

Tuesday - October 27, 1998 - 5:00 p.m.

Regular Meeting

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor Edward C. Hay Jr.; Councilman M. Charles Cloninger; Councilman Earl Cobb; Councilwoman Barbara Field; Councilman Thomas G. Sellers; and Councilman O.T. Tomes; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Cobb gave the invocation.

ANNOUNCEMENT

Mayor Sitnick announced that at each regular meeting she will ask City Council members and City staff if there is an item they would like to add to the agenda.

Councilwoman Field moved to add the Asheville Motor Speedway topic to the agenda under Other Business. This motion was seconded by Councilman Sellers and carried unanimously.

At the request of City Attorney Oast, Councilwoman Field moved to add an amendment to the franchise for Asheville Trolley Works to the agenda under New Business. This motion was seconded by Councilman Tomes and carried unanimously.

I. PROCLAMATIONS:

II. CONSENT:

A. RESOLUTION NO. 98-154 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A TWO YEAR LEASE WITH DEVERGE SYSTEMS FOR PROPERTY AT 7-1/2 BILTMORE AVENUE

Summary: The consideration of a resolution authorizing a two year lease of property at 7-1/2 Biltmore Avenue to the current tenant, DeVerger Systems.

City Council previously authorized holding the subject property for a period of two years (until August, 2000) before considering its sale. In the interim, the property is being leased. The current tenant, DeVerger Systems, has been paying \$205.00 per month. The proposed lease calls for incremental increases beginning October 1, 1998, as follows:

10/1/98 - 2/28/99	3/1/99 - 8/31/99	9/1/99 - 2/29/00	3/1/00 - 8/31/00
\$300.00 per mo.	\$400.00 per mo.	\$500.00 per mo.	\$625.00 per mo.

The property comprises 600 sq. ft. in a 10' x 60' space. The heating and air conditioning systems are old and in need of replacement. The rental amounts are believed to be reasonable considering the condition of the space, the lease terms and the cost of tenant turnover.

The Lessee is responsible for paying utilities and maintenance of the interior including cleaning, glass

breakage, electrical, heating, plumbing and air conditioning equipment. The Lessor is responsible for the exterior walls and roof along with the parking area.

Community Development staff recommends City Council adopt the resolution authorizing a two-year lease of property at 7-1/2 Biltmore Avenue to DeVerger Systems.

RESOLUTION BOOK NO. 25 - PAGE 25

B. RESOLUTION NO. 98-155 - RESOLUTION APPROVING CERTAIN CONSTRUCTION IMPROVEMENTS AND MODIFICATIONS FOR A STRUCTURE LOCATED WITHIN THE PRIMARY FIRE DISTRICT

Summary: The consideration of a resolution requesting City Council approval of construction improvements and modifications of the Wick and Greene Jewelry Building located at 115 Patton Ave.

North Carolina law (N.C.G. S. 160A-436) requires approval of both local inspection authorities and the local governing body when construction modifications are made to a Type VI (wood frame) building in a municipality's "primary fire district".

Wick and Green Jewelers, 115 Patton Ave., has requested this approval for work it is proposing on the exterior of it's building. Building Safety and Fire Department officials have determined that this work will, in fact, improve the fire safety characteristics of the building, and have approved the proposed work, subject to City Council and North Carolina Commissioner of Insurance approval, as provided in N.C.G.S 160-436.

The Director of Building Safety and the Fire Chief recommend City Council approval of Wick and Greene's proposal to repair their existing building.

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C. MOTION SETTING A PUBLIC HEARING ON NOVEMBER 10, 1998, TO REZONE 1451 SWEETEN CREEK ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL INDUSTRIAL DISTRICT

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

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

III. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO CLOSE WILSON ALLEY LOCATED BETWEEN HENDERSONVILLE ROAD AND SUMMIT STREET

RESOLUTION NO. 98-156 - RESOLUTION TO CLOSE WILSON ALLEY LOCATED BETWEEN HENDERSONVILLE ROAD AND SUMMIT STREET

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Mayor Sitnick said that this public hearing was rescheduled from October 13, 1998, She then opened the public hearing at 5:10 p.m.

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

Councilman Cloninger said that his law firm represents Mr. and Mrs. Young on an on-going basis and asked to be excused from voting. Therefore, Councilman Sellers moved to excuse Councilman Cloninger from voting on this matter due to a conflict of interest. This motion was seconded by Councilman Cobb and carried unanimously.

Ms. Suzanne Molloy, Assistant Director of Public Works, said that this is the consideration of a resolution to permanently close Wilson Alley between Summit Street and Hendersonville Road.

A petition has been received from Janet L. Young and Paul M. Young requesting that an Wilson Alley between Summit Street and Hendersonville Road (U.S. Route 25) be permanently closed to public use.

The petition received includes the affidavit of Janet L. Young and Paul M. Young, owners of parcels 9647-07-77-2987 and 4803. Janet L. and Paul M. Young own all of the property with frontage on the unopened alleyway between Summit Street and Hendersonville Road that has been petitioned to be closed.

Wilson Alley is a paper street and has never been used as a alleyway. There are no plans to utilize this alleyway. All utility companies will be contacted, the resolution of intent to close Wilson Alley will be advertised in a local paper, and the location was posted with the resolution of intent to close.

The Public Works Department staff recommends adoption of the resolution to permanently close Wilson Alley from Hendersonville Road to Summit Street.

Mayor Sitnick closed the public hearing at 5:12 p.m.

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

Councilman Tomes moved for the adoption of Resolution No. 98-156. This motion was seconded by Councilwoman Field and carried unanimously.

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B. PUBLIC HEARING RELATIVE TO A COMPREHENSIVE PARKING STUDY FOR DOWNTOWN, BILTMORE VILLAGE AND WEST ASHEVILLE AREAS

Mayor Sitnick opened the public hearing at 5:14 p.m.

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

Ms. Cathy Ball, City Engineer, said that on September 15, 1998, representatives from Walker Parking Consultants and Day Wilburn Associates, Inc., presented recommendations from -4-

the Comprehensive Parking Study of the Downtown, Biltmore Village, and West Asheville areas. Following that worksession, Council agreed to allow formal input on the recommendations by holding a public hearing.

Since the September 15, 1998, meeting, staff has met with several organizations to discuss the recommendations of the study. Some recommendations included increasing on-street parking meter rates from 25-cents an hour to 50-cents an hour, optimizing signal lights downtown, building a parking garage in the Battery Park area, adding three surface lots at the Biltmore Village area, adding stripping on Haywood Road to delineate parking spaces, adding signs on private parking lots, as well as making improvements to several of the garages. Staff has met with the Asheville Downtown Association, Merchant Action Coalition, Haywood Road Small Area Planning Group, and Downtown Parking Task Force. In addition, staff has received phone calls from the Biltmore Village Merchants Association, Eagle Market Street Development and

a few individuals. Most of the input staff has received has been favorable with the major criticism being that the study did not offer enough recommendations.

Following the public hearing staff will prepare specific recommendations for implementation of the Parking Study, along with costs and a schedule to bring before Council for approval on December 15, 1998.

Staff recommends City Council (1) hold their public hearing to allow input from the public on the recommendations of the Parking Study for the Downtown, Biltmore Village, and West Asheville areas; and (2) review and approve these recommendations at the December 15, 1998, meeting.

Mr. Lee Bourque and Mr. Rick Day, consultants, responded to various questions and comments from Council, some being, would there be a need for a parking garage in the Battery Park area if there are improvements at the Civic Center; are pedestrian crosswalks and bike routes included in the study; need for coordination with the Pedestrian Thoroughfare Plan; the need to work signalization synchronization in the three study areas of the City; can a better method be devised to get people into the parking decks quicker at events so traffic is not at a stand-still; the advantages of a color-coded signage system; suggestion for a one color parking logo sign for all parking areas; rates in the parking garages; how the parking on Haywood Road is recommended; if the Grove Arcade is not developed, is it still recommended that we need more parking in that area; and the feasibility of a mixed use parking deck.

Mayor Sitnick said that the following are important items to keep in mind as we move forward to adopt the Plan: (1) the trucks and buses on the downtown streets; (2) the opportunity to provide enough parking for downtown employers and employees; and (3) parking spaces on the perimeter of downtown, with perhaps some shuttle services. Since all-day occupancy was one part of the problem, wanted to look into the future as we build to make sure that we not only provide for the shoppers, but also provide as much space as possible for the people who work downtown.

Mayor Sitnick suggested that the City contact the N.C. Dept. of Transportation to see if the old McDowell Street Bridge can be saved and made into a pedestrian bridge to connect McDowell Street to Biltmore Village. It could be landscaped with built in planters, and possibly kiosks. City Manager Westbrook said that he has already discussed this with the N.C. Dept. of Transportation and would bring the Mayor up-to-date.

Mr. Carl Ownbey, Urban Planner, said that the Haywood Road Corridor Study is in process and some of the recommendations that have come out of the parking study are also some of the ideas that the community has been looking at.

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Mr. Joe Eckert, representative of the Merchants Action Coalition, said that they have submitted their responses to the parking study and briefly reviewed the following recommendations: (1) one hour of free parking Monday through Friday and three hours of free parking on Saturdays in all city-owned parking structures; (2) consideration of a shuttle service for downtown business district; (3) comprehensive advertising campaign for the public and the merchants of downtown in developing the parking theory - one issue being the customers and the clients and the employers and employees; (4) two full-time parking enforcement personnel to help manage and control the parking; (5) any changes in metered parking to be considered among the business merchants in downtown; (6) there should be two classes of loading zones - one for commercial and one for a general purpose loading zone for customers; (7) construction of a proposed parking structure in the area of the Grove Arcade; and (8) number of merchants on Haywood Street and Battery Park support higher parking rates while members in other areas are satisfied with the present rates - therefore, parking meter rates in different downtown areas should be flexible. He said that the Coalition believes that their recommendations will not require any additional funding from sources other than the increase in parking meter revenues. He said the downtown merchants are very committed to this process

and would support the City in this endeavor.

When Mayor Sitnick asked Mr. Eckert his thoughts on setting time restrictions on large tractor-trailer trucks for deliveries in the downtown area, Mr. Eckert responded that he did not think regulating them is realistic or practical.

When Vice-Mayor Hay questioned if having different rates in different parts of the City for on-street parking would be feasible, Mr. Bourque felt that it can work but depends on the merchants themselves.

Mayor Sitnick said that as we move further into the parking study, possibly there can be more coordination with the N.C. Dept. of Transportation on their signage on the highways into downtown Asheville.

City Manager Westbrook said that the parking garage will be the largest single expenditure coming out of the parking study and one that has already been talked about as a need in the Grove Arcade and Civic Center area. Staff hopes that the revenues from the entire parking system will be enough to generate the debt service to pay the bonds that we need to build such a structure. However, if that is not the case, then we will need to look at another revenue source to do that. City Attorney Oast noted that part of our agreement with the Grove Arcade has them contributing financially to a deck if it gets built in a certain area.

Upon inquiry of Councilman Sellers, City Manager Westbrook said that the preliminary guidance to the staff has been that when they start the design of the deck that the first floor will have street shops. He said that adds to the cost upfront but you can generate some revenue from it, however, there are some restrictions in the bond issue. It is also staff's intent to design the deck to make it appealing to that particular part of town.

Mayor Sitnick was not opposed to considering approaching the County and the State, both of whom have many offices downtown, to help us with some of the parking needs of the downtown area.

Mr. Bourque encouraged City Council to think long-term because if the City does proceed with the garage design, knowing in advance the potential future purpose of that garage can provide the designer an opportunity to make provisions for those revisions.

Mayor Sitnick closed the public hearing at 5:47 p.m. -6-

It was the consensus of City Council to consider adopting the Comprehensive Parking Study for Downtown, Biltmore Village and West Asheville areas on December 15, 1998.

C. PUBLIC HEARING RELATIVE TO A CONDITIONAL USE APPLICATION TO LOCATE A TELECOMMUNICATIONS TOWER AT 754 MERRIMON AVENUE

Due to an error in notice of the public hearing (a "Z" sign was not posted at the site), Councilman Cloninger moved to continue this public hearing until November 10, 1998, without further legal advertisement. This motion was seconded by Councilman Cobb and carried unanimously.

D. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE REGARDING A WIRELESS TELECOMMUNICATION FACILITIES ORDINANCE

Senior Planner Gerald Green said that this is the consideration of a motion to reschedule the public hearing relative to wireless telecommunications facilities ordinance to November 24, 1998.

The Planning and Zoning Commission received an overview of the draft Telecommunications Facilities ordinance from Paul Rosa at their October 7, 1998, meeting. The Commission members asked questions regarding the draft ordinance and received input from one representative of a telecommunications provider. The Commission requested staff schedule an opportunity for providers of telecommunications services to

comment on the ordinance in a setting which would be conducive to discussion. The Commission continued this matter until the telecommunication services providers have had the opportunity to comment on the draft ordinance. A meeting to obtain the input of the providers is scheduled for October 28, 1998, at 3:00 p.m. This item has been placed on the Planning and Zoning Commission agenda for their November 4, 1998 meeting.

Based upon the action of the Planning and Zoning Commission, City staff recommends that City Council continue the scheduled public hearing on this matter until their November 24, 1998, meeting.

Therefore, Councilman Sellers moved to continue the public hearing until November 24, 1998. This motion was seconded by Councilman Tomes and carried unanimously.

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

A. ORDINANCE NO. 2521 - AMENDMENT TO ORDINANCE GRANTING A FRANCHISE TO OPERATE A TROLLEY WITHIN THE CITY OF ASHEVILLE

City Attorney Oast said that in June of 1998, City Council authorized the granting of a trolley franchise to Asheville Trolley Works. It appears now that that operation will be taken over by the Grove Park Inn Resort Inc. Therefore, he reviewed the following amendments to the franchise: (1) To change the name of the group franchised from "Asheville Trolley Works, LLC" to "Grove Park Inn Resort, Inc., a Delaware Corporation, doing business as The Asheville Trolley Works"; (2) Add a stop at the Grove Arcade (staff will not designate the exact location of the stop until the first shops at the Arcade are ready to open); (3) Change the term of the Franchise to start on the date of final approval of these amendments; and (4) Change the address for notification to Asheville Trolley Works from Mr. David Newman, General Delivery, Asheville, -7-

North Carolina, to Mr. Bill Kelly, Grove Park Inn, 290 Macon Avenue, Asheville, North Carolina, 28804. He said that this franchise amendment will require two votes on two separate dates. He asked that if Council approves the amendment on first reading at this meeting, that the second reading be held next week at Council's worksession scheduled for November 4, 1998.

Upon inquiry of Vice-Mayor Hay on the name which will show on the trolley, noting that "Asheville Trolley Works" was more appealing than possibly the "Grove Park Inn Trolley", Urban Planner Bruce Black noted that there is nothing in the franchise (other than the name can't be confused with the regular Transit Authority buses) that would limit the Grove Park Inn from choosing any name they want. Vice-Mayor Hay was concerned that residents might think they have to be guests at the Grove Park Inn to ride the trolley.

City Attorney Oast said that even though there was nothing in the franchise about the name, City Council can certainly make the name of the trolley a condition of the franchise.

Councilman Cobb moved to adopt Ordinance No. 2521 on its first reading, subject to the Grove Park Inn using the name "Asheville Trolley Works", or another name tied to the City of Asheville, on the vehicles.

Councilman Cloninger opposed the option because he felt the City Council should not be telling businesses what names they should use on the vehicles that they either own or lease. He said that the Grove Park Inn will be incurring a substantial expense in running the operation of the trolleys and Council is saying that they can't even identify on the vehicles that they are the ones providing the service.

Since the ordinance would have to be voted on again at the November 4 meeting, after a brief discussion it was the consensus of City Council to instruct staff to contact the Grove Park Inn and invite a representative to the November 4 worksession in order to negotiate with them the insignia that will appear on the outside of the vehicles.

Councilman Cobb amended his motion to adopt Ordinance No. 2521 on its first reading, subject to further discussion on the insignia that will appear on the outside of the vehicles. This motion was seconded by Councilman Sellers and carried unanimously.

VI. OTHER BUSINESS:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 13, 1998

Councilman Tomes moved for the adoption of the minutes of the regular meeting held on October 13, 1998. This motion was seconded by Councilman Sellers and carried unanimously.

B. CLOSED SESSION

Because Representative Martin Nesbitt has requested he be allowed to speak to City Council on the issue of the future of the Asheville Motor Speedway and his plane will arrive in Asheville shortly after 7:00 p.m., Mayor Sitnick suggested City Council proceed with their closed session business, recess the meeting and then reconvene the meeting once Representative Nesbitt arrives.

Councilman Tomes said that he will be driving to Durham, North Carolina, after the Council meeting and since there will be no official action taken by City Council, he asked to be excused after coming out of closed session. -8-

At 6:10 p.m., Councilwoman Field moved to go into closed session for the following reasons: (1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or is not considered a public record within the meaning of Chapter 132 of the General Statutes. That law that renders the information to be discussed privileged or confidential is G.S. 143-318.10 (e) - statutory authorization is G.S. 143-318.11 (a) (1); and (2) to consult with an attorney retained or employed by the City Council in order to preserve the attorney-client privilege between the City and its attorney. The parties in the lawsuit about which the Council expects to receive advice are: Fairway Outdoor Advertising Inc., Outdoor Communications Inc., Maple Cove Inc. and the City of Asheville - statutory authorization is G.S. 143-318.11 (a) (3). This motion was seconded by Councilman Tomes and carried unanimously.

At 7:05 p.m., Councilman Sellers moved to come out of closed session. This motion was seconded by Councilman Cobb and carried unanimously.

At 7:12 p.m., Councilwoman Field moved to excuse Councilman Tomes from the meeting. This motion was seconded by Councilman Sellers and carried unanimously.

C. FUTURE OF THE ASHEVILLE MOTOR SPEEDWAY

At 7:14 p.m., Mayor Sitnick recessed the meeting to await Representative Nesbitt's arrival.

At 7:25 p.m., Mayor Sitnick called the meeting back to order.

Representative Martin Nesbitt, attorney representing a number of people, appreciated City Council allowing him to time to speak at this meeting. Following a meeting last week of approximately 90 people, an executive committee (called "Speedway 99") was appointed to work on this problem and to try to bring some resolution. The committee members consist of: Sharon Tolley (car owner and business owner of medical emergency ambulance), Kermit Tolley (car owner, business owner of medical emergency ambulance and Asheville property owner), Martin Nesbitt (car owner, driver and bank manager for Wachovia), Michael Fryar (Fryar Performance Inc.), Ron Crane (car owner, business owner and owner of riverfront property), Dean Jones (Owner of Prime Time Design Graphics/Souvenirs), Keith Cochran (5 years marketing - Public Relations

Director of AMS and Owner of Check Flag Publications), Almeria Waldrop (former concession stand manager, customer relations manager for First Union), Danny Jones (Owner of Dans Discount Tobacco Stores), and Ken Jarvis (Advertising Manager for Ingles Market). The committee has set up three working groups: history, media and fans; economic impact; and petitions and charities. As time progresses, the committee will be giving City Council petitions from the community asking that racing be restored at the Asheville Speedway. They will provide economic data on what the racetrack means to this area and will be requesting possible historic designation for all or part of the Speedway. There also may be a concept growing to create a Hall of Fame for the Asheville Speedway. The Speedway has produced some of NASCAR's greatest drivers and recently they have designated Jack Ingram (from Asheville) as one of the top 50 drivers of all time. He said the Speedway is no small venture - it has generated substantial income to the owners over the years, it brings in approximately 3-4,000 fans a week during the summer, approximately 100 race cars, five people in each crew for each race car, vendors that sell to that race track (approximately \$10,000 each), sponsors, and many marketing people. There is a tremendous infrastructure built around race cars and the building of race cars. After you pass the people who are directly involved, you get to a much larger racing audience. Some people do it and spend money at it, but a lot of people do it and depend on it for their living. He explained how racing is a family and how shocked everyone was when they didn't even get to say good-bye to the racetrack. He stressed that racing is a cultural economic benefit to this community. If you close it for any amount of time, everyone loses - the fans -9-

leave, the drivers leave, you can't get management and concessionaires back, and NASCAR sanction won't come back. He had high hopes for another racetrack in this community. They propose to work with City Council to figure out a way to operate the speedway until another racetrack can be built. He knows of three groups who are willing to build a speedway here. He asked for City Council to work with the people who worked to help the City acquire the property and see if they can convince them to allow racing for another year. The racing community offered their help to find people that Council would be comfortable with to operate that facility. They also asked Council to make sure that no plans are made concerning that facility until they have had a chance to explore the possibility of a Hall of Fame or a historical designation for that area. He said this whole situation is about something that has happened and now what can be done to repair our community and to keep something that is extremely good about Asheville and its people in place until we can overcome this and go onto the next step. He said they stand ready, willing and able to help City Council in anyway they can and they hope City Council will help them.

Upon inquiry of Councilwoman Field, City Attorney Oast said that deed restrictions come from two instruments. One is the deed from RiverLink which contains a restriction that says the property can only be used for residential purposes and the other is a conservation easement with the State of North Carolina which is an even stricter restriction in a corridor that is 100 feet wide right next to the river.

When Councilwoman Field asked the City Attorney if it was possible to allow racing for one more year, he replied that it would be difficult, but not impossible. He said it would require everyone up the chain of title and the State of North Carolina to agree to this.

Councilwoman Field said that personally she would like to see City Council at least look into the possibilities of whether we can or can't so that we don't leave the racing community out on a limb.

When Councilman Cloninger asked what the next steps would be, Representative Martin suggested that the first step would be for the City to go back through the chain of title and get the responses. He was very optimistic that people will agree under the right circumstances. After the responses have been obtained, then the City can come back to the racing community and tell them what the conditions are so that they know where to start looking in terms of managing the racetrack.

Councilman Cloninger agreed that the City should work on the legal aspects and the racing community should work on a proposal on the management of the racetrack.

Upon inquiry of Councilman Cobb, Representative Nesbitt said that if the City needed any help with anyone in the chain of title, they would be willing to talk to them.

Councilwoman Field said that she felt the City Manager feels that since all the negotiations were made outside of the City, just brought to the City as a complete package, that it may be better that RiverLink or whoever did the negotiations, go back to the people in the chain of title, especially since there was one anonymous donor. Representative Nesbitt said that the City now owns the racetrack and that is the reason this group is before Council, however, he felt that RiverLink is probably already doing something some of that. He felt that getting control of the land for the future was what the deal was all about, not getting rid of the Speedway.

Upon inquiry of Vice-Mayor Hay on how the restrictions would be enforced, City Attorney said that it would require some action on their part to enforce the restrictions. He believed that was not only true of the deeds but also of the easement. He said the possibility might be some type of waiver of the right to enforce that part of the restrictive covenant. -10-

Mayor Sitnick was concerned that the people didn't have a chance to say good-bye to the racetrack. Personally, she hoped that the City can find a way to allow the Speedway to operate for another year so that (1) people can use their engines, mufflers, etc., and (2) so that there is time for another bigger, better and safer speedway to be built. She was not aware of the things going on in the racing community, other than the issue of the noise ordinance, the mufflers, and the money that individuals spent on their cars. If she had this to do all over again, she would have done it differently. In her mind, the City was accepting a gift from a private property owner who wanted to honor his family at a time when this Council had just adopted a Comprehensive Parks & Recreation and Greenways Master Plan, noting that more park land was needed. She felt she should apologize for not being more sensitive to not only the widespread economic impact of the racetrack, but for the fact that she was not aware of the impact on the individuals involved. She was not saying that she wouldn't have accepted the gift, but she would have done it differently. On the other hand, they were asked by the private property owner to keep it confidential, in the short amount of time Council knew about it, and they honored that. At this point, it is her responsibility to do whatever she can to help the racing community find another way to race their cars, to work with this chain of title in the deed, and to see if we can keep the track open for another year so that we don't lose the NASCAR sanction. The only negative aspect she heard about the racetrack was the noise and she felt that everyone involved with the raceway did everything they could to abate that problem. She would like to work with the Executive Committee and with RiverLink to find a way to do what the Committee has asked Council to do.

Representative Nesbitt said that, to some degree, they will need to know what, if any, restrictions are going to be put on the operation of the racetrack before they can put together a proposal to present to City Council in order to get a promoter to operate the racetrack.

City Attorney Oast said the first step which needs to happen is whether the parties are willing to let the racetrack continue to operate under any conditions, and then find out what those conditions are.

Since Councilman Sellers has shown so much leadership on this issue, it was the consensus of City Council to appoint him to serve as liaison between the racing community and the City in coming up with a proposal to make to the City.

Councilman Cobb said that nothing would please him more than to see the racetrack operate another year and make a nice transition to a different location.

It was the consensus of Council to add the future of the speedway on the November 10, 1998, agenda so that City Council can be brought up-to-date on the progress being made.

When Councilwoman Field asked if another racetrack could be built in a year because in one year she didn't want to be in the same position, Representative Nesbitt said that hopefully it was possible because the people that are capable of building one are out there. He said they would do everything they can as a racing community to move this along. He did note, however, that their request was that they want City Council to bridge the gap between now and when a new racetrack can be built. Mr. Scott Jarvis said that he was assured by one of the principals in one of the groups interested in building a racetrack, that if they have the opportunity, they can have the project up in one year.

Vice-Mayor Hay said that one concern is that people were told that there would be another year of racing and they relied on that by investing their money. By allowing racing for one more year, they wouldn't be in that position because they will have a much clearer idea of what is going to happen to the racetrack.

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The following individuals made several comments relative to supporting the continued racing at the Asheville Motor Speedway:

Ms. Kathy Young, race fan

Mr. Fred English, Haw Creek resident

Ms. Leslie King, race fan from Candler

Mr. Jack Ingram, race car driver

Mr. Bruce McTaggart

Mr. Todd Heckman, race fan from Candler

It was the consensus of City Council to instruct the City Attorney to start pursuing how the racetrack can continue for another year legally by contacting RiverLink and the individuals in the chain of title. Then, the Committee will work with Councilman Sellers to bring back a proposal to City Council regarding management of the racetrack.

Mayor Sitnick thanked everyone for their comments. She said that City Council wants to open the dialog and wants to work with the racing community. She thanked Representative Nesbitt for his interest, concern and time on behalf of the racing community and the City of Asheville. She knows there are a lot of hard feelings, however, the City had no bad intentions.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

VIII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 8:30 p.m.

CITY CLERK MAYOR
