

Regular Meeting

Present: Mayor Terry M. Bellamy, Presiding; Vice-Mayor Diana Hollis Jones; Councilwoman Robin L. Cape; Councilman Jan B. Davis; Councilman Bryan E. Freeborn; Councilman R. Carl Mumpower; Councilman Brownie W. Newman; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and City Clerk Keisha Lipe

Absent: None

**PLEDGE OF ALLEGIANCE**

Students from two 5th Grade classes from Ira B. Jones Elementary School led City Council in the Pledge of Allegiance.

**INVOCATION**

Councilman Davis gave the invocation.

**I. PROCLAMATIONS:**

**II. CONSENT AGENDA:**

**A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 13, 2007**

**B. RESOLUTION NO. 07-72 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH ONTARIO INVESTMENTS FOR REPLACEMENT OF MOWING EQUIPMENT AT THE ASHEVILLE MUNICIPAL GOLF COURSE**

Summary: The consideration of a resolution authorizing the City Manager to execute the lease agreement with Ontario Investments for replacement of mowing equipment at the Asheville Municipal Golf Course.

The City currently contracts with Ontario Investments to lease mowing equipment at the golf course. The new lease agreement will replace one Toro Groundsmaster 4500-D rough mowing unit and a Toro Reelmaster 6500-D fairway mowing unit with new equipment of the same kind.

The current lease value for six year old equipment is \$19,620 per year, whereas the proposed lease value for new equipment is valued at \$32,500 per year. The new lease is \$12,888 per year above the existing lease since it will replace two six year old mowing units with new equipment. The full cost of the lease is budgeted in the Fiscal Year 2006-07 golf course operating budget.

The purchase price of the equipment as specified in the agreement is a total of \$85,376. The City saves \$20,376 over the life of the lease by leasing the equipment rather than purchasing.

Staff completed a cost comparison with Toro and found Ontario Investments to be slightly less for the same lease period. Ontario Investments was selected due to cost, past experience and a reliable business relationship.

Ontario Investments end of lease options:

1. Return the equipment with no further obligation.
2. Extend the lease.
3. Purchase the equipment at fair market value.

**Pros:**

- Enables the City to acquire new replacement equipment without expending capital funds.
- Reduces maintenance costs on equipment through routine maintenance provided through lease.
- Puts all equipment leases at the golf course on the same schedule and enables the golf course to replace equipment on a set schedule reducing maintenance cost and down time of equipment.

**Con:**

- Increases the golf course annual operating budget.

Parks and Recreation recommends City Council approve a resolution authorizing the City Manager to execute the lease agreement with Ontario Investments for replacement of mowing equipment at the Asheville Municipal Golf Course.

**RESOLUTION BOOK NO. 30 - PAGE**

**C. RESOLUTION NO. 07-73 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HICKORY CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS WATER TREATMENT PLANT IMPROVEMENTS**

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Hickory Construction Company for the project known as Water Treatment Plant Improvements.

The Water Resources Department requested through its contracted engineers, Brown and Caldwell, bids for water treatment plant upgrades at the North Fork and Bee Tree plants. Both plants require upgrades to meet current and future Environmental Protection Agency (EPA), State of North Carolina and Clean Water Drinking Act requirements. A request for construction bids for improvements to the water treatment plants was submitted to utility contractors in the southeast with four bids returned.

The Water Resources Department and its contracted engineer had previously estimated the bidding and construction project management and construction phase of the water treatment plant upgrades to be approximately \$5.7 million in 2005. Due to funding issues of not having a dedicated revenue source this project was delayed and the cost for construction and material has escalated over the past 18 – 24 months. The treatment plant upgrades were anticipated to be funded by the Capital Improvement Program fee starting in 2003. The water fund budget was not approved with this revenue source for three years which caused the project to be postponed until a primary funding source was obtained. The approval by City Council of the CIP fee in Fiscal Year 2006-07 allowed this project to move forward.

The four bids received were:

1. Hickory Construction Company: \$6,362,500.00
2. Gilbert Engineering Company: \$6,667,650.00
3. State Utility Contractors, Inc.: \$7,680,00.00
4. Thamer Construction/Wharton-Smith, Inc.: \$8,010,000.00

Our contracted engineering firm has recommended bid award to Hickory Construction Company in the amount of \$6,362,500.00. Hickory Construction Company is in compliance with the City Minority Business Plan.

This award will require allocating partial funds from the Water Fund Equity (fund balance) account and reallocating funds from other projects due to cost escalations for materials and products since the initial and previous cost estimates were completed in 2005 and in late 2006. The current engineering estimate for the construction phase of the project was \$7,162,513. A future bond resolution could reimburse the water fund for these costs with the funds being reallocated to cover these projects and other pay-as-you-go projects.

PROS:

- This project will enhance the water system and ensure we continue to meet all federal and state mandated clean water drinking act regulations.
- Partial funds are allocated in the current year budget.

CON:

- Partial funding for this construction requires \$2,000,000 in funds to be reallocated from the Water Fund equity account.

City staff recommends City Council approval of a resolution authorizing the City Manager to enter into a contract with Hickory Construction Company for the project known as Water Treatment Plant Improvements.

**RESOLUTION BOOK NO. 30 - PAGE**

**D. ORDINANCE NO. 3452 - BUDGET AMENDMENT FOR THE CONTRACT WITH HICKORY CONSTRUCTION COMPANY FOR UPGRADING WATER TREATMENT FACILITIES AT NORTH FORK AND BEE TREE WATER**

## PLANTS

Summary: See Consent Agenda "C" above.

### ORDINANCE BOOK NO. 23 - PAGE

#### **E. RESOLUTION NO. 07-74 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE REIMBURSEMENT OF FUNDS TO BE EXPENDED FOR TRANSIT SERVICE TO BLACK MOUNTAIN**

Summary: The consideration of a resolution authorizing the Mayor to enter into an agreement with the N. C. Dept. of Transportation (NC DOT) for the reimbursement of funds to be expended for service to Black Mountain.

The NC DOT has tendered a contract to the Asheville Transit System in which the NC DOT will contribute funds for bus service to Black Mountain. The Asheville Transit System will operate said service.

Asheville Transit System will operate an intercity bus route between the City of Asheville and the Town of Black Mountain along US 70 with stops at the Asheville Mall, Riverbend Marketplace, Veteran's Administration Hospital, and multiple residential areas. The service will operate five times a day, six days a week. All financing will be provided by the State (maximum of \$196,500), the Town of Black Mountain (\$13,500), Mountain Mobility (\$4,000), and Fare Box Revenue (\$19,000). The total budgeted cost is \$233,000. The contract has a period of performance of 12 months - from July 1, 2006, through June 30, 2007, as well as to pass through funding to Mountain Mobility for the operation of their route in Black Mountain through the same date. These funds are currently programmed in the City budget, with no City funds being expended. Ridership on this route in FY 2006 was 19,727, with ridership in FY 2007 (the period of this contract) expected to be approximately 32,000.

This action conforms with the City Development Plan 2025 in Goal VI: Develop a transit system that is capable of meeting the needs of all residents of and visitors to the region. Strategy 4: Expand inter-city service to Hendersonville, Black Mountain, Weaverville, Mars Hill, and Sylva.

This action conforms with the Strategic Operating Plan in Strategic Plan Section on Planning, Goal 2, Objective A, Creating a Multi-modal Transportation System, leveraging outside funding sources; and Objective B, by creating a partnership between the state, the Town of Weaverville and the Asheville Transit System to mitigate congestion. In addition, this action complies with the Strategic Operating Plan in the Planning Focus Area- Goal #2-A Multi-modal Transportation System, leveraging outside funding sources.

#### Pro:

- Increased mobility for the citizens of Asheville both within and outside the city at no additional cost to the City of Asheville.

#### Con:

- There are no disadvantages to the City of Asheville.

City staff recommends adoption of the resolution authorizing the Mayor to enter into an agreement with the N. C. Dept. of Transportation for the reimbursement of funds to be expended for service to Black Mountain.

### RESOLUTION BOOK NO. 30 - PAGE

#### **F. RESOLUTION NO. 07-75 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE REIMBURSEMENT OF FUNDS TO BE EXPENDED FOR TRANSIT SERVICE TO WEAVERVILLE**

Summary: The consideration of a resolution authorizing the Mayor to enter into an agreement with the N. C. Dept. of Transportation (NC DOT) for the reimbursement of funds to be expended for service to Weaverville.

The NC DOT has tendered a contract to the Asheville Transit System in which the NC DOT will contribute funds for bus service to Black Mountain. The Asheville Transit System will operate said service.

The Asheville Transit System will operate an intercity bus route between the City of Asheville and the Town of Weaverville along US 25 Business with stops at UNCA, along Merrimon Avenue, in downtown Weaverville, at the Rose's Shopping Center, SonoPress, and other locations along the route. The service will operate five times per day, six times per week. The State and the Town of Weaverville have funded the entire amount of the operating costs less fare box revenue. The total budgeted cost for this project is \$124,500 for the Fiscal Year July 1, 2006 through June 30, 2007. The State of NC is providing \$110,500 for this Intercity Project. The Town of Weaverville has budgeted \$10,000 to this route. The balance of \$4,000 is expected from farebox revenues. There are no City funds in this operation, and the City is specifically exempted from funding any of these operations in

the contract from the NC DOT for these routes. Ridership on this route in FY 2006 was 6,254 from the inauguration of service in Mid-August through the end of the fiscal year. Ridership in the current fiscal year is expected to be approximately 14,000.

This action conforms to the City Development Plan 2025 in Goal VI: Develop a transit system that is capable of meeting the needs of all residents of and visitors to the region, Strategy 4: Expand inter-city service to Hendersonville, Black Mountain, Weaverville, Mars Hill, and Sylva.

This action conforms with the Strategic Operating Plan in Strategic Plan Section on Planning, Goal 2, Objective A, Creating a Multi-modal Transportation System, leveraging outside funding sources; and Objective B, by creating a partnership between the state, the Town of Weaverville and the Asheville Transit System to mitigate congestion. In addition, this action complies with the Strategic Operating Plan in the Planning Focus Area- Goal #2-A Multi-modal Transportation System, leveraging outside funding sources.

Pros:

- Increased mobility for the citizens of Asheville both within and outside the city at no additional cost to the City of Asheville.
- Increased accessibility to jobs in Weaverville (SonoPress being the largest employer in Weaverville), and access to jobs in Asheville by those living along the route.

Con:

- None

City staff recommends City Council endorse a resolution authorizing the Mayor to enter into a funding agreement with the NC DOT for the provision of transit services to the Town of Weaverville, and the associated budget amendment.

**RESOLUTION BOOK NO. 30 - PAGE**

**G. RESOLUTION NO. 07-76 - RESOLUTION AUTHORIZING BILBERRY LANE IN THE ASBURY ROAD AREA TO BECOME A PUBLICLY MAINTAINED STREET**

Summary: The consideration of a resolution to accept Bilberry Lane as a publicly maintained street in the Asbury Road area.

Section 7-15-1(f)-4.a requires that streets dedicated for public uses be accepted by resolution of City Council.

Bilberry Lane is a developer-constructed street that has an average width of 24 feet and a length of 0.07 miles. Transportation and Engineering Department Staff inspected this street and finds it to be constructed in accordance with the approved standards.

Following City Council's approval of this resolution, Bilberry Lane will be added to the official Powell Bill list.

Pros:

- The City will receive Powell Bill funds from the NCDOT to maintain the roadway.
- Homes constructed on this roadway increase the tax base in the City.

Con:

- Powell Bill funds will not cover 100% of the cost to maintain the street.

City staff recommends City Council accept Bilberry Lane in the Asbury Road Area as a City maintained street.

**RESOLUTION BOOK NO. 30 - PAGE**

**H. ORDINANCE NO. 3453 - RESOLUTION TO DISSOLVE THE EDUCATIONAL ACCESS CHANNEL COMMISSION**

Summary: The services of the Educational Access Channel Commission are no longer necessary.

**ORDINANCE BOOK NO. 23 - PAGE**

Mayor Bellamy 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 Freeborn moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Jones and carried unanimously.

### **III. PRESENTATIONS & REPORTS:**

#### **A. GREENWAY COMMISSION PRESENTATION**

Ms. Linda Giltz, Chairman of the Greenway Commission, explained that a greenway is (1) a protected corridor of open space managed for conservation, recreation or non-motorized transportation; (2) often follows geographic features such as ridges or rivers, or sometimes built along canals, utility corridors, or abandoned rail lines; (3) may include a trail or bike path, but others may be strictly for environmental or scenic protection; and (4) may be publicly or privately owned.

She said that the Greenway Commission was established in 1999. The Greenway Commission's 2006-07 efforts include (1) assist City staff with land acquisition by talking with land owners along priority greenway corridors; (2) develop criteria to rank/prioritize greenways and prioritize all greenways in the Master Plan; (3) work with the City and other organizations to explore a bond referendum and other sources that could provide significant funding for greenways; (4) assist with the Master Plan update; and (5) work closely with the Asheville Parks and Greenways Foundation.

The Greenway Commission's 2006 accomplishments include (1) assisted staff with land owner outreach and negotiation (a) downtown to A-B Tech greenway; (b) Reed Creek Greenway; (c) French Broad River Greenway (Progress Energy sections); and (d) Beaverdam Greenway; (2) worked with staff to refine alignment of greenways; (3) reviewed development plans for new developments along Reed Creek Greenway; (4) reviewed and toured proposed greenways; and (5) education/outreach.

One criteria used for greenways is community benefits. They include (1) provides connectivity to an existing greenway, expands neighborhood connectivity, extends an existing greenway; (2) close proximity to natural features or potential to improve water quality, mitigate flooding, improve wildlife habitat, etc.; (3) provides safe corridor/connections for alternative transportation; (4) highly visible to the public; (5) in an aesthetically pleasing location and/or corridor has historic significance; and (6) potential to promote economic development.

Another criteria used for greenways is also affordability. They include (1) potential for partnerships with other organizations or funding sources; (2) cost of acquisition; and (3) cost of development; (4) property is owned, controlled or available publicly.

Ranking the greenways includes community benefits vs. affordability ranked separately and together. Top ranked greenways are French Broad River (Dog Park to Haywood Road), French Broad River (Amboy Road to Hominy Creek), Reed Creek (Weaver Boulevard to downtown), and Swannanoa River (Azalea Park to Riverbend).

Use of criteria and ranking involve (1) prioritizing fundraising and work/effort; (2) evaluating requests for new greenways; (3) providing ability to respond quickly when funding opportunities arise; (4) updating the Master Plan; and (5) refining alignments.

Other observations are (1) challenge - need additional staff and funding - formed a committee to explore bond referenda, identify organizations to collaborate with and test the political climate; and (2) demand for greenways is getting stronger; and (3) greenways provide multitude of benefits (health, water and air quality, economic, tourism, habitat protection, quality of life).

Ms. Giltz responded to various questions/comments from Councils, some being but are not limited to: what is the process for the Master Plan update; what is the relationship with new property owners who buy land that a proposed greenway is planned; what are the economic benefits for the City and for the property owners; when development proposals are reviewed, is there a mechanism in place to talk about greenways; and is there an overlap between the Pedestrian Plan and the Greenway Plan.

Upon inquiry of Councilman Freeborn, Mayor Bellamy said that the Greenway Commission request for additional staff and funding will be a part of the budget process.

Councilman Mumpower felt that greenways are a good concept, however, until we can effectively police the parks that we have now and can start controlling traffic problems and the public safety issues in public housing, he could not support spending money on something nice, but not necessary.

Councilman Newman said that during the City Council retreat, sidewalks and greenways were a top priority. He explained the process of the Metropolitan Planning Organization's (MPO) allocation of additional funding for local projects between 2009-2015. He asked if Council would be open to increasing annually the amount we spend on greenways and identify, between now and 2015, what projects we really want to accomplish and partnership with the MPO and other sources to complete those projects.

Vice-Mayor Jones said that there is good data about the tourism related benefits of greenways and felt the Buncombe County Tourism Development would be a source to inquire about funding as well.

Councilman Davis said that when this issue comes back to Council during the budget process, he would like information about maintenance costs and crime statistics regarding greenways.

Mayor Bellamy thanked Ms. Giltz for her annual report and said that we will take a comprehensive look at parks and greenways during the budget process. She also cited the many improvements the City has undertaken in our various parks, noting that we will continue to improve on our quality of service for the community's quality of life.

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

##### **A. PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT WITH BILTMORE FARMS, LLC, AND TOWN SQUARE WEST FOR THE DEVELOPMENT OF BILTMORE PARK TOWN CENTER**

##### **RESOLUTION NO. 07-78- RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT WITH BILTMORE FARMS, LLC, AND TOWN SQUARE WEST FOR THE DEVELOPMENT OF BILTMORE PARK TOWN CENTER**

Mayor Bellamy opened the public hearing at 5:49 p.m.

Economic Development Director Sam Powers and Urban Planner Julia Cogburn said that this is the consideration of: (1) a resolution approving an economic development agreement with Biltmore Farms, LLC and Town Square West for the development of Biltmore Park Town Center; and (2) adoption of an ordinance annexing Biltmore Park Town Center (petitioned annexation). This public hearing was advertised on March 2, 2007.

Regarding the economic development portion, Mr. Powers said that Biltmore Park Town Center is a proposed high-density, mixed use development project in south Buncombe County, in an area abutting the current City limits. The development program consists of approximately 200,000 sq. ft. of retail/dining; a 50,000 sq. ft. 15-screen cinema; 100,000 sq. ft. of new office space; 150 room hotel; approximately 264 housing units (175 rental/89 condo); and 1,850 spaces of structured parking. The estimated capital investment for the project is \$123-130 million. Job creation of 1,200 new jobs is expected at build-out. Construction employment is estimated to create 300 jobs. The developer has requested that consideration be given for this investment in the form of an economic development grant agreement.

The economic development incentive agreement under consideration calls for payments to be made in 5 annual installments, which take into account the prospective tax revenues (property, sales, etc.) from the property coming to the City, beginning with calendar year 2008. The estimated total incentive for this project is \$2.5 million. The City's obligation to make payments would terminate after 5 years.

Regarding the voluntary annexation portion, Ms. Cogburn said that as structured, the City's obligations under this incentive agreement do not arise unless and until the property is annexed into the City. Accordingly, the owner of the property has filed with the City a petition for voluntary annexation pursuant to N.C.G.S. 160A-31. That statute requires the City to investigate the petition as to compliance with certain criteria (contiguity with existing boundary, owners sign petition, etc.).

This investigation has been completed and the Certificate of Sufficiency was presented. This area is contiguous to the existing corporate limits and qualifies for annexation by petition as set forth in NCGS 160A-31.

Mr. Powers said that this project will require two actions, both of which are interdependent on each other for City involvement:

1. Adoption of a resolution authorizing the City to enter into the economic development incentive agreement; and
2. Adoption of ordinance annexing the area into the City.

Though it is a separate action, the request for annexation is set out in the economic development incentive agreement. The law requires a public hearing on ten days notice for the voluntary annexation. Council also holds public hearings for economic development incentive agreements, and these public hearings require notice as well. Both public hearings have been properly advertised and scheduled to coincide. Should City Council decide to proceed, the effective date of annexation would be April 30, 2007.

### Pros:

- Provides for orderly growth of City and growth of tax base through acceptance of appropriate areas into corporate limits where owners desire annexation.
- Provides new economic development anchor opportunity for the City, by providing new City area to attract new employers and jobs, including construction jobs for extended periods.
- \$123 million increase to City tax base at project build-out.
- Meets the City of Asheville's definition of Smart Growth: "...makes efficient use of land, fully utilizes urban infrastructure... promotes variety of transportation & housing...protects architectural & environmental character of the City through compatible, high quality, & environmentally-sensitive development practices...implemented through effective policies, regulations, capital projects & incentives".
- Increase Asheville's efforts to develop Sense of Place and additional destinations to enhance tourism and length of visitor stays and increased visitor spending.
- High density mixed use and structured parking reduces land use by 23 acres.
- Use of means other than water to encourage annexation.

### Cons:

- Marginal increase in service costs.

Staff recommends approval of a resolution approving the economic development incentive agreement, and adoption of the ordinance for voluntary annexation.

Mr. James Downs, Vice-President of Crosland Retail, explained Crosland's market focus. He outlined some of the projects Crosland developed. He then explained the project in detail. Under the economic development agreement, the developer would (1) build and own four parking decks: 80% public parking, 20% (up to 30%) reserved for residents; (2) build, obtain financing, lease, and assume financial responsibility consequences of project; (3) pays 100% of city (and county) taxes upon annexation; and (4) provide office space and connections for building inspector. The City would (1) provide one full-time building inspector; and (2) make five annual grant payments equal to incremental ad valorem taxes on the project for 2008 through 2012.

He said the economic benefits include (1) one time job creation of 310 construction jobs; (2) on-going job creating of 1,223 jobs; (3) high quality retailers provide benefits/wages, including part-time; (4) upon completion, \$651,548 estimated annual revenue to city; (5) avoid legal cost and delay of city-initiated annexation; and (6) catalyst for future growth in Technology Park and southwest Asheville.

The environment benefits include (1) density - better use of the land, prevents 23 acres of sprawl; (2) car trips reduced by 11.7%; (3) integrated stormwater management; (4) of the larger 76.5 acre, Urban Village District, 24 acres are open space; (5) voluntary conservation easements preserve 2.9 acres of wetlands; and (6) developer will endeavor to use Energy Star appliances.

He explained how this meets the City of Asheville's definition of smart growth development.

Mayor Bellamy closed the public hearing at 6:05 p.m.

There was a brief discussion, initiated from Councilman Mumpower's concern about the City taxpayer paying for the City providing a full-time inspector. Mr. Powers said that a full-time inspector will be able to expedite the reviews for a quicker build-out.

In response to Councilman Mumpower's concern regarding the cost of street and sidewalk maintenance, Mr. Squire said the City will own approximately 95% of the streets, except in the small residential areas, which will be privately maintained streets. Mr. Squire said that they would sign an agreement with the appropriate City department stating that the developer would be responsible for replacement of sidewalks that have more expensive pavers, anything other than basically concrete.

Mayor Bellamy noted that the City will receive additional Powell Bill funds and once the condominiums are sold, the City will receive increased property taxes. She also noted that this action shows that the City is willing to work with individuals on the front end of a development so people who buy there already know what taxes they will be paying.

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

Councilman Newman moved for the adoption of Resolution No. 07-78. This motion was seconded by Councilman Davis and carried on a 6-1 vote, with Councilman Mumpower voting "no."

**RESOLUTION BOOK NO. 30 - PAGE**

**B. PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE ANNEXING BILTMORE PARK TOWNE CENTER**

**ORDINANCE NO. 3453 - ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE TO INCLUDE BILTMORE PARK TOWN CENTER**

Mayor Bellamy opened the public hearing at 6:28 p.m. and said that the information pertaining to this public hearing is contained above in Public Hearing "A".

Mayor Bellamy closed the public hearing at 6:29 p.m.

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

Councilman Davis moved for the adoption of Ordinance No. 3453. This motion was seconded by Vice-Mayor Jones and carried unanimously.

**ORDINANCE BOOK NO. 23 - PAGE**

**V. UNFINISHED BUSINESS:**

**A. BEAUCATCHER OVERLOOK PARK**

City Manager Jackson said that at the request of City Council, staff has reviewed a finance plan and purchase agreement option, and preliminary development and annual maintenance cost considerations for Beaucatcher Overlook Park. He briefly reviewed the following information prepared by the Parks & Recreation Department.

Finance Plan: The City's finance director recommends the City to fund the entire amount of its commitment for the land purchase in the current fiscal year. Trust for Public Land offered the City a three-year financing option with an interest rate of prime plus one percent. At the current prime rate, this offer would require the City to pay an annual interest rate of approximately 9.0%. For this reason, it is recommended the City appropriate fund balance to pay for this land purchase in the current year and thus avoid the interest costs. Based on current financial estimates for the General Fund, staff does not anticipate this appropriation will have a negative impact on year-end fund balance levels.

Purchase Agreement: Based on review by the City's attorney, Trust for Public Land would use funds and pledges of funds from a variety of sources, including City funds, to contract the acquisition of Beaucatcher Overlook Park. Trust for Public Land would be responsible for performing due diligence work with respect to the property such as title search, environmental assessments, etc. Trust for Public Land would then acquire the property, with closing anticipated in April. Trust for Public Land would then enter into a purchase agreement with the City, whereby the City would acquire title to the property (subject to restrictions as to use of the property placed on the property by Trust for Public Land), and agree to pay Trust for Public Land the City's pledged amount. A public hearing would be required prior to the City entering into this arrangement. This is similar to the manner in which the property for the Azalea Park was acquired. It does not appear that this transaction is subject to approval by the North Carolina Local Government Commission although the legal staff is seeking confirmation of this.

Development: Beaucatcher Overlook Park is intended for passive recreation with minimal development and preserved predominantly as a natural area. When considering park development, the City follows a process of site analysis, engineering and environmental studies to determine feasibility, and public input prior to park design which leads to cost estimate of development. The following may be considered as minimal development based on preliminary cost projections without a comprehensive site analysis and review of all options. Cost will vary and should not be viewed as final cost estimates.

Development may include the following at a minimum cost of \$325,000: Trails; Overlook(s); Picnic area(s); Parking area(s); Benches, trash receptacles, signage; Access road and park entrance improvements; and environmental and biological assessment.

Other cost considerations listed below may increase development cost by 30% to 50%.

- Accessibility as required by the Americans with Disabilities Act



- Security
- Emergency response accessibility
- Maintenance accessibility
- Forest management and environmental options
- Design and engineering
- Escalation
- Funding plan

- Annual Maintenance: Maintenance for a 30-acre site with minimal development designed predominantly as a natural area may cost approximately \$5,000 per year for the first five years, followed by \$7,000 to \$10,000 per year thereafter. Minimal maintenance will include the following: Trash collection and litter control; Mowing; Repairs; Vandalism; Trail Maintenance; Forest Management; and Miscellaneous.

Ms. Maggie Clancy, Project Manager with the Trust for Public Land, said that the Buncombe County Commissioners today approved their \$575,000 commitment to the purchase price of the Greenberg tract, contingent upon City Council's approval.

Councilman Mumpower said that even though the City is making progress, he hoped that the City can strengthen its efforts regarding public safety on our streets, in public housing and in neighborhoods.

Councilwoman Cape moved to commit \$575,000 for the City's contribution to the purchase of the Greenberg tract. This motion was seconded by Councilman Newman and carried unanimously.

#### **VI. NEW BUSINESS:**

#### **VII. OTHER BUSINESS:**

Councilman Mumpower expressed appreciation to people who attended the For Our Kids event in Hillcrest.

Councilman Mumpower announced the March 2007 Drug Commission poster.

Vice-Mayor Jones announced the modification to the School Board schedule. She said that the new application deadline is March 26, 2007.

Councilman Davis explained a Sister Cities event that took place, noting that the proceeds will go to help our Sister City in Greece.

Mayor Bellamy advised the community to contact the Consumer Credit Counseling Office to see which agencies are offering free tax service.

The following claims were received by the City of Asheville during the period of February 23-March 15, 2007: Christina Sperandeo (Streets), Aaron Dison (Police), Kaleb Geise (Streets), Marble Slab (Streets), Jeff Lovelace (Streets) and David Stevens (Community Development). These claims have been referred to Asheville Claims Corporation for investigation.

#### **VIII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

Mr. Alton Scott explained how it is his desire to build affordable housing on Mardell Circle, however, he has been informed that there is no water availability in that area. He asked for Council's assistance in providing the resources to upgrade the system. Mayor Bellamy said that this matter will be referred to the Housing & Community Development Committee.

Mr. Walter Plaue spoke to Council regarding raising the minimum wage and urged Council to look at the pros and cons of such before implementation.

#### **CLOSED SESSION**

- At 6:50 p.m., Councilman Mumpower 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 terms of contracts for the acquisition of real property on Victoria Road by purchase, option, exchange or lease. The statutory authorization is contained in G.S. 160A-318.11 (a) (5). This motion was seconded by Councilman Freeborn and carried unanimously.

At 7:20 p.m., Councilman Newman moved to come out of closed session. This motion was seconded by Councilman Freeborn and carried unanimously.

**IX. ADJOURNMENT:**

Mayor Bellamy adjourned the meeting at 7:20 p.m.

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CITY CLERK

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MAYOR