

Tuesday - July 23, 1996 - 5:00 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; and Councilman Charles R. Worley; Assistant City Attorney Patsy Meldrum; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilman James J. Skalski

INVOCATION

Reverend Charles Mosley gave the invocation.

I. PROCLAMATIONS:

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO ANNEXATION OF PROPERTY LOCATED WEST OF OVERLOOK ROAD AND KNOWN AS GLEN OAKS, PHASE 3 (SECTION 7 OF BRAESIDE AT BILTMORE PARK)

ORDINANCE NO. 2304 - ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING A CONTIGUOUS AREA LOCATED WEST OF OVERLOOK ROAD AND KNOWN AS GLEN OAKS, PHASE 3 (SECTION 7 OF BRAESIDE AT BILTMORE PARK)

Mayor Martin opened the public hearing at 5:05 p.m.

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

Ms. Esther Manheimer, Intern in the Planning Department, said that this area is the seventh annexation petitioned by Biltmore Farms, Inc., for property located west of Overlook Road. The area consists of a 9.512 acre tract. This area is contiguous to corporate limits, specifically to Biltmore Park, Section 6, which was annexed effective December 27, 1995. The petitioner has asked that the annexation be effective six months from now, which would be January 23, 1997. Conservatively estimating a tax value of \$250,000 per lot when developed, this annexation would increase the City's tax base by \$5.5 Million with the resulting revenue of \$31,350 annually at the current tax rate.

Mayor Martin closed the public hearing at 5:08 p.m.

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

Vice-Mayor Field moved for the adoption of Ordinance No. 2304. This motion was seconded by Councilman Worley.

On a roll call vote of 6-0, Ordinance No. 2304 passed on its first and final reading.

ORDINANCE BOOK NO. 16 - PAGE

III. UNFINISHED BUSINESS:

IV. NEW BUSINESS:

A. ORDINANCE NO. 2305 - ORDINANCE DIRECTING THE DIRECTOR OF BUILDING SAFETY TO DEMOLISH THE DWELLING LOCATED AT 211 SOUTH BEAUMONT STREET

Ms. Natalie Berry, Housing Inspectors, said that this structure is located in Central Asheville with an address of 211 South Beaumont Street. Over the years, the Building Safety Department has received numerous complaints from neighboring property owners. The structure is a two-story wooden frame house that has been extensively neglected over the years resulting in substantial deterioration and dilapidation. The unfit structure repeatedly and continuously attracts vagrants as illegal occupants. The Code Enforcement Officer's efforts to eliminate this nuisance has been frustrated by the inability to locate the current owner and a lack of knowledge of the whereabouts of the record owner. After requesting assistance from the Legal staff in the summer of 1995 and receiving same in July of 1995, notice to the absentee owner was published and a hearing was conducted before the Code Enforcement Officer on 12/4/95.

Subsequent to the 12/4/95 hearing, the Code Enforcement Officer was contacted by the owner's daughter, Dorothy Dean. Ms. Dean informed the Code Enforcement Officer that her mother, Lousie G. Mims was deceased and that she and her son were the heirs to the mother's estate. Ms. Dean further advised Code Enforcement Officer that she had talked with her son and they were both in agreement that the structure located at 211 S. Beaumont Street should be demolished. However, Ms. Dean stated that neither she nor her son were financially able to cause

the structure to be demolished and removed. Ms. Dean stated that she and her son had no problem with the City immediately proceeding with the demolition of the structure. Ms. Dean, who is a widow, and her son along with his wife, have executed appropriate forms to allow the City to dispense with all further procedures required by law to protect the interest of the property owners. Ms. Dean and her son desire for the City to immediately proceed with the demolition and removal of the structure and to place a lien against the property for the cost of the demolition.

- Fair market value of house is \$14,500
- Value to rebuild the house only is \$76,140
- Land value without the house is \$19,200
- Estimated cost to demolish this house is approximately \$11,000

The Building Safety Director recommends adoption of the ordinance.

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

Councilman Worley moved for the adoption of Ordinance No. 2305. This motion was seconded by Councilman Sellers.

On a roll call vote of 6-0, Ordinance No. 2305 passed on its first and final reading.

ORDINANCE BOOK NO. 16 - PAGE

B. RESOLUTION NO. 96-129 - RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH ENG/6A FOR ARCHITECTURAL/ENGINEERING SERVICES FOR THE MUNICIPAL BUILDING

ORDINANCE NO. 2306 - BUDGET AMENDMENT RELATIVE TO FUNDING DESIGN OF MUNICIPAL BUILDING RENOVATION PROJECT

-3-

Councilman Cloninger said that his law firm has a long-standing relationship with ENG/6A. They don't specifically represent them in connection with this proposed contract, but as a result of that relationship, he asked to be excused from voting. Vice-Mayor Field moved to excuse Councilman Cloninger due to a conflict of interest. This motion was seconded by Councilman Worley and carried unanimously.

Mr. Doug Spell, Assistant City Manager, said that as a result of the discussions held at the Council worksession on July 16, 1996, staff recommends proceeding with the Municipal Building renovations with both the Police Department and Fire Department having primary access from the Court Plaza entrance of the building. However, a secondary entrance would be developed along the Eagle Street portion for employee use. The area between Eagle Street and the building will be developed as a paved parking area with appropriate landscaping to enhance the area. This parking area would be utilized by police officers for functions such as the patrol division.

Adoption of this resolution will authorize a contract with ENG/6A, the firm which has performed the preliminary design/review for the project, to proceed with the process of design and programming of space for the Municipal Building renovations in order to move forward with construction within the next twelve months. This will also facilitate moving forward to bring the building up to compliance with State Building Code and ADA requirements while improving the facility for permanent and continuing use of the building by the Police Department and Fire Department.

An existing project fund, in the amount of \$100,000, was approved by City Council in 1994 for a preliminary feasibility study for the Municipal Building. This action will combine \$225,000 in funding in the Fiscal Year 1995-96 Capital budget and \$550,000 in funding in the 1996-97 Capital budget to increase the total project budget to \$885,000. This will provide funds for "front end design" costs which will be incurred before a financing plan are in place.

A budget amendment, in the amount of \$775,000, is necessary to fund costs for the design of the Municipal Building. This budget amendment will address the cost associated with moving forward with the project up to the construction phase. At that point, the City would have to sell Certificates of Participation to fund the actual construction for this project.

Mayor Martin said that members of Council have been previously furnished with a copy of the resolution and the ordinance and they will not be read.

Vice-Mayor Field moved for the adoption of Resolution No. 96-129. This motion was seconded by Councilman Sellers and carried unanimously.

RESOLUTION BOOK NO. 23 - PAGE 252

Councilman Worley moved for the adoption of Ordinance No. 2306. This motion was seconded by Councilman Sellers.

On a roll call vote of 5-0, Ordinance No. 2306 passed on its first and final reading.

ORDINANCE BOOK NO. 16 - PAGE

-4-

C. TASK FORCE ON THE FUTURE OF THE CIVIC CENTER

City Manager Westbrook said that at a recent City Council meeting, the Council directed the City Manager and the Civic Center Director to recommend to the Council a method for determining the Civic Center's future, including the

source of sufficient funding for operations, maintenance, renovations and/or expansion. The City Manager, the Civic Center Director and other key staff personnel have met to discuss the problem and to formulate a recommendation for City Council.

Based on directions given by City Council and discussion, staff provides the following recommendations: Staff recommends City Council establish a Task Force on the future of the Civic Center. The Task Force would be composed of three Council Members and two Civic Center Commission Members.

The mission of the Civic Center Task Force would be to make recommendations to City Council regarding the future of the Civic Center. Specifically, the recommendation will include the following:

1. What is the best use of the Civic Center for the future?
2. Where will the money come from to fund any major improvements to alter the use of the Civic Center or to make major improvements and/or renovations?

City Council encourages the Task Force to be innovative in its approach to accomplishing the mission. City Council also encourages the Task Force to be inclusive in its discussions with the community by involving individuals and groups who will provide the needed information. The Task Force should complete its report and present findings to City Council no later than Tuesday, March 4, 1997. The Task Force should provide a written interim report no later than November 1, 1996, which will give the status of the Task Force's work to that point in time.

The City Manager will provide any necessary coordination and staff for the Task Force through the Civic Center Director. Funds are not currently appropriated for the Task Force. Should the Task Force need additional resources, such as professionals knowledgeable in the areas of civic center, convention center and resort center management, planning and financing of such facilities, a specific request should be made to the City Council, detailing the need, expected results and anticipated costs.

Councilman Hay, liaison to the Civic Center Commission, thought the idea of the Task Force was a great idea and felt it was about time to make some choices on what kind of Civic Center this should be. He thinks this is a good opportunity to do something very special with the Civic Center, but they want to be thoughtful about it and involve the community. He said the starting point is to find out what the community wants to do and issued an open invitation to community to begin communicating with the Task Force individually or as a group. He did meet with the Civic Center Commission regarding who they would like their appointments to be on the Task Force. They suggested current Chairman Stephen Toomey, former Chairman Jan Davis and former Vice-Chairman Barbara Halton. They all have agreed to serve and are ready to start.

City Manager Westbrook noted that the Civic Center may be fine just as it is, but a concern is that some massive capital changes need to be made. If there needs to be a change, we will need to spend the

-5-

money in the direction that's best for the future. The Committee will also be looking at how the changes will be financed. He said that staff is ready to support the Task Force in any way possible.

Vice-Mayor Field moved to appointed Councilman Hay as Chairman, Councilman Sellers, Councilman Worley, Stephen Toomey, Jan Davis and Barbara Halton as members of the Civic Center Task Force. This motion was seconded by Councilman Cloninger and carried unanimously.

V. CONSENT:

At the request of Vice-Mayor Field, Item E and H were removed from the Consent Agenda to be discussed individually.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 9, 1996, AND THE

WORKSESSION HELD ON JULY 16, 1996

B. RESOLUTION NO. 96- 130 - RESOLUTION CALLING FOR A PUBLIC HEARING ON AUGUST 13, 1996, FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING SAFETY TO DEMOLISH THE DWELLING LOCATED AT 20 GEORGIA AVENUE, ALSO KNOWN AS 20 ATLANTA AVENUE

RESOLUTION BOOK NO. 23 - PAGE 253

C. RESOLUTION NO. 96-131 - RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE DONATION OF PROPERTY LOCATED AT THE CORNER OF LARCHMONT AND MERRIMON AVENUES TO BE USED BY THE PARKS AND RECREATION DEPARTMENT

Summary: The Asheville Parks and Recreation Advisory Board has been approached by the Grace Neighborhood Residents Association to accept a piece of property located at the corner of Larchmont and Merrimon Avenues for the purpose of using it as an urban pocket park and greenspace. The property is currently owned by Judge Dom Greishaber. He has expressed an interest in donating this property to the City of Asheville if the back taxes could be paid. The Grace Neighborhood Residents Association has solicited pledges to pay for these back taxes which total approximately \$3,600. The Parks and Recreation Advisory Board is requesting approval from City Council to accept the property pending the following conditions:

1. Receipt by the City of a letter from the property owner stating that he will convey the property to the City, without any cost to the City.
2. Receipt by the City of a letter from the Grace Neighborhood Residents Association that all past due taxes on the property have been paid, along with a receipt from the Buncombe County Tax Collector showing said payment.
3. Successful completion of the Phase I Environmental Assessment of the property, at no cost to the City.
4. Completion of survey of and title search for the property.

The Parks and Recreation Department recommends that City Council approve the acceptance of the property at the corner of Larchmont and Merrimon pending completion of the above requirements.

RESOLUTION BOOK NO. 23 - PAGE 255

-6-

D. RESOLUTION NO. 96-132 - RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE U.S. DEPARTMENT OF JUSTICE FOR AN ASSISTANCE GRANT TO REDUCE CRIME AND IMPROVE PUBLIC SAFETY.

Summary: Under the subject program, the City of Asheville is eligible to apply for \$116,231. A local cash match of \$12,915 is required bringing the total project costs to \$129,146. Funds must be used for the purpose of reducing crime and improving public safety.

The Police Department is seeking federal support for a project authorized under the Bureau of Justice Assistance Local Law Enforcement Block Grants Program. The specific purpose/project, which must meet program guidelines, will be determined pursuant to a public hearing and non-binding recommendations of an advisory board established by the City. The City will receive the funds and hold them in a trust fund until expended. Program funds must be expended within a 24 month period after award. Any unexpended funds must be returned to the Bureau of Justice Assistance.

The application for program funds must be received by the Bureau by August 9, 1996. Awards will begin in mid-September, 1996.

RESOLUTION NO. 23 - PAGE 257

E. RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE AN OFFER TO PURCHASE TRACT 3 IN THE HEAD OF MONTFORD REDEVELOPMENT PROJECT

This item was pulled from the Consent Agenda to be discussed individually.

F. RESOLUTION NO. 96-133 - RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE AN OFFER TO PURCHASE DISPOSAL PARCEL 2B OF THE EAST RIVERSIDE REDEVELOPMENT PROJECT

Summary: Disposal Parcel 2B is a CS Commercial Service lot located approximately 200 feet south of the intersection of Asheland and Hilliard Avenues comprising 29,344 square feet. The lot is generally rectangular in shape and mostly flat at street level to a depth of about 150 feet then dropping sharply about 15 feet with the rear of the lot being on grade with South Grove Street. The bid from Dr. Albert Bernard Anderson includes the proposal to construct a single story medical office building containing 4,300 square feet on grade with Asheland Avenue. The development proposal includes paved parking and landscaping. The building will be occupied by Dr. Anderson's ophthalmological practice.

The bid of Dr. Anderson, in the amount of \$117,400 is not less than the established minimum price of \$17,400.

This resolution will initiate the sale of the property through the upset bid process.

RESOLUTION NO. 23 - PAGE 258

G. RESOLUTION NO. 96-134 - RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE AN OFFER TO PURCHASE DISPOSAL PARCEL 3B OF THE EAST RIVERSIDE REDEVELOPMENT PROJECT

Summary: Disposal Parcel 3B is a fragment lot located on the west side of South Grove Street comprising 4,665 square feet. The lot is

-7-

irregular in shape and mostly flat about three feet above street level. The bid from Gertrude D. Jones includes the proposal to combine the property with property currently owned by Ms. Jones at 99 South Grove Street. No construction is planned.

The bid from Ms. Jones, in the amount of \$2,200 is not less than the established minimum price of \$1,800.

This resolution will initiate the sale of the property through the upset bid process.

RESOLUTION NO. 23 - PAGE 259

H. RESOLUTION ESTABLISHING JUST COMPENSATION FOR CERTAIN REAL PROPERTY AT 50 MORROW STREET IN THE HEAD OF MONTFORD REDEVELOPMENT PROJECT

This item was pulled from the Consent Agenda to be discussed individually.

I. RESOLUTION NO. 96-135 - RESOLUTION AUTHORIZING THE MAYOR TO CONVEY 17.282 ACRES OF VACANT LAND OFF ASCENSION DRIVE TO CORNERSTONE REALTY GROUP INC.

Summary: The City has received an offer from Cornerstone Realty Group Incorporated in the amount of \$200,000 for the purchase of 17.282 acres of vacant land off Ascension Drive. On June 28, 1996, the ad ran for upset bids and none were received.

The City is the owner of record of a 17.282 acre tract of vacant land off Ascension Drive adjacent to the Meadows

Apartments. The property has remained vacant since the City acquired it in 1981. As the current owner of Meadows Apartments, Cornerstone Realty Group Inc. is an REIT corporation and intends to construct market rate apartments on the property.

RESOLUTION NO. 23 - PAGE 260

J. RESOLUTION NO. 96-136 - RESOLUTION AUTHORIZING THE PARKS AND RECREATION DEPARTMENT TO SOLICIT CONSULTING SERVICES TO DESIGN RENOVATION PLANS FOR PRITCHARD PARK

Summary: This will authorize the Parks and Recreation Department to solicit proposals from architects and/or engineers for the redesign of Pritchard Park, with the request for proposal and contract negotiation process complying with the City's policy for procurement of architectural and engineering services adopted in Resolution No. 88-75.

RESOLUTION NO. 23 - PAGE 261

K. RESOLUTION NO. 96-137 - RESOLUTION AUTHORIZING THE SALE OF 2.9 ACRES NEAR BARTLETT STREET (MURRAY HILL PARK PROPERTY) TO OVERLOOK APARTMENTS LIMITED PARTNERSHIP

Summary: On February 13, 1996, the City Council directed the City Clerk to advertise for upset bids on 2.9 acres of land near Bartlett Street (Murray Hill Park Property). The ad ran on July 5, 1996, in the Asheville Citizen-Times. No response was received. Therefore, the offer to purchase from Overlook Apartments Limited Partnership should be approved in the amount of \$136,000 was not upset and the sale to Overlook Apartments Limited Partnership should be approved.

-8-

The sale to Overlook Apartments will be subsequent to execution of a contract for sale which incorporates the terms of the option approved by City Council on February 13, 1996. In particular the City of Asheville Parks & Recreation Department will have final approval authority for the park design before the conveyance of the property to Overlook Apartments.

RESOLUTION NO. 23 - PAGE 262

L. MOTION ASKING THE PLANNING AND ZONING COMMISSION TO REVIEW THE REZONING PETITION FROM WILSHIRE PARK RESIDENTS TO REZONE 112 LOTS FROM R-3 MEDIUM DENSITY RESIDENTIAL TO R-1A SINGLE FAMILY, MODERATE DENSITY RESIDENTIAL

Summary: This petition requests that 112 lots in the Wilshire Park area off Patton Avenue be rezoned from R-3 Medium Density Residential to R-1A Single Family, Moderate Density Residential.

The subject property is approximately 54.32 acres. The 112 lots are located within the area called Wilshire Park which is directly west of Patton Avenue. The 2010 Plan recommends this area to be low density residential.

Of the 112 lots, 109 have single family residential structures, one lot is owned by the church and two lots are currently vacant. All of the 112 lots conform to the R-1A standard which is minimum lot size of 5400 square feet and minimum lot width of 50 feet. The petition contains 96 verified property owner signatures or 85% of the property owners and the 96 lots constitute 71% of the land area.

The Planning staff reviewed the petition and recommends that the 112 lots in the Wilshire Park area be sent to the Planning & Zoning Commission for review.

Mayor Martin said that members of Council have been previously furnished with a copy of the resolutions and they will not be read.

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

ITEMS PULLED FROM CONSENT AGENDA

A. RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE AN OFFER TO PURCHASE TRACT 3 IN THE HEAD OF MONTFORD REDEVELOPMENT PROJECT

Mr. Ed Vess, Coordinator of Field Services, said that Tract 3 is a residential lot on Short Street comprising 5,532 square feet. The bid from J. C. and Shirley Dozier for Tract 3 includes no plans to build on the lot but Tract 3 is to be assembled with property currently owned by the Doziers.

The bid of Mr. and Mrs. Dozier, in the amount of \$3,300.01, is not less than the established minimum price of \$3,300.

This resolution will initiate the sale of the property through the upset bid process.

Vice-Mayor Field said that at the last meeting when Mrs. Dozier was here with her attorneys, Mrs. Dozier left giving the impression that they were suing the City. She asked if the Doziers had sued the City.

-9-

Assistant City Attorney Patsy Meldrum said that no lawsuit has been served on the City as of 5:00 p.m. today.

Vice-Mayor Field was concerned about the impact of this parcel in relationship to the planning process and Head of Montford Redevelopment Plan. Ms. Julia Cogburn, Planning Director, said that the changes that were discussed by the Committee that was appointed last year have never been formally brought back to Council. She didn't believe that this proposal would be contrary to anything that is in the current Plan as it is currently adopted or the recommendations the Advisory Committee.

Upon inquiry of Councilman Worley, Ms. Cogburn said there was a committee appointed to take a look at amendments to the Montford Redevelopment Plan and to suggest amendments to that Plan. There was a lot of controversy surrounding some of the things that were discussed. There was a final proposal but it has never been finally drafted and brought forward to Council. She was not certain, at this time, when that could be brought into final form and presented to Council.

Mayor Martin said that these two parcels have not been on the tax rolls and the intent is to get small parcels on the tax rolls.

Vice-Mayor Field expressed concern that people might buy parcels to adjoin their existing land in order to make it more appropriate for commercial of some kind - and we might not be recommending commercial in that particular area. Therefore, since we don't know what the final Plan is being recommended, she suggested postponing this matter for a week or two in order to give Council a chance to look at what is being proposed.

Ms. Cogburn said that this property is not zoned commercially now and didn't think it would be zoned commercially in the Plan.

Vice-Mayor Field felt that we have spent money along with a lot of staff and community time to come up with a Plan and we might be doing something that would be contrary to the Plan. She was opposed to doing bits and pieces without actually looking at the Plan.

Ms. Mary Jo Brezny, resident of Montford, agreed with Vice-Mayor Field.

Mr. Richard Nantelle, representing the Coalition of Asheville Neighborhoods, asked if this tract of land lies in what the UDO might consider a transition zone. Ms. Cogburn said that the whole block has been talked about from time to time by different groups as a potential transition area and that would have to be looked at in the UDO mapping.

By use of a map, Mr. Vess showed Mr. Nantelle how the property is situated with relationship to the Housing Authority property.

Vice-Mayor Field requested that we try to get some of the planning processes finished that we have started, if possible.

Ms. Myra Fuller, resident on Cumberland Avenue, said that the Montford neighborhood worked real hard to draw up this Plan and tried to work with the Housing Authority for years to get it administered. It seems to be too hard a task to address to market the property that has been amassed with the federal monies that came down to implement this Redevelopment Plan. She said it states in the Plan that there will be a Montford Neighborhood Advisory Board whose purpose is to serve as liaison between the Housing Authority (or the administrator - which is now the City) and the neighborhood throughout the administration of this

-10-

project. She noted that the project is not over with and feels that since there is a Plan that has goals set, that Plan needs to be looked at first before any action is taken. She said the Advisory Board will be reconvening soon and they look forward to working with the Planning Department as administrators to the Plan.

When Councilman Hay asked why this was not brought before the Advisory Board, Mr. Vess said that the Advisory Board has not been active in Montford for over a year.

Councilman Hay said that most concerns expressed to him is that the community did not know about this proposed sale. He would like to see the Advisory Board consulted before Council makes a decision on this issue.

Vice-Mayor Field moved to table this issue until August 13, 1996, to gather more information. This motion was seconded by Councilman Sellers and carried unanimously.

B. RESOLUTION NO. 96-138 - RESOLUTION ESTABLISHING JUST COMPENSATION FOR CERTAIN REAL PROPERTY AT 50 MORROW STREET IN THE HEAD OF MONTFORD REDEVELOPMENT PROJECT

In response to questions raised by Vice-Mayor Field, Mr. Ed Vess, Coordinator of Field Services, said that 50 Morrow Street is located at the northwest corner of the Morrow Street block. It is generally rectangular in shape containing 3,776 square feet. A one story, frame single family residence is located on the property. Its highest and best use per the appraisal is residential as permitted by the zoning. It is to be acquired as part of a small subdivision encompassing the Morrow Street block that will provide sites for affordable housing. We are simply establishing a price to purchase that property from the owner. The owner actually approached us and asked us to buy the property. This was reviewed with the Committee in Montford over a year ago concerning the Morrow Street Subdivision. This particular parcel at that time was not planned to be acquired, but since that time the owner has asked us to buy the property and it makes sense in light of the fact that we need the property to do a cul-de-sac at that point. He believed this is in accordance with the Redevelopment Plan.

50 Morrow Street was appraised by David Moore, MAI, and the appraisal was reviewed by Francis Naeger, MAI, who concurred and recommended the appraised value of \$18,500 as fair market value.

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

Councilman Worley moved for the adoption of Resolution No. 96-138. This motion was seconded by Vice-Mayor Field and carried unanimously.

RESOLUTION NO. 23 - PAGE 263

VI. OTHER BUSINESS:

City Council Mini-Retreat

It was the consensus of Council to hold their mini-retreat on Friday, September 6, 1996.

-11-

Broadway

Councilman Hay said that the Council Committee, which was appointed to look at the whole question of greenways, is particularly interested in what is going on in the Broadway area. The Committee met last week and asked staff to come back with a status report on the zoning situation on Broadway and how that would relate to future plans.

Ms. Julia Cogburn, Planning Director, said that the big issue is land use along the Broadway corridor in general and what the City wants to see happen in terms of land use development along that corridor. The 2010 Plan talks about proposed land use along that corridor with the greenway going to the west side of Broadway and with office institutional mixed with residential proposed along the east side. What might be of a concern of Council is the two pockets of commercial highway along Broadway. She asked if Council wanted to address the zoning of those two pockets at the current time or wait to look at them in conjunction with the rest of the UDO mapping. She said that the Planning Department does have a tentative site plan proposal for a piece of property on the east side for an office forms supply business.

Councilman Hay suggested Council initiate a rezoning study. Ms. Cogburn responded by saying that the commercial highway pockets are contrary to what is in the 2010 Plan for that area. In fact, if Council wants to make sure that the 2010 Plan is followed, or at least that something doesn't happen in the interim that is inconsistent with the 2010 Plan, then she recommended that Council go ahead and look at rezoning those two areas, even on an interim basis. She suggested Council consider rezoning these two pockets to R-3 in the interim because that is consistent with what the surrounding properties are zoned. Staff has even talked about that this might be an appropriate corridor to look at for a transition district in conjunction with the UDO because it really is different in nature.

Upon inquiry of Councilman Worley, Ms. Cogburn said that she is not proposing a rezoning study right now. However, she did suggest that if Council is interested in changing this from commercial highway, staff would suggest it be rezoned to R-3 in the interim and that it be looked at in the UDO mapping as to the appropriate use.

Councilman Hay moved to direct staff to carry forward a proposal to the next Planning & Zoning Commission meeting to rezone the two properties discussed above from Commercial Highway to R-3 in the interim until the UDO mapping is completed. This motion was seconded by Vice-Mayor Field and carried unanimously.

Ms. Cogburn said that staff would want to be in discussions with the folks that have submitted the preliminary site plan and make them aware of this potential.

Ms. Leni Sitnick, Mr. Mike Lewis and Ms. Betty Lawrence all spoke in support with the interim rezoning to R-3.

Vice-Mayor Field thought it would be great to have a greenway on both sides of Broadway, but it would be very expensive. Mr. Lewis responded that this was a good opportunity for the City and the neighborhoods to work together.

Ms. Sitnick asked Council to consider looking in-house or in the community for people who are knowledgeable about greenways and green spaces.

-12-

Mr. Dick Rice suggested a good resource person might be the Director of the Conservation Trust for North Carolina.

UDO

It was the consensus of Council to reconvene the City Council UDO Committee for one final meeting.

Councilman Worley noted that the policy issues presented last week are nothing more than instructions to the staff in how to draft the language in the UDO. The public will have an opportunity to express their opinions not only at the Planning & Zoning Commission public hearing, but also the City Council public hearing on this ordinance.

Ralph Bishop

Mr. Ralph Bishop stated, among other things, that the citizens of Asheville have the right to be heard before the City Council.

Leni Sitnick

Ms. Leni Sitnick suggested (1) contacting students from NC State from a design program to be a resource regarding greenways; (2) giving real broad thought to the future of the Civic Center; (3) the Task Force discuss with Buncombe County to see how they play in the use of the Civic Center since they don't pay for it; (3) including additional language on the agendas to help the public identify the properties in question; (4) considering some parcels that may not be buildable to be used for community gardening or given to neighborhoods for neighborhood parks; (5) considering some parcels be given to non-profits to build on in order to get them on the tax rolls.

Residence Inn

Vice-Mayor Field said that someone placed a letter on her desk commenting on the vote that was taken, or not taken, regarding setting a public hearing on the Residence Inn group development. She said that the letter shows how many voters will vote against them because of the way they proceeded. She wanted the community to know that she is not a poll-taker. She does not make her decisions based on how many people are going to vote, or not vote, for her. She feels like her position and her job is to make policy and do the very best she can for the whole City. She was sorry that people, anonymously, felt like they needed to resort to a typewritten letter and she resented it. Basically, she felt that every Council member felt the same way.

Councilman Worley concurred with Vice-Mayor Field's comments and invited whoever placed the envelopes on the desk to approach Council and talk to them about their decision. He, too, resented the fact that someone felt they had to address them anonymously.

Mayor Martin said that decisions are based on the facts as the Council sees them, on both sides. He said that Council does have a tough job and they need to be as fair as they can to all concerned.

Claims

The following claims were received by the City of Asheville during the week of July 5-11, 1996: W.D. Holden (Parks & Recreation), Phillip Lowe (Police), Rhonda Keith (Water), Richard Hagen (Parks & Recreation), Nathan Sargent (Streets), Carrie Morgan (Finance) and Whitman Toland (Water).

-13-

The following claims were received during the week of July 12-18, 1996: Donna Wood (Water) and Nichole Shipley (Water).

He said that these claims would be referred to Asheville Claims Corporation for investigation.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:13 p.m.

CITY CLERK MAYOR
