

Regular Meeting

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor R. Carl Mumpower; Councilwoman Terry M. Bellamy; Councilman Jan B. Davis; Councilman Joseph C. Dunn; Councilwoman Diana Hollis Jones; Councilman Brownie W. Newman; Assistant City Manager Jeffrey B. Richardson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Worley led City Council in the Pledge of Allegiance.

INVOCATION

Councilman Dunn gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MAY, 2005, AS "MOTORCYCLE AWARENESS MONTH"

Vice-Mayor Mumpower read the proclamation proclaiming May, 2005, as "Motorcycle Awareness Month" in the City of Asheville. He presented the proclamation to Mr. Roger Williams who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

At the request of Councilwoman Bellamy, Consent Agenda Items "K" and "L" was removed from the agenda.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETINGS HELD ON APRIL 12, 2005, AND APRIL 26, 2005, THE WORKSESSION HELD ON APRIL 19, 2005

B. RESOLUTION NO. 05-101 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH MARTIN STARNES & ASSOCIATES, CPAs, P.A., FOR AUDITING SERVICES FOR FISCAL YEAR 2005-06

Summary: The consideration of a resolution authorizing the Mayor to execute a contract with Martin Starnes & Associates, CPAs, P.A., for auditing services for Fiscal Year 2005-06.

N. C. Gen. Stat. sec. 159-34 requires that local governments of North Carolina have their accounts audited each fiscal year and submit a copy of the audit to the Local Government Commission.

In April of 2005, the City Finance Department sent letters to 31 local and regional CPA firms, including the two firms listed on the Minority Business listing, soliciting proposals from qualified firms of certified public accountants to audit the City of Asheville's financials statements for the fiscal year ending June 30, 2005, with the option of auditing the City of Asheville's financial statements for the two subsequent fiscal years. Five firms expressed interest and were provided a copy of the request for proposals. All five firms submitted a complete proposal. The proposal from Martin Starnes & Associates, CPA's, P.A. proposes a fee of \$49,000 for the fiscal year

-2-

ending June 2005. Funds are appropriated in the budget of the Accounting Division of the Finance Department.

PROS:

- The fee includes an audit in accordance with generally accepted auditing standards which includes an assessment of the City's internal control procedures, testing for compliance with N. C. General Statutes, testing for compliance with pronouncements of the Governmental Accounting Standards Board, Standards for Audit of Governmental Organizations, Programs, Activities and Functions, the Guidelines for Financial and Compliance Audits of Federally Assisted Programs and the Federal Office of Management and Budget's Compliance Supplement for Single Audits of State and Local Governments.
- This audit will enable the City of Asheville to comply with N.C. Gen. Stat. sec. 159-34.

CONS:

- None determined.

City staff recommends City Council authorize the Mayor to execute a contract with Martin Starnes & Associates, CPAs, P.A., for auditing services for Fiscal Year 2005-06.

City Accountant Pat Leckey responded to questions from Councilman Davis regarding the firm of Martin Starnes & Associates, CPAs, P.A.

RESOLUTION BOOK NO. 29 – PAGE 123

C. ORDINANCE NO. 3229 - ORDINANCE AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES TO DESIGNATE THE CITY MANAGER OR HIS DESIGNEE TO TWO ILLEGALLY PARKED VEHICLES, JUNKED MOTOR VEHICLES OR ABANDONED VEHICLES

Summary: The consideration of an ordinance amending Chapter 19 of the Asheville City Code allowing the city manager or his or her designee to tow illegally parked vehicles, junked motor vehicles or abandoned vehicles in the City of Asheville.

There are several vehicles in the parking garages that are abandoned. They need to be removed. This amendment gives the City Manager or designee the ability to remove vehicles which are abandoned or impeding traffic flow in city garages and parking lots, or vehicles illegally parked in a fire lane or commercial loading zone.

The advantage of this to the City is that vehicles which have been abandoned may be removed, freeing up parking spaces for the paying public, and increasing safety in fire lanes, and increasing the ability to load or unload for commercial businesses.

The disadvantages are that the person whose vehicle has been towed may not feel that he or she should have been towed.

City staff requests that City Council approves the ordinance amending Chapter 19 of the Asheville City Code allowing the city manager or his or her designee to tow illegally parked vehicles, junked motor vehicles or abandoned vehicles in the City of Asheville.

ORDINANCE BOOK NO. 22 – PAGE

-3-

D. ORDINANCE NO. 3230 - ORDINANCE AMENDING SECTION 16-7 OF THE CODE OF ORDINANCES TO ALLOW GATES AND DOORS TO OPEN ONTO A CITY STREET OR SIDEWALK UNDER CERTAIN SPECIFIED CONDITIONS

Summary: The consideration of an amendment to Section 16-7 of the City Code to allow gates and doors to open onto a City street or sidewalk under certain specified conditions.

Since 1965, Section 16-7 of the City Code prohibits persons from erecting or maintaining any gate or door which opens outwardly on any street or sidewalk. Throughout the City of Asheville, there are numerous instances whereby gates or doors open outwardly on the street or sidewalk. This amendment is intended to provide flexibility to the strict prohibition by allowing gates or doors to open outwardly onto a City street or sidewalk if there is compliance with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.

Pros:

- Provides flexibility to allow consideration for present day situations
- Public safety remains number one priority

Cons:

- Adds additional time to review process

City staff recommends adoption of the ordinance amendment to allow gates and doors to open onto a City street or sidewalk under certain specified conditions.

ORDINANCE BOOK NO. 22 - PAGE

E. RESOLUTION NO. 05-102 - RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

Summary: Sylvia Farrington has resigned as a member of the Civic Center Commission, thus leaving an unexpired term until June 30, 2005.

At the City Council worksession on April 19, 2005, City Council instructed the City Clerk to prepare the proper paperwork to appoint Mr. W.E. Lack, as a member of the Civic Center Commission, to serve the unexpired term of Ms. Farrington, term to expire June 30, 2005, and then to serve a full three-year term, term to expire June 30, 2008, or until his successor has been appointed.

RESOLUTION BOOK NO. 29 – PAGE 124

F. RESOLUTION NO. 05-103 - RESOLUTION REAPPOINTING MEMBERS TO THE EDUCATIONAL ACCESS CHANNEL COMMISSION

Summary: The consideration of reappointing members to the Educational Access Channel Commission.

The terms of Charlie Glazener, Gerry Kovach, Greg Dillingham and Rusty Holmes, members on the Educational Access Channel Commission, expire on June 1, 2005.

Mr. Tim Amos, Chairman of the Educational Access Channel Commission, notified the City Clerk that Mr. Glazener, Ms. Kovach, Mr. Dillingham and Mr. Holmes are all interested in reappointment and have an excellent attendance record. He recommended reappointments.

-4-

Therefore, the City Clerk has prepared the proper paperwork to reappoint Charlie Glazener (City School representative), Gerry Kovach (County School representative), Greg Dillingham (UNC-Asheville representative) and Rusty Holmes (A-B Technical Community College representative) to each serve a three-term respectively, terms to expire June 1, 2008, or until their successors are appointed.

Staff recommends City Council reappoint members to the Educational Access Channel Commission.

RESOLUTION BOOK NO. 29 – PAGE 125

G. RESOLUTION NO. 05-104 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASING AGREEMENT WITH DATAMATIC LTD FOR METER READING EQUIPMENT

Summary: The consideration of a resolution authorizing the City Manager to enter into a purchasing agreement with Datamatic, LTD in the amount of \$56,278.

The Water Resources Department and Information Technology Department use Datamatic equipment for meter reading data. The current equipment the Meter Services Division has become outdated and the division has now moved to automated meter reading (AMR) devices as well as conventional devices. The standard for new development is now AMR devices. The cost for this upgraded hardware and software including equipment for automated meter reading is \$56,278 for which funds are available. Annual maintenance support cost after the first year, which is included in the initial payment amount, is \$8,294.50.

PROS:

- This equipment will enable the Water Resources Department to expand its AMR program, which will enhance the safety of meter readers by eliminating areas where the meter readers have to walk on streets and narrow roadways.

CONS:

- The equipment and software cost of \$56,278 and recurring annual cost, after the first year of \$8,294.00.

City staff recommends City Council approve the City Manager signing purchasing agreement with Datamatic, LTD in the amount of \$56,278 and recurring annual maintenance support cost of \$8,294.00.

RESOLUTION BOOK NO. 29 – PAGE 126

H. RESOLUTION NO. 05-105 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO EXPAND, INSTALL AND MAINTAIN A PUBLIC-ACCESS PARKING LOT ON NC DOT RIGHT-OF-WAY

Summary: The consideration of a resolution authorizing the Mayor to execute a supplemental municipal agreement with the N.C. Dept. of Transportation (NC DOT), to expand, install and maintain a public-access parking lot on NC DOT's right of way.

In 1961 the City entered into a municipal agreement with the NC DOT to utilize the NC DOT's right of way, which is situated on the north side of the expressway fence and to the south

-5-

of Cherry Street between Short Street and Broadway for parking purposes. That agreement was subsequently supplemented twice providing additional parking flexibility to the City. The City wishes to further supplement the 1961 agreement by performing some additional improvements within the right of way.

Pros:

- Parking often used by itinerants for living (old buses, vans, etc.). APD will have control of such long-term parkers – safer for citizens
- Parking services will meter lot (revenues)
- Lot will be approved in accordance with downtown development requirements.
- More public parking access for citizens.

Cons:

- Cost to improve lot in accordance with downtown development plans
- Lot must be improved (paved), meters installed, enforcement, etc.

This action complies with City Council's Strategic Operating Plan by encouraging new downtown development by making additional parking available to them (Sense of Place, Heritage and Arts, Goal 3, Objective B).

The Public Works Department staff recommends adoption of the resolution authorizing the Mayor to execute a supplemental municipal agreement with the NC DOT to expand, install and maintain a public-access parking lot on NC DOT's right of way.

RESOLUTION BOOK NO. 29 – PAGE 127

I. RESOLUTION NO. 05-106 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF ENVIRONMENT AND NATURAL RESOURCES FOR A MOBILE SOURCE EMISSIONS REDUCTION GRANT

Summary: The consideration of a resolution entering into an agreement with the NC Dept. of Environment and Natural Resources (Division of Air Quality), to accept a Mobile Source Emissions Reduction Grant award and adoption of the accompanying budget amendment.

The Asheville Public Works Department was awarded a \$12,000 grant from the NC Dept. of Environment and Natural Resources to purchase two electric vehicles for Asheville Police Department use in the central business district. A match of \$9,830 is required for this grant. The matching funds are available from the Asheville Police Department equipment budget.

The Asheville Police Department emphasizes the use of non-traditional modes of transportation for downtown patrol duties. Patrol officers walk or ride bicycles in much of the downtown area. Officers who use standard police patrol vehicles drive at very slow speeds due to both traffic congestion and the need to observe pedestrian and street activities.

This action coincides with the City of Asheville's Strategic Operating Plan under the focus area of Natural and Built Environment, goal #1: Enhance and preserve air and water quality.

Pros

- Two electric vehicles will operate in much the same manner as traditional marked police cruisers, handling routine calls for

service, providing traffic control, and conducting patrols.

- At low speeds the electric drive system operates more efficiently than a traditional police vehicle. Replacing two patrol cars with electric vehicles for downtown patrols will eliminate the emissions from those gasoline engines.

-6-

- By eliminating the unnecessary pollutants, the electric vehicles will add to the health and enjoyment of residents, visitors, and festival-goers.

Cons

- The cost of the match.

City staff recommends the City of Asheville accept the grant award by entering into an agreement with the NC Department of Environment and Natural Resources, and amend the Fiscal Year 04-05 budget to increase it by \$12,000.

RESOLUTION BOOK NO. 29 – PAGE 128

J. ORDINANCE NO. 3231 - BUDGET AMENDMENT TO ACCEPT GRANT FROM N.C. DEPT. OF ENVIRONMENT AND NATURAL RESOURCES FOR A MOBILE SOURCE EMISSIONS REDUCTION GRANT

See Consent Agenda Item “I” above.

ORDINANCE BOOK NO. 22 - PAGE

K. RESOLUTION AMENDING RESOLUTION NO. 05-47 FOR POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE GRIZZLIES HOME GAMES

This item was removed from the Consent Agenda for an individual vote.

L. RESOLUTION OF SUPPORT FOR THE TAX CREDIT APPLICATIONS FOR THE MOUNTAIN HOUSING OPPORTUNITIES’ GLEN ROCK HOTEL REVITALIZATION PROJECT

This item was removed from the Consent Agenda for an individual vote.

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

Councilwoman Bellamy moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Davis and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR AN INDIVIDUAL VOTE

RESOLUTION NO. 05-107 - RESOLUTION AMENDING RESOLUTION NO. 05-47 FOR POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE GRIZZLIES HOME GAMES

Summary: The consideration of an amended resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at The Asheville Grizzlies Home Games.

The Asheville Grizzlies have requested through the Asheville Parks and Recreation Department that City Council permit them to serve beer and/or unfortified wine at their home games and allow for consumption at these events. Ordinance No. 05-47 failed to state the dates and times on which the Grizzlies home games were scheduled.

-7-

The Asheville Parks and Recreation Department recommends approval of the resolution amending Resolution No. 05-47.

Councilwoman Bellamy felt that people should not need alcohol to enjoy an event and would not support the resolution.

Councilman Newman moved for the adoption of Resolution No. 05-107. This motion was seconded by Councilman Dunn

and carried on a 6-1 vote, with Councilwoman Bellamy voting "no."

RESOLUTION BOOK NO. 29 – PAGE 129

RESOLUTION NO. 05-108 - RESOLUTION OF SUPPORT FOR THE TAX CREDIT APPLICATIONS FOR THE MOUNTAIN HOUSING OPPORTUNITIES' GLEN ROCK HOTEL REVITALIZATION PROJECT

Vice-Mayor Mumpower moved to excuse Councilwoman Bellamy from participating in this matter due to a conflict of interest. This motion was seconded by Councilwoman Jones and carried unanimously.

Summary: The consideration of a resolution supporting the tax credit applications for Mountain Housing Opportunities' Glen Rock Project.

City Council has recently approved a conditional use zoning for Mountain Housing Opportunities' (MHOs) Glen Rock project. The project is to be funded, in part, by tax credit financing. The resolution of support is intended to reflect City Council's strong enthusiasm for this critical project since it represents an opportunity to implement City Smart Growth infill and redevelopment policies and objectives as well as those of the Wilma Dykeman Riverway Master Plan.

City staff recommends the adoption of the resolution supporting the tax credit applications for Mountain Housing Opportunities' Glen Rock Project.

Councilwoman Jones moved for the adoption of Resolution No. 05-108. This motion was seconded by Councilman Newman and carried unanimously.

RESOLUTION BOOK NO. 29 – PAGE 131

III. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE SAWYER MOTOR COMPANY BUILDING AT 100 COXE AVENUE AS A LOCAL HISTORIC LANDMARK

Mayor Worley announced that the applicants have requested this public hearing be continued until May 24, 2005. Therefore, Vice-Mayor Mumpower moved to continue this public hearing until May 24, 2005. This motion was seconded by Councilwoman Bellamy and carried unanimously.

B. PUBLIC HEARING TO CONSIDER A REVISION TO THE CONDITIONAL USE PERMIT AND MASTER PLAN FOR BROTHERTON COMMONS, LOCATED AT THE CORNER OF VIRGINIA AVENUE AND BROTHERTON AVENUE, FOR A PROPOSED 44-UNIT HOUSING DEVELOPMENT

-8-

Mayor Worley announced that the applicants have requested this public hearing be continued until May 24, 2005. Therefore, Vice-Mayor Mumpower moved to continue this public hearing until May 24, 2005. This motion was seconded by Councilwoman Bellamy and carried unanimously.

C. PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE LEXINGTON STATION PROJECT, LOCATED AT THE CORNER OF LEXINGTON AVENUE, HILLIARD AVENUE AND CHURCH STREET, FOR A MULTI-COMMERCIAL, RESIDENTIAL DEVELOPMENT

ORDINANCE NO. 3232 - ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR LEXINGTON STATION PROJECT, LOCATED AT THE CORNER OF LEXINGTON AVENUE, HILLIARD AVENUE AND CHURCH STREET, FOR A MULTI-COMMERCIAL, RESIDENTIAL DEVELOPMENT

City Clerk Burleson administered the oath to anyone who anticipated speaking on this matter.

City Attorney Oast reviewed with Council the conditional use district zoning process. This process is the issuance of a conditional use permit, which is a quasi-judicial site specific act. At this public hearing, all the testimony needs to be sworn.

After hearing no questions about the procedure, Mayor Worley opened the public hearing at 5:16 p.m.

All Council members disclosed that they have visited the site and would consider this issue with an open mind on all the matters before them without pre-judgment and that they will make their decision based solely on what is before Council at the hearing.

City Attorney Oast said that as documentary evidence is submitted, he would be noting the entry of that evidence into the record.

Urban Planner Alan Glines submitted into the record City Exhibit 1 (Affidavit of Publication), City Exhibit 2 (Certification of Mailing of Notice to Property Owners); and City Exhibit 3 (Staff Report).

Mr. Glines said that this is the consideration of the issuance of a conditional use permit for the Lexington Station project, located at the corner of Lexington Avenue, Hilliard Avenue and Church Street, for a multi-commercial, residential development.

The proposal is for a new infill development to be located on 1.7 acres in the downtown area of Asheville. The project is being reviewed under the Conditional Use Permit process because of the number of residential units involved. The property was formerly owned by Buncombe County and was purchased in 2000. Concern was expressed in the downtown community when the County announced a proposal to develop a jail annex and later an ambulance response team at that site. People involved in downtown issues and the Downtown Commission became interested in encouraging the County to find another buyer for the property for a mixed-use project.

Last year the County placed the property for sale. The proposal that is being currently reviewed has come from the purchaser of the property.

The proposal is for 3 new buildings to be placed on the parcel (Attachment to City Exhibit 3 – Location Map). The existing building, which is a large warehouse structure, will be

-9-

demolished (Attachments to City Exhibit 3 – Street Level Site Plan, Lexington Avenue Elevation, Elevation at Hilliard Avenue, Elevation at Lexington Avenue, Elevation at Lexington Avenue – Building C). The new buildings are proposed to be between three and four stories. The project would provide about 26,000 square feet of commercial space on the ground floor of the buildings and 66 residential condominium units on upper floors. The units could be considered middle price-range housing within the overall downtown condominium market. The units have been offered for about \$160,000 for a one bedroom unit and about \$250,000 for two bedroom units. Four units will be larger penthouse units located in the fourth floor level of Building B. The commercial space will be offered in buildings A and B. The commercial space totals about 26,000 square feet. Green space for the residential units will be provided along Church Street. Open space is not a requirement for residential projects in the downtown area but this green pocket park will provide some green space in the community.

The existing street width along Lexington Avenue is somewhat narrow. Based on City staff comments, the developer is providing more travel lane width there as well as new sidewalks surrounding the entire development. Area traffic and on-street parking can be accommodated safely. The site plan noted as 'L-1' is the most recently updated site plan showing on-street parking and the travel lanes in the area. Access to the underground parking areas is from 3 driveways along Church Street.

CBD Zoning is developed to reinforce the downtown as the urban center of Asheville and Western North Carolina by encouraging private and public investment. A further goal is to encourage a supportive retail center along with high-density residential development to complement other downtown uses and surrounding neighborhoods. There are no residential density maximums in the downtown area and there are no height limits.

The Asheville City Plan 2025 encourages more sustainable land development patterns in new construction and higher density commercial and residential projects in new mixed-use buildings. The City Development Plan 2025 encourages strengthening of downtown neighborhoods by providing a mix of new residential units and increasing livability by providing pocket parks.

Although the parcel is just outside of the Downtown Design Review map boundaries, the developer provided a courtesy review for the Downtown Commission. The Downtown Commission is supportive of the project and encouraged the architect to reinforce the ground floor areas for commercial uses by providing large well-defined window areas in the style of a storefront. This will better support any uses that will occupy the spaces.

City Council must take formal action as set forth in section 7-9-9(c)(4) of the Unified Development Ordinance (UDO), and must find that all seven standards for approval of conditional uses are met based on the evidence and testimony received at the

public hearing or otherwise appearing in the record of this case (UDO 7-16-2(c)). Staff's review indicates that the seven standards are met as proposed in the site plan.

1. **That the proposed use or development of the land will not materially endanger the public health or safety.** The project will comply with all City and State codes and requirements and will not endanger public health or safety.
2. **That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.** The site is an infill parcel that currently contains parking lots and several single-story warehouse buildings. The new proposal will step

-10-

with the natural topography of the street and in addition provide more green space than is currently provided on the site.

3. **That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.** The proposed development is not expected to injure the value of adjoining property. Rather, the proposed development represents significant re-investment in this neighborhood and could likely lead to additional redevelopment and increased property values in the surrounding area.
4. **That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.** The parcel is located in the Central Business District of the City. The proposed development is in harmony with the goals of the CBD and the scale, density and character of the types of development found in the area.
5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.** The proposed development conforms to the goals stated in the comprehensive plans and smart growth policies adopted by the City to support denser mixed-use infill development in areas of the City like downtown.
6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.** Infrastructure is in place to support the proposed development. The project would involve improvements to the adjoining sidewalks and streets. The development would also provide a bus stop at the corner of Hilliard Avenue and Lexington Avenue. No other infrastructure concerns were noted during the review by the Technical Review Committee.
7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.** The density of the development is not expected to create a traffic hazard or undue traffic congestion. The proposed development plan would widen Lexington Avenue to make traffic movements safer and easier.

Pros

- The project brings additional residential uses and commercial space to the downtown area.
- The existing vacant use will be replaced by a much more dynamic proposal.
- This important investment below Hilliard Avenue may encourage other redevelopment proposals in the vicinity of the project.

Cons

- Lexington Avenue is somewhat narrow but the proposed development should improve the traffic flow through the area.

The Planning and Zoning Commission at their April 6, 2005, meeting voted 6 to 0 to recommend approval of the project, subject to the conditions noted by the Technical Review Committee. Staff concurs with that recommendation.

Mr. Steve Moberg, applicant, urged City Council to support this development, which will revitalize the area.

-11-

Upon inquiry of Councilwoman Bellamy, Mr. Glines said that the existing angled parking will be improved, the sidewalks along Hilliard will be expanded and the building will be sprinklered.

After rebuttal, Mayor Worley closed the public hearing at 5:28 p.m.

Councilwoman Bellamy moved for the adoption of Ordinance No. 3232, granting a conditional use permit for the Lexington Station project, located at the corner of Lexington Avenue, Hilliard Avenue and Church Street, for a multi-commercial, residential development, subject to the conditions noted by the Technical Review Committee. This motion was seconded by Councilwoman Jones and carried unanimously.

ORDINANCE BOOK NO. 22 - PAGE

- D. **PUBLIC HEARING TO CONSIDER THE CONDITIONAL USE ZONING OF PROPERTY LOCATED ON HILL STREET FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT AND OFFICE DISTRICT TO OFFICE/BUSINESS DISTRICT/CONDITIONAL USE; AND THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A 30,000 SQUARE FOOT OFFICE BUILDING, ASSOCIATED PARKING AREA(S) AND REALIGNMENT OF MICHAEL STREET AND JASON STREET TO PROVIDE ON-STREET PARKING**

ORDINANCE NO. 3233 - ORDINANCE REZONING PROPERTY LOCATED ON HILL STREET FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT AND OFFICE DISTRICT TO OFFICE/BUSINESS DISTRICT/CONDITIONAL USE

ORDINANCE NO. 3234 - ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT HILL STREET FOR THE CONSTRUCTION OF A 30,000 SQUARE FOOT OFFICE BUILDING, ASSOCIATED PARKING AREA(S) AND REALIGNMENT OF MICHAEL STREET AND JASON STREET TO PROVIDE ON-STREET PARKING

Oaths were administered to anyone who anticipated speaking on this matter.

City Attorney Oast reviewed with Council the conditional use district zoning process by stating that this is a two-part process. It requires rezoning, which is a legislative act, and the issuance of a conditional use permit, which is a quasi-judicial site-specific act. Even though the public hearing on those two items will be combined, all the testimony needs to be sworn and two votes will need to be taken. The first vote will be to grant the rezoning to the conditional use district category and the second vote will be to issue the conditional use permit. If Council runs into a situation that it votes to rezone, Council doesn't have to issue the conditional use permit on the same night.

After hearing no questions about the procedure, Mayor Worley opened the public hearing at 5:30 p.m.

All Council members disclosed that they have visited the site and would consider this issue with an open mind on all the matters before them without pre-judgment and that they will make their decision based solely on what is before Council at the hearing.

City Attorney Oast said that as documentary evidence is submitted, he would be noting the entry of that evidence into the record.

-12-

Urban Planner Kim Hamel submitted into the record City Exhibit 1 (Affidavit of Publication), City Exhibit 2 (Certification of Mailing of Notice to Property Owners); and City Exhibit 3 (Staff Report).

Ms. Hamel said that this is the consideration of a request to rezone property located on Hill Street from RM-8 Residential Multi-Family Medium Density District and Office District to Office/Business District/Conditional Use, and a request to issue a conditional use permit for the construction of a 30,000 square foot office building, associated parking area(s) and realignment of Michael Street and Jason Street to provide on-street parking.

The subject property is located within the City Limits on Hill Street, which is located less than ¼ mile from Montford Avenue and near the I-240 Interchange (Attachments to City Exhibit 3 – Location Map, Aerial Map). The applicant is requesting a conditional use rezoning of 5 lots totaling approximately 1.15 acres in order to construct a 30,000 square foot office building. The requested zoning change includes two parcels located on the west side of Michael Street, one zoned Office and the other split zoned Office and RM-8; and three parcels located between Michael Street and Jason Street all zoned Office. The applicant, Frontier Syndicate, LLC, is requesting a rezoning of all five (5) parcels to Office Business District in order to allow for the construction of a much larger scaled office building than what is permitted under the current Office District designation.

The properties surrounding the development site include: a single family dwelling zoned RM-8 to the north of the site; vacant property zoned Office District and single family dwellings zoned RM-8 to the west; and a mixture of single-family, office use and vacant property zoned Office, and RM-8 to the east of the site along Jason Street. The south side of the property fronts Hill Street, which is adjacent to I-240.

-
- The Office district zoning designation allows a structure size of 4,000 square foot in gross floor area for one-story buildings and 8,000 square feet for multiple story buildings. The intent and purpose of this district is to reserve areas for the development of small-scale office uses (or a mixture of office and residential use) adjacent to residential uses and to serve as a transition as residential areas convert to other uses or between residential and commercial areas.
- The Office Business district allows for a structure size of up to 30,000 square feet in gross floor area. The intent and purpose of this district is to reserve areas for development of medium scale office uses and related support uses and may serve as a transition area between commercial and residential areas.
-

The conceptual site plan(s) proposes removal of two vacant structures housed on the site in order to construct a 30,000 square foot office building and a 50 space off-street parking area (Attachment to City Exhibit 3 – Conceptual Site Plan). Associated with the development, the applicant is also proposing to realign and reconstruct both Michael and Jason Streets and also provide several pull-off parking spaces along Hill Street to provide a total of 38 on-street parking spaces. A recent amendment approved by City Council that allows a percentage of newly created on-street parking spaces to count towards a development's off-street parking requirements, in conjunction with a flexible development approval of a 25% reduction in the total number of required off-street parking spaces for the development, allows for the preservation of a large deciduous tree that is located west of the proposed building. In addition to the preservation of this tree, street trees will be provided along Hill Street and portions of Jason and Michael Streets. The site plan also illustrates a request for alternative compliance along Jason Street and along portions of the western and north sides of the property. In order to provide a more consistent streetscape design, the applicant is requesting street trees be provided in lieu of where a 20-foot Type B buffer would be required along Jason Street. The alternative would also include

-13-

buffering the parking area with vegetation in order to effectively screen it from the street and the adjacent residential uses. Alternative compliance is also being requested for a buffer yard reduction from a 25-foot Type C buffer to a 20-foot Type B buffer, in lieu of a privacy fence along the north and western side of the property. The applicant hopes to gain feedback from the adjoining property owners on the type of landscaping that would be most preferred.

The two conceptual site plans included in the submittal illustrate a slight variation in the building design as it pertains to the footprint layout. The option shown in Plan A is for rectangular building. The option shown as Plan B indicates an "L" shaped building. Both building layouts propose an approximate 8,000 square foot footprint with a total building size of 31,000 square feet (1,000 square feet will be used for mechanical space.), and a maximum height of 40-feet. The design of both buildings will be as shown on the schematic elevation provided (Attachment to City Exhibit 3 – Schematic Design Elevation).

On Monday, January 19, 2005, the Technical Review Committee (TRC) approved the project subject to a number of conditions. A revised site plan and narrative provided by the applicant addresses the following conditions: scale of the drawing, a reduction in building size as required by the code, building height, number of spaces required for the development, approval of flexible development standards, location of the bicycle rack, and clarification on the applicants alternative compliance request. Should the project be approved by City Council, the remaining comments will be addressed in detail upon final submittal of the project to TRC.

City Council must take formal action as set forth in section 7-9-9(c)(4) of the Unified Development Ordinance (UDO), and must find that all seven standards for approval of conditional uses are met based on the evidence and testimony received at the public hearing or otherwise appearing in the record of this case (UDO 7-16-2(c)).

1. That the proposed use or development of the land will not materially endanger the public health or safety.

The proposed project has been reviewed by City staff and appears to meet all public health and safety related requirements. The project must meet the technical standards set forth in the UDO, the Standards and Specifications Manual, the North Carolina Building Code and other applicable laws and standards that protect the public health and safety.

2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.

With the exception of the grade change between the development site and Hill Street, the project area is relatively flat. Grading of the site and removal of existing vegetation and overgrowth will be necessary in order to meet the stormwater and erosion control requirements and overall development of the site, as proposed.

3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.

Approximately 2/3 of the site is surrounded by property that is zoned Office District, several properties of which are currently vacant. A landscape buffer is required around the north, south and east sides of the site where adjacent residential and lower impact uses exist. The ordinance further requires that all vehicular use areas be screened with

-14-

vegetation when within 50 feet of the street. This will assist in mitigating any negative impacts the development may have to abutting properties.

Additionally, the location and design of the building and the proposed road improvements associated with the project is likely to have a positive affect on the surrounding area and may serve as a catalyst for future development on surrounding vacant lots.

4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.

As stated above, the majority of the site is surrounded by property that is currently zoned Office District. Although the scale and bulk of the proposed building is much larger than what is permitted within the Office District, the design and location of the building is likely to add to the character of the area. This, along with the proposed road improvements to Michael and Jason Streets, has the potential of spurring additional improvements and development opportunities on lots that are currently vacant or otherwise under utilized.

5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.

The Asheville City Development Plan 2025 (ACDP2025) describes economic development forecasts' in the *Occupational Employment Projections to 2010*, for the need in an increase in private office use, which will result in changes to residential patterns with people wanting to reside in immediate proximity to their workplace.

The project supports smart growth and transportation goals by providing a compatible, high density and high quality commercial infill development project within the City Limits in an area where existing utilities are adequate to support the development and extensive infrastructure improvements to several substandard streets servicing the development, are proposed.

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

This proposed development is located within close proximity to major road facilities, interstate connections, transit service and other service stations.

Additionally, representatives of the Water Department and MSD informed the applicant, at the TRC meeting, that any relocation of the existing water lines or sewage manholes associated with the proposed improvements to both Michael and Jason Streets, are to be completed at the expense of the developer.

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

The City's Traffic Engineer, who has reviewed the proposed project, has determined that the size of the development and associated street improvements, including the proposed on-street parking spaces, will not cause undue traffic congestion or create a traffic hazard. Parallel parking, when placed appropriately, tends to control vehicle speeds, thus reducing crash severity, and protects the sidewalk by serving as a buffer. Parallel parking is typically desirable in urbanized areas. Examples of when this might not be true are on high-speed or high-volume roadways such as Hendersonville Road or Tunnel

Road. Hill Street, Michael Street, and Jason Street do not qualify as either high-speed or high-volume.

Pros:

- The proposed development will provide a high-quality infill site on several properties that have remained vacant for a period of 1-5 years.
- The development is providing the surrounding neighborhood with much needed road improvements to Michael and Jason Streets, including the creation of 38 on-street parking spaces that are open for public use.
- The Office Business district, due to its proximity to existing neighborhoods limits all activities associated with non-residential uses, including deliveries and refuse collection to the hours of 7:00 a.m. and 10:00 p.m.
- The developer has submitted a list of allowed uses for the property that limits uses to those in a general office classification rather than all uses in the Office Business district. The uses provided on the list are considered low impact uses that should protect the integrity and compatibility of the development with the surrounding area and neighboring residential uses.

Cons:

- Although contrary to favorable comments received by a number of surrounding property owners at the TRC meeting, the creation and use of the on-street parking spaces by the development may be seen as an inconvenience or nuisance to adjoining property owners.
- Due to the size and scale of the proposed building the project has faced many challenges in being able to meet the City's development standards, including off-street parking requirements and required landscape buffers. The developers, have however, utilized several zoning tools available in order to address these difficulties including approval of flexible development standards for a reduction in the required number of off-street parking spaces for the development and also a request for alternative compliance to address some of the landscape issues.

Staff feels that the seven conditional use standards have adequately been addressed and that the proposed development supports several adopted City policies and goals by providing a high-density commercial infill project in an area where adequate infrastructure exists. Staff also feels that the proposed development will have a positive affect on the surrounding area, and is likely to spur additional improvements and development opportunities for properties within the immediate area that are currently vacant or otherwise under utilized.

On April 6, 2005, the City of Asheville's Planning and Zoning Commission voted unanimously to uphold staff's recommendation in recommending approval of the zoning amendment to Office Business District and also approval of the conceptual master plan subject to the following conditions:

1. That all TRC conditions be met;
2. All site lighting shall be equipped with 90 degree cut-off features and be directed away from adjoining properties and streets;
3. All existing vegetation to remain shall be clearly indicated and dimensioned on the site plan. Additionally, tree protection devices in accordance with Section 7-11-2 (c)(3) shall be provided and shown on both the grading and landscape plans;
4. In the event that the large deciduous tree shown as being preserved on the concept plan dies, a 5-6 inch caliper tree chosen from the City of Asheville's tree species list shall replace it.

In addition to the above conditions, staff also recommends that the list of uses, provided by the developer, be made a condition of approval.

1. In order to ensure that the proposed development remains in character with the general office use in which it is intended for, the development shall be limited to the following list of uses provided by the developer: Residential (Dwellings, multi-family); Recreational (no recreational uses shall be permitted); Institutional (No institutional uses shall be permitted); Public/semi-public (no public/semi-public uses shall be permitted); Office/business (offices; home occupations; studios, galleries, and workshops for artists, designers, photographers); and Uses by right subject to special requirements (antenna, government buildings, financial institutions).

Mr. Gerald Green, representing the developer, urged Council to support the development as he spoke about the ways the project meets the goals and direction of the City of Asheville.

Upon inquiry of Councilman Davis, Mr. Green said that the Chamber of Commerce building is roughly 33-34,000 square feet and this proposed building is 30,000 square feet.

Ms. Mary Hitchcock, resident at 11 Jason Street, said that she had several concerns about the project and its impact to her quality of life. Since she will be losing the parking space in front of her home (Applicant Exhibit 1), she requested the developer to construct a gravel parking space on her property, next to her house. Regarding her privacy being affected, she requested a privacy fence built along the front of her property. Regarding the disruption during construction, she was concerned about the asbestos in the structure, which will be demolished, and her access to and from her home. She asked to be notified of the various phases of construction and she may feel it would be best to relocate temporarily during some phases and she would like to be reimbursed for that expense.

Ms. Hamel said that curb and gutter will only be required on the one side of the street where the widening on Jason Street will occur, which will be on the developer's property.

After a brief discussion about providing parking for Ms. Hitchcock, Ms. Green said that the developer would be willing to make her a driveway.

A property owner on Michael Street spoke in support of the development. She did note that they also only have on-street parking, but they are not asking for a driveway to be constructed for them.

Mr. Watkins, resident of 85 Michael Street, explained to Council that his deed shows that he is the owner of some of the property that is being requested to be rezoned.

In response to Mr. Watkins, Mr. Green submitted a letter from the developer's attorney, Mr. David E. Matney, III, (Applicant Exhibit 1), which states in part "...it is our opinion neither Mrs. Watkins, nor any one claiming through her has any interest in any lands owned by Frontier Syndicates, LLC. ... While the Watkins parcel adjoins the Frontier Syndicate property, we have found no evidence of any ownership by Mrs. Watkins, or any one claiming through her in the Frontier Syndicate property." Mr. Green said that Mr. Matney, the developer's attorney, will be willing to work with Mr. Watkins or his attorney to resolve Mr. Watkins' claim.

City Attorney Oast said that City Council is not the appropriate venue for a dispute of this nature. This is an issue between private property owners and if it turns out that the developer does not own the property, the conditional use permit will be void.

Upon inquiry of Vice-Mayor Mumpower, Ms. Hamel said that the developer would be required to get permits from the Air Quality Agency prior to any demolition.

-17-

At the request of Vice-Mayor Mumpower for staff to craft some language about providing a parking space, Ms. Hamel suggested the following condition: "The developer shall address the parking impact created by the development to a single-family residential property owned by Mary Hitchcock located on the east side of Jason Street, with an amount to not exceed \$5,000."

After hearing no rebuttal, Mayor Worley closed the public hearing at 6:11 p.m.

Vice-Mayor Mumpower moved to approve the conditional use rezoning for property located on Hill Street from RM-8 Residential Multi-Family Medium Density District and Office District to Office/Business District/Conditional Use. This motion was seconded by Councilman Newman.

Councilwoman Bellamy said that she would not support this action. She feels the development does not comply with Condition No. 4, in that the proposed development is too large for the neighborhood.

The motion made by Vice-Mayor Mumpower and seconded by Councilman Newman carried on a 6-1 vote, with Councilwoman Bellamy voting "no."

ORDINANCE BOOK NO. 22 - PAGE

Vice-Mayor Mumpower moved to adopt Ordinance No. 3234 to issue a conditional use permit for property located on Hill Street for the construction of a 30,000 square foot office building, associated parking area(s) and realignment of Michael Street and Jason Street to provide on-street parking, subject to following conditions: (1) That all TRC conditions be met; (2) All site lighting shall be equipped with 90 degree cut-off features and be directed away from adjoining properties and streets; (3) All existing vegetation to remain shall be clearly indicated and dimensioned on the site plan. Additionally, tree protection devices in accordance with Section 7-11-2 (c)(3) shall be provided and shown on both the grading and landscape plans; (4) In the event that the large deciduous tree shown as being preserved on the concept plan dies, a 5-6 inch caliper tree chosen from the City of Asheville's tree species list shall replace it; (5) In order to ensure that the proposed development remains in character with the

general office use in which it is intended for, the development shall be limited to the following list of uses provided by the developer: Residential (Dwellings, multi-family); Recreational (no recreational uses shall be permitted); Institutional (No institutional uses shall be permitted); Public/semi-public (no public/semi-public uses shall be permitted); Office/business (offices; home occupations; studios, galleries, and workshops for artists, designers, photographers); and Uses by right subject to special requirements (antenna, government buildings, financial institutions); and (6) The developer shall address the parking impact created by the development to a single-family residential property owned by Mary Hitchcock located on the east side of Jason Street, with an amount to not exceed \$5,000. This motion was seconded by Councilman Newman.

Councilman Dunn was comfortable with the developer helping Ms. Hitchcock with a driveway, however, was uncomfortable attaching a random dollar figure for that.

Vice-Mayor Mumpower said that Mr. Green suggested the \$5,000 cap, although he assumed it would be a much lower figure.

The motion made by Vice-Mayor Mumpower and seconded by Councilman Newman carried on a 6-1 vote, with Councilwoman Bellamy voting "no."

ORDINANCE BOOK NO. 22 – PAGE

-18-

E. PUBLIC HEARING TO CONSIDER THE CONDITIONAL USE ZONING OF PROPERTY LOCATED AT 66 LONG SHOALS ROAD FROM INSTITUTIONAL DISTRICT TO COMMERCIAL INDUSTRIAL DISTRICT/CONDITIONAL USE; AND THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR A PROPOSED KENNEL OCCUPANCY

ORDINANCE NO. 3235 - ORDINANCE REZONING PROPERTY LOCATED AT 66 LONG SHOALS ROAD FROM INSTITUTIONAL DISTRICT TO COMMERCIAL INDUSTRIAL DISTRICT/CONDITIONAL USE

ORDINANCE NO. 3236 - ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 66 LONG SHOALS ROAD FOR A PROPOSED KENNEL OCCUPANCY

Oaths were administered to anyone who anticipated speaking on this matter.

City Attorney Oast reviewed with Council the conditional use district zoning process by stating that this is a two-part process. It requires rezoning, which is a legislative act, and the issuance of a conditional use permit, which is a quasi-judicial site-specific act. Even though the public hearing on those two items will be combined, all the testimony needs to be sworn and two votes will need to be taken. The first vote will be to grant the rezoning to the conditional use district category and the second vote will be to issue the conditional use permit. If Council runs into a situation that it votes to rezone, Council doesn't have to issue the conditional use permit on the same night.

After hearing no questions about the procedure, Mayor Worley opened the public hearing at 6:30 p.m.

All Council members disclosed that they have visited the site and would consider this issue with an open mind on all the matters before them without pre-judgment and that they will make their decision based solely on what is before Council at the hearing.

City Attorney Oast said that as documentary evidence is submitted, he would be noting the entry of that evidence into the record.

Urban Planner Blake Esselstyn submitted into the record City Exhibit 1 (Affidavit of Publication), City Exhibit 2 (Certification of Mailing of Notice to Property Owners); and City Exhibit 3 (Staff Report).

Mr. Esselstyn said that this is the consideration of a request to rezone property located at 66 Long Shoals Road from Institutional District to Commercial Industrial District/Conditional Use, and a request to issue a conditional use permit for a proposed kennel occupancy.

The subject property is being considered for the addition of a Pet Adoption Center building with associated parking on a 2.63 acre lot. The proposed building will be at the back of the lot, near three existing structures (Attachments to City Exhibit 3 – Location Map, Aerial Map). The lot is on the north side of Long Shoals Road within the City of Asheville's corporate limits. The

applicant seeks for the lot to be rezoned from Institutional to Commercial Industrial-CUZ (Attachments to City Exhibit 3 - Existing Conditions Map, Proposed Site Plan, Perspective Drawing).

Kennels are a permitted use (classified as "high impact") in the Commercial Industrial district. The project would involve construction of a new building with an area of 3220 square feet, placing it within the acceptable structure size standards, and exempting it from open space

-19-

requirements. Parking areas are shown on the plan and appear to have a sufficient number of spaces.

At their March 21, 2005, meeting, the City of Asheville Technical Review Committee (TRC) reviewed the Conditional Use Rezoning and concept plan proposal and made a positive recommendation that the project be forwarded to the Planning and Zoning Commission, with the following project conditions summarized below. The applicant agreed at the meeting to comply with these conditions.

1. Applicant must provide specific information about the area of the potential future grooming shop building.
2. Sewer easements must be shown.
3. Applicant must document and label other historic easement lines as no longer valid.
4. Buffers must be provided between proposed use and funeral home (type "A") as well as between proposed use and residence (type "D"). Existing vegetation can be used towards alternative compliance in buffer areas and parking lot landscaping, but must be fully documented
5. Area calculations will be required for the vehicular use area.
6. Entire site will have to be brought into compliance – e.g. parking lot landscaping must be
7. specified for existing parking area as well.
8. Street trees at south end of parcels must be identified and either shown to meet City of Asheville requirements, or more street trees must be planted.
9. Sidewalk (or fee-in-lieu) must be provided along Long Shoals Road
10. The existing roadway will need to be upgraded to a min. of twenty feet of width from Long Shoals Road to the one-way split. The entire roadway will also need to an all-weather surface capable of supporting an imposed 75,000 lb. vehicle load. A fire hydrant capable of flowing 500gpm must be provided within 400 ft. of the new building. The developer is responsible for installing all needed fire protection improvements.
11. Driveway apron must be paved per City Standard Detail 3.15
12. Applicant must submit plans if buildings are to be sprinkled.

At their April 6, 2005, meeting, the Planning and Zoning Commission approved the application by a 5-1 vote, subject to the following conditions:

1. TRC conditions must be met.
2. Hours of outdoor animal exercise shall be consistent with the provisions of the noise ordinance. (As with the use of lawn mowing equipment), such exercise shall be permitted only between the hours of 8:00 a.m. and 9:00 p.m. (see UDO Chapter 10-85).
3. All site lighting shall be equipped with 90 degree cut-off features and be directed away from adjoining properties and streets.
4. All existing vegetation shall be clearly indicated and dimensioned on the site plan.
5. Tree protection devices, in accordance with Section 7-11-2 (c) (3) of the UDO shall be provided and shown on both the grading and landscape plans.

City Council must take formal action as set forth in section 7-9-9(c)(4) of the Unified Development Ordinance (UDO), and must find that all seven standards for approval of conditional uses are met based on the evidence and testimony received at the public hearing or otherwise appearing in the record of this case (UDO 7-16-2 (c)). Staff's review indicates that all seven standards are met as proposed in the site plan.

- 1. That the proposed use or development of the land will not materially endanger the public health or safety.**

-20-

The proposed project has been reviewed by City staff and appears to meet all public health and safety related requirements. The project must meet the technical standards set forth in the UDO, the Standards and Specifications

Manual, the North Carolina Building Code and other applicable laws and standards that protect the public health and safety.

2. **That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

The site design is indeed compatible with the surrounding natural features and topography.

3. **That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**

Staff does not expect that the proposed use would have anything more than a minimal impact on property values. The applicant reports that all neighbors have given their support.

4. **That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

The proposed project would be in harmony with these characteristics of the area.

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

The proposed development indeed conforms to the official plans and policies of the City of Asheville. Potential sidewalk improvements are one example of a stated City goal that this project could further.

6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

The project's location on Long Shoals Road ensures access to major transportation facilities and other services. Technical Review from other departments has not revealed any problems for serving the development.

7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

The proposed project has been reviewed by the City's traffic engineer and is not expected to cause undue traffic congestion or create a traffic hazard.

-
Pros

- Project appears to have the blessing of neighboring property owners.
- Approval would allow the construction of a project perceived as a "good cause."

-21-

Cons

- The kennel might not be viewed with the same support if nearby properties were to change hands.

-
Staff recommends approval of the rezoning request from INST to CI-CUZ with approval of the associated Conditional Use Permit and conceptual site plan, subject to the condition that all outstanding TRC conditions and Planning and Zoning Commission conditions are met.

Ms. Virginia Schmidt, property owner, said that this will be a self-contained building and there will probably be a maximum of 30-35 cats and dogs. She said that here are no future plans for expansion near the street.

-
Councilman Davis was concerned that future development near the street would disturb grieving families at the funeral home located on the west side of the property. City Attorney Oast noted that the site plan is incorporated into the conditional use permit and if there were any changes, they would have to come before City Council for a modification of the permit.

After hearing no rebuttal, Mayor Worley closed the public hearing at 6:43 p.m.

Councilwoman Jones moved to approve the conditional use rezoning for property located at 66 Long Shoals Road from Institutional District to Commercial Industrial District/Conditional Use. This motion was seconded by Vice-Mayor Mumpower and carried unanimously.

ORDINANCE BOOK NO. 22 - PAGE

Councilwoman Jones moved to adopt Ordinance No. 3236 to issue a conditional use permit for property located at 66 Long Shoals Road for a proposed kennel occupancy, subject to the condition that all outstanding Technical Review Committee conditions and Planning and Zoning Commission conditions are met. This motion was seconded by Vice-Mayor Mumpower and carried unanimously.

ORDINANCE BOOK NO. 22 – PAGE

At 6:45 p.m., Mayor Worley announced a recess.

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

A. CONSIDERATION OF A ZONING STUDY OF THE WESTERN END OF SARDIS ROAD

Director of Development Services Joe Heard said that this is the consideration of a request from property owners for a zoning study for properties along the western end of Sardis Road, near the intersection with Sand Hill Road.

Section 7-7-2 of the Unified Development Ordinance (UDO) provides property owners with a method to petition City Council to authorize a zoning study for property not entirely owned by them. The Code requires that at least 51% of property owners in the area join the request and, in this case, the percentage has been reached. The petition process does not require City Council to ask staff to undertake the zoning study; it only requires that Council consider the request.

-22-

The area included in the petition is described on the Map #1. In the staff's opinion, this area does not contain all relevant property that should be examined in a zoning study. If Council directs that staff analyze the zoning of this area, then it is recommended that the area be expanded to the proportions illustrated on the Map #2 including all of the CB-II zoned area.

The request is prompted by the petitioners' belief that much of the current development in this area does not comply with the standards for development (particularly restrictions on car sales lots and parking location requirements) in the Community Business II (CB-II) district. The petitioners would prefer a zoning designation of Commercial Industrial (CI) to maximize the number of allowed uses, bring most of the current development into conformity, and allow for future development standards to be more consistent with the current development pattern.

Pro –

- The zoning study would enable the issue about the appropriate zoning of this neighborhood to be decided by City Council.

Con –

- The study will consume limited staff resources that could be devoted to other projects.

Planning & Development staff is presently involved with projects such as annexation coordination, development review, neighborhood planning, and other special studies to implement Council's strategic plan goals. Performing a zoning study for the Sardis Road area would require some of these other duties to be reprioritized. If City Council desires the requested rezoning study be performed, then staff recommends that the study encompass the larger area described in Map 2.

At the request of City Council at their April 19, 2005, worksession, Planning & Development Director Scott Shuford provided City Council with a memo containing responses to the following questions: (1) is there a time sensitive nature of the zoning study relative to the petitioners; (2) what is the effect of the zoning study might have on the Planning Department's current work program; and (3) a doable timeframe to perform the zoning study that doesn't interfere with the current work program.

Mr. Paul Smith, property owner on Sardis Road, urged City Council to study the west end for a commercial industrial designation since most businesses are out of compliance with the Community Business II designation.

Ms. Robinson, area business owner, also requested Council to study the west end of Sardis Road because it limits any

expansion of her property.

In response to Vice-Mayor Mumpower, Planning & Development Director Scott Shuford explained the methodology of a zoning study. He said this particular study is not an extremely complicated one and would require approximately 40-50 hours of staff time to study the staff-recommended area of Sardis Road.

Councilman Davis wondered if it would be better to study the entire corridor since it is the most available and easily developable land we have near the City.

Councilwoman Bellamy felt that an entire corridor study would also benefit the Water Resources Department as it relates to future growth and water line extensions.

Upon inquiry of Mayor Worley, Mr. Shuford said that given his department's current workload, he felt that in about six months they could concentrate on the zoning study.

-23-

In response to Councilman Dunn, Mr. Shuford said that he would not hesitate to ask Council to reprioritize his work program. In fact, another possibility is that a consultant could be hired to perform the study, however, they do not have funds in their current budget for that.

Upon inquiry of Councilman Davis, Mr. Smith urged council to move forward quickly on the study of the western end of Sardis Road.

Regarding an entire corridor study, Mr. Shuford said the center portion of Sardis Road seems to be less likely for us to be recommending any change. Perhaps they can look at the entire corridor study and come up with a phased approach of how we would look at it, because it may not make much sense to hold a public meeting, for example, that covers the entire corridor and find out that the real interest is only in one end or the other. We can do that in a phased program and bring it back to Council in pieces. City Council was in consensus of Mr. Shuford's phased zoning study for Sardis Road.

Councilman Davis moved to authorize the Planning Department perform a zoning study for the western Sardis Road area, which encompasses the larger area described in Map 2. This motion was seconded by Councilwoman Bellamy and carried unanimously.

B. RESOLUTION NO. 05-109 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE FILM COMMISSION

Vice-Mayor Mumpower said that there currently exists a vacancy on the Asheville Film Commission until November 1, 2006.

At the City Council's worksession on April 19, 2005, City Council instructed the City Clerk to arrange interviews for Donna Daniels and Mary Trimarco.

After each Council member spoke in support of both candidates, Ms. Donna Daniels was unanimously appointed as a member to the Asheville Film Commission, to serve the unexpired term of Heidi Daugherty, term to expire November 1, 2006, or until her successor is appointed.

Mayor Worley said that he would like to have Ms. Trimarco, AdvantageWest Film Commission, considered for the next available position on the Film Commission, or to amend the ordinance to include a position for the AdvantageWest Film Commissioner. He said that an ex-officio voting member may be appropriate and asked Council to consider the change.

Councilwoman Bellamy would support the addition of the position. One thing the Film Commissioner would bring is collaboration and less duplication of services between the two agencies.

Vice-Mayor Mumpower, member of the Film Commission, said that the 13-member Film Commission is an unusually large board. He suggested having City Clerk Burleson express Council's interest to the Film Commission and ask them to deliberate the idea and report back to Council with their observations and thoughts.

Councilwoman Jones felt there is structural value to think regionally and would like the input of the Film Commission.

It was the consensus of Council to ask the City Clerk to contact the Film Commission to let them know there is an inclination on the part of Council to include an ex-officio voting seat on the Film Commission for the AdvantageWest Film Commissioner. City Council is requesting the Commission's input and staff will report back to Council with their thoughts at an upcoming worksession.

-24-

RESOLUTION BOOK NO. 29 – PAGE 133

VI. OTHER BUSINESS:

DISCUSSION OF WATER NEGOTIATIONS WITH BUNCOMBE COUNTY

RESOLUTION NO. 05-111 – RESOLUTION ADVISING OUR LOCAL DELEGATION THE STATUS OF WATER AGREEMENT NEGOTIATIONS WITH BUNCOMBE COUNTY AND EXPRESSING CITY COUNCIL'S OPPOSITION TO SULLIVAN ACTS 2 AND 3

Mayor Worley said that it has been a year since we gave notice of termination of the water agreement and we have had a lot of conversations back and forth over that period of time and a mediation meeting. Out of that, Council has the desire to pull things together from a Council standpoint.

Councilman Newman said no issue looms larger in front of City Council than the future of our water system. There is a strong desire on the City Council's part to find an agreement that will be good for the future of Asheville citizens, good for the future of the Asheville water system, and also fair for the water customers who are located outside Asheville. He shared some ideas that he has heard from conversations with his fellow Council members, from conversations he has had with members of the Buncombe County Commissioners, and from members of the community. To get an agreement, we know that both sides are going to have to compromise and find that middle ground. He said was speaking for himself only but hoped this proposal reflects some of the ideas he has heard from Council collectively.

Problems with the current water agreement: (1) families in Asheville pay the highest water rates of any large city in North Carolina; (2) the current agreement prevents vital repairs to the water infrastructure (a) budget approval requires consensus of Water Authority, Asheville and the County; and (b) water revenues are diverted to the general fund of Asheville and County government; and (3) Asheville has a weak voice in governance of the water system.

Positive aspects of the current water agreement include (1) residents in Asheville are reimbursed for County law enforcement services not provided in Asheville; and (2) County takes responsibility for some recreational facilities used by people county-wide.

He provided a few thoughts about what Asheville wants from a new water agreement: (1) a stronger voice for Asheville in the future of our water system; (2) a guaranteed way to invest in water line repairs; (3) more accountability to voters and water customers; (4) relief for families in Asheville who pay the highest rates in North Carolina; (5) a less divisive process for annexation; (6) prevent double taxation of families and businesses in Asheville – tax equity; and (7) partnerships with the County and legislators on Civic Center and recreational facilities.

Concerns we have heard are: (1) extreme water rates for customers outside Asheville; (2) customers outside Asheville could be forced to annex as a condition of receiving water; (3) aggressive "satellite annexation"; (4) County wants a voice in the future of water system too; and (5) if a new agreement is not reached – costly litigation.

A proposal from Asheville for the future of our water system is (1) all current water customers would be guaranteed water; (2) no current water customers could ever be annexed for water service; (3) Asheville retains ownership of its water assets; and (4) partnership between Asheville and Buncombe County on the future of water and regional recreational facilities.

Key elements are:

-25-

(1) A more accountable empowered water board. (1) creation of a new water board (a) Asheville has 4 representatives, Buncombe County has 3 representatives; (1a) Asheville owns almost all assets; (1b) majority of customers are in Asheville; (2) Board is allowed to approve water authority budget; and (3) accountability – Asheville will appoint elected officials.

(2) A plan to fix the water system. (1) 100% of water revenues will be dedicated to water infrastructure and services – no diversions; (2) \$1.5 Million per year increase to repair water lines; (3) will reduce pressure to raise water rates in the future; (4) will cost city of Asheville \$1.1 Million; and (5) will cost Buncombe County government \$500,000.

(3) Setting fair water rates. (1) what is true cost of delivering water: (a) 645 customers per square mile in Asheville; (b) about 100 customers per square mile outside Asheville; (c) the system would not exist without Asheville (d) 25,000 acre watersheds are source of most water; (2) NC Average – 85% higher rates for suburban and rural areas; (3) Asheville proposes a rate differential half of the state average – 35%; (4) lower rates for families in Asheville by 10-15%; (5) increase on outside customers no more than 20-25%; (6) permanent caps on rate differential; and (6) could be phased in to prevent sudden increase in water rates.

(4) A reasonable process for annexation. (1) no current water customers could be annexed for water service; (2) no aggressive satellite annexation; (3) only larger new developments proposed along periphery of Asheville could be asked to annex for water service; (4) such developments would be annexed anyway; and (5) a less contentious process.

(5) Asheville and County partnerships on recreational facilities. (1) County will continue to manage The Nature Center and Recreation Park – will receive title to these facilities; and (2) Asheville will resume management of McCormick stadium and the golf course.

(6) A realistic plan to maintain and improve the Civic Center. (1) Asheville taxpayers currently subsidize Civic Center \$750,000 per year; (2) Civic Center needs \$10-15 Million in short term repairs; (3) estimated 80% of Civic Center customers live outside Asheville; (4) proposal – County invests \$500,000 to help finance annual operating costs; (5) proposal – County invests \$750,000 to help finance near-term capital improvements; (6) Asheville and County jointly request support from our legislative delegation for a new funding source; and (7) if no new funding source is developed, County will make some additional investments for capital improvements.

This proposal would clarify tax equity payment in the current agreement: (1) law enforcement reimbursement will be set at \$2 million per year – clarifies existing policy.

Lifetime of the proposed water agreement: Agreement would last 15 years (1) both sides would have to agree to terminate; (2) after 15 years, either side could withdraw with 12 months notice; and (3) agreement would automatically terminate if anti-Asheville water legislation is passed in the N.C. legislature.

Summary of the proposed agreements includes: (1) all current customers are guaranteed water service; (2) creation of a more empowered, accountable water board; (3) Asheville retains its water assets and has a stronger voice in water governance; (4) Buncombe County also has a strong voice in water governance; (5) greater investment in water infrastructure – no diversions; (6) relief for water customers in Asheville; (7) assure to customers outside Asheville that rate increases will be modest; (8) no current customers could be annexed for water service; (9) no aggressive satellite annexation; (10) a realistic plan to maintain and improve the Civic Center; and (11) Asheville, Buncombe County and legislators avoid expensive and divisive litigation.

-26-

Councilman Newman urged City Council to support this proposal for the future of our water system and forward it for consideration to the Buncombe County Commissioners.

Vice-Mayor Mumpower said that Councilman Newman offers some good insights and suggestions; however, he has significant concerns about the overall proposal. He was concerned about the whole process. He has not participated, intentionally, in the formal negotiations because he felt the outcome was established before we started. He felt that we will not get to good places through bad means. He then read the following “Resolution of commitment regarding water negotiations between Buncombe County and the City of Asheville. Whereas, in June of 2004, the City Council of Asheville, following procedures outlined in the existing water agreement, announced its intentions to end that agreement on or about July 1st of 2005; and Whereas, the City Council of Asheville has endorsed a commitment to fact based and fair negotiations on how best to dissolve the current water agreement and establish a new agreement offering just treatment to the citizens of Asheville, Buncombe County and the region; and Whereas, the City of Asheville is the only city of size in Buncombe County and, in fact, the State of North Carolina that does not manage its own water assets and offers no indication of unique incapacity to do so; and Whereas, residents of the City of Asheville pay approximately double the property taxes of those living outside the City; and Whereas, Buncombe County requested that negotiations be postponed until after the recent election and soon thereafter began a misinformation campaign and rigid negotiation posture that has impaired the negotiation process; and Whereas, the State Representatives of Asheville and Buncombe County have, from the onset of negotiations, have inappropriately threatened to introduce legislation against the City and in doing so artificially contrived their desired outcome to this local government issue; and Whereas, our State Representatives and

Buncombe County have taken the unusual and ill conceived step of co-writing legislation that assures that negotiations based on facts and fairness are not possible; and Whereas, the City of Asheville does not believe that it is prudent, possible, or appropriate to participate in negotiations that are artificially contrived and controlled by external forces; and Whereas, the quality of life, economic stability, and future viability of our region is heavily founded in stable local government and a well managed, supported, and maintained water system. Now, therefore, be it resolved by the City Council of the City of Asheville that (1) we affirm a commitment to supporting a regional water authority if the means can be found to fully and fairly compensate the citizens of Asheville for the value of their water assets conservatively estimated at \$75,000,000, excluding the two primary watershed properties, and that barring this desired outcome, we commit to assuming management of the water system by providing a reasonable rate cap to County residents that is no greater than half of what the state average represents, along with additional caps on monies received by the City from the system and other constraints that assure protection to Buncombe County residents; (2) we further respectfully submit a formal request that our State Delegation withdraw pending legislation that is impairing our collective ability to resolve our water negotiations in constructive fashion; and (3) we further request that the Buncombe County Commission return to an open and public negotiation table with a renewed commitment to time sensitive deliberations toward an agreement coached in facts and fair consideration of all citizens of Buncombe County, including residents of the City of Asheville." Although he would not make a motion to adopt the resolution, he was grateful for the opportunity to speak out directly to some of those concerns.

The following individuals commented on the water agreement: Mr. Fred English, Mr. Roy McGuinn, Ms. Leesa Kulba, Mr. Mike Fryer, Mr. Jerry Rice and Mr. Chris Pelly.

Councilman Dunn said that no where during these negotiations has the delegation, County Commissioners, Asheville Citizen-Times, nor Chamber of Commerce given serious thoughts about the rights of the citizens of Asheville. This proposal shows a fair council, not a city council that is greedily trying to reach out and charge people ridiculous water rates. The system is not equitable and the pending legislation is tying our hands. Even though the water agreement has little to do with the room tax, the County brought the Civic Center into the negotiations. And,

-27-

since the delegation has seen fit to enter into these negotiations and interfere with two local governments, they have become an issue and they now need to become part of the solution. The County offered to give the City \$750,000 for the Civic Center. But basically 38% of everything the County gives the City is City taxpayer money in the first place. In the proposal we ask that the City and County jointly request support from our legislative delegation for a new funding source. In fact, for years the state delegation has supported room tax increases throughout the state, except in Asheville. He feels it's time for the legislators commit to give Asheville a room tax to go toward the renovation of the Civic Center. He would not be able to support any proposal until the delegation commits that support to us. He felt that since the delegation interfered with these negotiations, he felt it was time for them to help with the solution.

Mayor Worley said that a proposal was sent to the County Commissioners back on March 23, 2005, which is very substantially similar as the current proposal. He also feels like the pending legislation has taken us away from a level playing field and has tainted the negotiations, but we need to work with what we have been dealt. He felt Councilman Newman's proposal is a compromise for everyone. He clarified that in terms of the diversion of water revenues that are currently coming to the City and County, that from the City's standpoint we would phase that in. He agrees that the County should chip in to help finance the annual operating costs, but the real key is the long-term capital needs for the Civic Center. To fix it right will take a substantial revenue source that will enable us to float a bond issue of about \$30-35 Million. In terms of the Civic Center he would suggest that the County put in to help finance the annual operating costs, partner with us to go to delegation and put pressure on the delegation to find us a revenue sources (whether a room tax; a food or beverage tax, or some other tax) to give us that amount of revenue. But, it needs to be a genuine partnership with Buncombe County, because if they don't step up to the plate, then they will have to put in additional money to at least help the City finance the status quo of the Civic Center (approximately \$10-15 Million). He would like to tie those two together so there truly is a partnership and there is an economic incentive to be in that partnership to go to the legislature. Regarding the law enforcement reimbursement at \$2 Million a year, the County has indicated the potential for growth in that figure of about a \$60,000 a year increase. He wants to make sure that is part of the proposal. Lastly, we really need to be able to terminate the agreement anytime there is a law passed that would prohibit Asheville's ability to annex, particular law prohibiting the ability to use the water in a way that is conducive to the annexation. He felt the concepts of the proposal are sound and asked that his changes be included in the proposal.

Councilwoman Newman agreed with the changes in the proposal suggested by Mayor Worley.

Councilman Davis felt the proposal is a good compromise and stressed that he would like to see Asheville have the ability to perform as other cities do throughout the state.

Councilwoman Jones said that we may have made some less than perfect decisions around negotiations, we have talked and listened to a lot of citizens in Asheville and Buncombe County.

Councilman Newman explained that the Sullivan Act, which was passed in the 1930's, doesn't say that the City can't charge different rates anywhere in Buncombe County. The short story is that there were some water districts in Buncombe County that used to operate their own systems and the people in those parts of the County issued bonds to pay for those water lines out of their own tax money. What the Sullivan Act says is that in those old water districts, outside of Asheville, we can't charge a different rate on those lines because those water customers in Buncombe County paid for those lines themselves. Those are the only waterlines in Buncombe County that the Sullivan Act applies to and most of those areas are actually in the City of

-28-

Asheville now. However, we would not charge a different rate for the water lines that are controlled by the Sullivan Act.

Councilman Newman moved to support the proposal (with Mayor Worley's suggestions) and forward it to the Buncombe County Commissioners and our legislators to make them aware of where we are at and the major concessions that Asheville has made in the spirit of seeking compromise. And, that the City will continue to engage in good faith negotiations with our County Commissioners to work our a final agreement. This motion was seconded by Councilwoman Bellamy.

Councilman Dunn asked for an amendment to the proposal that the agreement would automatically terminate if anti-Asheville water legislation is passed in the NC legislature, or if no legislation is passed to give Asheville a menu of items for the Civic Center.

Councilman Newman's only concern about Councilman Dunn's amendment is that the primary bodies that have to work things out are the Asheville City Council and the Buncombe County Commissioners. The legislators have been involved, but he doesn't want to give them veto power, by their action or their inaction, to unravel the entire agreement.

Councilman Dunn pointed out that the legislation was written by the County Attorney.

Vice-Mayor Mumpower said that Asheville is the only City in Buncombe County and only City in the State that owns its assets and is not able to manage them (other than the unique circumstance in Chapel Hill). We have spent months educating people about fairness, the fact that City residents pay double rates in the city, the high City water rates, the value of the system, and need for an authority and he feels Councilman Newman's proposal is stepping away from the foundation that we have been laying for a long time. He feels we are doing it because we are being blackmailed. This agreement contains the reshuffling of the same old semi-authority. His concerns are that we retain ownership, but with very little control. The agreement doesn't offer fair compensation of the value of the system and the watersheds. The research says that \$750,000,000 is an equitable estimation of the water system, which value is based on the replacement value of it being a crucial, irreplaceable infrastructure. What kind of council would give that asset or control away without fair compensation? He has no fixed position on a city managed system or a water authority, but if we are going to have an authority then the citizens of Asheville should be fairly compensated. The plan deceives people because it doesn't even begin to fund the costs of the system and the rates will have to go up dramatically for everyone involved in the very near term. This agreement locks us into paralyzing agreements and caps that we can't get out of this for 15 years. The rate caps are excessive in terms of what we are gaining for them. This agreement shows that a large portion of the County dollars comes from City residents, so when the County gives the City a chunk of money back, a large portion of that money comes from the very people they are supposedly assisting. He didn't think the water agreement is where we should be trying to deal with the Civic Center renovation. What we basically have here is a strategy for surrender. He feels we should stick by facts and fairness. He encouraged City Council to show more courage and not step back from a defensible position on this.

Councilwoman Bellamy said that prior Councils have been trying to get out of the water agreement because they see the problems in the current system that we have. We need to provide safe water for people to drink and that has been left out of the conversations by the County Commissioners and the legislators until recently. She felt we need to put more funds into making the water system better. Although we are paying the highest water rates, our infrastructure needs to be addressed. She believed this proposal begins to get us in the right direction.

-29-

The motion made by Councilman Newman and seconded by Councilwoman Bellamy carried on a 5-2 vote, with Vice-Mayor Mumpower and Councilman Dunn voting "no."

Councilwoman Newman moved to instruct the City Attorney to draft a resolution advising our local delegation the status of

water agreement negotiations with Buncombe County and expressing City Council's opposition to Sullivan Acts 2 and 3, with the precise language of the resolution to be circulated amongst Council members. This motion was seconded by Councilman Dunn and carried unanimously.

Upon inquiry of Councilwoman Jones, Assistant City Manager Richardson said that we have contacted the Buncombe County Commissioners about setting up a public meeting but have not heard back from them yet.

RESOLUTION BOOK NO. 29 – PAGE 135

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Vice-Mayor Mumpower invited the public to participate in the For Our Kids program (which Program he and Councilwoman Bellamy share responsibilities in) on Saturday, May 14, 2005, at the Klondyke Apartments for a clean-up project.

Mr. Fred English commented on the Civic Center, the requested historic designation of the Sawyer building, and the lack of interest the local delegation showed to flooded areas in our vicinity.

Mr. Jerry Rice commented on the costs to developers for installing water lines in their developments.

Mr. Roy McGuinn suggested a payroll tax be implemented.

VIII. ADJOURNMENT:

Mayor Worley adjourned the meeting at 9:37 p.m.

CITY CLERK

MAYOR