any part of any parking facility that extends south beyond the southern face of the constructed building must be completely below ground level, and the area above said parking facility shall be developed in accordance with the approved plan for the Pack Square / City-County Plaza Area, as developed by PSC and approved by the City. If approved by PSC, mechanical appurtenances such as air vents and utility equipment serving the parking facility may project above ground.
 - (6) Other design issues. Service facilities, such as refuse dumpsters, electrical and other utility connections, shall be located within the building or placed underground.
- d. To the extent feasible, the City and GPI will coordinate with each other as to the location, relocation, or reconstruction of any utilities, infrastructure, public amenity, or public area in the vicinity of the Subject Property to the end that the area of City-County Plaza and Pack Square that is disturbed by GPI's project will be restored in a manner consistent with the City's plans for the area, as developed and adopted pursuant to the PSC Agreement.
 - e. The City will cooperate with GPI and provide reasonable assistance in connection with the development of the Subject Property with respect to such matters as temporary and permanent road closings and other permits and approvals necessary or desired by GPI for the project, provided that nothing shall require the City to exercise any discretionary function in a particular way.

He said that based on further direction from Council, further changes to the agreement will be made and presented for Council's consideration on September 16, when Council is scheduled to vote on it.

Mr. Mike McCreary, Asheville resident, noted that there is no building on Site A of the Pack Square Conservancy's website. Asheville's website is the one that contains the building on Site A. He felt that accommodating the community's concern about the historic integrity of this space and assuring economic development and prosperity do not have to be mutually exclusive. Mr. Shuford explained the reasoning behind the Conservancy's drawings.

Mr. Walter Plaue, resident on Wilderness Road, basically supported the concept, however, he was concerned with the details, in particular the height elevation and building footprint.

Ms. Julie Brandt, property owner in Asheville, said that at the Conservancy's design guidelines input meeting, there was no discussion of the design guidelines. She was confused what roles the Pack Square Conservancy, Grove Park Inn, and City Council play in the design guidelines. She said that this property on Site A is public greens space and she wants it to remain that way.

Mr. Wally Bowen, resident on Caledonia Road, said the community is concerned about the process and asked for an

explanation of what the law is regarding competitive bidding.

Mr. Barry Summers, resident on Ben Lippen Road, spoke against the City selling its limited public green space to private developers.

Mr. W. Louis Bissette, attorney representing the Grove Park Inn, said that he remembered in the 1980's when the City scoured the country to find any developer who would even consider to come to downtown Asheville and make an investment because we had rows and rows of vacant buildings. He spoke in support of this project in that the Grove Park Inn has been in Asheville for 100 years, employs 1,000 people, has been a tourism engine since 1913, and has the financial ability to construct a first class building – a \$30 Million increase to our tax base. That will be \$1 Million in new taxes each year to provide new City services and help with affordable housing. New jobs will be provided as well. This option allows the Grove Park Inn to take another step and look at the feasibility of the project. If Council continues to reduce the footprint and height of the building, it will come to a point that it's not economically feasibility for the Grove Park Inn to build it.

Mr. Frank Sagendorf, part-time resident of Asheville, spoke about why he preferred the building not be constructed.

Mr. Fred English felt the Asheville taxpayers should vote on whether the City should sell this property to the Grove Park Inn.

There was considerable discussion initiated by Councilman Peterson about the height of the building, primary exterior shell of the building and rooftop ornamentation.

Mr. Shuford responded to various questions and comments from Council, some being, but are not limited to: will the building blend in more with the City Hall, Courthouse and Jackson Building or the more modern Biltmore Building and BB&T Building; is there any limitation on what the Grove Park Inn could build on the front portion of their building; what limits are we placing on a multi-story secondary exterior shell on this building; and are awnings proposed on the building.

Councilwoman Jones was concerned that Council recently adopted the Pack Square design guidelines that had the depth of the structure from College Street at 51 feet. Now we are increasing it to 60 feet. Mr. Shuford explained that there was a clear concern of Council at the August 19 public hearing that there be some limit to the extent to which a variance could be granted by the Pack Square Conservancy if the Grove Park Inn came back with an architectural rationale for some deviation from that 51 feet. The intent of this is to take a standard architectural dimension of 60 feet and establish that as the maximum that the City would be willing to live with if the Pack Square Conservancy granted a variance.

At 6:30 p.m., Mayor Worley called a short recess.

City Attorney Oast and City Engineer Cathy Ball responded to various questions/comments from Council, some being but are not limited to: was the appraisal combined for two lots on Site A or was each lot appraised separately; how old was the appraisal for the properties the City purchased for the Haywood Street Parking Deck; how much did the City pay for each parcel to build the Haywood Street Parking Deck; what are the comparable sites used in the appraisal for Site A; when there is a scarce resource in the City (like green space), is that factored into appraisals; how many acres does the City own in open space, including the watershed; do we have any ability within the option to make sure this development will remain with the Grove Park Inn in the future; does the option require the Grove Park Inn to rebuild the sidewalks around the building to City standards; what will happen to the energy loop and the clock located on Site A and will the Grove Park Inn be required to pay for those relocation costs; will the Grove Park Inn be required to pay for any traffic signalization upgrade that will result from the realignment of traffic in that area; and how much on-street parking will be lost with the closing of a portion of Patton Avenue.

Vice-Mayor Bellamy asked for information what kind of mechanisms we can put in place to ensure that we preserve the green space and open space that the Pack Square Conservancy design guidelines have control over.

Councilman Dunn felt that the City of Asheville has been very good stewards of public lands.

Councilman Peterson asked for additional information on whether or not balconies would be permitted on the building on Site A. He felt that even though balconies permit a great view for the people who live inside but are very unattractive for the people on the street.

Councilman Peterson asked for a definition of primary exterior shell.

City Attorney Oast said that under the law, the City is required to disclose the appraised value of the property at the public hearing. Council asked at the August 19 public hearing to get an update on the appraisal that we had, but the appraiser has been out of town and was not able to get us that information for this meeting. He said he would have that information at the September 16, 2003, meeting.

Vice-Mayor Bellamy moved to continue the public hearing until September 16, 2003, for the purpose of receiving the update of the appraisal; and, on that date, public comment will be limited to any new information received at the September 16 meeting. This motion was seconded by Councilman Peterson and carried unanimously.

ADJOURNMENT:

Mayor Worley adjourned the meeting at 7:23 p.m.

CITY CLERK

MAYOR