

Tuesday - October 11, 1994 - 7:00 p.m.

### Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; City Attorney William F. Slawter; Interim City Manager William B. Farris; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

Councilman Watts gave the invocation.

### GROUP DEVELOPMENTS

Mr. Gerald Green, Senior Planner, said the City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. He said in accordance with this procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. He said the following actions were taken by the Planning and Zoning Commission on October 5, 1994:

#### GROUP DEVELOPMENT REAFFIRMATION OF TRINITY BAPTIST CHURCH

#### ADDITIONS

Mr. Green said that this group development was originally approved by City Council in October of 1993. Since a building permit was not issued within one year of the approval date, the status of approval has expired. All conditions placed on the original approval of the project have been met. In addition, the Board of Adjustment granted a conditional use permit for the project in September of 1993.

On October 5, 1994, the Planning and Zoning Commission reaffirmed their recommendation of approval of the Trinity Baptist Church additions, with no conditions.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

#### INGLES MARKET ON SMOKY PARK HIGHWAY

Mr. Green said that at the Planning and Zoning Commission's meeting on October 5, 1994, they reviewed the site plan for a new 52,000 square foot Ingles grocery store to be located in the Asheville West Plaza Shopping Center located on Smoky Park Highway. The Commission recommended approval of the site plans with the following conditions: (1) receipt of letters approving sewer allocation and confirming adequate water pressure for fire protection; and (2) submittal of landscape plan meeting requirements of City ordinances.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

#### MOUNTAIN SPRING APARTMENTS

Mr. Green said that the Mountain Spring Apartments are low-income elderly and handicapped housing developments which will be located on three separate sites

along Martin Luther King Jr. Drive.

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At their October 5, 1994, meeting, the Planning and Zoning Commission unanimously recommended approval of all three group developments with certain conditions attached to each.

Mr. Joe Chandler, who spoke against the project at the Planning and Zoning Commission meeting, said that he went to Greenville to see the projects there. He was very pleased and impressed with the beautiful apartments and felt that Asheville would be fortunate to have these located here.

Mountain Spring Apartments located at Martin Luther King Jr. Drive and Mountain Street (Parcel 198)

The Zoning Ordinance provides for a reduction in the parking requirements for low/moderate income and elderly apartments. This reduction must be approved by City Council upon recommendation by the Planning and Zoning Commission. The developer indicates that their experience has shown that a one-to-one parking ratio for elderly housing is more than adequate to handle the parking demands.

Conditions imposed by Planning & Zoning Commission:

- (1) Confirmation of water and sewer availability
- (2) City Council approval of reduction in parking.

City Attorney Slawter said that, in his opinion, a public hearing by City Council would be required on this group development.

Councilwoman Sitnick moved to set a public hearing on the group development of Mountain Spring Apartments located at Martin Luther King Jr. Drive and Mountain Street for October 25, 1994. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

Mountain Spring Apartments located at Martin Luther King Jr. Drive and Curve Street (Parcel 48)

The Zoning Ordinance provides for a reduction in the parking requirements for low/moderate income and elderly apartments. This reduction must be approved by City Council upon recommendation by the Planning and Zoning Commission. The developer indicates that their experience has shown that a one-to-one parking ratio for elderly housing is more than adequate to handle the parking demands.

Conditions imposed by Planning & Zoning Commission:

- (1) Confirmation of water and sewer availability
- (2) City Council approval of reduction in parking.

City Attorney Slawter said that, in his opinion, a public hearing by City Council would be required on this group development.

Councilwoman Sitnick moved to set a public hearing on the group development of Mountain Spring Apartments located at Martin Luther King Jr. Drive and Curve Street for October 25, 1994. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

Mountain Spring Apartments located at Martin Luther King Jr. Drive and Lincoln Street (Parcels 144 and 145)

Douglas Company, the developer, is requesting a variance of the landscape requirements in order to allow a retaining wall to encroach -3-

upon a 20 foot wide buffer along the south property line. Also the property consists of two separate tax lots which must be combined as a part of the project.

Conditions imposed by Planning & Zoning Commission:

- (1) Confirmation of water and sewer availability
- (2) Two lots must be combined
- (3) City Council approval of variance request regarding encroachment of a retaining wall into the buffer

City Attorney Slawter said that, in his opinion, a public hearing by City Council would be required on this group development.

Councilwoman Sitnick moved to set a public hearing on the group development of Mountain Spring Apartments located at Martin Luther King Jr. Drive and Lincoln Street for October 25, 1994. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

#### PUBLIC HEARING RELATIVE TO AN ELECTED SCHOOL BOARD

Mayor Martin opened the public hearing at 7:15 p.m.

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

City Attorney Slawter said that this public hearing is for the purpose of receiving public comment on the issue of whether the City Council should request the North Carolina legislature to consider legislation providing for an elected City of Asheville School Board. The School Board is currently appointed by the City Council, as directed by legislation previously enacted by the North Carolina General Assembly. The City Council does not have authority to change that procedure and has requested public comments regarding whether the City Council should request that the General Assembly do so.

Mr. Bob Smith, 193 Tacoma Circle, said that his issue has always been accountability, responsibility and representation and he has always been an advocate of an elected school board, however, he didn't think you could get any more responsible than the current Board. His concern is either way the Council decides to go, they need to look at district representation. He also felt that politics would come into play with an elected Board.

Mr. Charles Worley, resident and citizen of Asheville, said that an elected school board has a lot of desirable features to it, e.g., it provides for accountability and responsiveness to the voters. However, he encouraged Council not to take any action that would lead to an elected school board at this time because consolidation is inevitable and we need to have school board members who will work to plan for that consolidation. To that end, he encouraged Council to appoint members to the school board, as those appointments come up, who are willing to look at consolidation with an open mind and for those people to make plans for the future if that eventuality does come up.

Ms. Jamie Ross, 5 Tampa Avenue, and Education Chair for the League of Women Voters, said that the members of the League appreciated the Council making the appointment process open. She also thanked the School Board for changing its policy relative to having matters placed on their agenda. However, the League continues to support an elected school board, as they feel that is the most responsive board.

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Mr. Hugh McCollum, 16 Deva Glen Road, felt that an appointed board is more suitable for Asheville since the Asheville City School System is a small single district and not divided by district lines and geography. He cited three reasons why an appointed board serves our school system best: (1) an appointed board attracts more qualified candidates; (2) an appointed board assures minority representation; and (3) an appointed board keeps politics out of education. Being a small system, he felt Council should continue to appoint the school board.

Ms. Susan Fisher, Asheville native and member of the Asheville School Board since March 1993, presented a statement to Council stating that she has strong ties with the League of Women Voters and realizes the League actively supports a position that encourages the appointment of women and minorities to boards and commissions. With that in mind, she presented three instances where election of school board members could prove detrimental to progressive board representation: (1) in any election, money is involved and elected people might be influenced by large money contributors by conforming to that particular family's value; (2) in a school system Asheville's size, an elected board runs the risk of eliminating promising African American candidates; and, (3) appointed boards has an autonomy that attracts better qualified superintendent, teaching and administrative candidates to their school systems. She also spoke favorably at the open process for the appointments of school board members.

Ms. Hazel Turner, member of the Asheville School Board, stated that an appointed board will best serve the interests of the children in the Asheville City School System.

Ms. Minnie Jones, concerned citizen, felt that the City should not have an elected school board. Speaking on behalf of minorities, she felt blacks would lose their representation on the board due to the amount of money required to run in an election.

Ms. Wanda Boyd, 412 River Ridge Drive, spoke in support of an appointed school board which she felt was better for the children and the community.

Mr. David Hillier, Chairman of the Asheville School Board, felt that because Asheville's school board was appointed, they were able to get a better quality of applicants for the superintendent position. He urged Council to continue with the appointment of members.

Dr. Wayne Trogdon, Superintendent of Asheville City Schools, spoke in support of the appointed school board by reinforcing three points: (1) Council has an opportunity to appoint citizens who would not normally be able to run for an election; (2) there is a broad range of talent to choose from; and (3) Council can ensure minority representation on the board. He felt this board puts children as their first priority.

In reply to Councilwoman Sitnick's question about what Dr. Trogdon felt about consolidation, he replied that if consolidation occurs, it needs to occur to move education forward and to make it better for children to learn and be successful. He hoped that decisions regarding consolidation are not made in the

interest of politics or dollars, but in the interest of providing a better educational opportunities for the children.

Dr. Trogdon responded to questions related to how Asheville ranked in the overall school system.

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Vice-Mayor Peterson would like to see the Asheville School Board meet jointly with the City Council approximately every three months in order to give the Council feedback on how our school system is doing. Dr. Trogdon was very receptive to meeting with the Council.

A teacher at Asheville High School felt that if Council decides to have an elected school board, all the population of Asheville would not be represented.

Ms. Marsha Bate, 84 North Liberty Street, felt that the interview process Council went through on the last school board appointments was good. She agreed with Vice-Mayor Peterson about the accountability of the School Board and would like to see the idea formalized.

Mr. Bob Brown stated that four years ago he obtain 856 signatures on a petition for an elected school board. He briefed Council on some problems he has encountered with the present school system and felt our system was below par. He felt the appointed board was not doing a good job and felt the Council should go to an elected board.

Mr. Clarence Benton spoke in support on the appointed school board. He felt this board provides for continuity and minority representation. He felt that even if the school system went to district representation, there aren't enough blacks in any one area to guarantee a win in a single district.

Ms. Carol Matthews, member of the Asheville School Board, 15 Lynwood Road, strongly supported an appointed school board. It gives the City Council the opportunity to appointed a balanced, diversified group. She felt that any citizen could request to be on the school board with no financial cost involved, unlike the election process.

Upon inquiry of Councilwoman Sitnick, Ms. Matthews stated that a half appointed-board and a half elected-board is a viable option.

Dr. Erby Oglesby, Member of the Asheville School Board, spoke in support of an appointed school board for minority representation.

Upon inquiry of Councilman Watts about statistics related to blacks being suspended at a high rate, Dr. Trogdon stated that he would gather that information and provide it to the Council.

Mr. Larry Linney, lifelong resident of Asheville, spoke in opposition of an elected school board because the electoral process is skewed. Until there are changed in the electoral process, he supported an appointed board.

Mr. Joe Chandler spoke against an elected school board. He felt there would be no black representative if there was an elected board. His concern is for the children in the City of Asheville.

Mr. Larry Holt, resident of the City of Asheville and employee of the Housing Authority, said that he had deep concerns for the young people that reside in the developments that the Housing Authority manages and maintains. They see education as the only opportunity these young people have to get out of these

developments and become successful citizens in our society. The Housing Authority has a number of programs developed through the current school system that provides these opportunities for the young people. He spoke in favor of the appointed school board since it has been successful for the past 22 years and the board has the interest of the kids at heart. He urged Council to keep the appointed board to maintain balance. -6-

Upon inquiry of Vice-Mayor Peterson, Mr. Holt explained the programs at the Housing Authority.

Mr. Calvin Hall, resident of the City of Asheville and graduate of Asheville High School, spoke in favor of the appointed school board.

Mr. James Cassara, teacher at Claxton Elementary School and local unit President of the North Carolina Association of Educators, said that the Association has not made an official position on this matter. However, they feel that whatever decision is made, it needs to be made very carefully and slowly because there are so many variables and consequences. The Association would like to have as much input as possible as it represents teachers. It would also be prudent to have input from other local learning units throughout the state.

Councilwoman Field suggested Council find out what's happening on a national level before any decision is made.

Councilman Watts said that he has heard favorable comments of the work of the Asheville school system.

Vice-Mayor Peterson commented about the turmoil of the school system a couple of years ago and wished Dr. Trogdon the best of luck in his position.

Councilwoman Sitnick said that one repeating comment she heard throughout the hearing was the diversity of representation that's required to provide the community with the proper attitude about education, not only having good teachers, but the attitude seems to be very important. She was grateful for the thoughtful comments, however, she was somewhat amazed at the lack of attendance at the hearing.

Ms. Minnie Jones commented that the lack of minorities present was because of the lack of transportation.

Mr. Bob Smith felt that Council should take this issue into the neighborhoods and felt sure there would be better participation.

Mr. James Cassara also said school board meetings are poorly attended and suggested Council bring the issue further into the community.

Ms. Marsha Bate felt that people in the community don't expect to hear a lot at meetings about the school board.

Mr. Larry Linney stated that, in his opinion, the public tends not to participate in decisions that particularly affect education.

Mayor Martin stated that Council does have good participation at some public hearings.

Ms. Jamie Ross felt that before any decision is made, it is real important for Council to hear how the public feels, like going to community centers, PTO's, etc.

Mayor Martin closed the public hearing at 8:31 p.m.

RESOLUTION NO. 94-211 - RESOLUTION TO ADOPT AN ECONOMIC DEVELOPMENT INCENTIVE POLICY

City Manager Farris stated that this resolution establishes an economic development incentive policy which is intended to stimulate -7-

private sector investment, economic growth and job creation in the City. It establishes a consistent manner for the City's participation in the development of new or expanded business activity which will have a significant, positive effect on the economic health of the community and not have a negative impact on the quality of life or the community's environment. It is further intended that the City will provide such assistance in response to initiatives from the private sector to facilitate the completion of projects that would not otherwise go forward.

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

Councilman Swicegood moved for the adoption of Resolution No. 94-211. This motion was seconded by Councilman McClure and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 113

UNIFIED DEVELOPMENT ORDINANCE - WILLIAM B. FARRIS

Councilwoman Sitnick moved that the City contract with William B. Farris as the project consultant for the Asheville City Council on the Unified Development Ordinance for the purpose of review, analysis and recommendation to the City Council. It is further requested that Mr. Farris be as broad in his outreach into the community as possible, especially to the members of the community who have already participated in the process. This motion was seconded by Councilwoman Field and carried unanimously.

City Manager Farris clarified that the outline he presented to Council was based on the assumption that the work be done on the existing document. Also, he felt it was important to have the steering committee work along on this project so when it comes to Council for review, they will have the comfort of knowing it has been reviewed by them and they are in agreement with it.

SIDEWALKS IN OAKLEY/FAIRVIEW

City Manager Farris said that for a number of years the residents in the Oakley neighborhood have been requesting a sidewalk along Fairview Road from Merchant Street to Westview. This is due to the large number of pedestrians, especially children, who use this route. One of the top priorities of the neighborhood association has been to get these sidewalks installed.

He asked staff to prepare a proposal based on the neighborhood request. The cost for this project, including engineering, inspection and contingencies is \$376,187. This estimate by the Engineering Department does not include acquisition of property easements. After talking with Mr. Mitchell from the neighborhood association, it is felt that the property owners will be interested in providing the necessary property at no charge to the City.

Upon request of Vice-Mayor Peterson about the areas around the school being done first, Mr. Farris said that the project could be a phased project.

Councilwoman Sitnick wanted to make sure that the sidewalk project was

coordinated with any school renovation project.

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Upon inquiry of Mayor Martin about the City being able to afford this project. Mr. Farris said that in terms of outstanding capital projects, the first priority would be the street and sidewalk program (contract 10 or 13) that has not been funded yet, and that this project should come after that.

City Manager Farris said that a number of complaints have been received by both the City and the Superintendent at Oakley school about traffic around the school. The Superintendent has sent him a note about the possibility of sharing in the cost of a traffic study out there. Part of the study that needs to be done can be done with the City staff (approximately \$2,000 is the City's share) and since the City needs to be involved in this serious traffic problem, he would recommend that the City share in this cost of the study.

Upon inquiry of Councilman Watts about how long the project would take, Mr. Farris said that concrete work won't be able to begin until March of 1995 giving plenty of time for engineering and other detailed work to be done.

Councilman Swicegood wanted to make sure the City coordinated this project with any North Carolina Department of Transportation projects in the area.

Councilman McClure wanted the City to look into the possibility of using Powell Bill funds for this work.

Councilman McClure moved to authorize the City go ahead with the project to install sidewalks on Fairview Road and bring back a financial plan with how to fund this. This motion was seconded by Councilwoman Field and carried unanimously.

#### SIDEWALKS ON LEXINGTON AVENUE

City Manager Farris said that the section on Lexington Avenue from Walnut to Hiwassee Streets has been problematic for some time. There are numerous tripping hazards in the sidewalks that are in need of correction. Storm drainage is very poor. This summer the Water Department replaced numerous water lines along this block which resulted in much demolition. Southern Bell also did much work in the area. This provided an opportunity to correct deficiencies at a reduced cost.

There are property owners along the street who are active in renovating buildings who are interested in the project. Since the brick is intact along Walnut Street and part of this section of Lexington Avenue, the brick will be retained and extended where appropriate. Trees will be retained and, hopefully, at least five new trees will be planted, depending on location of utilities. Estimated cost for this project including engineering and contingencies is \$131,547.

Councilwoman Field moved to authorize that this project be undertaken. This motion was seconded by Councilman Watts and carried unanimously.

#### PAY AND CLASSIFICATION STUDY

Councilwoman Field moved to authorize the City to proceed with receiving proposals to review the City's Pay and Classification Plan. This motion was seconded by Councilman Watts and carried unanimously.

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Mayor Martin adjourned the meeting at 9:07 p.m.

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CITY CLERK MAYOR

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