

Tuesday - October 25, 1994 - 4:00 p.m.

Regular Meeting

City Council -

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; City Manager James L. Westbrook Jr.; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

County Commissioners -

Present: Chairman Dr. Gene Rainey; Commissioners Patsy R. Keever, C. Thomas Sobol, William H. Stanley, David W. Young; County Attorney Joe A. Connolly; County Manager William E. McElrath Jr.; and County Clerk Kathy Hughes

Absent: None

Buncombe County Chairman Gene Rainey gave the invocation.

JOINT MEETING OF THE ASHEVILLE CITY COUNCIL AND THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS

Criminal Justice Information System ("CJIS")

Superior Court Judge Robert D. Lewis briefed the Council and Commissioners on the background of CJIS. He said the first step is to enter into an amended 1990 interlocal agreement. This agreement would not bind or commit either the City or the County to any specific expenditure. The need to upgrade the hardware and software is urgent. The present computer equipment does not have adequate computer capacity to handle the additional workload. The system is over capacity and we can't operate the jail detention center without a jail management module. Moreover the County will have trouble in completing the construction of the detention center until the necessary cables and connections are run. He urged Council to treat this as a priority item. He stressed the need for the fully integrated system.

Mayor Martin recognized the importance of CJIS and instructed the City Manager to research the issue as quickly as possible and work with the County Manager to see if a mutually acceptable interlocal agreement could be worked out.

Animal Control

County Manager Bill McElrath said the County had adopted a new animal control ordinance that provides that the City may come within the provisions of the county ordinance by mutual agreement with the County (interlocal agreement) and the adoption of an appropriate resolution permitting the ordinance to be applicable within the City. One provision in the ordinance is the protective and preventive measures wherein the Animal Control Enforcement Officer, following investigation of stalking, attempted attacks or minor bite cases, may order the owner to take certain preventive and protective measures for aggressive dogs. He hoped the City would explore the consolidation regarding animal control within the City and County.

City Attorney Bill Slawter stated that the County has provided the City with a copy of their new ordinance. He said that the City would review the ordinance and draft a similar one for Council's consideration.

### Joint City/County Building

Mayor Martin suggested the City and County explore the possibility of a joint building in the parking lot at the intersection of Marjorie and Davidson Streets, which is owned jointly by the City and the County. He felt that perhaps the first two or three floors could be for parking, the Police Department could be housed on the next floor up and County offices could have the other two floors, with possibly a pedestrian bridge across Marjorie Street to the first floor level of the City Hall building.

It was the consensus to have a City staff person meet with County Planner Jon Creighton to see if this building would be a worthwhile project.

### Similar Meeting Dates and Times

Councilwoman Sitnick discussed the possibility of coordinating our meetings so that people who desire to attend both meetings can, especially if we are going to begin conducting joint efforts to provide the necessary government that our community needs. The City has implemented a program of night community meetings so that people who work can attend evening meetings.

She said that she has approached the cable company to find out if the City can put together a package whereby students from Asheville High School, who have a magnificent recording studio, can video City Council meetings, acting as part of their internships, and broadcast those on Channel 10 so that members of the community can see our activity. She hoped that if the City can work that out perhaps the County Commissioners would consider such an endeavor and that would alleviate some of that same day/same time meeting problems. She said that with the complexity of our community growing on a daily basis and the desire on the part of our citizens to know what's going on, that this is a challenge that we can find a solution for.

Commissioner Kever and Councilwoman Field stated that there were indeed some complex issues that would need to be worked out.

### Plan for Regular Joint Meetings

Commissioner Young moved to have a semi-annual joint City/County meeting. This motion was seconded by Commissioner Kever and carried unanimously.

Councilwoman Field moved to have a semi-annual joint City/County meeting. This motion was seconded by Councilman Watts and carried unanimously.

Commissioner Stanley moved to have the joint City/County meeting a night meeting. This motion was seconded by Commissioner Young and carried unanimously.

It was the consensus of the Council and Commissioners that future agendas be shorter and focused on major issues and that the agenda be set at least 30 days in advance of the meeting.

-3-

### Consolidation Issues

The County Manager briefed all present about the parks and recreation

consolidation study in progress by City staff, County staff and the Institute of Government ("IOG"). He said the IOG should have recommendations to the managers in early November.

He stated that a study conducted by DMG suggested that the County not consider consolidating with planning, law enforcement and purchasing. They did indicate that possible consolidations would be in building inspections, risk management and parks and recreation. He looked forward to working with the City in consolidating as long as the consolidation would benefit both bodies and the citizens of this County.

It was the consensus of those present to be pro-active rather than re-active to the school system consolidation legislation recently enacted by the General Assembly.

The County Manager explained to Councilwoman Sitnick about bulk purchasing.

#### Joint Minority Business Commission

Chairman Rainey said that the County Commissioners would discuss the possibility of a joint Minority Business Commission at their upcoming retreat.

#### County Youth Programs

Councilwoman Sitnick said that a lot of programs, activities and coordination is going on in both the City and the County regarding youth activities. She hoped the County shared the City's interest and commitment in finding a way to commit the entire City and County community to looking at the needs of our young people. She said a list was compiled of individuals and organizations in the community who are working on issues involving young people and encouraged the County to add others as they see fit to the list. She explained the idea of a meeting of youth who could brainstorm their ideas and express their desires regarding youth activities so that at the end of the process they would feel some ownership of the solution. A second meeting of those on the list would be held in order to find out what programs are good, what programs are working, which programs are not working, and possible funding sources. She felt the need to create a community-wide commitment and dedication to preventing the problems that occur when there is a lack of a positive environment for young people to hang out in.

At the request of Chairman Rainey, Councilwoman Sitnick said that she would furnish her information on this idea to the County.

#### Participation in Economic Development

Chairman Rainey stated that even though the City decided not to financially participate in the Regional Economic Development Commission, in which the County funded \$400,000 and the Chamber of Commerce funded \$200,000, the County's door was still open to the City. He said that even though the City declined to participate the County would still like the City's informal input.

Vice-Mayor Peterson said that even though the City decided not to invest at this time, he wished the County the best of luck.

-4-

Mayor Martin said that they would explore the possibility of future funding, along with other ways to bring about economic development to our area.

#### Participation in the Civic Center

Mayor Martin said that at least 70-80% usage by the Civic Center is by County residents and felt that the County is not paying it's share of the expenses to operate the Civic Center. The City's request is that the County look at this and realize their obligation.

Commissioner Sobol said that even though the Colburn Mineral Museum and the Art Museum moved out of the Civic Center, the County is still paying the same amount of money in rental space to Pack Place. It was the County's hope that the City start making the Civic Center a self-supporting operation.

With the new Civic Center Director, steps are now being taken to make the Civic Center a self-supporting operation.

Chairman Rainey said that the Commissioners would discuss the request and get back with the City.

### Flow Control and Recycling

The County Manager explained the County's landfill problems and asked that the City inform them of whether or not they will be involved with the County's flow control. They would like to present the City with a program that they will be able to buy into and cut out the liability that the City might have if their waste stream goes to an unlined landfill in South Carolina. County staff would like to sit down with City staff and iron out an interlocal agreement so we can do what is the best for all the citizens of this County.

County Attorney Connolly explained the importance of having a commitment from the cities, as to the solid waste they control, by entering into an interlocal agreement.

Mayor Martin instructed the City Manager to work with the County Manager in order to give the City Council some direction.

### Joint City/County Page

Councilwoman Sitnick said that with the deletion of the CityPage from the City's budget this year, there is a real need to disseminate information to the public. She wondered if the County would be interested in a possible joint City/County Page.

Chairman Rainey suggested that the County's Public Information Officer work with the City to see if this project would be something that could be worked out for the benefit of both the City and County.

### Tax Collection Rate

Upon inquiry of Councilman McClure as to what can the City do to help bring up the tax collection rate, Chairman Rainey said that the Commissioners have spent a lot of time on the issue of tax collection. There is a possible reorganization to the tax collector and tax assessor's office, however, he stressed that the tax collector position is a State position and the County Commissioners have no control over that. They are aware of the collection rate and are sensitive to the issue. -5-

Councilwoman Sitnick moved that the City and County set as their goal to do everything that we can to stick to it and encourage people to pay their taxes, fines and bills.

Chairman Rainey suggested that an item on the next joint meeting agenda be the City's policy on annexation.

Mayor Martin thanked the County Commissioners for coming to this meeting and adjourned that portion of the meeting at 6:05 p.m.

PUBLIC HEARING - MOUNTAIN SPRING APARTMENTS LOCATED AT MARTIN LUTHER KING JR. DRIVE AND MOUNTAIN STREET (Parcel 198)

PUBLIC HEARING - MOUNTAIN SPRING APARTMENTS LOCATED AT MARTIN LUTHER KING JR. DRIVE AND CURVE STREET (Parcel 48)

PUBLIC HEARING - MOUNTAIN SPRING APARTMENTS LOCATED AT MARTIN LUTHER KING JR. DRIVE AND LINCOLN STREET (Parcels 144 & 145)

Due to these three projects being similarly related, it was the consensus of Council to combine the public hearing into one.

Mayor Martin opened the public hearings at 6:08 p.m.

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

Mr. Tony Nicholson, Urban Planner, 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.

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.

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 (now confirmed)
- (2) City Council approval of reduction in parking.

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.

-6-  
Conditions imposed by Planning & Zoning Commission:

- (1) Confirmation of water and sewer availability (now confirmed)

(2) City Council approval of reduction in parking.

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

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 (now confirmed)

(2) Two lots must be combined

(3) City Council approval of variance request regarding encroachment of a retaining wall into the buffer

Ms. Mary Young, 18 Martin Luther King Jr. Drive, spoke against the projects. She cited that the areas are not large enough to accommodate the number of units, and people presently living in the area have to park on the street, thus showing the insufficient parking that already exists in the area. She felt the street was already "like an open highway" and didn't need additional traffic on it. She felt that the community does not need anymore housing complexes since it already has Mountainside Apartments, Woodberry Apartments, complex for the handicapped, etc.

A resident who lives in the immediate area spoke against the apartments. He was worried about fire protection and the depreciation of the homes in the area if the apartments were built. He also stressed that the area needed homes, not apartments.

Mr. Joe Chandler, President of the East End/Valley Street Community, who spoke against the project at the Planning and Zoning Commission meeting, said that he went to Greenville to see the projects built by the same developer there. He was very pleased and impressed with the beautiful apartments and felt that Asheville would be fortunate to have these located here.

Mr. Julius Maxwell, 12 Martin Luther King Jr. Drive, spoke in opposition to the project stating that the neighborhood is already congested. He urged Council to build houses there, not apartments.

Mr. William Young, Vice-President of the East End/Valley Street Community, spoke againsts the project and presented Council with a petition containing 59 signatures opposing the apartments. He read the petition "We the residents of the east end community question the placement of another subsidized housing complex. Presently, we house 1. the Mountainside Apts, 2. the Blue Ridge complex for handicapped individuals. 3. two (2) homeless shelters, hospitality house and the men's recovery house. 4. Lee Walker Heights is within .5 miles. 5. county jail and annex within .2 miles. Safety in conjunction with traffic flow on narrow streets, living space (property lines) honored, the saturation of real estate barriers seem not appropriate thoughts given for residents of our neighborhood. This neighborhood deserves the promise of Asheville Housing Authority to redevelop the East End Project into a community, not a dumping ground for low income dwellings. -7-

Placement of single family homes would better aid the ideal of breaking the cycle of poverty through home ownership." He said that the Housing Authority (owners of the land) has said that the land where the apartments are to be constructed cannot be developed for private homes.

Ms. Carita White, 21 Martin Luther King Jr. Drive, spoke against the project stating that there was already too much traffic in the area.

Mr. Richard Harrison, 23 Woodley Avenue, was opposed to the project. He felt the area allotted for the apartments was too small and parking was insufficient. He felt the neighborhood has already paid their price to help the low income and the apartments should not be built.

Some discussion took place relative to the property owners being notified about the Planning and Zoning Commission meeting. Notices from the Planning Department were mailed on September 21 for the October 5 Planning and Zoning Commission meeting. Similarly, notices were mailed on October 18 for the October 25 City Council public hearing.

Mr. David Douglas, developer, urged Council to approve these projects. He went into detail about the apartments and their financing.

Councilwoman Sitnick asked Mr. Douglas if, when he began the negotiations with the Housing Authority, did he make any contact with the neighbors. From prior experience, it has been proven that when developers go into the neighborhood and explain their project at the outset rather than at the end, that often times problems can be worked out and a consensus can be reached. She felt the apartments look great, however, there is a history in our country of congested housing and even though the apartments look nice, they are still putting low income people in congested housing in an area that has probably already their fair share of congested low income housing. We have to establish that we're dealing with a situation here that has a bunch of black points against it already because historically it has been our policy to provide single family housing and the trend is to move away from these type units. We have a situation in Asheville where we are under the impression that there are many vacant housing opportunities that could easily be renovated to retrofit them for the elderly and handicapped. It's very hard for us to go along with this project when we are talking about \$2.8 million and more intrusion into a neighborhood that is clearly opposed (as evidenced by the petition presented with 59 signatures). With that and the fact that there are already empty units in the community, she had a real hard time accepting a development that has gone this far without any contact with the community who is going to be impacted by it.

Mr. Douglas responded briefly and stated that he was told by Mr. Larry Holt of the Housing Authority that there was no opposition to the project.

Councilwoman Field commended the developer for trying to bring in low income housing for the elderly and handicapped into our area.

Councilman Watts asked the City Manager to look at the traffic problems mentioned on Martin Luther King Jr. Drive. He suggested marking the street for off-street parking.

-8-

Mr. Douglas answered Councilman McClure's questions as they related to private ownership of the apartments.

Vice-Mayor Peterson echoed Councilwoman Sitnick's concern about contacting the

neighbors and he also spoke about his support of home ownership.

Councilwoman Sitnick said sometimes you have to consider not only what the units look like and what they're being used for, especially when it's this kind of public housing, but you also have to consider where it is being put. There are appropriate places and places that are not appropriate. That's one of the problems we're having with the West Asheville public housing project. We're not penalizing the developer here because we're having problems in West Asheville. She asked if there is a possibility that the developer meet with the neighborhood, meet with the 59 people who signed the petition and anyone else who wants to meet, and sit down and talk to these folks for as long as it takes to see if there is a compromise that can be worked out, a solution where everybody feels good.

Mr. Douglas responded to Councilwoman Sitnick's concerns and said that the area is properly zoned and they meet all the ordinance requirements except for the parking. As for the community, he would be willing to bus them to Greenville to see the same type housing they just built there. He felt sure, as Mr. Chandler does now after the developer took him to the Greenville site, that the neighbors would be pleased to have this development in their area. He stated that he was working against a state deadline of November 15 to spend the money.

Mayor Martin closed the public hearing at 7:18 p.m.

Councilwoman Field moved to approve the group development plan for Mountain Spring Apartments located on Martin Luther King Jr. Drive at Mountain Street, subject to the conditions imposed by the Planning and Zoning Commission. This motion was seconded by Mayor Martin and the motion died on a 3-4 vote, with Councilman Watts, Councilwoman Field and Mayor Martin voting "yea" and Councilmen McClure, Swicegood, Councilwoman Sitnick and Vice-Mayor Peterson voting "no".

Councilwoman Sitnick moved to deny the group development plan for Mountain Spring Apartments located on Martin Luther King Jr. Drive

at Mountain Street for the following reason: there did not seem to be sufficient contact with the citizens in the neighborhood and for dialog with the Housing Authority and the developer. She said that this vote might be different if there was time to do that at this point and see if a consensus or compromise could be reached. This motion was seconded by Councilman Swicegood.

Councilman McClure moved to amend the motion to include that the denial is further due to insufficient parking being proposed.

Mr. Douglas asked if there was anything he could do at this stage to get the project back on track. He asked the neighbors present if they would be willing to go to Greenville with him to see the apartments just built. Neighbors in the area responded that they would not travel to Greenville.

Councilwoman Sitnick said that this developer should not be penalized because of what seems to be a major breakdown in communication -9-

between the Housing Authority and Mr. Douglas, and a major breakdown in communication between Mr. Douglas and the people he talked to about the feelings of the neighborhood and she would like to suggest that before we vote on this, because this Council is committed to provide affordable housing, there is no doubt that elderly and handicapped housing have a better track record, but the problem here is that we have a bunch of citizens who - is there a possibility that instead of taking people to Greenville that you have a meeting with all of the members of this neighborhood association as soon as possible

and put that meeting together and come back to the Council as soon as possible and let us know. I would be willing and I think the Council would be willing, to call an emergency meeting of this Council to vote on this to accommodate the whole issue of the November 15 deadline. I think the neighbors were not handled properly and I think the developer was not handled properly. The Council needs to sit down and have a major worksession about everything that has to do with the Housing Authority, with housing and our responsibility in this community.

When Mr. Douglas asked when he could meet with the neighborhood association, Mr. Young stated that they would not be able to meet until Saturday. Mr. Young stated that he would talk to the group and they may or may not want to meet with Mr. Douglas.

Councilwoman Sitnick felt that one of the reasons the neighbors are against the project is because they haven't been give the opportunity for dialog. If nothing can be worked out, then nothing is lost, but if something can be worked out, then everybody will win. The community will win, the people who need the housing will win and the developer will win.

Councilwoman Sitnick withdrew her motion and requested that a meeting take place between the neighborhood and the developer. Councilman Swicegood withdrew his second.

Councilman McClure withdrew his motion to amend Councilwoman Sitnick's motion relative to insufficient parking.

Councilwoman Sitnick then moved to re-open the public hearing. This motion was seconded by Councilwoman Field and carried unanimously.

Mayor Martin re-opened the public hearing at 7:30 p.m.

Vice-Mayor Peterson moved to reconsider approval of this group development. This motion was seconded by Councilman McClure and carried unanimously.

Vice-Mayor Peterson moved to continue the public hearings until November 1, 1994, without further advertisement, in order to give the developer and the neighborhood sufficient time to meet. This motion was seconded by Councilman McClure and carried unanimously.

RALPH BISHOP

Mr. Ralph Bishop commended on the Asheville Police Department and laws in North Carolina relative to gambling.

Mayor Martin adjourned the public hearing at 7:36 p.m.

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CITY CLERK MAYOR

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