

Worksession

Present: Mayor Charles R. Worley, Presiding; Councilman James E. Ellis; Councilwoman Diana Hollis Jones; Councilman R. Carl Mumpower; Councilman Brian L. Peterson (arrived at 3:32 p.m.); City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Vice-Mayor Terry M. Bellamy and Councilman Joseph C. Dunn

**CONSENT AGENDA:**

**Recommendation to Name Creek in West Asheville “Rhododendron Creek”**

Summary: The consideration of a resolution to name a creek in West Asheville as Rhododendron Creek.

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The Asheville Greenway Commission has identified a potential site for a neighborhood greenway in West Asheville that would connect Vance School, the West Asheville Library, and other locations west of Sand Hill Road with the West Asheville Park. This greenway would provide a safe pedestrian and bike route from the West Asheville community to the French Broad River. The proposed greenway would be along parts of an unnamed creek that runs along Sand Hill Road south of Wachovia Bank on Haywood Road, through the West Asheville Park, crossing Shelburne Road and running into Hominy Creek. In an effort to obtain community support for this greenway, the Greenway Commission sponsored a “Name the Creek Contest.” The winner of the contest was announced at West Fest in May and was 12- year old Henry McGuire. Henry has been instrumental in spearheading a clean-up of this creek. Henry’s research included a number of interviews with long-time West Asheville residents who remember Rhododendron Park that was located near the confluence of this creek and Hominy Creek at the present day Aston Park Health Center. Henry’s recommendation along with the Asheville Greenway Commission is to name this creek Rhododendron Creek in recognition of this former park. The process requires that this recommendation be submitted to City Council and that City Council forward this request to the United States Board of Geographic Names for official recognition and adoption.

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The Asheville Parks and Recreation Department and the Asheville Greenway Commission recommends City Council’s approval to name an unnamed creek in West Asheville as Rhododendron Creek and requesting that this recommendation be forwarded to the United States Board of Geographic Names for official recognition and adoption.

**Interlocal Agreement with Buncombe County for Parking Enforcement**

Summary: The consideration of a resolution authorizing the City Manager to sign an Interlocal Agreement with Buncombe County to patrol County parking lots and issue city tickets for illegally parked cars.

Buncombe County has asked the City Of Asheville to patrol their parking lots and issue citations to all vehicles illegally parked. They have passed an ordinance prohibiting parking by all but permitted vehicles.

Enforcement will be carried out by the City of Asheville, using current Parking Enforcement Officers. No additional personnel will be required to carry out this task, and all proceeds from citations will be retained by the City of Asheville. All appeals will go to the Parking Services Division and will be decided on the basis of existing City policies concerning parking citation appeals.

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City staff requests that City Council approve the resolution authorizing the City Manager to sign an Interlocal Agreement with Buncombe County to patrol County parking lots and issue city tickets for illegally parked cars.

**Kimberly Avenue Paving Project, Phase I**

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with APAC Atlantic, Inc. to mill, crack seal and pave Kimberly Avenue between Gracelyn Avenue and Beaverdam Road.

The City is in need of a contractor to repair and pave Kimberly Avenue, Phase 1, from Gracelyn Avenue to Beaverdam Road. This project will include: The milling of 14,000 square yards of existing asphalt, cleaning and crack sealing all longitudinal and transverse joints, adjustment of all utilities to be equal to final pavement level, and repaving of 1,538 tons of heavy duty asphalt mix. In accordance with N.C. Gen. Stat. sec. 143-131, informal bids for these construction services were solicited and three

responses were received. The bidders are listed below:

Company	MB Part	Drug Free	Bond	Bid
APAC Atlantic, Inc.		Yes		\$107,452.00
Precision Contracting, Inc. <a href="#">[none1]</a>	100%	Yes		\$121,706.00
Asphalt Unlimited of Asheville, Inc.	100%	Yes		\$143,800.00

The Public Works Department staff recommends City Council adopt the resolution to repair the pavement on Kimberly Ave from Beaverdam Road to Gracelyn Avenue.

### **GIS Grant from the Governor's Crime Commission**

Summary: The consideration of a budget amendment, in the amount of \$50,000, to accept a grant from the N.C. Dept. of Crime Control and Public Safety for GIS training and software and to enhance the GIS Capabilities Emergency Operations Center.

In January the Asheville Police Department applied for a \$50,000 grant from the Governor's Crime Commission (GCC) for GIS training and software, a large plasma PC monitor and a GIS Specified Workstation for the Emergency Operations Center. There was a 25% match requirement of \$12,500 for the grant and the remainder, \$37,500, came from GCC. The matching funds are available from the Asheville Police Department's Drug Tax Revenue, which are dispersed to the department by the State of North Carolina.

The purpose of the grant was to use the variety of applications of Geographic Information Systems (GIS) to help improve the services provided by public safety officials. The City of Asheville Police Department will use the training and additional software to enhance the capabilities of the Asheville Police Department Crime Analysis Unit. This will improve public safety for the citizens of Asheville by assisting the Police Department in clearing more cases through better identification of suspects and an enhanced capacity to identify crime patterns and trends.

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City staff recommends City Council adopt a budget amendment, in the amount of \$50,000, to accept a grant from the N.C. Dept. of Crime Control and Public Safety for GIS training and software and to enhance the GIS Capabilities Emergency Operations Center.

Mayor Worley asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda.

### **PACK SQUARE DESIGN GUIDELINES**

Planning & Development Director Scott Shuford said that this is the consideration of a resolution adopting the design guidelines for the Pack Square Renaissance Project. The development of design guidelines for the Pack Square Renaissance project area is a contractual obligation of the Pack Square Conservancy, Inc. in its agreement with the City.

The Pack Square Conservancy (PSC) has prepared design guidelines for City Council approval as required in their contract with the City of Asheville. These guidelines will provide design criteria and requirements for the publicly owned space within the boundary established by this contract. Since the PSC is raising millions of dollars of private funds for improving this critical public space, it is important that it has a definite say in how development within this space occurs. The PSC has held meetings with City staff, stakeholder groups and the public in late July to get input regarding these guidelines. Changes have been made to the guidelines to reflect this input.

The PSC is proposing both general guidelines for the entire area, and specific guidelines for separate development sites. The general guidelines provide direction for composition, ground floors, upper floors and setbacks, building tops, entryways, materials and windows. These guidelines should result in new structures that complement and enhance the surrounding development and the future development of the park. Based on staff review of the draft of the guidelines, we recommend the guidelines be approved. This draft incorporates earlier staff comments that address applicability of the guidelines to particular sites

and appropriate height limits for Site A.

City staff recommends City Council approve the guidelines.

Ms. Carol King, Chair of the Downtown Association and member on Pack Square Conservancy Inc., explained to Council that the design guidelines are meant to present an overview of the vision for Pack Square and City-County Plaza. The guidelines outline specific massing guidelines for each site, as developed by the Pack Square Conservancy, in order to provide consistency in façade articulation and special features. She reviewed the design principles for great urban spaces. She said that the Pack Square Conservancy retains authority, as part of these design guidelines, to grant minor variances to these guidelines on a project specific basis. All interpretations of these guidelines by Pack Square Conservancy shall be final. She then reviewed the general guidelines consisting of composition; ground floors; upper floor setbacks and terraces; building tops; entryways and portals; materials; and windows and bays.

Ms. King then briefly reviewed the design guidelines for Sites A and D and the suggested design guidelines for Sites B and C. She also reviewed the sun/shadow study.

Ms. King answered various questions/comments from Council, some being, but are not limited to: what kind of public input was obtained, and why is the Jackson Building the standard regarding height.

Mayor Worley asked that the record show that City Council has received this information and instructs the City Manager to place this item on the next formal City Council agenda.

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### **ASHEVILLE-BUNCOMBE VISION DIALOGUES**

Mr. Joe McGuire invited City Council to participate in the 2003 VISION Community Dialogues and explained that the goal of Asheville-Buncombe VISION Inc. is (1) to encourage discussion among diverse residents in order to promote understanding of how local issues affect different segments of our community and (2) to encourage citizens to collaborate on efforts that benefit the whole community. This year's topic, "How Do We Create the Housing that Matches our Community Needs", will focus on community housing needs.

When Councilwoman Jones suggested using the Government Channel to publicize the meetings, Mr. McGuire said that they have done that in the past and they will try to do it again.

### **UPDATE ON THE METROPOLITAN PLANNING ORGANIZATION MEMORANDUM OF UNDERSTANDING**

City Engineer Cathy Ball said that this is the initial review of Memorandum of Understanding for the French Broad River Metropolitan Planning Organization.

The Metropolitan Planning Organization (MPO) is in the process of expanding to include all of the local governments in Buncombe, Haywood, and Henderson Counties. As a part of the expansion, the MPO must draft a new agreement known as the Memorandum of Understanding (MOU). All of the local governments must sign the agreement in order to participate in the MPO process.

This final draft of the Memorandum of Understanding was approved by the Transportation Advisory Committee on July 17, 2003. The agreement establishes the membership and voting policies for the Transportation Advisory Committee (TAC) and Technical Coordinating Committee (TCC).

The TAC and TCC developed this draft Memorandum over several months. The document is a result of significant negotiation and discussion regarding representation and voting policies. At the end of the negotiation process, the TAC unanimously approved the draft.

The draft Memorandum establishes the membership of the TAC with two representatives for Asheville, two for Buncombe County, two for Haywood County, and two for Henderson County. Each of the other jurisdictions will have one representative. The draft Memorandum also includes a number of provisions to give local governments the ability to make decisions about projects that directly impact their jurisdiction. These provisions would provide for local veto power or weighted voting on certain project decisions.

This draft agreement has been mailed to all eighteen jurisdictions for their review and comment. The N. C. Dept. of

Transportation has asked us to complete the expansion process by October 1, 2003. The MPO staff has asked all of the jurisdictions to provide comments on the draft by August 20, 2003. Once all of the comments have been received, staff will coordinate a process to address any concerns, and if necessary, make changes to the document.

If this process proceeds according to schedule, City Council will be asked to formally approve the document sometime during the month of September. Once Council has reviewed the document, please provide staff with any comments, questions, or concerns.

Ms. Ball explained the purpose of the MPO; the MPO expansion; the boundary agreed upon, but would need to be altered to include the Town of Mills River; the current member governments; the new member governments; the major MPO functions; the MOU, and the TAC

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representation. She then reviewed the weighted voting with an example on how that voting would take place.

Ms. Ball then answered various questions/comments from Council, mostly relating to the weighted voting, membership proxies, TAC membership, and TCC membership.

### **SETTING A PUBLIC HEARING TO CONSIDER THE JANE HALL LIDDELL BATTLE HOUSE LOCATED AT 288 MACON AVENUE AS A LOCAL HISTORIC LANDMARK**

Ms. Stacy Merten, Director of the Historic Resources Commission, said that this is the consideration of setting a public hearing on August 26, 2003, to consider an ordinance designating the Jane Hall Liddell Battle House located at 288 Macon Avenue as a local historic landmark.

The Battle House is located within the Grove Park Neighborhood, at 288 Macon Avenue, approximately 1 mile northeast of its intersection with Charlotte Street, on a 1.76-acre tract of land. The boundaries of the proposed designated property, however, do not include the full tax parcel, but encompass a 1.23-acre parcel. The structure is located between the Grove Park Inn and the Bynum House, on the west side of Macon Avenue. The house stands below the elevation of the street and overlooks the former Asheville Country Club Golf Course, now owned by the Grove Park Inn.

The Battle House was built in 1927-1928 for prominent Asheville resident Mrs. Jane Hyde Hall Liddell Battle, the widow of Dr. Samuel Westray Battle. The house is a highly refined example of the Tudor Revival style and is architecturally unusual in its features as compared to most other houses in Asheville designed in this style. The Battle House is significant for its association with Jane Hall Liddell Battle, landscape designer Earl Summer Draper and prominent New York architect Warrington G. Lawrence. The Battle House is the only known example of Lawrence's work in Asheville.

In 1954 the Battle House was bought by Skyway Broadcasting Company. Skyway owned an AM and FM radio station with the call letters WLOS. On September 18, 1954, WLOS-TV aired the first VHF station in Asheville, channel 13, from their new radio and television studios in the Battle House. Some \$200,000 in renovations and new equipment transformed the stately home on into a technological landmark. With VHF transmission from one of the country's highest transmitters atop Mount Pisgah, national and local programming could be enjoyed with a high level of clarity throughout the entire Western North Carolina region. WLOS-TV broadcast from this location until 2000, when it was purchased by the Grove Park Inn Resort and Spa.

The house retains the majority of its original exterior features and detailing with some minor exceptions. The most substantial changes to the building's exterior are the additions on the south side, constructed in 1974 & 1983 to house the WLOS-TV's offices and studio. The large two story additions obscure the original south elevation, but the remainder of the building's appearance was not significantly affected. Other alterations include the replacement of several original windows and doors. Unfortunately little of the original interior survives except for the entrance hall. Additionally, much of the original exterior landscape features have been lost.

Designation of this site as a local historic landmark makes the property owner eligible for a 50% reduction in property taxes, which is approximately \$4,300. Currently the tax appraisal for the property is \$1,686,800 with the house alone appraised at \$1,510,800 and the land valued at \$176,000.

The ordinance designates the Battle House a local historic landmark. The property included in the designation consists of the Battle House and 1.23 acres. The designation

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includes the exterior of the house, garage and remaining landscape features as described in the report. Also included are the paneled entrance door, interior paneled closet doors, main stair and balustrade, stair hall windows and marble mantel in the former library.

When a property is designated historic, restrictions are placed on the property, and any modification to the land or structure must receive a Certificate of Appropriateness from the Historic Resources Commission of Asheville and Buncombe County (HRC). All improvements must follow the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings. It is important that properties of local significance are preserved and protected for cultural, historic, and economic reasons and for the benefit of future generations.

Although the State Historic Preservation Office expressed concern that the Battle house may have lost integrity due to the alterations and additions made while WLOS occupied the Building, the HRC found that the use of the building by WLOS as the first VHF station in Asheville was culturally significant in its own right and that the structure continues to convey its significance. The HRC voted unanimously, with two members abstaining, to recommend to the Asheville City Council that the Battle House be designated a local historic landmark. Staff concurs with the recommendation of the HRC for this designation. Additionally, while not related to the historic aspects of the property, the Planning staff recommends the designation to encourage the utilization of the property to help buffer the existing neighborhood from any proposed new development by the Grove Park Inn.

City staff recommends City Council set a public hearing on August 26, 2003, to consider an ordinance designating the Jane Hall Liddell Battle House located at 288 Macon Avenue as a local historic landmark.

Mr. Gerald Green, representing the Grove Park Inn, explained why the Grove Park Inn no longer supports this designation, even though the originally request was by them.

Mr. Bill Wescott, member of the HRC, explained that the HRC discussed the Grove Park Inn's non-support of the designation, but decided they would support the designation.

Discussion by Council surrounded the role of the State Historic Preservation Office in local designations and information received by that organization concerning this landmark designation request.

Mayor Worley asked that pertinent letters and information from the State and the Grove Park Inn be submitted to Council prior to the public hearing on August 26, 2003.

Mayor Worley asked that the record show that City Council has received this information and instructs the City Manager to place this item on the August 26, 2003, formal City Council agenda.

**OTHER BUSINESS:**

It was the consensus of City Council to cancel the September 9, 2003, formal City Council meeting due to the Chamber of Commerce's InterCity visit to Providence, Rhode Island.

**ADJOURNMENT:**

Mayor Worley adjourned the meeting at 4:55 p.m.

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CITY CLERK

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MAYOR

[\[none\]](#)