

Worksession

Present: Mayor Charles R. Worley, Presiding (left at 9:08 p.m.); Vice-Mayor R. Carl Mumpower; Councilwoman Terry M. Bellamy; Councilman Jan B. Davis; Councilman Joseph C. Dunn (left at 8:30 p.m.); Councilwoman Diana Hollis Jones; Councilman Brownie W. Newman (arrived at 3:38); City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT AGENDA:

Acquisition and Acceptance of a Partial Donation of Property on Rocky Ridge Road

Summary: The consideration of a resolution authorizing acquisition and acceptance of a partial donation of property on Rocky Ridge Road.

The City of Asheville Fire and Rescue Department (AFRD) has recognized the need for a fire station in the vicinity of the Brevard Road and I-26 interchange in order to provide fire protection for residents and businesses in the area. AFRD staff has selected certain real property located on Rocky Ridge Road, identified as PIN No. 9626.08-78-7720 as the optimal location for the new fire station.

The property is located about 250' west of the intersection of Rocky Ridge Road and Brevard Road at the I-26 interchange. It is rectangular in shape and contains approximately 0.81 acre. It is generally level with the street and forms an elevated flat building site with retaining walls along three sides. There is a traffic signal at the intersection with Brevard Road providing direct access to Brevard Road in either direction and I-26 East. Access to I-26 West is at the next intersection one block away. The site has been evaluated by the architectural firm of Stewart-Cooper-Newell Architects and found to be suitable for its intended use.

The property was appraised by Francis J. Naeger, MAI, at a value of \$603,000. Real Estate Manager Ed Vess has reviewed the appraisal and concurred with the fair market value of \$603,000 based on the appraisal. In discussing the City's needs and budget limitations with the property owners, Karl and Nick Koon of G. E. Enterprises, they agreed to donate a portion of the purchase price in order to make the purchase possible for the City. The City and the Koons executed an Option to Purchase Real Property, which provided for a purchase price of \$603,000 with \$303,000 of the purchase price to be donated by the Koons to the City. The remaining \$300,000 of the purchase price would be paid in cash by the City.

The AFRD has \$300,000 budgeted for the purchase of a site in the Brevard Road area.

The positive aspects of the proposed acquisition are:

- The site is the optimal location for a fire station based on the service area and access.
- There will be significant savings in site preparation costs compared to other available sites.
- The purchase of this site will enable this station to be bid at the same time as the Exit 44 station resulting in construction cost savings.
- It is a voluntary sale at fair market value.
- Includes only the land necessary for the fire station.

The negative aspects are:

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- Removes property from the tax base.
- Removes a commercial lot from the market.

Approval of the resolution will establish \$603,000.00 as fair market value for the property, authorize exercising the option along with a cash payment of \$300,000 and accept the donation of \$303,000 from G. E. Enterprises, Inc.

Planning & Development staff and AFRD staff recommend adoption of the resolution authorizing acquisition and acceptance of a partial donation of property on Rocky Ridge Road.

Demolition of 34 Crescent Street

Summary: The consideration of an ordinance directing that the dwelling located at 34 Crescent Street be demolished and that all debris removed from the property, and an associated budget amendment, in the amount of \$15,000.

The structure located at 34 Crescent Street (PIN No. 9649.15-54-5121) is a two-story wooden frame, severely dilapidated

dwelling in danger of collapse. The framing of the dwelling is positioned on 4x4 posts and untreated stiff knees with no footings. The roof of the dwelling has several layers of asphalt shingles in various stages of decay causing water penetration and rot throughout the dwelling. The roof is collapsing in on the dwelling. The porches on the back and side of the house have structurally failed and are collapsing. Still photos further illustrate the condition of the dwelling (to be shown during the presentation).

A hearing was held on March 2, 2004, and a Findings of Fact and Order was issued, ordering the dwelling demolished. The owners, Mr. and Mrs. Eugene E. Galloway, have failed to comply with the order of demolition. Pursuant to N.C.G.S. sec. 160A-443, when an Owner fails to comply with an order of demolition, the City has the option of demolishing the dwelling upon compliance with certain due process requirements. The owners have acknowledged the urgency and need for the dwelling to be demolished by executing a Consent for Demolition for the City to demolish and remove the dwelling. Further, the owners have executed a waiver of any and all further notice requirements pertaining to the demolition of the dwelling.

In order to file a lien against the property for the cost to the City to demolish and remove the dwelling, the City must have an ordinance directing the demolition of the dwelling as required by N.C.G.S. sec. 160A-443 and sec. 4-217(e)(3) of the City's Housing Code.

The following is an overview of some general information regarding this property:

- Buncombe County Tax value: \$43,000
- Estimated cost to demolish dwelling: Approximately \$15,000
- Notification of affordable housing agencies: Yes (no input received)

Pro: Removes blight and deterioration

Con: Allocation of public funds to demolish private property

This action promotes Goal #4 of the City's Strategic Operating Plan in that as a vacant lot centrally located in downtown Asheville, the lot is appropriate for consideration for the construction of affordable housing.

The Building Safety Department recommends adoption of the ordinance ordering demolition and removal of 34 Crescent Street, and an associated budget amendment.

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Acquisition of Property for Grovestone Pump Station

Summary: The consideration of a resolution accepting an offer of sale of land on Lake Eden Road, which is needed for the Grovestone Pump Station.

: City of Asheville has received an Offer of Sale of Land from Robert & Michelle Grabill for land on Lake Eden Road in the amount of \$5,000. The subject property is a cut out parcel located at the north east corner of a 2.57 acres parcel at the corner of Lake Eden Road and Eden View Drive. It is an irregular trapezoidal shape containing approximately 0.049 acre. It is generally level with the street, wooded and adjacent to a small creek. Its highest and best use per the surrounding properties is residential. It is proposed to be acquired as part of the Grovestone Pump Station project.

Real Estate Manager Ed Vess reviewed the tax values of residential properties in close proximity to the subject property. Six lots were investigated in the Glen Eden subdivision, which is about a quarter mile from the subject property. The lots ranged in size from 0.35 acre to 0.67 acre and values ranged from \$36,000 to \$38,200. The per acre values calculated from the tax values ranged from \$102,857 to \$57,000 per acre respectively. This is consistent with the trend in real estate prices that the smaller the parcel the higher the per acre price. The subject parcel is quite small and thus the higher per acre value would be most indicative of the value. Using a per acre value of \$102,857 the indicated value for the subject parcel would be \$5,000.

The positive aspects of the proposed acquisition are:

1. It offers an efficient and practical site for the needed pump station.
2. The price is consistent with value evidence for property near the site.
3. The purchase will expedite completion of the Grovestone Pump Station.
4. It is a voluntary sale and will not involve eminent domain.
5. It only includes the land necessary for the pump station leaving the remainder of the property in private ownership.

There are no negative aspects to this transaction.

Approval of the resolution will establish \$5,000 as the just compensation for the property and accept the Offer of Sale of Land from Robert & Michelle Grabill for that amount.

Planning & Development staff and Water Resources staff recommend adoption of the resolution accepting an offer of sale of land on Lake Eden Road, which is needed for the Grovestone Pump Station.

Contract Renewal with Asheville Claims Corporation

Summary: The consideration of a resolution authorizing renewal of claims administration contract with Asheville Claims Corporation

Since 1993, the City of Asheville has funded and operated a self-funded loss reserve program, as authorized by North Carolina law. This program is administered by the Asheville Claims Corporation (herein "ACC"). Pursuant to this Agreement, ACC is the first referral for claims that are made against the City of Asheville. The claims are reviewed by ACC, and based on that review, determinations are made as to the City's potential liability and damages. In appropriate cases, claims are paid. If a claim develops into a lawsuit, the City's legal defense is provided through ACC. The City Manager, City Attorney, Risk Manager, and Finance Officer are also consulted as and when appropriate with respect to the processing of claims.

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The City's "loss experience" since embarking on this self-funded reserve program has improved dramatically over what it was before. Costs are down, and claims are handled better, and there is an emphasis on loss prevention. Asheville's experience as compared to cities with conventional insurance coverage is very favorable. If the City had to obtain insurance on the open market to provide similar coverage, the costs would likely be higher in terms of premiums and claims administration, and the coverage would likely not be as good.

Considerations:

- current arrangement has worked well since 1993
- City is more closely involved in the handling of claims
- costs are lower than for conventional insurance
- coverage is better than with conventional insurance

City staff recommends City Council adopt the resolution authorizing renewal of the claims administration contract with Asheville Claims Corporation.

Grant from N.C. Dept. of Crime Control & Public Safety

Summary: The consideration of a budget amendment, in the amount of \$180,000, to receive grant money from the N.C. Dept. of Crime Control and Public Safety, Division of Emergency Management through the Governor's Crime Commission, for procurement of emergency response and preparedness equipment for Asheville Fire and Rescue Department and 12 other Buncombe County public safety agencies.

With Council approval, the City of Asheville Fire and Rescue Department requested \$492,800 from the NC Division of Emergency Management for emergency response by updating communication equipment. Council Resolution Number 05-13 adopted on January 25, 2005, approved applying for the grant. The grant will enhance interoperability between City and County public safety agencies. Staff was successful in obtaining \$144,000 of the requested funding. The City share will be \$36,000 of which a prorated share will be reimbursed to the City by the other 12 Buncombe County public safety agencies upon purchase of the equipment. A memorandum of understanding was signed by all agencies sharing in this grant on January 19, 2005. This grant will purchase mobile radios for vehicles without communications and additional portable radios for positions without a radio assigned. The added communication will increase firefighter safety during emergency response.

PROS:

- Interoperability between differing agencies and responding units will be increased.
- The equipment will increase the City's ability to protect human life, property, and the environment.
- The equipment will increase firefighter and police officer safety.
- 75% of the funding comes from the State of North Carolina.
- The other 12 Buncombe County agencies would share in the 25% cost not funded by the State.

CONS:

- The City of Asheville's share of the matching grant.

Asheville City Council has directed staff to validate levels of emergency services provided for our citizens through the City's Strategic Operating Plan. Within the City of Asheville Strategic Operating Plan section on Critical Services and Infrastructure: Goal 3 – Strong City and County

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Partnerships; Objective 1 – Review and validate the levels of critical emergency services provided throughout the city; Task 3 – Review

and validate the levels of critical emergency services provided throughout the City.

City staff recommends City Council approve the budget amendment to receive grant money from the NC Division of Emergency Management.

Grant from NC Governor's Highway Safety Program

Summary: The consideration of the resolution authorizing the City Manager to enter into an agreement with the N.C. Governor's Highway Safety Program (GHSP) for the purchase of computer equipment and travel/training money for the Asheville Police Department's Regional Law Enforcement Liaison, and the associated budget amendment, in the amount of \$10,000.

The City of Asheville has been awarded a grant from the GHSP in the amount of \$10,000 with no local match required. The purpose of the grant program is to fund highway safety projects, allowed under the grant program, designed to reduce traffic speed, traffic accidents and improve highway safety. We have chosen to purchase a Dell Dimension XPS Gen 5 desktop computer and a Dell Inspiron 9300 Laptop computer totaling \$5000.00. The other grant monies would be spent on in-state and out-of-state travel expenses, totaling \$5,000.00. The desired equipment is to be located in an office where officers could utilize the desktop computer to complete traffic crash investigation duties. The laptop would be assigned to the GHSP Regional Liaison to aid that person in managing GHSP duties as well as performing traffic crash investigation duties. The travel monies will allow out department's Regional Liaison Officer to maintain contact with other liaisons and attend necessary highway safety functions as requested by the Governor's Highway Safety Program.

Pros:

- Equipment will improve the efficiency and availability of traffic safety computer related resources.
- Will contribute to the enhanced effectiveness of traffic homicide investigators and crash reconstructionists by providing needed computer hardware and software.
- Equipment will facilitate better communication between the Regional Law Enforcement Liaison and other Highway Safety Specialists around the country.
- The travel funds will allow the liaison to attend important training and interact with other highway safety specialists so that highway safety concerns are addressed appropriately.

Cons:

- The City Of Asheville and the Asheville Police Department would be required to maintain the upkeep of the equipment including servicing and replacement when needed.

This action complies with City Council's Strategic Operating Plan: Goal #2 A multi-modal and congestion management transportation program – In conjunction with major employers and traffic generators, develop and implement a comprehensive multi-modal transportation and congestion management program that works for Asheville. Objective B. Mitigate overall impacts of congestion through effective local partnerships. This is accomplished by identifying areas of the City that are particularly prone to traffic accidents due to speed and other aggressive driving tactics. Through the efforts of the Asheville Police Department and the use of the equipment purchased through the GHSP Grant, this will allow officers and traffic engineers to develop better highway safety goals. This will be achieved by utilizing the computer equipment to aid in the traffic crash investigation area. Better investigations and crash reporting facilitates better policy and engineering decisions, related to highway safety.

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City staff recommends City Council adopt (1) the resolution authorizing the City Manager to enter into an agreement with the N.C. Governor's Highway Safety Program for the purchase of computer equipment and travel/training money for the Asheville Police Department's Regional Law Enforcement Liaison; and (2) the associated budget amendment, in the amount of \$10,000.

Contract for Architectural Services for Fire Station 11 Construction

Summary: The consideration of a resolution authorizing the City Manager to sign a contract with Stewart-Cooper-Newell Architects for architectural services for the construction of Fire Station #11 in the Biltmore Square Mall area on Rocky Ridge Road.

The need of a Fire Station in the southwest quadrant of the City is a priority for emergency response and our community's Insurance Service Office public fire protection rating. This rating directly affects the amount of fire insurance home owners or business owners pay for property insurance. Council allocated funds to purchase land in the Fiscal Year 2004-2005 budget. Property to place the station on has been properly identified and option to purchase signed by both parties. Asheville's fire protection and emergency response standard of cover will increase with the addition of this fire station. A fire station in the Brevard Road and I-26 area is necessary to provide municipal level fire protection and emergency services to the southwestern sections of the City. In addition to the building housing an engine company, the building will also provide some office space for the Asheville Police Department.

A formal request for qualifications (RFQ) was properly advertised and a preliminary meeting was held with interested architects in conjunction with the relocation of Fire Station 6. The RFQ was specific for the one station with the potential for additional stations in the near future. Written proposals were received by city staff and were evaluated against identified rating criteria distributed in the RFQ. A

team of staff from Fire and Rescue, Police, Parks and Recreation as well as Budget reviewed all of the submittals. Three finalists were identified and one firm was clearly selected as the recommended architect to complete the job. References for the recommended firm, especially past performance with other North Carolina cities, were completed with a focus on combination fire and police stations. The committee selected Stewart-Cooper-Newell Architects as the recommended architects for this project.

Stewart-Cooper-Newell Architects, based in Gastonia, North Carolina has provided architectural services for scores of North Carolina cities for fire stations and police stations. Stewart-Cooper-Newell has designed a number of combination fire and police stations. The firm continuously has between 25-35 fire stations in progress at any given time. Approximately 15-20 stations are completed each calendar year under their direction. Stewart-Cooper-Newell is the largest architectural firm in the fire station construction arena in the United States at the current time. With over 100 cities as customers, to date, Stewart-Cooper-Newell Architects reports that they have never completed a fire station project in which the owner did not use the firm again on subsequent fire station projects.

Fire Station 11 is planned to be approximately 12,000 square feet with approximately 11,000 square feet for fire and rescue use and approximately 1,000 square feet for police use. Construction cost of the project is anticipated at an average of \$135.00 per square foot, or \$1,620,000.00. Stewart-Cooper-Newell proposes their fee for full architectural, civil, structural, plumbing, mechanical and electrical design to be at seven and one-half (7.5) percent of the cost of construction, or approximately \$121,500.00. The fee is ½ percent lower than previous work due to this station having the same basic floor plan as Fire Station 6. Funding for the entire project including construction, architectural, and utility/site/furnishings and other "soft" costs is budgeted at \$2,800,000 as approved within the Fiscal Year 05-06 budget.

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Completion of this station would be in approximately 18 months. Timeliness of this project is important to the City of Asheville due to the upcoming evaluation of the City's fire insurance rating by the Insurance Services Office and North Carolina Office of State Fire Marshal. Stewart Cooper Newell has designed Fire Station 6 and this station would follow that same format. Both stations would be bid at the same time. It is anticipated that by having the same floor plan and construction simultaneously a significant cost savings could occur.

The resolution authorizes the City Manager to execute a contract with Stewart-Cooper-Newell Architects for Fire Station #11. The contract is an AIA Document with appropriate modifications for the City of Asheville.

Pros:

- The experience of the firm in designing fire stations for the City of Asheville;
- One design firm bidding two stations with the same basic floor plan;
- Lower architectural fee.

Cons:

- None could be identified.

Asheville City Council has directed staff to validate levels of emergency services provided for our citizens through the City's Strategic Operating Plan. Within the City of Asheville Strategic Operating Plan section on Critical Services and Infrastructure: Goal 3 – Strong City and County Partnerships; Objective 1 – Review and validate the levels of critical emergency services provided throughout the city; Task 3 – Review and validate the levels of critical emergency services provided throughout the city.

The Fire and Rescue Department recommends City Council authorize the City Manager to sign the contract with Stewart-Cooper-Newell Architects for architectural services in the construction of Fire Station #11.

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

ANNOUNCEMENT

City Manager Jackson announced the appointment of Deputy Fire Chief Robert Griffin as the Interim Building Safety Director.

On behalf of City Council, Mayor Worley expressed Council's sincere appreciation to Terry Summey, Director of Building Safety, who will be retiring after 10 years of service with the City of Asheville.

EMERGENCY PREPAREDNESS AND UPDATE ON HURRICANE KATRINA

Fire Chief Greg Grayson recognized Mr. Tim Miller, NC Emergency Management Western Branch Director; Mr. Jerry VeHaun, Buncombe County Emergency Services Director and Ms. Bonnie Spradling, Chairman of the Asheville Mountain Area American Red Cross. He said that roots are found in Civil Defense. The North Carolina Emergency Management Act was established in 1977 and the Federal Emergency Management was created in 1979. Through experience, the function of emergency management has evolved into comprehensive, all-hazards management – from natural catastrophe to technological and nuclear disaster.

The NC's system is an all-hazards approach to emergency assistance: (1) severe weather (hurricane, snow, tornado, flood,

drought); (2) technological (hazardous

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materials/radiological, fixed nuclear facilities); (3) man-made (weapons of mass destruction, cyber-terrorism); and (4) lost person search/rescue.

Emergency management traditional phases include preparedness (training and equipment), response, recovery and mitigation.

When disaster strikes in Asheville the City of Asheville emergency services respond. If disaster exceeds the City's capability, Buncombe County Emergency Management Services is requested. If disaster exceeds Buncombe County capability, State Emergency Management activates resources. If severity and magnitude of disaster exceeds state and local capabilities, the Governor requests federal assistance. If approved, State receives assistance from DHS/FEMA and other federal agencies.

City, County and State agencies as well as Federal agencies operate within an incident management system known as National Incident Management System (NIMS), which is mandated by the Federal government. This system provides for provision of services, command and control and unification of all emergency services agencies.

The City of Asheville primary emergency services include fire; police; public works – fleet, streets; water; and support departments such as finance, information technology, engineering, public information and buildings safety.

The City Manager keeps all elected officials apprised of emergency situations and obtains policy direction from elected officials, when necessary. Fire and Rescue has the key coordinating role to ensure that unified command and control is in place and operates in concert with Buncombe County and the NC Emergency Management efforts. All other operating departments perform specific services as needed for the emergency.

The Buncombe County primary emergency services include the Emergency Medical Services, Emergency Management, Sheriff's Department, Human Services Department, Health Department and support departments.

Regarding the transition from County to State Emergency Management, (1) all 100 counties have an Emergency Management Director whose position is partially funded by state government; (2) the states has three geographical districts that the County directors connect with. The WNC branch headquarters is located in Conover; and (3) NC operates an Emergency Operations Center in Raleigh 7/24/365 and upgrades when needed for all significant emergencies.

He outlined the organizational chart for the North Carolina State Government; the NC Dept. of Crime Control & Public Safety; and the NC Division of Emergency Management.

The Buncombe County and City of Asheville Hazard Mitigation Plan is a plan for response and recovery from emergencies and disasters for Buncombe County and all municipalities in Buncombe County.

In summary, Chief Grayson said that we work in a City/County/State/Federal system whereas the City's primary focus is to provide initial response to all emergencies and work within the Emergency Management system and network to obtain the necessary resources to effectively manage emergencies that may occur within Asheville.

City Manager Jackson noted that the City of Asheville is aggressive and committed to training to handle all types of emergencies.

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Fire Chief Grayson, along with Mr. Jerry VeHaun, responded to various questions and comments from Council, some being, but are not limited to: do we have an evacuation plan, and if so, what does it consist of; the City has the reverse 911 system, but does the County have that capability; and if the City of Asheville goes into an emergency mode, do we have enough resources, and if not, do we have mutual aid agreements with other cities and states.

In response to Councilwoman Bellamy about using the Civic Center in case of an emergency, Ms. Spradling said that the Red Cross handles shelter operations and they do not have the Civic Center listed as a shelter. Fire Chief Grayson also noted that the Red Cross has national standards that must be met in order to provide temporary shelter. Some of those standards are at least 50 square feet of space per person, adequate restrooms and shower facilities, disposal of solid waste, provisions for emergency power, and enough space for processing.

In response to Councilwoman Jones, Mr. VeHaun said that the Mayor and the Chairman of the Buncombe County Commissioners makes the call for Asheville and Buncombe County to evacuate, based on input from State and Federal officials.

Upon inquiry of Councilwoman Bellamy, Mr. VeHaun said that when he reviews the evacuation plan and makes revisions to it, he would provide City Council with a copy of it.

Vice-Mayor Mumpower said that since citizens hold City Council members accountable, he wondered if there a way to strengthen utilization of City Council as a resource to emergency response. Ms. Spradling encouraged interested Council members to get involved

with the Red Cross training.

City Manager Jackson said that he is continuing to work on verifying long-term housing and what is available.

Civic Center Director David Pisha asked for Council direction to waive Civic Center fees and make the Civic Center available to groups who wish to host a benefit concert with the proceeds going to the victims of Hurricane Katrina. After discussion of the pros and cons associated with such a request, it was the majority of Council's decision to follow the existing policy and not waive the Civic Center fees for requests such as these. City Manager Westbrook said that he would provide Council with a memorandum regarding these requests.

PERFORMING ARTS CENTER PRESENTATION

Ms. Sidney Powell, President of the Asheville Area Center of Performing Arts, said that on September 10, 2004, a diverse group of individuals dedicated to bringing to fruition a true center for the performing arts in Western North Carolina convened for the first time as the independent board of the Asheville Area Center for the Performing Arts. We began the auspicious task of organizing, formulating, defining, and creating our board, mission, structure, and vision, reviewing and building on concepts passed on to us by Peter Collins, Lilian Fischer and Crawford Murphy. This new, independent board has moved mountains in our first year.

We have not only visited, but fully explored the inner workings of some of the greatest performing arts centers in our country: The Meyerson Symphony Center in Dallas, Bass Hall in Fort Worth, RiverCenter in Columbus, Georgia, The Blumenthal in Charlotte, The Eisemann in Dallas, The Fox Cities in Wisconsin, and the Alberta Bair Theater in Billings, Montana. We have talked with numerous executive directors to hear their successes and learn from their mistakes. We understand that while performing arts and entertainment are our product, the center itself must succeed as a business. We have examined the business aspects of these centers, and we have identified a successful business model. We joined the HUB Project, led by the Institute at

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Biltmore, working closely with County and City officials and a strong community collaborative group to whom we made a successful presentation. That Collaborative Group of distinguished civic leaders has endorsed our project and featured the Center as a substantial component of the HUB Project. The overwhelmingly positive responses we have received at every turn are invigorating.

We have retained appropriate, experienced consultants on a project-by-project basis and have benefited enormously from consultations generously donated to us by current, seasoned executive directors of successful facilities. In addition to exploring all aspects of a stand-alone performing arts center, we have obtained a concept and financial feasibility study for the complete adaptive reuse of the existing Civic Center and arena. We completed a business plan for a center and an extensive geodemographic marketing study for the region. In all of this, we have identified partners appropriate to share the facility, and we have worked in conjunction with 13 local arts organizations who are now joining us in a committee of our Resource Advisory Council to develop and implement strategies for increasing the visibility of the arts in our region, create new artistic endeavors, explore the creation of a summer arts festival for children, and increase audience attendance for all of the arts. Periodically we have met with City and County officials and they would like to present our concepts for adaptive reuse of the Civic Center to the Asheville City Council.

As we embark on our second year, we have much exciting work to do. We will unite the City, County, non-profit, and private sectors in obtaining the approval and funding to design and build an acoustically excellent, multi-purpose venue for the performing arts for the entirety of Western North Carolina—a facility that will enable Asheville and the entire region to enjoy an international reputation in an appropriate showcase for the amazing talent and spirit that surrounds and beckons us here.

Using a powerpoint presentation, she said that (1) a completely new and independent AACPA Board was formed September 10, 2004; (2) obtained 501 (c) (3) status in early 2005; (3) carefully evaluated numerous other venues and successful economic models; (4) joined the HUB strategy and has the approval and recommendation of the Community Collaborative Working Group; and (5) began partnering with more than a dozen local arts organizations for marketing and development of arts audiences for all.

The Performing Arts Center update (1) due diligence requires us to look at all possibilities; (2) stand-alone facility (a) business plan done, including likely cost; and (b) to include 2150 seats, banquet facilities, be a true multi-purpose hall and related facilities, approximately 150,000 square feet; (3) geodemographic marketing study completed; and (4) possible resident partners: Symphony, Bravo, MAP, URTV.

Possible uses and users include: Broadway shows, Symphony, Bravo, Opera, theater companies, dance companies, chamber music, Asheville Choral Society, Asheville Symphony Chorus, URTV, MAP, corporations/meeting facilities, schools/graduations, UNC-Asheville events/productions, Folkmoot, Brevard Music Festival indoor events, Bele Chere indoor events, Diana Wortham overflow, Children's Summer Arts Festival, Summer Jam Festival, Ashley Capps productions, our own productions, multi-media events, URTV shows, religious functions/events, rent rehearsal space for East Coast productions, and unlimited potential.

She explained the performing arts partners marketing committee.

The adaptive re-use of the Civic Center (1) requires contemporaneous development of an arena/large facility elsewhere (possibility of substantial state funding; igniting economic development in another area of the city); (2) Westlake Architectural firm has

completed an initial concept/feasibility and cost study for a re-do of the entire civic center complex into multi-use

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space; and (3) costs would be approximately half of that of a stand-alone facility and give us more space – 188,000 square feet. Room for administrative offices for all users and possibly the City.

She explained the space uses as follows: (1) 2150-2400 seats; (2) plenty of bathrooms; (3) state of the art catering kitchen(s) to enable use by existing restaurants and businesses; (4) large/multi-use hall in what is now TWA (rehearsals/concerts/events/exhibits/banquets/ conventions; (5) chamber music/voice venue in the old banquet hall upstairs; (6) room for media arts center/other uses with broadband; (7) room for a funky black box or TV/music small hall on lower level for uses, including residence of URTV and MAP in collaboration with UNC-Asheville and A-B Tech; (8) educational/classroom space; and (9) administrative space for Symphony, Bravo, URTV and MAP.

She said the economic impact is that non-profits add more than \$1.8 billion to the Western North Carolina economy and studies of comparable facilities show substantial economic impact. She used the example of the \$67 Million facility from the Long Center of Austin.

She pointed out the number of private donors totaling gifts to date of more than \$200,000.

Ms. Powell then reviewed with Council the sales and demographic data for 2004-05 for Broadway in Asheville. For the four shows of Fosse, Fiddler on the Roof, Male Intellect and Crazy for You, gross sales totaled \$171,768.20 with a gross attendance of 5439. She then showed a breakdown of attendance based on zip codes – out of state 0.5%; Virginia 0.4%; North Carolina 96.0%; and South Carolina 3.1%. Out of the 96% in North Carolina, 37.0% was from Asheville and 63.0% were from North Carolina counties.

She showed facilities in York, Pennsylvania; Rockford, Illinois; Wausau, Wisconsin; Cleveland, Ohio; and Denver, Colorado.

Using the powerpoint, she showed concept designs for the different areas of the Civic Center.

She asked City Council to form a public/private partnership with the AACPA and Buncombe County. The partnership with the non-profit AACPA will secure funding from County, State, Federal and private sources. The partnership will contract for and oversee design, construction and operation of the facility. She requested City Council's commitment to the public/private partnership and authorization to proceed to work with the City Attorney on the partnership papers, in addition, Council's commitment to proceed with the transformation of the Civic Center. They are prepared to get the paperwork done and get started before the end of the year.

Vice-Mayor Mumpower felt that the examples offered are of large cities and Asheville is a city of 75,000 people. He was concerned of going from one facility to two facilities and the dramatic expenses with that. After talking with four architects about possibilities of the Civic Center, reports and dollars are always high. There is always hopeful optimistic interest in getting those dollars and creating special initiatives, but he had concerns based on what he has learned. He felt that whatever they do will be subsidized by City taxpayers and it is impressive that they are trying to pull the County into this, but again, the City taxpayers will be subsidizing whatever they do. He doubted you can find a free-standing performing arts center in America that wasn't subsidized and would be interested in receiving information on that if he is incorrect. He said he was concerned about partnering with the AACPA in pursuing a project with dollars that he believed are not realistic.

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Ms. Powell said they are planning to build in an endowment that will help subsidize the facility without looking to the taxpayers to do that every year. They've also identified successful economic models in other communities where they are running the business in the black and we do view this as a business.

Upon inquiry of Mayor Worley regarding cost estimates, Ms. Powell said that for a completely new ground up-stand alone, the cost was around \$100 Million. For a complete re-do of the entire Civic Center complex, the ballpark is \$50 Million. They are part of the HUB strategy and the HUB project and the community collaborative working group are in the process of putting together a package for the entire county and community that will include a substantial component of funding for this facility. She felt that if the City would put in what it would simply cost for the City to alone repair the Thomas Wolfe Auditorium, we can fundraise from the private sector to raise the rest of the money and look to some federal and state assistance and we could get it done.

Ms. Powell responded to various questions and comments from Council, some being, but are not limited to: have they consulted with John Cort, architect of the original structure; what type of state funding has been discussed; and has this concept been discussed with the Civic Center Commission.

Upon inquiry of Councilman Dunn, Ms. Powell said that there is an initiative underway now to look at the possibility of putting an arena facility on the river with state funding available for that. She said that she understands that the legislative delegation has indicated some support for that project.

Councilman Newman said that their focus is on the performing arts, however, there is a need for some space to do other things

that currently happen at the Civic Center, e.g., the gun show. He wondered how much demand there would be for an additional stand-alone facility just to cover those other things, in light of the fact that sports are not on the horizon.

Councilman Davis felt that a number of events happen at the Civic Center that are successful and people want to see at the Civic Center. He was concerned that if we are so limited to just have a performing arts center, we are missing an opportunity for an occasional big event to lower the deficit. He was also concerned about how many performing-art type events is the community willing to support.

Councilman Dunn expressed concern of the cost and the potential of overruns. He felt we need a hard, firm cost for this project.

Civic Center Director David Pisha responded to various questions from Vice-Mayor Mumpower. He said that live entertainment goes through cycles. The current facility the way it basically operates is that about 2/3 of our revenues come out of the arena, but in the long-run, we probably get more diversity of events happening in the Auditorium. One side supports the other in terms of finances, while the other side supports a broader base of entertainment.

Councilwoman Jones felt City Council needs to have a discussion on what they want to see happening with the Civic Center. She was grateful that there are energized citizens behind this proposal. She felt that if we don't do anything with the Civic Center because of money, there will always be a stalemate.

Councilwoman Bellamy agreed that Council needs a discussion whether we should renovate the existing Civic Center or if we want to build a new performing arts center.

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Mayor Worley felt that the essential steps to move forward would be for (1) identify the funding sources and get commitments from those funding sources; and (2) collaborate together on what Council wants, what the performing arts organization wants, and what the community wants so we can move to a true conceptualization. From the construction drawings and after it goes out to bid will we get a true cost.

Mr. Battle Haslam felt the first thing is not a commitment from the funding sources, but a commitment from City Council that this is a good plan. If Council commits that in principle, then they can go to the funding sources.

Councilman Newman wondered if UNC-Asheville is building a new sports facility.

There was considerable discussion on how City Council wished to move forward. In summary, it was the consensus of City Council to hold a special worksession on Tuesday, October 4, 2005, at 3:00 p.m. in the First Floor Conference Room of City Hall. City Manager Jackson said that he provide Council with the policy analysis and alternatives so that Council can provide direction and decide how they want to participate or lead a community process. It was also the consensus of Council for City Manager Jackson to prepare a list of resource people to invite to this special meeting and circulate that list to Council for possible additions.

At 6:45 p.m., Councilman Dunn moved to go into closed session in Room 209 of the City Hall Building to consult with attorneys employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including litigation involving the following parties: City of Asheville and State of North Carolina. The statutory authorization is contained in G.S. 143-318.11(a)(3). This motion was seconded by Councilwoman Jones and carried unanimously.

At 7:08 p.m., Councilwoman Bellamy moved to come out of closed session. This motion was seconded by Councilman Davis and carried unanimously.

SUSTAINABLE ECONOMIC DEVELOPMENT STRATEGIC PLAN IMPLEMENTATION TASK FORCE REPORT

Mr. Chuck Tessier, Vice-Chair of the Sustainable Economic Development Strategic Plan Implementation Task Force said that City Council has requested a report from the Task Force on the progress to date for the implementation of the recommendations of the Sustainable Economic Development Plan by Lockwood Green Consulting.

In May 2000, Asheville City Council established the Sustainable Economic Development Plan Implementation Task Force to assist and advise the City Council and City staff in implementation of the Lockwood Green Report. The Task Force was reauthorized for an additional two years in 2003 and the terms of all members expired on June 30, 2005. The Task Force has had four primary focus areas: City development process improvements, riverfront redevelopment, real estate/development pattern, and workforce education and training.

Major implementation accomplishments of the Task Force are many, including: working with staff and a citizen-led review team on a comprehensive review of the City permitting process; creation of educational materials to assist those customers in the development process; establishment of regularly-held developer forums; increase in the use of technology applications to speed the process; improvements to the Technical Review Committee process; support for implementation of the Riverway Redevelopment Plan; support of an entrepreneurial network by working with AB Tech, AdvantageWest and the Chamber; support for the operations of the Small Business Incubator; support for the creation of the Urban Village Zoning District; support in the buildout of the Broadband technology infrastructure through Congressman Taylor's ERC; support

of the Engineering degree programs at UNCA and WCU; and support for the work of the Advisory Committee for Biotechnology in WNC.

The members of the Task Force have met several times with new City Manager Jackson and Economic Development Director Powers, and the Task Force would like to be reauthorized to become a Standing Committee of the City of Asheville as outlined in this report.

Defined role and responsibility:

- A. A Standing Committee of the City of Asheville made up of community and economic leadership recommended to City Council by the committee for terms established by Council. Current members of the task Force recommend that Chuck Tessier become the Chair of the Committee.
- B. Established to assist Council to:
 - 1. Maintain an overview on the economic health of the City and those programs, initiatives and developments impacted.
 - 2. Propose priorities among those programs, initiatives, investments, and developments to be supported by the City which will have the most positive impact on improving the long-term, sustainable, economic health of the City of Asheville while adhering to the basic underlying principles including: affordability, sustainability, livability, commitment to quality, maximizing job creation, promoting creation of local wealth capital, and insuring equal opportunity for all citizens.
 - 3. Seek advice and information, invite and receive presentations, conduct research, formulate strategy, make recommendations, and, where necessary, propose programs, initiatives, financing alternatives, and developments to further established goals.
 - 4. Review and make recommendations on economic development policy to be established by Council.
 - 5. Coordinate between City and other economic development organizations and initiatives within the region.

Immediate areas of focus and attention:

- A. River development including flood studies, river way plan, river redevelopment plan.
- B. HUB Project.
- C. Land use policies and initiatives that will open areas for new development and make better utilization of existing land areas, building stock and infrastructure (water, sewer, gas, fiber, roads, etc.) within the City.
- D. Sense of Place, Heritage, and Arts: Assess the impact of performing arts, festivals, and events on tourism, business, and local citizens.
- E. Small business and workforce development.
- F. Creation of development capital and growth of locally owned businesses.

- G. Affordability of housing and business locations related to their impact on economic development.
- H. Project Development Financing.

As reported to Council in 2003 by the Task Force in its report, the members believe that the group can help prepare Asheville to be a competitive community for the 21st century knowledge-based economy, by advocating for community-based priorities promoting a diversified and sustainable economy which increases the tax base and improves the standard of living for all residents.

Discussion surrounded ways within which to strengthen a stronger role of communication between City Council and the Task Force.

Mayor Worley asked that the record show that City Council received this information and instructed the City Manager to place this item on the next formal City Council agenda to establish an Economic Development Advisory Committee, with three-year staggered terms, along with defining their responsibilities

WIRELESS INTERNET NETWORK SERVICE

Councilman Davis said that on behalf of Vice-Mayor Mumpower, Councilman Dunn and himself, this is a presentation on the possibilities for a citywide broadband wireless system as an enhancement to public safety and service delivery and utility to city residents.

Wireless broadband service will (1) improve the efficiency of City services; (2) assure that City residents have widespread, reliable, and affordable high speed internet access; and (3) high speed internet access represents crucial infrastructure in today's world.

Regarding improving the efficiency of City services, it will (1) enhance public safety through greater information access, intelligence sharing, and communication speeds; (2) improve city services (sanitation, street maintenance, permitting, inspections, etc.) through enhanced communication and information access; and (3) improve the quality of communication between all City departments due to efficiencies of high tech applications over voice, letter, or other communication means.

Regarding the assurance that City residents have widespread, reliable and affordable high speed internet access, (1) wireless internet access is a utility that the City government is in a unique position to provide on a timely basis due to infrastructure advantages; (2) it is possible for this City service to be self-supporting; (3) high speed internet access is an increasingly necessary commodity that the City can provide as a service to its citizens in partial compensation for the additional tax burdens of living within the City limits; and (4) affordable high speed internet access is not readily available to a majority of City residents and the picture on the horizon is foggy at best.

High speed wireless internet access is one of the primary tools for success in the 21st century. Our children and citizens need the tools necessary to compete in a global economy. High speed access is an economic development resource and is about the future.

How we can do this is by (1) partnerships with private and public entities; (2) use of our traffic signals and street lights to create our net; (3) incremental investment; (4) external management; (5) Congressman Taylor's educational network; (6) establish a utility; (7) explore advantages of WiMAX (new technology with broader scope than Wi-Fi); and (8) other ways.

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Other models of success include cities of Winston-Salem, Corpus-Christy and Philadelphia.

Pros include (1) minimal cost; (2) we have existing infrastructure (traffic signals and street lights); (3) economic development impact; (4) enhances City services; (5) benefit to City residents; and (6) propels us into the 21st Century.

Cons include (1) competes with the private market; (2) initial tax dollar investment; and (3) risks (and rewards) of a bold initiative.

We are soliciting Council support in directing the City staff to explore the possibility of establishing a citywide wireless broadband internet access service for our City departments and citizens. In addition, we are asking that City staff report back to Council within 30-60 days with recommendations on this issue.

Discussion surrounded looking at not only government involvement on the internet, but also looking at some immediate opportunities as well.

Vice-Mayor Mumpower reiterated his concerns about government partnering with a political entity, such as Mountain Area Information Network.

Information Technologies Director Jonathan Feldman indicated that as general policy towards this project is formed, this will allow staff to better focus their efforts and create a more in-depth and realistic proposal.

Mayor Worley suggested that this be a two-phase approach, where staff has an initial presentation followed up by a later in-depth presentation. Mr. Feldman agreed and will report back within the next 30-60 days.

STAPLES SITE DESIGN

Planning & Development Director Scott Shuford said that this is a report to City Council addressing the Staples Development on Merrimon Avenue.

Staples submitted design plans in July 2004 for design review by the Downtown Commission. The subject property, located at the corner of Orange Street and Merrimon Avenue, is in the gateway corridor area for design review. The design review process is mandatory review/voluntary compliance. The Downtown Commission made a wide range of comments concerning the design. There was strong effort on the part of both the Commission and City staff to encourage a 2-story façade that would begin at the Merrimon Avenue sidewalk level. Staples chose not to pursue a multi-tenant, multi-story design due to its focus on a single-use building and site design. Staples did agree to utilize brick for the exterior façade, an upgrade over their standard design.

Staples submitted for site permits in August 2004; staff comments were issued in August, revisions were received in October, new staff comments were issued in October, revisions were received in mid-December, and the site permits were approved December 29, 2004. All code conditions for development in the CB-II zoning district have been complied with. The design meets all height, floor area, parking, setback, and other technical requirements of our codes.

Issues identified include retaining wall location and height, building design, and site layout. The following information is provided for each of these three issues.

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Retaining Wall. The height is more pronounced on the northern end due to site topography. The wall height and location complies with our code requirements. If this type of design is a concern for Council, staff can develop some regulations to address this issue. The regulations could apply to height of retaining walls adjacent to all streets or to major thoroughfares or to selected "gateway" streets, depending on Council direction. We would suggest that such regulations also address berms and non-structural banks that create similar visual issues (for example, the Red Lobster bank on Tunnel Road).

Building Design. There are no design requirements for building appearance in the CB-II district (this is the case in all of our "suburban" districts; only CBD, Urban Village District, Neighborhood Corridor District, Urban Residential District, and Urban Place District contain what could be considered as "building design" requirements). For gateway corridors like Merrimon Avenue, it may be appropriate to consider one or more of these districts to replace the "suburban" CB-II and CB-I zones that regulate most of the properties fronting the roads along these gateway corridors. The Planning and Zoning Commission has requested a zoning study for Merrimon and staff plans to complete that analysis in the fall of 2005. Implementation of the components of this study may be facilitated by new planning legislation that may authorize a greater degree of control over structure design in areas outside local historic districts. Additionally, City Council will most likely see a NCD rezoning request for the Burger King site at Merrimon and Fenner in November 2005. This request utilizes a 2-story design that seems similar to the more desirable development along Merrimon Avenue, such as the new Medicine Shoppe building. A multi-story requirement like that found in the NCD and other "urban" zoning districts would have resulted in the following differences in building design on the Staples site. First, there would likely have been excavation of the area now devoted to the retaining wall to accommodate a sidewalk-level building façade along Merrimon at the southern end of the site. This may have resulted in a lower retaining wall on the northern end of the Merrimon Avenue frontage since the elevation at that location might not have accommodated a full street-level story. Second, a "one-size-fits-all" design would likely not be accommodated in NCD; inflexibility on the part of the developer would most likely have resulted in selection of another site having different zoning. Third, the building design would have had more fenestration (door and window openings) and direct pedestrian access to the adjacent sidewalks.

Site Layout. The CB-II zoning requires parking to be located behind the building. This resulted in the site design of the Staples site. An alternate "suburban" zoning district might have required the developer to set the building back behind the parking, creating less building mass at the street but presenting a definitely non-urban appearance. As with the building design, an "urban" zoning designation would likely have addressed the site design issues in a more positive way since the pedestrian access, building fenestration, and multi-story requirements would have generated a building more sensitive to the street than the Staples design.

Mr. Shuford said that City staff is working on (1) a revised definition of "height" is in process as part of ridgetop/steep slope and open space ordinance; (2) Merrimon Avenue zoning study is ready to be initiated as directed by Planning & Zoning Commission; and (3) Central Business District UDO requirements and design guidelines are under review by the Downtown Commission, including gateway areas.

He said that basically City Council can: (1) do nothing; (2) address future retaining wall/building height design through general UDO amendment(s); or (3) address future retaining wall/building height design through zoning study of Merrimon Avenue.

After discussion, it was the consensus of City Council that staff provide Council with more information on (1) what the Downtown Commission has been working on; (2) the mandatory review/voluntary compliance issue, (2) the potential for this type of situation in other areas and whether we can address it through some specific focus-type language; and (4) what the

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Downtown Commission is going to propose to see if it's going to address the issue about over a certain height, certain design standards needs to be met.

LEAGUE OF WOMEN VOTERS BOARD/COMMISSION STUDY FOLLOW-UP

Vice-Mayor Mumpower, Chair of the Boards and Commissions Committee, said that he has met with City Clerk Burleson and outline the some changes to the City of Asheville's Board and Commission application process, suggested by the League of Women Voters of Asheville-Buncombe County Study on Appointed Boards and Commission Study.

ASHEVILLE TRANSIT COMMISSION RETREAT

Transit Services Director Bruce Black said that the Asheville Transit Commission (ATC) held a retreat August 24, 2005. The morning agenda included a presentation from staff about the context of change within a government structure, including the alignment of goals and values, the current state of the transit system, the future of mass transportation in the area, and some alternative ways to gain the participation of the major employers in the area. The afternoon agenda included discussion amongst members of the commission concerning the morning's presentation. The purpose of this memo is to convey to council a summary of the content of the retreat, and to summarize the conclusions that followed from it.

Over the five year period from 2000 to 2005 the Asheville Transit System has increased ridership by just over 11%, or slightly over 105,000 trips. During that same period, the city, not including annexed areas, has grown 2.19%, and the county, including those areas annexed by the city during this time frame, has grown by 5.7%. This indicates that growth in demand within the current service area is greater than the growth in population, and that growth is happening around the perimeter of the city.

So far in Fiscal Year 2006, ridership has been up significantly. Ridership in August of 2005 was up by more than 9,500 trips over August of 2004, which in turn was up only 2800 trips from August of 2003. This is primarily attributed to the fuel price increases that started in August, and for a short period, Hurricane Katrina. It is anticipated that fuel costs will moderate from their Katrina induced highs, but still remain higher than the cost prior to August. This is significant because it is the first time that an increase in ridership coincided with an increase in gasoline prices.

The public transit bus system is within a quarter mile of about 75% of the city's population, 83% of all rental housing, and 85% of all job opportunities in the City. Declining ridership per mile reflects the influence of the longer and newer partnership routes, inherently less productive than most urban routes. Controlling for partnership routes such as the Warren Wilson College Route, the passengers per mile decline is much smaller, but indicates that increasing coverage is responsible for fewer additional trips. The transit system now covers most areas of significant demand.

Land use issues of concern include the migration of some social services to the outskirts of the city, or to places where access by transit is severely limited. This appears to be a function of the increasing costs of space within the City. The population around the city has increased significantly, and affordable housing developments are beginning to occur in the county, where land use is unregulated. The expectation for transit service is very strong, and continues to draw transit focus away from the center of the city.

Financial concerns include the increasing cost of fuel and labor, the flat funding, and the decrease in funding which will affect transit in Federal Fiscal Year 2007.

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Staff also presented maps for discussion of the locations of all Mission Hospital and City of Asheville Employees. Analysis indicated that these employers had enough employees living within a quarter mile of a bus route, that, when combined with projected use by UNC-Asheville, they represented a market potential of 66,000 trips per year, and that over 5,178 employees, equivalent to over 3.1 million trips per year, lived beyond a quarter mile from a transit route and were unlikely to consider transit as a transportation alternative. To put it in perspective, Mission Hospital employees alone travel more than 35,000,000 miles to and from work every year, and 5,000,000 miles of those trips occur on streets within the city. Analysis of these demand patterns based on place of residence for two large employers suggests that programs other than transit will be needed to address the needs of the community.

The Commission discussed the feasibility and need for park and ride facilities combined with aggressive ride sharing programs for those not living within a quarter mile of a transit route.

The Commission discussed and recognized that alternative transportation efforts also needed to include programs, which emphasized convenience as the next operational goal. This would include increasing frequency and extending span of service into the evening.

A corporate rate program similar to one used in Olympia Washington was discussed to offer discounted rates with a cap to reduce risk, and a decreasing rate for an increasing number of trips. If demand should become strong enough, additional programs would be considered to deepen discounts, ultimately leading to fare free service in future years.

Staff is planning to present further information to Council during a future worksession, and solicits any specific questions that council may wish to hear addressed.

Mr. Black responded to questions raised by Vice-Mayor Mumpower about bus shelters.

REVIEW OF CITY PROPERTY

Planning & Director Scott Shuford showed a map of the downtown area that contained City properties. They included the Civic Center; ABC area; Battery Park private sector project site; City Hall parking lot; Public Works Facility that houses the Building Safety Department and Public Works Department; Fleet Management building; Water Resources building; Asheville Transit Center; Aston Park; Parks & Recreation Maintenance Facility; and a variety of different outparcels in that area.

Councilman Newman said that the Housing & Community Development Committee has been exploring various "out of the box" ideas to address the scarcity of housing that is affordable to people who work in our service oriented economy. One of the major challenges to the creation of more workforce housing is the scarcity and high-price of good, building land. The City of Asheville owns a large amount of land in Asheville, especially in downtown and near downtown. Most of the properties that are owned by the City of Asheville are needed for governmental operations or are designed for specific community uses, such as parks and recreation or other purposes. However, there may be some properties that are being under-utilized and could have good potential for community redevelopment. He has asked staff to conduct a review of City-owned properties to determine if some of our land may represent good opportunities for community redevelopment, especially redevelopment that significantly adds to our base of workforce housing. In addition,

he asked for staff's analysis of any opportunities to consolidate some governmental facilities and thereby potentially free up valuable land for community redevelopment.

He said the potential advantages from conducting such a review could include: (1) creation of workforce housing, especially in areas near major employment destinations in

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Asheville; (2) strengthen the City's tax base; (3) consolidation of government facilities; (4) neighborhood enhancements and revitalization; and (5) potential partnerships with for-profit and non-profit builders and neighborhood organizations.

After a brief discussion, City Manager Jackson said that we see there some opportunity to do mixed-use developments downtown and near downtown to accomplish these objectives, that is workforce housing, mixed-use redevelopment, higher and better use, developing tax base, and stimulating private development on our property. We see some prime property downtown that may fit into some of these Civic Center/performing arts facility kind of projects as potential reinvestment opportunities. He said that he would like the opportunity to do some further examination and bring back some candidate evaluations after looking at these properties and seeing where we see the greatest potential. He said those are policy considerations but feels that some preliminary evaluation of these candidate sites is necessary. Council can then give policy direction and instruct staff to perform further due diligence.

MAXWELL STREET

Vice-Mayor Mumpower moved to excuse Mayor Worley from participating in this matter. This motion was seconded by Councilwoman Bellamy and carried unanimously. At this time Mayor Worley left the meeting.

City Attorney Oast it is his understanding the purpose of the topic is to allow Mr. Joe Minicozzi and Mr. Reid Thompson to make a presentation to Council about issues that have arisen with respect to the permitting and occupancy of the Greenlife Grocery store on Merrimon Avenue. As Council knows, many of those issues have been appealed to the Board of Adjustment. That process is still ongoing and because of that he views the City of Asheville being in litigation over that issue. If it is Council's determination to move forward with allowing Mr. Minicozzi to make his presentation, he cautioned Council to only receive the information. Ms. Patsy Brison, attorney representing Greenlife Grocery, also has an interest on what is going on here. Once Mr. Minicozzi is finished, in the interest of appearing to be fair, he suggested Council allow Ms. Brison to make a statement. In addition, he said that Mr. Thompson is represented by an attorney. That attorney is not present but he knows that Mr. Thompson is here.

Mr. Joe Minicozzi presented Council with a petition containing 11 signatures, said petition stating "as a resident of Maxwell Street, I/we request that the City Council enforce the requirements of the City's Code. We would like the truck traffic off the residential street and kept on the commercial property of Greenlife. Additionally, we would like to see the required landscape buffer adjacent to Maxwell Street as required by Code. All the truck traffic and designated truck parking on Maxwell Street should be removed and replaced by the original resident parking that was removed without public notice. Finally, we would like the Police department to enforce the requirements of the Code and disallow the commercial truck traffic on Maxwell Street. We want the trucks off the street, and we want our neighborhood back. Greenlife has turned Maxwell into a loading bay and alley without any public process." Mr. Minicozzi also presented City Council with three exhibits (1) e-mail dated March 25, 2005 to Scott Shuford from Joe Minicozzi; (2) e-mail dated March 30, 2005, from Scott Shuford to Reid Thompson; and (3) bullet points representing a breakdown of issues Mr. Thompson has raised with City staff.

Mr. Minicozzi used a powerpoint presentation to address the following issues, outlining the concerns and alleged Code violations: (1) Maxwell Street designation; (2) the first loading bay on Maxwell Street; (3) amended loading bay or #2 bay on Maxwell Street; (4) dumpsters in the first loading bay; (5) driveway at Maxwell Street; (6) driveway at Merrimon Avenue; (7) use of public rights-of-way; (8) nuisance issues (a) loading in the morning; (b) trucks parking in no parking areas; (c) trucks parking on the sidewalk; and (d) mechanical equipment; (9) due

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process. He felt all administrative decisions should be published in some form; administrative decisions that happen without public notice should have an appeal period greater than 30 days; and the formation of an ombudsman to guide citizens situations like this. He felt a solution would be to have trucks come up Bordeaux, circulate through the site.

Ms. Patsy Brison, attorney representing Greenlife Grocery, presented to Council a letter dated September 20, 2005, which states "Our firm represents Greenlife Grocery. We understand that City Council has scheduled discussion of Maxwell Street for its worksession agenda on September 20, 2005. As the City Attorney may have informed you or will inform you, the matters about which Mr. Minicozzi complained to you at your City Council meeting on September 13, 2005, have been addressed by the City of Asheville Noise Ordinance Appeal Board and the Board of Adjustment. The matter before the Board of Adjustment has been decided but the appeal time may not yet have expired, and the matter may be subsequently heard in Buncombe County Superior Court. We do not believe, therefore, that a City Council worksession or a regular meeting of the City Council is an appropriate forum for discussion of these issues. We would respectfully request, therefore, that the matter not be discussed at your worksession on September 20, 2005, and any other meeting until the matter has been resolved through other legal processes." She assured Council that we have done everything that was required of us and beyond that under the City's permitting process. They have tried to be a good neighbor as a whole and have made lots of

accommodations to try to improve it for our customers and for our neighbors and will continue to do that.

Vice-Mayor Mumpower said that City staff will proceed with the request of September 13, 2005, for staff to review the concerns and report back to City Council. In turn, City Council will follow-through as appropriate.

ADJOURNMENT:

Vice-Mayor Mumpower adjourned the meeting at 9:39 p.m.

CITY CLERK

MAYOR