

Tuesday – March 13, 2001 - 5:00 p.m.

Regular Meeting

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger (excused from meeting at 6:30 p.m.); Councilwoman Terry Bellamy; Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Worley gave the invocation.

I. PROCLAMATIONS:

A. RECOGNITION OF MS. GREGOR LEE – MISS ASHEVILLE 2001

Mayor Sitnick introduced Ms. Gregor Lee, Miss Asheville 2001. Ms. Lee briefed Council on the Miss Asheville program and explained how she looked forward to representing Asheville.

II. CONSENT:

A the request of Councilman Peterson, Consent Agenda Item "I" was pulled to be discussed separately.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 27, 2001, AND THE WORKSESSION HELD ON MARCH 6, 2001

B. ORDINANCE NO. 2793 - BUDGET AMENDMENT FOR THE WATER 35 FUND TO PROVIDE FUTURE FUNDING FOR THE N.C. DEPT. OF TRANSPORTATION SWEETEN CREEK PHASE II WATER LINE REPLACEMENT PROJECT

Summary: The consideration of a budget amendment in the 35 Fund – Water Major Capital Improvements Fund to provide future funding for the N. C. Dept. of Transportation Project Sweeten Creek Phase II.

By Resolution 82-25 dated October 5, 1982, the Regional Water Authority authorized and budgeted for various capital projects to be funded by Investment Earnings, Contributions From Other Funds and Appropriated Fund Balance.

The Sweeten Creek Phase II N.C. Dept. of Transportation (NCDOT) Non-Betterment Relocation Project is expected to be complete in Fiscal Year 2002/2003 and will be funded with future funds from the Fiscal Year 2002/2003 Revenue Bond Issue. The construction cost for this project has been estimated by NCDOT to be \$1,132,520 and a 10% contingency of \$113,250 (including inspection fees) has been included in replacement of parallel 8" and 16" lines with a new 20" water line in Sweeten Creek Road between Roberts Road (near I-40) and Rock Hill Road (near Stockwood Rd). In addition to this NCDOT project, the Fiscal Year 2002/03 Revenue Bond Issue will fund several other NCDOT projects, Water Treatment Plant Improvements, Master Plan Improvements, and Annexation Projects. At this time, it is necessary to approve future funding for the Sweeten Creek Phase II NCDOT Project so that a Utility Agreement can be signed.

The following changes are recommended in the 35 Fund:

Revenues:

Contribution From Other Funds – Future Current Recommended

\$3,438,898 \$4,684,668

Appropriations:

Future NCDOT Water Projects \$3,438,898 \$4,684,668

The Regional Water Authority approved the amending of Capital Project Ordinance 82-25 at their January 16, 2001, meeting.

City staff recommends approval of a budget amendment to reflect an increase in the future NCDOT Water Projects with the N. C. Dept. of Transportation to include the Sweeten Creek Phase II Water Line Replacement Project.

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C. ORDINANCE NO. 2794 - BUDGET AMENDMENT APPROPRIATING REVENUE AND EXPENDITURES FOR THE 2001 BELE CHERE FESTIVAL

Summary: The consideration of a budget amendment appropriating revenue and expenditures for the Bele Chere 2001 Festival.

This budget has been approved by Parks and Recreation staff and by the Bele Chere Board on February 21, 2001. This request represents a balanced budget with appropriate revenue offsetting expenditures.

Parks and Recreation Department recommends City Council adopt the budget amendment in order to recognize revenue and appropriate funds for Bele Chere 2001 Festival.

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D. MOTION SETTING A PUBLIC HEARING ON MARCH 27, 2001, TO CONSIDER A CONDITIONAL USE PERMIT FOR ANCILLARY USE (PARKING LOT) IN A RESIDENTIAL DISTRICT AT 2 GRANDVIEW PLACE

E. MOTION SETTING A PUBLIC HEARING ON MARCH 27, 2001, TO CONSIDER A CONDITIONAL USE PERMIT FOR THE CONVERSION OF KENILWORTH INN, LOCATED AT 60 CALEDONIA ROAD, TO APARTMENTS

F. MOTION SETTING A PUBLIC HEARING ON MARCH 27, 2001, TO CONSIDER A CONDITIONAL USE PERMIT FOR ANCILLARY USE (PARKING LOT) IN A RESIDENTIAL DISTRICT AT THE CORNER OF CHARLOTTE STREET AND EDWIN PLACE

G. MOTION SETTING A PUBLIC HEARING ON MARCH 27, 2001, REGARDING THE INSTALLMENT CONTRACTS FOR THE PURCHASE OF PROPERTY ON AZALEA ROAD

H. MOTION SETTING A PUBLIC HEARING ON MARCH 27, 2001, TO REZONE PROPERTY LOCATED AT 240 SMOKY PARK HIGHWAY FROM HIGHWAY BUSINESS DISTRICT TO COMMERCIAL INDUSTRIAL DISTRICT

I. MOTION APPROVING THE PUBLIC INVOLVEMENT PROCESS AND SCHEDULE FOR COMPLETING THE COMPREHENSIVE PLAN UPDATE

This item was removed from the Consent Agenda for discussion.

J. ORDINANCE NO. 2795 - BUDGET AMENDMENT TO COMPLETE VARIOUS TRANSPORTATION PROJECTS

Summary: The consideration of a budget amendment, in the amount of \$58,000, to complete various transportation planning projects.

The Transportation Services Division of the Engineering Department requests a change in the professional services operating budget. The amendment would allow several transportation planning studies for the MPO to be completed. One-hundred percent of this money will be reimbursed by the State, City of Woodfin and City of Fletcher. The studies include:

- Charlotte Street Corridor Study - \$18,000
- Town of Woodfin Corridor Study - \$20,000
- Town of Fletcher Corridor Study - \$20,000

The Charlotte Street Corridor Study will be paid with a combination of State Planning (PL) Funds (80%) and City of Asheville Funds (20%). The total cost of this project is \$22,500. The additional money requested for this project, \$18,000, will be reimbursed by the State after the project is complete.

Since the City of Asheville is the Lead Planning Agency (LPA) for the MPO, other participating towns must work through our budget process to be reimbursed by the State. Both Woodfin and Fletcher will pay bills in full for their project and will seek reimbursement for the 80%. Thus, there will be no net cost to the City of Asheville as it will be treated as a "pass through" account. The 20% matching funds for those projects located in the Towns of Woodfin and Fletcher will be paid by those local governments.

The only cost to the City of Asheville to complete these three studies is \$4,500 and that is already budgeted.

City staff requests City Council approve a budget amendment, in the amount of 58,000, to complete various transportation planning projects.

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

Vice-Mayor Cloninger moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Worley and carried unanimously.

ITEM REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION

MOTION APPROVING THE PUBLIC INVOLVEMENT PROCESS AND SCHEDULE FOR COMPLETING THE COMPREHENSIVE PLAN UPDATE

Planning & Development Director Scott Shuford said that this is the consideration of a motion approving the public involvement process and schedule for completing the 2010 Plan Update.

As part of the Planning & Development Department work program, staff is preparing to move forward on the public participation portion of the Comprehensive Plan update.

Our proposal is to follow the same participation model that worked quite well with the I-26 Connector Project. Staff would assemble an advisory committee of 20-30 people that cover a broad spectrum of the community. This committee would have a couple of organizational and buy-in meetings at the start of the project, would monitor the process of public involvement, and would make final recommendations at the conclusion of the process.

Public involvement is planned as six area-specific forums at which staff will make an initial "here are some area issues and some ideas for addressing them" presentation and the public will have a significantly longer time at the meeting to respond and provide ideas in a facilitated setting. In effect, we would be combining an educational, visioning and innovations presentation with an opportunity for extensive input. This would be similar to a combination of the Education and Design Forums process used for the I-26 Connector project.

Using the area-specific approach would allow us to move forward with approval of elements of the plan if we ran into delays in some areas and not others. In other words, if there were no controversies with the Center City element but there were concerns in the South or East areas, we could approve the Center City element and work on the problem areas on a different schedule. There would also be one "Citywide Issues" forum after the area-specific forums to address larger scale issues like I-26. The forums would be facilitated by a professional meeting facilitator not associated with the City to insure the neutrality of the facilitation. We would also like to bring in an outside speaker on the importance of good urban design as a "kick-off" event for the participation process.

Preliminary timelines for this involvement process started on March 6, 2001, with City Council public hearing tentatively scheduled on September 25, 2001. This is an aggressive schedule that can be modified and/or lengthened depending on the need for additional public input.

Mr. Shuford said that at Council's March 6, 2001, worksession, Council asked him to forward to them the suggested makeup of the Asheville City Plan – 2025 Steering Committee. This group represents about the largest committee that could reasonably be accommodated using the participatory model proposed by staff. The committee contains 45 members, making it roughly the same size as the Sustainable Economic Development Task Force.

The intent of staff is not to select the members representing the listed organizations, but let each board chair or executive officer designate who will represent his or her group. Staff would select the at-large members. The numbers in parentheses represent the number of representatives from a particular organization. If no numbers are shown, the group would receive one spot on the Steering Committee. The following is the make-up:

CITY TASK FORCES, COMMITTEES, BOARDS AND COMMISSIONS - Planning and Zoning Commission (3), Downtown Commission, Historic Resources Commission, Tree Commission, Greenway Commission, Parks and Recreation Board, Board of Adjustment, Sustainable Economic Development Task Force, and I-26 Community Coordinating Committee.

INSTITUTIONS/ GOVERNMENTAL - Asheville-Buncombe Technical Community College, University of North Carolina at Asheville, Mission-St. Joseph's Hospital, Land-of-Sky Regional Planning Council, and the N. C. Dept. of Transportation.

COMMUNITY ORGANIZATIONS - Coalition of Asheville Neighborhoods (3), RiverLink, Chamber of

Commerce, Tourism Development Authority, Board of Realtors, Council of Independent

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Business Owners, Quality Forward, Asheville-Buncombe Vision, Affordable Housing Coalition, Smart Growth Partners, Asheville Downtown Association, Western North Carolina Alliance, and Eagle-Market Street.

AT LARGE - General (5), Design Professionals (4), Private Sector Developers (3), and Non-Profit Developers (2).

Mr. Shuford noted that the City will also need to establish a consultative relationship with the following organizations in order to get their important ideas: Buncombe County (including the planning boards for Beaverdam and Limestone areas), Asheville City School Board, Buncombe County Board of Education, Metropolitan Planning Organization, Airport Authority,

Water Authority, Metropolitan Sewerage District, Town of Woodfin and Town of Biltmore Forest.

City staff recommends City Council direct staff to initiate the public involvement process for the Comprehensive Plan update.

Councilman Peterson felt that the steering committee should have more members so there can be more elements of the community involved and a broader base of support. He felt that the committee proposed by staff is too organization focused and not geographically focused. He also objected to staff selecting the committee members. He explained that in the past when staff has selected a committee, those who were not selected felt excluded from the process and generated more opposition than necessary. In addition, he wondered if the schedule is too aggressive and questioned if something this large be done in that timeframe.

At the suggestion of Councilwoman Bellamy and after discussion, it was the consensus of Council to increase the number of general at-large members from 5 to 10, with Mayor Sitnick, Councilwoman Bellamy and Councilman Peterson working with Mr. Shuford to identify those members. Council members were urged to submit names and addresses to Mr. Shuford of individuals they suggest be involved in the steering committee.

Councilwoman Bellamy moved to approve the public involvement process and schedule for completing the Comprehensive Plan update as modified. This motion was seconded by Councilman Peterson and carried unanimously.

III. PUBLIC HEARINGS:

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

A. RESOLUTION NO. 01-25 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE SCHOOL BOARD

Vice-Mayor Cloninger said that on March 6, 2001, City Council interviewed Allison Jordan, Lewis Isaac, Barbara Blackburn, Adam Baylus, John Legerton, Mark Gordon, Richard Sandoval and T. Keith Thomson.

Each member of Council spoke high praise for all the candidates and felt that any one of them interviewed would make an excellent School Board member. There was a consensus amongst Council that there needs to be a better job in finding ways to communicate with the School Board.

Councilman Peterson nominated Allison Jordan, Mark Gordon and Richard Sandoval.

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Councilwoman Bellamy nominated Allison Jordan, John Legerton and Mark Gordon.

Councilman Hay nominated Lewis Isaac, John Legerton and Mark Gordon.

Councilman Worley nominated Lewis Isaac, John Legerton and Mark Gordon.

Councilwoman Field nominated Lewis Isaac, John Legerton and Mark Gordon.

Vice-Mayor Cloninger nominated Lewis Isaac, John Legerton and Mark Gordon.

Mayor Sitnick nominated Adam Baylus, John Legerton and Mark Gordon.

After tallying the votes, Mark Gordon received 7 votes, John Legerton received 6 votes, Lewis Isaac received 4 votes, Allison Jordan received 2 votes, Adam Baylus received one vote, and Richard Sandoval received one vote.

Therefore, Councilman Worley moved to (1) reappoint John Legerton and Lewis Isaac as members of the Asheville School Board to each serve an additional four year term respectively, terms to expire April 1, 2005; and (2) appoint Mark Gordon to serve a four year term, term to begin on April 1, 2001, and expire April 1, 2005. All appointments are until their successors have been appointed. This motion was seconded by Councilman Hay and carried unanimously.

City Council instructed the City Manager to work with the School Board in developing a process whereby the Council and the School Board can meet jointly and develop goals City Council would like to see accomplished. It was also suggested that the City Council and the School Board meet on a quarterly basis. City Council asked the City Manager to report back to Council on how this goal setting process can be accomplished.

Mayor Sitnick said that two topics of discussion for the quarterly meetings could include appointed v. elected School Board and if the School Board should be increased from 5 to 7 members for additional representation in the community.

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B. RESOLUTION NO. 01-26 - RESOLUTION ENDORSING SELECTED SITE FOR PASSENGER RAIL STATION

Vice-Mayor Cloninger, Chair of the Passenger Rail Service Action Committee, said that last year the N. C. legislature asked the Rail Division of the N. C. Dept. of Transportation (NC DOT) to update a 1997 study on the feasibility of providing rail service to Western North Carolina. The Rail Division has been working on the report and plans to present it to the General Assembly in March, 2001. As part of the overall report, a separate Site Location Study was done for Asheville, the only city on the proposed route that had not determined a station site. The consulting firm of Gannett-Fleming was hired to conduct the study for the NC DOT Rail Division. On August 22, 2000, City Council created the Passenger Rail Service Action Committee to work with Gannett-Fleming and the NC DOT to evaluate several sites based on station service requirements and other specific evaluation criteria.

Economic Development Director Mac Williams then reviewed the station service requirements and the other specific evaluation criteria used. The then explained the advantages and disadvantages of each of the sites.

As a result, the Passenger Rail Service Action Committee voted unanimously to locate the new station near Biltmore Village, on the site known as the Biltmore Station Shops, across the tracks from the former depot.

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Discussion surrounded the estimated cost of the station being \$2.7 million, with a 10% local match requirement, which can be met by a variety of sources, i.e. grants, public/private partnerships, etc.

On behalf of City Council, Mayor Sitnick thanked Vice-Mayor Cloninger and committee members Bradley Hix, Chris Cavanaugh, Stan Collins, Karen Cragolin, Jim Coman, Linda Giltz, Judy Calvert, Mac Williams, Stacy Merten, Bruce Black, Ron Fuller, Cathy Ball, David Bender, Craig Newton and Travis Pollack.

Mr. Fred English was not supportive of passenger rail service coming to Asheville because of the cost and he felt there would not be enough riders.

Mr. David Gory felt that the concept of a private/public venture to run the rail station is a good idea but questioned where the \$2.7 million would come from.

Ms. Hazel Fobes questioned ownership of the tracks, the station and the rail cars. She also wondered who would have the responsibility of repairing the tracks.

Mayor Sitnick felt this is one small thing City Council is pursuing in order to reduce air pollution in our community. She noted several other ways in which the City is working to eliminate pollution.

Mr. William Meredith noted that if the train is a diesel electric train, then it will be adding just as much pollution to the air as cars. He suggested alternative fuels.

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

Councilman Worley moved to adopt Resolution No. 01-26. This motion was seconded by Councilwoman Bellamy and carried unanimously.

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At 6:30 p.m., Councilwoman Bellamy moved to excuse Vice-Mayor Cloninger from the remainder of the meeting since he needs to be in Raleigh the next morning. This motion was seconded by Councilman Worley and carried unanimously.

C. RESOLUTIONS OF INTENT TO ANNEX LOWES AREA, UPPER SONDDLEY AREA, BEST INNS, OLD DOMINION FREIGHT AREA AND ARDEN AREA AND SETTING PUBLIC INFORMATION MEETINGS ON MAY 3, 2001, IN THE PUBLIC WORKS BUILDING LOCATED AT 161 S. CHARLOTTE STREET, AT 5:30 P.M., AND SETTING CITY COUNCIL PUBLIC HEARINGS ON MAY 22, 2001, IN THE COUNCIL CHAMBER, LOCATED ON THE 2ND FLOOR OF THE CITY HALL BUILDING AT 5:00 P.M.

Urban Planner II Paul Benson said that this is the consideration of resolutions stating the intent of the City to annex the following five areas: Lowes, Upper Sondley, Old Dominion, Best Inns and in the Arden area.

Starting with the report prepared in June 2000 by Benchmark Inc. City Planning staff have evaluated area surrounding the City of Asheville for annexation feasibility. Using geographic information system analysis the staff has narrowed the set of potentially qualifying areas to 5. Each of these areas meets one or more of the following criteria:

- o Minimal water and sewer extension costs
- o Clearly urbanized
- o Location within urban growth area
- o Eliminates inconsistency in corporate limits

The following summary information for each area will provide more detail on how the area meets these criteria, as well as other basic information about the area.

Area	Tax Value	Population	Properties	D.U.	Acres
Lowes Area	\$8,715,400.00	219	38	88	72.2
Upper Sondley	\$3,039,400.00	21	16	10	17
Best Inn	\$2,560,400.00	0	1	0	2.9
Old Dominion	\$1,144,600.00	0	1	0	15.5
Arden Area	\$15,926,300.00	171	114	72	124.9
Totals	\$31,386,100.00	411	170	170	232.5

Mr. Benson then reviewed with Council the following areas:

Lowes Area - This area, located in West Asheville, is characterized by mixed-use development ranging from high-value commercial along Smoky Park Highway, including Lowes, to lower density single-family residences both site-built and manufactured on Old Haywood Road. Infrastructure is also mixed with good service to much of the area, but with some deficiencies, especially in sewer and streets, in a part of the area. This area would close a distinct notch in the existing corporate limits by eliminating the only pocket on land on the south side of Old Haywood Road not in the city.
